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## **Bargaining Schengen**

A comparative study of visa politics in Finland and Norway

Master's thesis in European Studies

Trondheim, May 2013



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Trondheim, May 2013

Faculty of Humanities

Department of History and Classical Studies

NORWEGIAN UNIVERSITY OF SCIENCE AND TECHNOLOGY



## **Abstract**

*This thesis examines and compares two cases of national visa practices within the Schengen area – the Finnish and the Norwegian case. The study particularly aims to compare how Finland and Norway negotiate new Schengen rules and regulations to shape their everyday visa politics, as well as their respective visa regimes with Russia. In what ways are the two cases different, which country has the most efficient practices, how can the differences between Finland and Norway be explained and what implications do they have? Taking these questions into account, the study provides a discussion on the numerous dimensions of national visa politics, arguing that Finland practices its visa policies more efficiently than Norway and that this can be best explained by its history of bordering traditions.*



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## List of Abbreviations

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CEEC	Central and Eastern European Countries
CISA	Convention Implementing the Schengen Agreement
CVP	Common Visa Policy
DG	Directorate-General
EC	European Commission
EEA	European Economic Area
EEC	European Economic Community
EFTA	European Free Trade Association
ENPI	European Neighbourhood Partnership Instrument
EP	European Parliament
EU	European Union
FSMN	Foreign Service Mission of Norway
MFAF	Ministry of Foreign Affairs of Finland
MFAN	Ministry of Foreign Affairs of Norway
NATO	North Atlantic Treaty Organization
NPU	Nordic Passport Union
SIS	Schengen Information System
UDI	Norwegian Directorate of Immigration
USSR	Union of Soviet Socialist Republics
VFA	Visa Facilitation Agreement
VFS	Visa Facilitation Services
VIS	Visa Information System
WTO	World Trade Organization



# Chapter 1

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## Introduction

It can be said that the Schengen Agreement has opened the door to a “borderless Europe”. Internal border checks have been transferred to the external frontiers of the Schengen Area, allowing its citizens to travel between 26 countries without requiring a passport. The agreement has changed, and harmonized the rules in which European states used to manage their borders and practice their visa policies. In theory, all Schengen countries are bound by the same rules, embedded in the legal framework of the agreement. In reality, however, the countries appear quite different from one another in the ways they negotiate and implement the Schengen *acquis*, practice their daily visa politics, and manage the common external borders of the Schengen Area. This thesis compares two neighbouring Schengen members, Finland and Norway, and attempts to explain how and why their visa practices towards Russia differ. Based on the two cases, the thesis will further try to discuss the wider impact of these differences, taking into account other signatories who share a border with Russia, as well as Schengen as a whole. The thesis argues that Finland practices its visa policy more efficiently than Norway and that this can be explained by its history of bordering traditions.

### 1.1 Common external border and “the Schengen exceptions”

The neighbours Finland and Norway both mark Schengen’s external frontiers to Russia. However, the bilateral visa regimes each of them has with Russia at the national level have been formed differently. Firstly, this is linked to the efficiency of visa issuance procedures and the subsequent cross-border movement. For instance, in 2012 Finland issued twice as many visas to Russians as Norway.<sup>1</sup> Secondly, the difference is related to the way the two countries negotiate, interpret and implement the Schengen *acquis* (rules and regulations). The 2010 Norwegian-Russian bilateral agreement on a visa-free travel zone is clear evidence of the so-called “Schengen exceptions”, where Norway managed to negotiate an exceptional visa arrangement in line with its own national interests, despite Schengen’s rather uniform legal framework. In contrast to Norway, Finland does not have such an arrangement with Russia.

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<sup>1</sup> Barents Observer (2013b). ”Finland with twice as many visas than Norway”. *Published on January 6, 2012*. URL: <http://barentsobserver.com/en/borders/finland-twice-many-visas-norway> (Retrieved on April 3, 2013).

At the supranational level, the European Union (EU) and Russia have been in extensive negotiation on two major visa developments in the past few years: the revision of the 2008 visa facilitation agreement<sup>2</sup>, and the “common steps towards visa-free travel regime”, which can be traced back to the EU-Russia Summit in 2003<sup>3</sup>. This brings up the importance of the EU-Russian relationship in Schengen’s Common Visa Policy (CVP). According to the European Commission, Russia is seen as “the third trading partner of the EU.”<sup>4</sup> Moreover, Russia has recently become a WTO member, which makes it economically more integrated into the EU’s trading area. The supranational relationship suggestively anchors and dominates bilateral visa politics, which member states may conduct with Russia at the national level. This implies that if the EU and Russia were to sign an agreement on full or partial visa liberalization, national interests of peripheral states like Finland or Norway would most likely be overrun. For Norway, who is a non-EU Schengen member and lacks voting rights at the supranational level, the chances of influencing the EU-Russian relationship are, perhaps, even smaller than Finland’s. Although lately, these supranational visa negotiations have been hampered. On the one hand, they are hampered by the EU’s unwillingness to accept Russia’s demands on full visa liberalization for holders of “service passports”. On the other hand, the negotiations have been slowed down by Russia’s reluctance to the loosening of border checks for all Europeans.<sup>5</sup> Given these circumstances, supranational visa agreements may not always be the preferable strategy for Europe or Russia, which increases the chances for negotiating bilateral visa agreements with individual Schengen states, such as Finland or Norway.

The Schengen Agreement is an important part of both Finland and Norway’s political agendas. On the positive side, it greatly contributes to their economic and commercial relations across Europe, by facilitating the movement of persons. Moreover, both countries have experienced a boost to their local economies as a consequence of the growing flow of Russian tourists.<sup>6</sup> However, Schengen has its shortcomings: the growing criminal activity

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<sup>2</sup> EU Observer (2013). “EU and Russia in visa talks, despite Magnitsky regret.” *Published on March 21, 2013*. URL: <http://euobserver.com/foreign/119519> (Retrieved on April 15).

<sup>3</sup> European Commission (2013b). “Common steps towards visa-free short-term travel of Russian and EU citizens.” *Published on March 11, 2013*. URL: [http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/20130311\\_02\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/20130311_02_en.htm) (Retrieved on April 20, 2013).

<sup>4</sup> European Commission (2013). Trade: Russia. URL: <http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/countries/russia/>. (Retrieved on April 12, 2013).

<sup>5</sup> Staalesen, Atle (2013). Interview by Elizaveta Vassilieva, April 5, 2013.

<sup>6</sup> Finnmarken (2013). “Frykter utmelding av Schengen”. *Published on April 8, 2013*. URL: [http://www.finnmarken.no/lokale\\_nyheter/article6592523.ece](http://www.finnmarken.no/lokale_nyheter/article6592523.ece) (Retrieved on April 15, 2013).

frequently forces member states like Finland and Norway to be cautious of the developments within Schengen, or to question their participation in it. For instance, in 2011 Finland opposed Schengen enlargement by objecting the admission of Romania and Bulgaria into the cooperation.<sup>7</sup> In the Norwegian election campaign during the spring of 2013, the Schengen membership was put to debate when the Centre Party declared that it wanted to get Norway out of the Schengen cooperation, because of the increased crime level that comes with the freedom of movement.<sup>8</sup>

The examples above demonstrate that at least two factors, economy and security, are crucial when Finland and Norway conduct their visa policies towards Russia, because the common external border not only gives Schengen member states equal opportunities, but also poses equal threats. Interestingly, by going deeper into the analysis of national visa practices, one discovers that economy and security alone cannot fully explain why Norway and Russia signed a bilateral agreement on a visa-free border zone, while Finland and Russia have not. In other words, border politics and the “Schengen exceptions” are better understood as multi-layered concepts, which is a crucial aspect behind this study.

As the debate on the freedom of movement versus state security continues in Europe, the vitality of Schengen is often questioned. This raises a need to evaluate the current system and discuss how signatories can best utilize it. The focus of this study will thus be the Schengen CVP, and its application into bilateral visa regimes of peripheral signatories (Finland and Norway) vis-à-vis Russia.

The goal of this thesis is not to establish whether the case countries manage to cope with security issues, such as the growing level of illegal migration or liberalized crime. In order to do so, a more thorough analysis would have to be conducted on Schengen’s security apparatus, including the Schengen Information and the Visa Information systems. Neither is the goal to analyze how the Schengen Agreement should develop in the future, since this would be beyond the scope of this study. The primary goal of this thesis, however, is to analyze and compare how Schengen members negotiate rules and regulations from the

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<sup>7</sup> The New York Times (2013). “Europe denies 2 nations entry to travel zone.” *Published on September 22, 2011*. URL: [http://www.nytimes.com/2011/09/23/world/europe/romania-and-bulgaria-are-denied-entry-to-schengen-zone.html?\\_r=1&](http://www.nytimes.com/2011/09/23/world/europe/romania-and-bulgaria-are-denied-entry-to-schengen-zone.html?_r=1&) (Retrieved on March 21, 2013).

<sup>8</sup> Aftenposten (2013). “Navarsete: Schengen vil aldri sette regjeringssamarbeidet på spill”. *Published on April 10, 2013*. URL: <http://www.aftenposten.no/nyheter/Navarsete---Schengen-vil-aldri-sette-regjeringssamarbeidet-pa-spill-7170022.html#UW1dS7-AGvs> (Retrieved on April 15, 2013).

Schengen institutional framework, establishing the degree of flexibility in their national practices of the Schengen CVP. In doing so, specific attention will be given to history and the concept of “bordering”. The secondary aim of this study is to discuss the wider implications of the different national experiences, related to bilateral agreements with Russia, for Finland and Norway.

The analysis in this thesis will subsequently be built around the following research question: *how does Finland negotiate with Schengen on legislation to shape its visa regime vis-à-vis Russia, compared to how Norway does?*

The following section will present a number of studies previously conducted on the CVP and the influence of borders within the Schengen Area.

## **1.2 Previous research on Schengen’s borders and visa politics**

In the wider scope of previous research on the Schengen Agreement and visa politics, one finds a number of studies related to the EU’s CVP. There are at least four main categories into which these studies can be sorted. Firstly, there is a category of studies that examine border regions as a subject of the supranational political relationship between the EU and Russia, which forms an important basis for the discussion on the future of the Schengen acquis as well as the bilateral Visa Facilitation Agreements (VFAs). Sergei Pronozov, for instance, discusses the geopolitical challenges and conflicts, affecting border politics between Finland and Russia.<sup>9</sup> He argues that the EU-Russian relations are not only developing as a conventionally international phenomenon, but also as an increasingly regional and transboundary one. According to Pronozov, the formation of buffer-border regions such as the Republic of Karelia has enhanced cross-border cooperation, making cooperation not only an end but also a means to more efficient solving of territorial problems. In this context, he draws attention to “border deproblematization” – linked to the role of the EU – and the logic of the problem-solving cross-border cooperation between the EU and Russia. Further, he discusses the posing problem of “the Schengen Curtain”: because of its eastern extensions, the EU has imposed stricter visa regimes for Russia, leading to a relative exclusion of Russia from the EU on one hand, and Russia’s “passive influence” on the other.

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<sup>9</sup> Pronozov, Sergei (2004). ”Border Regions and the politics of EU – Russian relations. The role of the EU in tempering and producing border conflicts.” (pp. 1-3). Working Paper Series in EU Border Conflicts, Danish Institute for International Studies, Department of European Studies. No. 3, January 2004.

In line with Pronozov, Elena Jileva touches upon the Schengen Agreement's extension eastwards, which constitutes the second category of studies. Building on the issue of the EU Migration Regime, she discusses the development of the EU's CVP.<sup>10</sup> According to Jileva, the process of enlargement towards the East can be described as a technical and rather depoliticized process, in which the Schengen acquis have been transferred to the Central and Eastern European Countries (CEEC). Similar to Pronozov, she argues that the adaptation of the EU's visa acquis by the CEEC has led to exclusionary visa politics with their Eastern neighbors, hindering the movement of people across borders.

Heather Grabbe also highlights the problem of "the Schengen Curtain."<sup>11</sup> Studying the potential consequences of an expanding free-travel area for European security, she argues that Schengen has given rise to tensions between the different levels of security policies in the EU. For instance, the acceptance of the Schengen acquis by CEEC leads to disruption and considerably complicates bilateral relations with their Eastern neighbors outside Schengen. Moreover, the Schengen signatories have been given different opportunities in influencing the border and visa policies they implemented. Although Grabbe's research was conducted before most of the Eastern Enlargements actually took place, it adds an important critical perspective to the scope of previous research on Schengen and the CVP.

The third category of studies focuses on the characteristics of Schengen's external borders. James Wesley Scott is one of the few who has brought the concept of "bordering" into the discussion on EU's external borders.<sup>12</sup> In his study he looks at regional cross-border cooperation and development, arguing that bordering, or the practice of every day *border politics* is a multidimensional phenomenon. Scott's study suggests that factors like culture, history and the everyday communication between people affect the way border and visa politics between states are ultimately formed. This category is particularly relevant to my study, as it will be used to create a conceptual approach for the second part of my analysis in chapter four.

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<sup>10</sup> Jileva, Elena (2003). Larger than the European Union: The Emerging EU Migration Regime and Enlargement. Chapter 4 in Lavenex, S. and Uçarer Emek M., *Migration and the Externalities of European Integration*. Lexington Books, 2003: Oxford.

<sup>11</sup> Grabbe, Heather (2000). "The sharp edges of Europe: security implications of extending EU border policies eastward". *The Institute for Security Studies*, Western European Union. Paris: March 2000.

<sup>12</sup> Scott, James Wesley (2011). "State of the Debate Report D6 (WP1)". *EUROBORDERREGIONS, EU External Borders and the Immediate Neighbours. Analysing Regional Development Options through Policies and Practices of Cross-Border Cop- operation*. Prepared on August 28, 2011.



Another category of particular relevance for my study is the fourth category, which takes a closer approach to the national practices of the EU's CVP, including the Finnish and Norwegian practices. Pekka Järviö et al. adopt a comparative approach to Schengen border regions and visa politics. In "Ex Borea Lux?" they present a number of cases comparing the "Finnish and Norwegian cross-border cooperation experience on their Eastern borders."<sup>13</sup> The work also touches upon the practices in visa politics and border management, arguing that the Finnish experiences in this field have proven more efficient than the Norwegian. Järviö further discusses the implications of the Finnish and Norwegian cooperation experience for countries on the EU's other eastern borders (both EU- and non-EU members) – Lithuania, Poland, Hungary, Slovakia, Ukraine and Moldova. The main argument here is that state borders are an obstacle to development in border regions, because they hinder day-to-day contact across the EU's external frontiers. The process of European integration may have softened the internal borders of the Schengen Area, but it introduced a common visa regime on its external borders, making them less permeable and "cooperation-hindering". However, the Finnish experience demonstrates that Schengen visa policy is, after all, flexible, allowing signatories to utilize its possibilities within the applicable rules without hindering cooperation across the EU's external border.

Fredrik Finstad discusses Schengen as a central part of Norway's relationship with the EU in the field of justice and home affairs.<sup>14</sup> He examines Norway's background for, and degree of, participation in the Schengen cooperation, as well as the opportunities Norway has in influencing its legislation. Finstad argues that the Norwegian motives for participation were mainly (1) to retain its Nordic freedom of travel and (2) to join the international police cooperation.<sup>15</sup> Norway takes an active role in the developments of the Schengen legislation on the Council level. According to Article 4 of the Schengen Agreement, Norway has the right to attend, participate, and make proposals for legislation in Schengen negotiations. This implies that Norway has a better chance in influencing the Schengen acquis to shape its visa regime than, for instance, influencing EU legislation through the Agreement on the European Economic Area (EEA).

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<sup>13</sup> Järviö, Pekka et al. (2012). *Ex Borea Lux? Learning from the Finnish and Norwegian Cross-border Cooperation Experience on their Eastern Borders*. Published on November 2012. Prague, Czech Republic: Institute for Stability and Development.

<sup>14</sup> Finstad, Fredrik Bøckman (2008). "Norges tilknytning til EUs justis- og innenrikspolitikk", *Nytt Norsk Tidsskrift* 4/2008. (pp. 336-347).

<sup>15</sup> The Nordic Passport Union of 1954.

The 2012 Report from the Committee appointed by the Norwegian Ministry of Foreign Affairs (The Europe Review) compares Norway's participation in the Schengen and EEA agreements as well.<sup>16</sup> Despite the fact that the institutional framework for the Schengen-cooperation is more inclusive in terms of its decision-making process, compared to the EEA, Norway's chances in influencing its legislation are moderate. The challenge for Norway is that most association agreements, which link Norway to the EU, do not have a separate content. Instead, they are commitment agreements, obliging Norway to implement the already existing EU legislation, dynamically adapting to it in line with the EU's developments. Formally, if Norway refuses to implement Schengen legislation, the entire association agreement would fall apart. Nevertheless, The Europe Report argues that the practical aspects of Norway's participation in Schengen have been developing much more successfully. Since 1999, Norway has managed to broadly utilize Schengen legislation, by interpreting the Schengen *acquis* in a very liberal way and applying them to new policy areas.

As for the Finnish case, Salminen and Moshes have examined Finland's role in the Schengen visa politics. Their study compares Finland and four other EU member states in their visa regimes vis-à-vis Russia: the practices of their visa regimes, the conditions under which these regimes function, and the various concerns regarding visa freedom.<sup>17</sup> According to the study, the differences in visa practices can be explained by factors like culture, history and national legislation. As Salminen and Moshes interestingly argue, "*the current practices indicate that the [Schengen visa] system has shortcomings and will continue to deteriorate in the future.*"<sup>18</sup> Even though visas are useful in controlling cross-border movement, they give no guarantee of crime prevention or security to Schengen member states.

### 1.3 Justification for the study

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<sup>16</sup> The Europe Review (2010). "Outside and Inside. Norway's Agreements with the EU". (NOU 2012: 2) *Report from committee appointed by the Ministry of Foreign Affairs 7 January 2010. Submitted to the Ministry of Foreign Affairs 17 January 2012*. Published by the Norwegian Ministry of Foreign Affairs, 2012: Oslo.

<sup>17</sup> Salminen, Minna-Mari and Arkady Moshes (2009). "Practice what you preach. The prospects for visa freedom in Russia-EU relations". FIIA Report 2009 18, Helsinki: *The Finnish Institute of International Affairs*.

<sup>18</sup> Salminen, et al. (2009), (p. 49).

The Schengen Agreement is arguably becoming increasingly important discussion topic both within the EU, supranationally, and in individual members of the Schengen area, but also for external actors, such as Russia, who are affected by its developments. Keeping in mind the benefits of free movement on the one hand, and the problems related to liberalization of cross-border crime on the other, it becomes even more crucial to learn from the different experiences of border management and visa issuance. However, the literature presented above suggests that the contemporary discussion on the Schengen Agreement rarely examines visa policy as a separate topic. Moreover, the cases of Finland and Norway's visa practices are rarely compared in detail. Therefore, the goal of this thesis is to contribute to the contemporary discussion by studying the "formula for success" in national visa practices, including these particular case countries.

It is reasonable to assume that the practice of negotiation constitutes an important part of the EU's CVP. However, this area often left out of the contemporary discussion on visa practices. For this reason, a central aspect that separates this study from the previous research is that it also includes negotiation and implementation practices, as opposed to merely the executive visa practices, into the comparative study of Finland and Norway.

Another central objective of my study is to draw the concept of bordering into the analysis on national visa practices, which is highly important due to its attention to the underlying complexity behind each case. The purpose of this is to add new perspectives into the subsequent discussion, and establish the best explanation for the differences in visa practices.

Overall, the strength of my research can be justified by the unique combination of its three main objectives: the narrowness of the topic, the selection of cases and the composition of the conceptual approach. The following section will explain more thoroughly how this combination of goals will be reached.

#### **1.4 Research method and sources**

To study the aspect of visa politics, a comparative empirical approach will be taken. Each case country's visa practices will be carefully examined and compared with the other country on three levels: the executive visa practices-, implementation- and negotiation level. The purpose of using three levels is to illustrate the run of the Schengen acquis from their

formation to their application into national policies. This suggests that the ways in which Finland and Norway negotiate with Schengen are linked to their national CVP practices, or, rather, that national practices establish the political interests and behaviour behind negotiation procedures. An advantage of this empirical, three-level approach is that it allows one to study each case individually, taking in account all the specific events and facts attached to it.

A weakness of the empirical approach is that it lacks a theoretical basis, which makes it more difficult to draw general conclusions and link them to a broader discipline of existing approaches.<sup>19</sup> To compensate for this, the analysis is going to include a set of explanatory factors, based on the so-called “bordering dimensions”. The concept of “bordering” claims that borders are complex and multidimensional, which implies that the politics of border management are too (this will be further explained in chapter two). The purpose of using this concept in the analysis is to establish which bordering dimensions (factors) affect the ways in which Finland and Norway implement and practice Schengen. In order to do so, the following set of factors will be used: culture, economy, security and historical bordering traditions. A clear advantage of the factor analysis is that it draws attention to the complexity of politics, including, for instance, the psychological aspect that lies in culture. Another advantage of this approach is that it allows for a more detailed, and more precise, research. However, factor analysis is time consuming and gives no guarantee of a valid result. For instance, the chosen factors may not have a good explanatory power, or other significant factors may be left out of the analysis. Taking this into consideration, the study could have included more than four factors, although this would have been beyond the scope and time limit of this thesis.

To answer the research question, I will ask a number of empirical sub-questions regarding Finland and Norway’s visa practices in relation to their respective bordering traditions, national visa regimes with Russia, and implementation of the Schengen acquis:

- *What is bordering, and what role does it play in Schengen’s national visa regimes towards Russia?*
- *In which ways are the national experiences in Finland and Norway different, in terms of:*
  - a) *Their executive visa practices*

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<sup>19</sup> Hsieh, Chih-en (year of publication is unknown). “Strengths and Weaknesses of Qualitative Case Study Research.” *University of Leicester Publishing*.

*b) Their implementation and negotiation of the Schengen acquis*

- *Why are the national visa experiences in Finland and Norway different, and which factors can best explain these differences?*

Furthermore, a reflective question will be asked about the consequences of the different experiences. The purpose of this is to discuss the role of intergovernmentalism in the Schengen cooperation and how the relatively strong national characteristics can be an advantage to its future developments.

The empirical basis for the analysis will be institutional agreements within Schengen and externally with Russia, which will be examined in light of their interpretation by the case countries, and their practical application into various policy areas. It is reasonable to assume that institutional agreements represent a backbone and a justification for the policies that stem from it. An advantage to this is that national visa policies can be traced from their current practices to their common origins, which makes it easier to compare how differently they shaped. Also, institutional agreements represent the outcome of intergovernmental negotiations, which can be useful in the discussion on negotiation practices – if the outcome correlates with the initial interests of the case countries, their negotiation practices can be deemed efficient. There are, however, a few significant weaknesses in using this type of source. Firstly, institutional agreements alone say very little about how states interpret the content incorporated in them. Secondly, they give no reference to the course of negotiations that formed them or the national interests at stake.

To solve this problem, a selection of other primary sources will be used in the analysis as well: governments' official documents, reviews, reports, news articles and statistical data from national consulates and customs. This variation of sources makes it easier to examine my research topic more in depth and, at the same time, bring in different perspectives (the difference being, for instance, between the governments or media actors). However, a weakness to these sources is that they can be confusing or misleading – reviews and documents can be misleading in their focus, news articles can avoid relevant details, and statistical findings can be inaccessible or outdated.

Hopefully, such uncertainty can be avoided by conducting a number of personal interviews with diplomats and experts who, to some degree, were involved in the Schengen negotiations.

This way, questions can be aimed directly at the research problem and the collected information will be comprehensive. Nevertheless, the current respondents may not always be able to answer all questions properly, either because they do not have the information or because the questions are weakly formulated. Thus, a number of secondary studies will be used to the extent that they can complement the personal interviews.

### **1.5 Structure and argument**

The following chapter (chapter two) introduces the concept of bordering, the Schengen Agreement (including its legal framework), and the historical overview of bordering traditions in Europe, Finland and Norway. The chapter will use the following questions as a starting point.

- What is bordering, and what role does it play in the current Schengen visa regime towards Russia?
- What are the bordering traditions and historical events that shaped the Schengen Agreement and how did Finland and Norway become associated with this cooperation?

The following two chapters, three and four, provide the main analysis of this study. Chapter three examines national experiences in Finland and Norway, comparing visa practices, implementation of the Schengen acquis and negotiation procedures with the EU. The chapter discusses (a) the differences and similarities in the ways Finland and Norway negotiate rules and regulations to suit their own visa regimes, and (b) the extent to which they can influence Schengen legislation. Throughout the chapter, the following questions will be addressed.

- How can the countries, in theory, influence the Schengen framework?
- How have Finland and Norway, in practice, managed to negotiate rules and regulations to shape their own visa regimes with Russia?
- What are the outcomes of this, determined by their daily visa practices, and which experience can be seen as the most efficient?

Chapter four accounts for the comparative analysis in chapter three and discusses the reasons

why Finland and Norway practice the CVP differently. Further, the chapter looks upon the consequences this may have on individual member states, let alone the Schengen Area as a whole. The underlying questions in this chapter will be as follows.

- Why are the national visa policies in Finland and Norway different, and which factors can best explain these differences?
- What are the consequences of each process for Finland and Norway on the national level, and for EU/Schengen on the supranational level?

Finally, Chapter five will provide a summary of issues addressed in this study and present the main findings. The concluding argument of this thesis notably falls into a category close to some of the previous studies: Finland's visa politics are relatively more efficient than Norway's, and the best factor to explain this difference is Finland's historical bordering traditions with Russia.

# Chapter 2

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## **Background: From bordering traditions to de facto visa politics**

This chapter will present the background for the Schengen Agreement, followed by the background of Finland and Norway's histories of bordering traditions, leading to their de facto visa politics. In order to understand the de facto visa politics among Schengen members, it is advantageous to examine the historical foundation on which this type of politics emerged. How have the Common External Borders evolved in the past few decades, what kind of events drove this process further, and how were the first "freedom of movement" rights introduced to European states? The goal of this chapter is to (a) explain the concept of bordering and its reflection in Finland and Norway's de facto visa policies, (b) provide an historical overview of the Schengen Agreement and the resulting visa regimes, and (c) provide an historical overview of bordering traditions leading up to the de facto visa politics in Finland and Norway, respectively.

### **2.1 The Concept of Bordering**

Contemporary border studies introduce the concept of bordering. In his *State of the Art Report* on the Euro Border Regions project Scott suggests that "bordering" – or the construction of borders – is not a finite process or a semi-permanent institutional arrangement. Instead, it is a multi-layered, everyday process that is realized through politics, cooperation, conflict, culture, media, stereotypes and, basically, most aspects of a society – internally as well as in relation with other societies.<sup>20</sup> Scott suggests two ways of understanding bordering: the *pragmatic approach* and the *critical approach*. The first way involves "deriving generalizable knowledge from practices of border transcendence and confirmation", while the second way involves "theorizing and questioning the conditions that give rise to border generating categories".<sup>21</sup> Both approaches have advantages for my research question. The pragmatic

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<sup>20</sup> Scott, James Wesley (2012a). "A State of the art report". Pp. 4-5. *EUBORDERREGIONS*.

<sup>21</sup> Scott (2012a), p. 5.



approach can be useful in finding a logical pattern between historical events and everyday practices, explaining the politics that shaped present day visa regimes in the EU – generally – as well as in Finland and Norway – specifically. On the other hand, the pragmatic approach assumes that historical events and everyday practices are in fact generalizable, omitting the possibility of one factor or event having a greater effect on the outcome than the others. For this reason, the critical approach can be quite helpful in addition to the pragmatic approach. This way, every event is considered to be unique, allowing conditions to be theorized separately. In this empirical study, both approaches will thus be applied to the analysis of Finland and Norway’s border politics.

## 2.2 Europe, Schengen and Visas

Europe has arguably experienced an era of de-bordering: internal state borders have disappeared and the free movement of persons has been introduced.<sup>22</sup> Nevertheless, the wider Europe has seen an emergence of geopolitical and symbolical barriers between the European Union and its exterior. The Schengen Agreement may have abolished one layer of borders (by removing internal passport controls), but it may not have abolished the others (by imposing visa obligations for third country travellers). As noted by Scott, the concept of bordering allows us to indicate sharp contours between the national politics of the past – such as the politics of the Second World War – and the “post-national” European identity politics of the present – such as the manipulation of border symbolisms by the EU in order to carry out its own agendas for community building.<sup>23</sup>

### 2.2.1 Background

Before the Schengen Agreement, travelling within Europe was not possible without a passport. However, there have been some exceptional cases of countries forming border unions. Among these was the case of the 1940’s Benelux (Belgium, Netherlands and

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<sup>22</sup> Zaiotti, Ruben (2011). *Cultures of Border Control: Schengen and the Evolution of European Frontiers*. Chicago, 2011: The University of Chicago Press .

Dansci, Katalin (2008). *Toward a rights-based post-national Union: EU integration and Schengen extension discourse 2003-2006*. Newark, 2008: The State University of New Jersey Publishment, UMI Microform Edition.

Scott, Wesley (2012b). *European Politics of Borders, Border Symbolism and Cross-Border Cooperation*, Chapter 5 in Wilson, T. M. And Donnan, H. (2012). *A Companion to Border Studies*. Oxford, UK, 2012: Wiley-Blackwell Publishing.

<sup>23</sup> Scott (2012a), p. 17.

Luxembourg), where passport issuance and border checks were abolished<sup>24</sup>. Another case can be found further back in time. An explosion in tourism during the 1800s broke down the passport and visa system, resulting in the removal of passport requirements all over Europe by 1914. However, security concerns during the First World War brought passport requirements back again.<sup>25</sup> For the best part of the 20<sup>th</sup> century national border controls in Europe have been relatively strict, allowing every state to impose and control regulations on its own borderline.

The process of integration, going hand in hand with the development of the modern state, encouraged leaders of the European Community to aim towards citizen freedom.<sup>26</sup> The main changes that came with the Schengen Agreement were the abolishment of checks on persons crossing the internal borders of the Schengen area, enabling free movement for more than 400 million Europeans, and the creation of a common external frontier.<sup>27</sup> This implied that a Schengen citizen did not require a passport to travel within Europe, whereas a third country national required an entry visa.

In order to get a better understanding of the Schengen visa system and how it works today, we need to examine how it was formed. What were the key events in the preceding decades, leading up to the signing of the Schengen Agreement in 1985? What was the legal framework behind the agreement, the Schengen Acquis<sup>28</sup>, and how much freedom was given to signatory states in order to negotiate laws and regulations in favor of their own visa regimes in the following decades?

There are various events to which one may link the origins of the Schengen Agreement. One

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<sup>24</sup> Joubert, Chantal & Hans Bevers (1996). *Schengen Investigated. A Comparative Interpretation of the Schengen Provisions on International Police Cooperation in the Light of the European Convention on Human Rights*. The Hague, Kluwer law International. (pp. 32-33).

Moch, Leslie Page (2003). *Moving Europeans: Migration in Western Europe Since 1650*, 2<sup>nd</sup> ed. Migration in the Twentieth Century (pp. 161-177). Indiana, Indiana University Press: 2003.

<sup>25</sup> Government of Canada (2013). "History of Passports: Early Passports". *Passport Canada*. Last modified on July 25, 2012. URL: <http://www.ppt.gc.ca/pptc/hist.aspx>. Retrieved on February 25, 2013.

Salter, Mark B. (2003). *Rights of Passage: The Passport in International Relations*. London, Lynne Rienner Publishers: 2003. (pp. 23-33).

<sup>26</sup> Hix, Simon (2005). *The Political System of the European Union*, 2<sup>nd</sup> ed. Chapter 11: 344-46. The European Series. (New York: Palgrave Macmillan).

<sup>27</sup> European Commission (2013b). *Europe of Free Movement: The Schengen Area*. Home Affairs. (p.3). URL: <http://ec.europa.eu/dgs/home-affairs/pdf/flipbook/index.html>. Retrieved on February 23, 2013.

Media Visa (2013). The Schengen visa portal. URL: <http://www.mediavisa.net/schengen-area.php>. Retrieved February 24, 2013.

<sup>28</sup> Schengen Aquis meaning the set of requirements and legislation applied to the member states of the Schengen Agreement (e.g. European Commission. Home Affairs, 2013: 6).

way is tracing it back to the 1980s, when the agreement was signed, while another is to go further back to the Treaty of Rome in 1957, when the fundamental objective for the European Economic Community (EEC) – the free movement of persons – was adopted.<sup>29</sup> There is an advantage in choosing the latter approach, because The Treaty of Rome established the economic foundation on which facilitation of travel within the community came as a natural step.<sup>30</sup> Originally, the provision on free movement of persons only applied to cross-border economic activity, whereas later legislation has extended the rights on entry, employment and residency for the member states. As Hix (2005) points out, the Treaty of Rome granted both EU citizens and non-EU Schengen nationals the rights to “*seek work, reside and provide or receive a service in another member state*”.<sup>31</sup>

Several key events in the 1980s further developed the free movement of persons. With the Single European Act, entering into force in 1987 – arguably the most prominent of these events – the formation of the Internal Market was about to be completed, suggestively implying that an abolishment of border controls would soon have to be enacted.<sup>32</sup> It is therefore not a surprise that two years earlier, in 1985, France, Benelux and Germany signed an agreement, followed by a Convention on its implementation in 1990, on the gradual creation of an inter-state territory without internal border checks. The territory became known as the *Schengen area*, based on the town in Luxembourg where the cooperation was founded. The main principle of the cooperation was free movement of persons, removal of internal border controls within the Schengen area, and a common external border, subject to the so-called Schengen Visa Regime.<sup>33</sup> A Schengen Visa, as later defined by the European Commission, is “*an authorization issued by a Schengen State with a view to transit through [...] the territory of the Schengen States [or their international airports’ transit areas]*”.<sup>34</sup>

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<sup>29</sup> Hix, 2005: 348-50.

<sup>30</sup> Article 3 (c) stated that future activities of the EEC should, among other things, include “*the abolition, as between Member States, of obstacles to freedom of movement for persons, services and capital*”. (Treaty of Rome, 25 March 1957: 4. URL: <http://www.eurotreaties.com/rometreaty.pdf>. Retrieved on February 24, 2013.

<sup>31</sup> Hix, 2005: 348.

In some cases, these rights also applied to some third-country nationals who either were married to, or were children of a EU citizen, as well as to a number of economically independent third-country nationals who do not pose a burden to the recipient country. In other cases, when the person in question is considered to be a threat, the recipient member state is allowed to deny his or her entry. The person in question may be a EU citizen as well as a non-EU national (The Treaty of Rome, 1957).

<sup>32</sup> Cini, Michelle (2007). *European Union Politics*. New York, Oxford University Press. (pp. 32-33).

<sup>33</sup> European Union External Action Service (2013). “Schengen Agreement”. EEAS. *Delegation of the European Union to Iceland*. URL:

[http://eeas.europa.eu/delegations/iceland/eu\\_iceland/schengen\\_agreement/index\\_en.htm](http://eeas.europa.eu/delegations/iceland/eu_iceland/schengen_agreement/index_en.htm). Retrieved on February 24, 2013.

<sup>34</sup> Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a

### 2.2.2 Extension

When the first five members signed the Schengen Agreement, the cooperation functioned separately from the European Community. Twelve years later, in 1997, the Amsterdam Treaty incorporated it into the legal framework of the European Union. Two great changes were introduced at that time – Article 62 (1), on the adoption of “*measures with a view to ensuring (...) the absence of any controls on persons (...) when crossing internal borders*”<sup>35</sup>, and the protocol integrating 3000 pages of the Schengen Acquis into the EU framework. As the cooperation developed, the number of signatory countries rose, extending the Schengen area to include almost all of the EU member states, with the exception of the United Kingdom, Ireland, Bulgaria, Romania and Cyprus. Norway and Iceland signed the agreement on May 18, 1999, followed by Switzerland, which joined the Schengen area in 2008.<sup>36</sup> Currently (2013) there are a total of 26 members of the Schengen area, of which 22 are also EU members and 4 are non-EU members.

### 2.2.3 Schengen today and issues affecting visa policy

A significant part of the Schengen framework is embedded in the Schengen Borders Code<sup>37</sup>, governing external border crossings and facilitating entry for persons with a legitimate interest for visiting the EU, and the Visa Code, which harmonizes the procedures and conditions for visa issuance.<sup>38</sup> The organizational structure of the Schengen Agreement, with respect to visa policy, can be illustrated as follows. The EU Commission tops the governance system, while the Directorate-General for Home Affairs (DG Home Affairs) is responsible for the underlying border- and visa policies. Moreover, this is complemented by two central, information sharing mechanisms ensuring security of EU citizens and other travellers – the Schengen Information System (SIS) and the Visa Information System (VIS). These large-scale, IT-based systems are intended to facilitate border management and visa issuance.

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Community Code on Visas (Visa Code). URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009R0810:EN:NOT>. Retrieved on February 24, 2013.

<sup>35</sup> Treaty of Amsterdam (1997). UNHCR. URL: <http://www.unhcr.org/41b6ccc94.pdf>. Retrieved on February 25, 2013.

<sup>36</sup> See footnote 12.

<sup>37</sup> European Commission (2013). “Schengen, borders & visas”. URL: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/index_en.htm). Retrieved on February 24.

<sup>38</sup> European Union (2013). REGULATION (EC) No 810/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 July 2009 establishing a Community Code on Visas (Visa Code). *Official Journal of the European Union*, 15.09.2009. URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:243:0001:0058:EN:PDF>. Retrieved on February 25, 2013.

An important advantage of the SIS is that it has made policing in Europe easier.<sup>39</sup> The system enables wider cooperation among member states and the exchange of information, which facilitates crime tracking all over the Schengen area. Similarly, the VIS serves as an advantageous intelligence tool in visa issuance procedures, insuring the security of migration across Schengen's external borders. However, the continuing empowerment of police and intelligence forces across the Schengen area also indicates that the level of organized crime is still increasing, despite security measures like the SIS and VIS. This situation creates a two-fold dilemma: on the one hand, idealistic principles of European travel democracy carry freedom of movement and trade opportunities, but on the other, they gradually create a nurturing environment for international crime and subsequent security threats to the very opportunities it was meant to promote.

Robert Fischer (2012) has pointed out other negative effects of the SIS and VIS, particularly the challenges they pose to law enforcement authorities and the bargaining of the Schengen Acquis. Because the systems lead to legal harmonization, individual countries' law enforcement authorities have lost direct influence over their level of crime.<sup>40</sup> In practice, various concepts of Europeanization, such as legal harmonization, pose a threat to the multi-layered policy processes between states implementing the Schengen structure. It is therefore reasonable to say that "free movement of crime", as well as the fragmented legal harmonization, are of great concern to Schengen signatories managing their respective visa-, bordering- and bargaining policies.

Schengen's external policy in relation to visas becomes a complex procedure as certain issues, linked to border control and security, are drawn to the fore. Examples of these are irregular migration, asylum issues, and regulation of long-term legal migration.<sup>41</sup> Furthermore, certain global events have made a significant impact on the visa politics in the Schengen area. A central example was the terror attacks on September 11, 2001 – an event that changed the EU's priorities, turning its attention towards new visa measurements with regard to security

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<sup>39</sup> BBC World Service (2013). "Fortress Europe".

Karanja, Stephen Kabera (2008). *Transparency and Proportionality in the Schengen Information System and Border Control Cooperation*. Leiden, 2008: Martinus Nijhoff Publishers.

<sup>40</sup> Fisher, Robert (2012). *"The Europeanization of Migration Policy. The Schengen Acquis Between the Priorities of Legal Harmonization and Fragmentation"*. Europäische Hochschulschriften Reihe 31: Politikwissenschaft, European University Studies, Political Science and Theory, Frankfurt: 2012.

<sup>41</sup> Peers, Steve (2011). *EU Justice and Home Affairs Law, 3<sup>rd</sup> ed.* Chapter 4: "Visas" (pp. 226-294). Oxford EU Law Library. New York: Oxford University Press, 2011.

issues.<sup>42</sup> Because of the impact caused by some of these issues, visa policies ultimately become subject to changes in the legal framework and extended issuance procedures.

#### 2.2.4 A changing legal framework?

In his *EU Justice and Home Affairs Law* (2011), Steve Peers illustrates a division between three phases in Schengen's legal framework – one *before* the Treaty of Amsterdam (addressed earlier in this chapter), one *with* it, and one *after* it.<sup>43</sup> Throughout most of the second phase, as well as the third, an ongoing dispute between the European Council and the Commission has repeatedly affected visa legislation. Some of the related issues have brought the framework forward because of the resulting legal developments in the Schengen framework.<sup>44</sup> On the other hand, the problem of EU's decision-making practices can be seen as a challenge to the development of the CVP. Issues like freedom to travel for third-country nationals have proven the Council unable to agree on any final amendment to the Schengen framework.<sup>45</sup>

After the Treaty of Amsterdam some secondary visa rules were changed, directing policy further towards harmonization. For example, special visa regimes were established during the 2004 and the 2006 Olympics. Also, a special visa agreement with Russia entered into force in 2007.<sup>46</sup>

The Lisbon Treaty, which entered into force in 2009, adopted new legislation on visa policy. Firstly, it revised many of the old provisions and extended competences regarding a “*common policy on visas and other short-stay residence permits*.”<sup>47</sup> Secondly, it extended the co-decision process, renaming it “the ordinary legislative procedure.” Thirdly, the EU can now regulate the freedom to travel of third-country nationals within the EU within a shorter period of time, rather than the previous “three months” rule of the Amsterdam Treaty.<sup>48</sup> Fourthly, the Treaty of Lisbon reformed the organizational system of the EU, establishing the DG Home

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<sup>42</sup> Peers (2011). p. 231.

<sup>43</sup> Peers (2011). Chapter 4.

<sup>44</sup> For example, issues connected to the implementation of the Amsterdam Treaty (such as agreement on power over visa lists or “blacklists”).

<sup>45</sup> Peers (2011). p.232

<sup>46</sup> European Commission (2013a). 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. URL: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm). Retrieved on February 2, 2013.

<sup>47</sup> Europedia (2013). “Common treatment of nationals of third countries in the EU”. Last updated in 2011. URL: [http://europedia.moussis.eu/books/Book\\_2/3/8/1/3/?all=1](http://europedia.moussis.eu/books/Book_2/3/8/1/3/?all=1). Retrieved on February 4, 2013.

<sup>48</sup> Article 62(3) of the Treaty of Amsterdam.

Affairs as the directorate responsible for the Schengen Agreement, borders and visa policies.

As a result of issues affecting visa policies, as well as a changing legal framework, bargaining of the Schengen Aquis becomes a challenge for EU officials, let alone the individual member states. How much influence do states like Finland and Norway have on the Schengen framework to manage their respective visa regimes? The following sections give a background of the two countries' bordering traditions, their relationship with the Schengen Agreement and finally, their national experiences with visa issuance vis-à-vis Russia.

### **2.3 From Nordic to European: Finland and Norway's bordering traditions and visa politics**

The Nordic forerunner of the modern Schengen Agreement was the Nordic Passport Union (NPU), a passport-free travel area established in 1958 by the member states of the Nordic Council.<sup>49</sup> The NPU abolished all internal border checks on travellers, and was eventually integrated into the Schengen area.

The Nordic Region, with countries like Finland, Norway and Sweden, has therefore been subject to the Nordic Cooperation as well as the Schengen Agreement. However, despite a common border union, Finland and Norway have ended up with different practices in their respective visa regimes towards the fourth member of the Barents Region – Russia. This section tempts to draw the lines between the past and the present by examining Finland and Norway's bordering traditions, their cross-border practices with Russia, and their relationship with the Schengen system.

#### *2.3.1 Finland*

Bordering traditions in Finland during the last few centuries can be summed up as *mainly Russia-oriented and transformable*. During the 18<sup>th</sup> century, Finland played the role of a buffer zone between the rivaling states, Russia and Sweden, in the Northern War. In 1809, Finland was ceded to the Russian Empire and granted autonomy by the Russian tsar,

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<sup>49</sup> The Nordic Council, established in 1952, was the first step towards creating a political cooperation between the Nordic states – Finland, Norway, Iceland, Denmark, Sweden and the Faroe Islands, Åland and Greenland. Source: Norden (2013). "About the Nordic Co-operation" and "History of the Nordic Council", URL: <http://www.norden.org/en/about-nordic-co-operation>, and <http://www.norden.org/en/nordic-council/the-nordic-council/the-history-of-the-nordic-council/1953-1971>. Retrieved on March 1, 2013.

Alexander I. The two countries established a close partnership throughout the century, but in the 20<sup>th</sup> century, attempts were made by Russia to tie Finland closer to the Empire by imposing Russian as the official language and integrating Finnish military units into the Russian army. Finland's reaction was skeptical, causing strikes within the nation, and raising questions to whether this example of de-bordering was acceptable integration or not.<sup>50</sup>

Finland continued fighting for its independence during the First and Second World Wars, along with a number of other wars, fought almost simultaneously, over the Finnish territory (the Winter War, the Continuation War against the USSR, and the Lapland War). Throughout this period, Finland's relations with Sweden and the "West" improved, whereas the Finnish-Russian relations remained relatively tense. Moreover, in 1939 the Soviet Union demanded revision of the Finnish southern border in Karelia in order to protect Leningrad.<sup>51</sup> Finland was yet again playing the role of a buffer zone. Later, Karelia was divided between Finland and the Soviets, although the "Karelian Question" remains unresolved and a matter of public debate.<sup>52</sup>

As relations with the Soviet Union loosened up, Finland joined the Nordic Cooperation. In 1955 the Finnish parliament applied for membership in the Nordic Council, and later the NPU, abolishing checks on Finland's border to Sweden and Norway. Around 1970, a proposal was passed at the Council's Session in Reykjavik to negotiate a common Nordic economic cooperation, commonly known as the "Nordek plan."<sup>53</sup> However, because of the re-found relations with the Soviet Union, Finland refused to ratify the treaty enabling its economic association with states like Norway, Sweden and Denmark.<sup>54</sup>

Finland entered the Schengen cooperation in 2001.<sup>55</sup> Moreover, Finland has been a member of the European Union since 1995. According to recent sources, Finnish border management

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<sup>50</sup> Lavery, Jason Edward (2006). *The History of Finland*. Greenwood Publishing Group, Westport: 2006.

<sup>51</sup> Jowett, P & Brent Snodgrass (2006). *Finland at War 1939-45*. New York, 2006: Osprey Publishing. (pp. 3-5).

<sup>52</sup> Finnish Karelian League (2013). "Karjalan Liitto (Karelia) – Briefly in English". URL: <http://www.karjalanliitto.fi/english>. Retrieved on March 2, 2013.

Korablev, N (2013). "From the History of Karelia". The Republic of Karelia State Government Bodies' Official Web Portal. URL: [http://www.gov.karelia.ru/gov/Different/History/history\\_story\\_e.html#01](http://www.gov.karelia.ru/gov/Different/History/history_story_e.html#01). Retrieved on March 2, 2013.

<sup>53</sup> Orava, Heidi (2013). 1953-1971. "Finland Joins in and the first Nordic rights are formulated". *Published at The Nordic Council: The official inter-parliamentary body*. URL: <http://www.norden.org/en/nordic-council/the-nordic-council/the-history-of-the-nordic-council/1953-1971>. Retrieved on March 2, 2013.

<sup>54</sup> Nielsson, Gunnar (1971). "The Nordic and the Continental European Dimensions in Scandinavian Integration: NORDEK as a Case Study". University of Southern California. *Cooperation and Conflict*, March 1971. Vol 6, no. 1 (pp. 173-181).

<sup>55</sup> Norwegian Ministry of Foreign Affairs (2013). "The Schengen Agreement and Norway". *Mission to the EU (Norway House)*. URL: [http://www.eu-norway.org/Schengen\\_agreement/](http://www.eu-norway.org/Schengen_agreement/). Retrieved on March 2, 2013.



and visa practices have proven to be exemplary within the Schengen area, largely thanks to Finland's history of bordering relations with Russia.

### 2.3.2 Norway

Bordering traditions in Norway can be traced back to several historical unions, such as the Kalmar Union, the union with Denmark and the union with Sweden. After 1905, when the Norwegian Storting proclaimed independence from Sweden, and during the two World Wars, Norway's foreign relations were mainly associated with neutrality. Nevertheless, neutrality did not hinder Norway in joining the League of Nations in 1920 and the North Atlantic Treaty Organization (NATO) in 1949, or co-founding the European Free Trade Association (EFTA) in 1959.<sup>56</sup> Norway's diplomatic relations with Finland began in the second decade of the 20<sup>th</sup> century, when both countries gained their independence and in the 1950s both countries became members of the NPU<sup>57</sup>.

Norway's relations with Russia have been peaceful throughout the last centuries. The two have never been at war against each other, though the Cold War period made cooperation with the Eastern neighbor difficult.<sup>58</sup> The breakdown of the Soviet Union opened for new cooperation opportunities, eventually embarked by Norway in the "High North" politics.<sup>59</sup> Another central event in Norwegian bordering traditions was the establishment of the Barents Cooperation in 1993's Kirkenes Declaration. According to Staalesen (2012), this introduced a "*new arena for post-Cold War relations in a region of abundant national interests and militarization, as well as socio-economic and cultural divides*".<sup>60</sup>

During the second half of the 20<sup>th</sup> century, the Barents Sea has played a central role in the Norwegian-Russian border-policy making.<sup>61</sup> Politics of the Barents Sea between Norway and

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<sup>56</sup> Riste, Olav (2005). *Norway's Foreign Relations – a History*. Oslo: Universitetsforlaget, 2005.

<sup>57</sup> Järviö, Pekka (2013). Interview with Pekka Järviö (Järviö Associates, Helsinki) about Finland's membership in the Schengen cooperation. Dated April 11, 2013. By Elizaveta Vassilieva.

<sup>58</sup> Staalesen, Atle (2012a). "Cross-Border Cooperation: The Norwegian-Russian Border" in Järviö, Staalesen et al. *Ex Borea Lux? November 2012*.

<sup>59</sup> The "High North" referring to the area of strategic cooperation between the Norwegian state and the Russian Federation. See Government (2013) "The High North", Ministry of Foreign Affairs. URL: <http://www.regjeringen.no/en/dep/ud/campaigns/the-high-north.html?id=450629>. Retrieved on March 3, 2013.

Godzimirski, Jakub M. (2007). "High Stakes in the High North. Russian-Norwegian relations and their Implications for the EU." *Russia/NIS Center, Paris, Russie. Nei. Visions, nr. 25 | 26 pages*. Published at the Official website of the Norwegian Institute of International Affairs, December 21, 2007.

<sup>60</sup> Staalesen (2012b). p. 29.

<sup>61</sup> Derry, T. K. (2000). *History of Scandinavia: Norway, Sweden, Denmark, Finland and Iceland*. Chapter 1, (pp. 1-3). Minneapolis, 2000: University of Minnesota Press.

Russia has been a disputed issue for the last 40 years. The disputed territory is rich on natural resources such as oil, gas and fish, making it subject to great economic and geopolitical interests.

In 2012, The Norwegian Barents Secretariat published an annual review on the Barents cooperation, referring to two important agreements, reached between Norway and Russia in the past few years. One of these agreements was the 2010 “Barents Sea Compromise”, concerning the previously mentioned territorial dispute. The other was the Local Border Traffic Agreement, also signed in 2010, which opened for visa-free travelling for local “border citizens” in Norway and Russia. The review described the year 2010 as a historical breakthrough in northern visa politics, making Norway and Russia frontrunners of contemporary border relations between East and West Europe.

*“(…) Not only will the deals prepare the ground for cross-border development of offshore oil and gas resources in the Barents Sea, but they will also give the first regular Russian citizen since the 1920s the right to move across the border with a western European country without visa.”<sup>62</sup>*

As for the Norwegian association with the Schengen Agreement, Norway became a full member in 2001, falling into the category of non-EU Schengen member states. With its history of public opposition of EU-membership, Norway’s foreign relations with Europe are mostly centered around the EEA Agreement, which entered into force on 1 January 1994.<sup>63</sup> The EEA Agreement links Norway with the Schengen Aquis. A Mixed Committee ensures full association, allowing Norway and other EEA states to participate in the Schengen Cooperation.<sup>64</sup> Norway is also an active member of the European Frontex border agency since 2005.

In contrast to the Finnish visa regime, Norway is seen as one of Schengen’s most pedant members.<sup>65</sup> According to the Barents Review, the Norwegian visa regime is extensively concerned with formalism and precision, making the issuance procedures more durable than, for instance, in Finland.

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<sup>62</sup> Staalesen, Atle (2012b). ”Crossing the border into new territories” in Barents Review 2012 by The Norwegian Barents Secretariat, pp.11-12. Kirkenes, Norway: Dagfinn Hansens Trykkeri AS, 2012.

<sup>63</sup> The European Free Trade Association (2013). “EEA Agreement”. URL: <http://www.efta.int/eea/eea-agreement.aspx>. Retrieved on March 3, 2013.

<sup>64</sup> Norway Mission to the EU (2013). ”The Schengen Agreement and Norway”. URL: [http://www.eu-norway.org/Schengen\\_agreement/](http://www.eu-norway.org/Schengen_agreement/). Retrieved on March 3, 2013.

<sup>65</sup> Barents Review 2012. ”Barents roadmap towards visa-freedom”. p. 38.

Summing up, this chapter has introduced the concept of bordering and its relevance for the Schengen visa politics. It has also presented the background for the Schengen agreement, including its legal framework, or the Schengen *acquis*, and some central issues affecting the CVP. Further, this chapter has demonstrated that part of the origins of the Schengen visa regime can be traced back to the Nordic Passport Union, a free-movement cooperation that involved both Finland and Norway before their entrance into the Schengen area. This means that when the two countries joined Schengen, they already had an experience in sharing a common external border, which suggests that both of them had relatively efficient visa practices. However, despite being close neighbors, Finland and Norway practice two rather different visa policy paths. Firstly, only one of them is currently a full member of the EU. Secondly, their entrance into the Schengen area occurred at different times. And finally, their executive visa practices vis-à-vis Russia are different. This further means that in order to answer the research question about how Finland and Norway negotiate on Schengen legislation, one would have to account for all of the underlying differences. The following chapter will thus examine these differences in detail and discuss their meaning.

# Chapter 3

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## **National experiences in Finland and Norway: Executive visa practices, implementation of the Schengen Acquis and negotiation**

Finland and Norway are bound by the same visa legislation – from its formation in the EU’s intergovernmental negotiations to its application into national policies. This suggests that it is advantageous to evaluate negotiation practices in connection with the entire run of the Schengen acquis. This chapter compares Finland and Norway’s national practices concerning the CVP, divided into three levels – execution, implementation and negotiation. The first level compares executive visa practices, which involves visa issuance, cross-border traffic, facilitation of cross-border trade and cooperation, and security management. The second level looks at the implementation of Schengen legislation into national policy areas and, particularly, at three different regulations implemented by the case countries. The third level examines Finland and Norway’s negotiation practices, including their overall participation in the EU’s decision-making and their engagement in a few specific negotiation procedures treated in the past few years.

The purpose of all three levels is to evaluate the degree of utilization of the Schengen acquis and the efficiency of the three practice categories. At the same time, the purpose is to discuss the extent of difference between Finland and Norway at all three levels. Levels one and two will look at the technical aspects of Finland and Norway’s visa regimes with Russia, building up to the final, connecting, level. The third level will primarily focus on the main research question, but at the same time draw connections to the first two levels of national practices. To sum up the three-level analysis, a concluding section will be provided at the end of this chapter. Here, the flexibility of the Schengen legal framework will also be evaluated and the so-called “Schengen exceptions” will be put to the test.

### **3.1 Executive visa practices towards Russia**

As agreed between the respective signatories, it is important that all Schengen member states follow the common legislation provided in the agreement. For instance, the Schengen acquis

specify that a uniform Schengen visa to Finland, Norway or any other Schengen member “is valid for a period up to 90 days in any 180-day period from the date of entry in the Schengen Area.”<sup>66</sup> It is, however, even more important for member states to achieve efficient executive practices suitable for their own national policy areas, which ultimately results in divergent visa policy approaches. The first central difference between Finland and Norway’s approaches can hence be observed in their organisational structures concerning-, and institutions responsible for, visas.

In Finland, the Ministry of Foreign Affairs (MFAF) holds the main responsibility for visas.<sup>67</sup> Operating under the MFAF is the Finnish Embassy, which handles visa-related cases outside of Finland, thereby in Russia. In Norway, on the other hand, the Ministry of Justice and Public Security is formally responsible for visas. The Norwegian Directorate of Immigration (UDI) performs the work related to visa issuance and ensures that the visa policies are practices in accordance with the current legal framework.<sup>68</sup> Not all visa issuance procedures require the direct involvement and surveillance of the UDI. In most cases, visa applications are processed by the Foreign Service Mission (FSMN), which includes the Norwegian consulates and embassies located in Russia. This example demonstrates a significant difference in the fact that Norway’s organisational structure appears formally more complex than Finland’s, which suggests a similar complexity in Norway’s visa issuance procedures. Subsequently, this means that the Schengen framework allows for a certain degree of national freedom in terms of organisation and visa application processing.

Another example where Finland and Norway differ in their executive visa practices can be illustrated by the visa services they provide and the types of visas they issue. According to the Finnish “Aliens Act” of 2004 (revised in 2010), Russian visitors may apply for five types of visas: single-, multiple-, and re-entry visas, as well as transit and airport transit visas.<sup>69</sup> As for

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<sup>66</sup> Directorate of Immigration of Norway (2013a). “Common information sheet on the rights and conditions, related to a uniform Schengen visa, mainly addressed to Russian citizens.” (p. 1). URL: <http://www.norvegia.ru/PageFiles/425919/Common%20information%20sheet%20FINAL.pdf>. (Retrieved on April 24, 2013).

<sup>67</sup> Immigration Service of Finland (2013). “Visiting Finland (Visas).” *Information elsewhere. Published on the Finnish Immigration Service’s official website, 2013*. URL: [http://www.migri.fi/information\\_elsewhere/visiting\\_finland](http://www.migri.fi/information_elsewhere/visiting_finland). (Retrieved on April 23, 2013).

<sup>68</sup> Directorate of Immigration of Norway (2013g). “Utlendingsdirektoratets virksomhetsidé”. *Published on the Directorate’s official website. Last updated on January 18, 2011*. URL: <http://www.udi.no/Om-UDI/Utlendingsdirektoratets-virksomhetside/>. (Retrieved on April 23, 2013).

<sup>69</sup> Ministry of the Interior of Finland (2013). “Aliens Act (301/2004, amendments up to 1152/2010 included)”, *Types of Schengen visas* (p. 6). URL: <http://www.finlex.fi/en/laki/kaannokset/2004/en20040301.pdf> (Retrieved

the Norwegian part, the UDI issues not only the same types of visas as Finland, but some other types as well. For example, Norway sometimes issues visas that are only valid within its national borders – the so-called “Visitor’s visa to Norway”.<sup>70</sup> The Finnish equivalent for a national visa is a “regionally restricted visa”, which only applies in exceptional cases, mostly related to humanitarian reasons.<sup>71</sup> Another category of visas issued by Norway is a special entry visa for foreigners who have been granted residence permit or a stay for a period exceeding 90 days.<sup>72</sup> Moreover, the Norwegian constitution states that certain foreigners, who under normal circumstances require a visa, can enter Norway without a visa if the King makes an exception by regulation.<sup>73</sup> Thus, the extent of difference in this area is also significant, as Norway issues more types of visas to Russians than Finland does. Nevertheless, as the following sections will demonstrate, this does not mean that Norway issues more visas than Finland, or that its cross-border traffic with Russia is more active. It does, however, show a broader utilization of the Schengen framework from Norway’s side.

### *3.1.1 Cross-border traffic and visa issuance*

The numbers of Russians travelling to Finland and Norway have been increasing in the recent years. At Storskog/Boris Gleb, which is the only border crossing point between Norway and Russia, the registered number of border crossings went up from 109.030 in 2009 to 252.110 in 2012.<sup>74</sup> Moreover, as stated in a working group report from 2011, the Storskog border station is expecting the number to be around 400.000 by 2014.<sup>75</sup> At the nine border-crossing points on the land border between Finland and Russia the aggregate number of crossings went up

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on April 25, 2013).

<sup>70</sup> Directorate of Immigration of Norway (2013b). “Different types of visas”. URL: <http://www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Visa/What-type-of-visa-should-I-apply-for/#visitorN>. (Retrieved on April 25, 2013).

<sup>71</sup> “Aliens Act” of Finland.

<sup>72</sup> Ministry of Labour of Norway (2013). “Om lov om utlendingers adgang til riket og deres opphold her (utlendingsloven). 12. Visum.” Ot.prp. nr. 75 (2006-2007). URL: <http://www.regjeringen.no/nb/dep/ad/dok/regpubl/otprp/20062007/otprp-nr-75-2006-2007-/12.html?id=474444>. (Retrieved on April 25, 2013).

<sup>73</sup> Government of Norway (2013). “Lov av 15. mai 2008 nr. 35 om utlendingers adgang til riket og deres opphold her (utlendingsloven). § 9 Visumplikt og visumfrihet.” *Published at the official website of the Norwegian Ministry of Foreign Affairs*. URL: [http://www.regjeringen.no/upload/AID/publikasjoner/lover\\_og\\_regler/2009/Utlendingsloven\\_2010.pdf](http://www.regjeringen.no/upload/AID/publikasjoner/lover_og_regler/2009/Utlendingsloven_2010.pdf). (Retrieved on April 25, 2013).

<sup>74</sup> Police Service of Norway (2013). “Antall passeringer over Storskog grensekontrollsted desember 2012.” URL: [https://www.politiimg.no/img/lokale\\_bilder/ostfinnmark/Bilde\\_1803\\_lrg.jpg](https://www.politiimg.no/img/lokale_bilder/ostfinnmark/Bilde_1803_lrg.jpg). (Retrieved on March 26, 2013).

<sup>75</sup> Storskog Border Station (2011). “Storskog grensepasseringssted 2011-2014, rapport fra arbeidsgruppe”. *March 16, 2011. (p. 8)*.

from 7.351.454 in 2009 to 11.985.129 in 2012.<sup>76</sup> The rise in border-crossings is closely connected to the development of the visa issuance business and, particularly, the increased issuance of multiple entry visas. An important observation here is the correlation between the increased cross-border traffic and the increased number of new Schengen regulations facilitating visa issuance.

For instance, the Norwegian-Russian visa regime have brought bordering practices forward by establishing special cross-border travel arrangements, such as the Pomor Visa (for applicants in the Murmansk and Arkhangelsk Regions), which offers multiple entries for a period of maximum five years, and the Border Resident Permit (for border residents)<sup>77</sup>, which enables visa-free travel within a zone of 30 km on each side of the Norwegian-Russian border). It may be difficult to know for sure whether the developments were the response to an already growing cross-border movement, or whether a growing cross-border movement was the direct result of these visa developments. However, this demonstrates that Norway has utilized the Schengen framework to a relatively high extent and in a very specific manner – one that separates it from the Finnish case.

Norway issues most of its visas to Russia: in 2012 it granted about 52.000 visas to Russian applicants, which made out over 36% of the total number of visas granted by Norway the same year.<sup>78</sup> The Norwegian consular presence for the purpose of receiving Schengen visa applications in Russia is restricted to three main locations and their subordinate districts – Moscow, St Petersburg and Murmansk.<sup>79</sup> The FSMN is thereby less dispersed than the Finnish mission, which is also represented in Petrozavodsk. Applicants in other areas are serviced by so-called External Service Providers, which are either visa centers or tourist companies that preliminarily process visa applications and forward them to the consular institutions. In 2012 the Norwegian Embassy in Moscow issued 26.312 visas to Russian visitors, while the Norwegian General Consulates in Murmansk and St Petersburg issued

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<sup>76</sup> The Finnish Border Guard (2013). "Schengen external borderline traffic 2009-2012". *The Border Guard in Figures, border crossing*. URL: [http://www.raja.fi/guidelines/border\\_crossing/border\\_crossing\\_points](http://www.raja.fi/guidelines/border_crossing/border_crossing_points). (Retrieved on April 24, 2013).

<sup>77</sup> The Border Residence Permit is a part of the Local Border Traffic Agreement. Throughout the analysis it will therefore be referred to in both terms.

<sup>78</sup> Directorate of Immigration of Norway (2013e). "Tabell 8: Besøksvisum innvilget i første instans etter statsborgerskap, 2012." *Statistics from the annual report on migration for 2012, "UDI: Migrasjon 2012. Fakta og analyse."* Published on the directorate's official website on March 4, 2013. URL: <http://www.udi.no/arsrapport2012/Statistikk/Tabell-8-Besoksvikum-innvilget-i-forste-instans-etter-statsborgerskap-2012/>. (Retrieved on April 24, 2013).

<sup>79</sup> Directorate of Immigration of Norway (2013a): 5-6.

around 20.603 and 4.890 visas, respectively.<sup>80</sup> At least fifty percent of the total numbers of visas, issued by the General Consulate in Murmansk are Pomor Visas.<sup>81</sup>

In contrast to Norway's Local Border Traffic Agreement, Finland does not have same kind of bilateral visa-facilitation agreements with Russia. Instead, the Finnish visa regime towards Russia does not require invitations, which makes it easier for entering travellers to get a visa. Finland also issues multiple entry visas with a validation of six months with no requirement for a previous visa history (in any Schengen member state). For these reasons, many Russian applicants find it preferable to enter the Schengen Area with Finland, rather than Norway, as their recipient.<sup>82</sup>

As a result, Finland holds the leading position among Schengen signatories when it comes to the number of issued visas. One third of all visas in the Schengen area today are issued by Finland (1.2 million in 2011).<sup>83</sup> In 2009, the Finnish consulate in Murmansk issued a total of 19.311 visas. A mere year later, the number went up to a total of 29.451 visas.<sup>84</sup> Finland also has a visa issuance office in the Republic of Karelia. Here, Finland issued 59.000 visas in 2010. This suggests that Finland also utilizes the Schengen framework in a special manner – by making visas generally more accessible to Russians. It is therefore reasonable to state that the case countries are somewhat different in their practical visa issuance approaches, but that their degree of utilization is rather similar, given that they both take special visa facilitation measures in their respective visa regimes with Russia.

To further demonstrate the similarities, another example can be brought up. In order to cope with the increasing flow of visa applications, a relatively novel practice in both Finland and Norway is the use of outsourcing services from the international company VFS Global by

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<sup>80</sup> Directorate of Immigration of Norway (2013f). "Tabell 9: Besøksvisum innvilget i første instans etter vedtaksinstans, 2012." *Statistics from the annual report on migration for 2012*, "UDI: Migrasjon 2012. Fakta og analyse." Published on the directorate's official website on March 4, 2013. URL: <http://www.udi.no/arsrapport2012/Statistikk/Tabell-9-Besoksvikum-innvilget-i-forste-instans-etter-vedtaksinstans-2012/>. (Retrieved on April 24, 2013).

<sup>81</sup> Mugaas, Knut A. (2010). "Murmansk fylke, samfunn og økonomi. Norsk næringsvirksomhet." *Annual report on economic development of Murmansk Oblast, written collaboratively by the Norwegian Ministry of Foreign Affairs (presented by the Consul of Commercial Affairs) and the department of Innovation Norway in Murmansk. Published in Vadsø, Norway, 2010.*

<sup>82</sup> The Norwegian Barents Secretariat (2012): 37-38.

<sup>83</sup> Barents Observer (2013). "One third of all Schengen visas are issued by Finland". *Borders. Published on December 5, 2012*. URL: <http://barentsobserver.com/en/borders/2012/12/one-third-all-schengen-visas-are-issued-finland-05-12>. Retrieved on March 3, 2013.

<sup>84</sup> The Norwegian Barents Secretariat (2012): 36.



opening Visa (application) centres in Russia.<sup>85</sup> However, Finland currently has six visa centers in Russia, while Norway has one, which opened only recently because Norway had to undergo a number of additional formal procedures.<sup>86</sup> Finland thus has more years of experience in this field of practice, which can explain its high number of visa issuances.<sup>87</sup> In addition to this difference, the Finnish visa centers generally have lower additional service fees for applicants, longer opening times and larger staffs than the Norwegian visa center in Murmansk.<sup>88</sup>

The approximate processing times are 10 days in Finland and 3-10 days in Norway.<sup>89</sup> However, the processing time highly depends on the type of visa, number of entries and the duration of the stay(s). Having this in mind, the average duration for a visa procedure in Finland may take over two weeks, while in Norway the procedure may take around 20 days or more.<sup>90</sup> In fact, Article 8 of the Local Border Traffic agreement between Norway and Russia holds that “the processing period can be extended to a maximum of 60 calendar days, as there may be need for an additional evaluation of the given application.”<sup>91</sup> If a visa is rejected by Norway, the applicant may appeal within three weeks of the denial notification and the case will be reviewed by the UDI for a final determination. In Finland, visa rejection was not subject to appeal until 2011, when new legislation on the rights of visa applicants came into force.<sup>92</sup>

### 3.1.2 Visa procedures and security management

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<sup>85</sup> Jacobsen, Marit Egholm (2013). In a personal e-mail from the Visa Consul at the Norwegian General Consulate in Murmansk, Marit Egholm Jacobsen, dated March 15, 2013.

<sup>86</sup> Barents Observer (2013a). “Finland opens more visa centers in Russia”. Published on March 12, 2013. URL: <http://barentsobserver.com/en/borders/2013/03/finland-opens-more-visa-centers-russia-12-03> (Retrieved on April 24, 2013).

<sup>87</sup> Barentsnova (2013a). Finnish visa center opened in Murmansk. *Published on October 11, 2012*. URL: <http://barentsnova.com/node/2085>. (Retrieved n March 24, 2013).

<sup>88</sup> Barentsnova (2013b). “Visa center of Norway in Murmansk”. Published on January 14, 2013. URL: <http://barentsnova.com/node/2202>. (Retrieved on March 20, 2013).

<sup>89</sup> Information retrieved from the official web sites of the Finnish and Norwegian General Consulates, and Embassies, in Russia.

<sup>90</sup> Ministry of Foreign Affairs of Finland, 2013a (URL: <http://formin.finland.fi/public/default.aspx?nodeid=15717&contentlan=2&culture=en-US#Refusal>), and the Directorate of Immigration of Norway, 2013d (URL: <http://www.udi.no/arsrapport2012/Statistikk/Tabell-2-Saksbehandlingstid-fordelt-pa-instans-2012/>), on general visa procedures.

<sup>91</sup> Government of Norway (2010). “Agreement between the Government of the Kingdom of Norway and the Government of the Russian Federation on facilitation of reciprocal traveling for border residents in the Kingdom of Norway and the Russian Federation.” *November 2, 2012, Oslo*. “Article 8”, point 2. p. 6.

<sup>92</sup> Articles 47 and 48 of the EU Visa Code.

External border management on the Schengen's periphery can be considered especially crucial because it involves tight standards for external border control and surveillance.<sup>93</sup> In the post-Cold War age, cross border security concerns have changed in tact with the nature of security threats: from military to "multi-criminal" (smuggling of goods, narcotics trafficking, illegal migration etc.).<sup>94</sup> Measures to prevent the current security threats are thus an equally important aspect of visa procedures in Finland and Norway, although they are practiced somewhat differently. For instance, since both Finland and Norway issue visas that are valid for the entire Schengen area, their national authorities must ensure that an applicant is not registered in the SIS.<sup>95</sup> Applicants who are subject to SIS registration cannot be granted a Schengen visa, although the Norwegian authorities sometimes make exceptions by granting national visas to such candidates.<sup>96</sup>

As already mentioned in chapter two, Norway is extensively concerned with precision and formalism when it comes to visa procedures. The Norwegian government puts strict requirements on applicants – a single entry visa, for example, requires a long list of documentation, including an invitation, travel and medical insurance, an economic guarantee form, and a "previous visa history".<sup>97</sup> According to the Norwegian Police Service and the Barents Secretariat, the strict security measures have led to a relatively low crime rate across the Norwegian-Russian border, and, despite the increased cross-border traffic, "*Russian visitors are underrepresented in the regional crime statistics*".<sup>98</sup> Finland, as noted earlier, does not require invitations and is generally less pedant when it comes to documentation requirements. Nevertheless, this does not imply that Finland's security measures to cross-border scrutiny are lower than Norway's. The notably long-distanced (1.269 km) Finnish-Russian border is carefully scrutinized by the Finnish Border Guard, and as stated by Kononenko and Laine: Finland's cross-border security measures are closely connected to their long tradition of functional cooperation with Russia since 1960, and its focus on "real"

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<sup>93</sup> Jones, Erik & Anand Menon (2012). *The Oxford Handbook of the European Union, Chapter 43.5: External Border Management*, pp. 620-621. Oxford, 2012: Oxford University Press.

<sup>94</sup> Andreas, Peter (2003). "Redrawing the line. Borders and security in the Twenty-First Century". (pp. 84-101). *Journal of International Security. Fall 2003, Vol. 28, No. 2, Pages 78-111*. Massachusetts, 2003: Massachusetts Institute of Technology Press.

<sup>95</sup> Implying that the applicant has a criminal record and is hence expelled from entering the Schengen area or parts of it.

<sup>96</sup> Directorate of Immigration of Norway (2013c). "Schengensamarbeidet". *Last updated on December 12, 2011*. URL: <http://www.udi.no/templates/Page.aspx?id=2843> (Retrieved on April 27).

<sup>97</sup> Norway's Official Website Abroad (2013). "Visum til Norge". URL: <http://www.norvegia.ru/Norsk/Reise-til-Norge/>.

<sup>98</sup> The Norwegian Barents Secretariat (2012): 39.

borders.<sup>99</sup>

Overall, Finland and Norway's executive visa practices towards Russia can be described as very different. The difference can be illustrated by the organisation of their visa policy responsibilities, the types of visas they issue, their issuance procedures and the number of visitors they circulate, and last but not least by their security measures. Due to its simplified documentation requirements, their widely dispersed visa centres across Russia, and their drastic numbers of visa issuances, Finland can be stated to take the leading position in executive efficiency. As noted by Järviö et al:

*“[t]he Finnish Border Guard is widely seen as the most efficient border service on the EU's external border. Finland has extensive experience in cooperating with Russia to make their shared border arguably the safest and best-managed in the Schengen area despite a considerable increase in the volume of border crossings”.*<sup>100</sup>

Due to its successful border practices, Finland has been used as an example for other Schengen states. Suggestively, the key to Finland's success is the strict application of the Schengen codes, advanced use of technology, flexibility, and a well-established model for cross-border cooperation with Russia<sup>101</sup>. Norway, on the other hand, issues fewer visas than Finland, has more complex issuance procedures and uses less external outsourcing services. However, Norway can be seen as more flexible in its bilateral visa relations with Russia, which is demonstrated by the agreement on the Border Citizen Permit and the Pomor Visa. Finland may have a better visa accessibility and a higher number of visa centers, but it does not have a visa-free border zone – a development that can be seen as more important with regard to the “common steps towards visa freedom”. Also, Norway seems to take a more liberal approach to the types of visas it issues, illustrated by the national “Visitor's visa to Norway” and the visas for Russians who have been granted stays exceeding the normal 90-day period. Taking these matters in account, the following sub-chapter will compare Finland and Norway's implementations of the Schengen acquis.

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<sup>99</sup> Kononenko, Vadim and Jussi Laine (2008). ”Assessment of the Finnish-Russian Border. The case of Vaalimaa Border Crossing Point.” *57 Working Papers 2008. The Finnish Institute of International Affairs.* (p. 15).

<sup>100</sup> Järviö, Pekka (2012). ”Border management on the Finnish-Russian border”, p. 34 in Järviö, P., Staalesen, A. et al.s *Ex Borea Lux. Learning From the Finnish and Norwegian Experience of Cross-Border Cooperation With Eastern Neighbours.* Prague, 2012: Institute of Stability and Development.

<sup>101</sup> The Norwegian Barents Secretariat (2012): 36-38.

### 3.2 Implementation of the Schengen Acquis

Compared to the previous level of comparison, this level looks more closely at the ways in which Finland and Norway interpret and implement the Schengen acquis. According to what the executive visa practices suggestively indicate, Norway appears to utilize certain Schengen acquis more liberally than Finland. The following pages will examine whether this is the case for other areas of the Schengen CVP. More specifically, a comparison will be made between the EU Visa Code (in light of the EC's instructions, provided in the handbook on visa applications and the handbook on organization of visa sections), the Finnish "Alien's Act" and the Norwegian "Foreigner's Law" (Utlendingsloven).

To ensure an optimal use of the Schengen rules and regulation, particularly the EU Visa Code, the European Commission (EC) has provided a set of common instructions on implementation, including factual information on how to perform the tasks related to visa issuance<sup>102</sup>. The instructions are presented in two main handbooks. The first one is the "*Handbook for the processing of visa applications and the modification of issued visas*", which gives member states and associated states (non-EU members) the general guidelines on application of visa issuance procedures, visa facilitation agreements with certain third countries, visa types and national long-stay visas into national policies.<sup>103</sup> The second one is the "*Handbook for the organization of visa sections and local Schengen cooperation.*"<sup>104</sup> According to the Handbooks and the Visa Code, the CVP applies equally to the entire territory of Finland, whereas in Norway's case it only applies to the mainland territory, excluding Svalbard (Spitsbergen).

Arguably, the most apparent example demonstrating the implementation difference between Finland and Norway is the application of bilateral VFAs and thus the Local Border Traffic Regime. In contrast to Finland, Norway is one of three Schengen states, which have

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<sup>102</sup> European Commission (2010a). "Commission decision of 19.3.2010 on establishing the Handbook for the processing of visa applications and the modification of issued visas." *Brussels, 19.3.2010 C (2010) 1620 final*. URL: <http://konzuliszolgalat.kormany.hu/download/5/2b/50000/ENvisahandbook.pdf> (Retrieved on April 21, 2013).

<sup>103</sup> European Commission (2011). "CONSOLIDATED version of the Handbook for the processing of visa applications and the modification of issued visas". *Based on the COMMISSION DECISION C(2010) 1620 final and the COMMISSION IMPLEMENTING DECISION C (2011) 5501 final*. URL: [http://ec.europa.eu/dgs/home-affairs/policies/borders/docs/c\\_2010\\_1620\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/policies/borders/docs/c_2010_1620_en.pdf). (Retrieved on April 21, 2013).

<sup>104</sup> European Commission (2010b). "Handbook for the organisation of visa sections and local Schengen Cooperation". *COMMISSION DECISION of 11.6.2010*. URL: [http://ec.europa.eu/dgs/home-affairs/pdf/policies/borders/docs/c\\_2010\\_3667\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/pdf/policies/borders/docs/c_2010_3667_en.pdf) (Retrieved on April 21, 2013).

concluded a bilateral VFA with Russia.<sup>105</sup> Another example where Finland and Norway implement the CVP differently regards the issuance procedures and the underlying application requirements. Firstly, the absence of the invitation requirement in the Finnish practices can be considered an indication. Secondly, the national conditions for issuing visas to a given applicant are somewhat different. Compared to Finland, the Norwegian constitution can make exceptions from visa obligations in cases where the King has decided so.<sup>106</sup> The relevance of these exceptions is, however, minimal. Exceptions could, in fact, be made in Finland as well, such as in the case of the restricted regional visa issuance.

As for other aspects of the CVP, Finland and Norway have rather similar implementation practices. For instance, according to Article 6 of the Visa Code, “an application shall be examined and decided on by the consulate of the competent Member State in whose jurisdiction the applicant legally resides.” In practice, both Finland and Norway have taken a liberal approach to this rule by accepting visa applications also from so-called “non-residing applicants”. This means that applicants who normally reside outside a consulate’s jurisdiction, but are (temporarily) legally present within the jurisdiction, have the right to submit applications to the given consulate.

In the meanwhile, Kononenko and Laine point out an interesting fact about the Finnish implementation of Schengen. Despite the common protocols and guidelines that came with Schengen, their full implementation has not led to any significant changes of the Finnish visa policy.<sup>107</sup> This is, more or less, the case in Norway as well. Nevertheless, in the current visa legislation, the Finnish interests are suggestively more represented because Finland took a central part in the preparation of the initial Schengen legal framework during the 1990s.<sup>108</sup>

### **3.3 Comparing the national experiences of negotiation with the EU**

So in what way do Finland and Norway negotiate with the EU on Schengen rules and regulations? In order to compare Finland and Norway’s negotiation practices in light of the executive and implementation practices, we first need to examine the formal conditions on which each of them participates in the Schengen-related EU negotiations.

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<sup>105</sup> European Commission (2010a): 12.

<sup>106</sup> “Foreigner’s Law”: 6.

<sup>107</sup> Kononenko and Laine (2008): 8.

<sup>108</sup> Järviö (2013).

Ever since the Schengen Agreement was integrated into the EU's constitution, the Schengen acquis have been under gradual development.<sup>109</sup> A new body of laws and regulations with a special autonomous status has been formed by intergovernmental negotiation. At the operational level, systems like SIS, VIS and the Frontex Agency have been created. At the procedural level, new provisions have been added to the Schengen Visa Code. Moreover, the supranational and national bilateral Visa Facilitation Agreements (VFAs) have been concluded with third countries like Russia. As new member states have joined the Schengen area, the scope of negotiations and the decision-making process itself became subject to development (e.g., an important change came with the Treaty of Lisbon and the abolishment of the pillar system of Schengen governance).

### *3.3.1 General conditions for participation and negotiation*

One of the main intentions behind the merging of Schengen and the EU was to achieve a form of “closer cooperation between member states”, implying that *member* states like Finland and *associate* states like Norway would be able to take almost equally active participation in the EU's negotiations on the development of Schengen legislation.<sup>110</sup> In practice, this means that Norway's association with the EU through the Schengen cooperation gives it full participation access to the European Council's decision-making procedures, except from the right to vote.<sup>111</sup> Since its entrance into the Schengen cooperation, Norway has been a part of the discussion on new Schengen legislation from the working group level to the ministerial level. In fact, the Schengen Agreement is the only EU-Norway cooperation where Norway is involved in the EU's decision-making virtually at the same level as its fully integrated members.<sup>112</sup> The 2012 Europe Review points out that Norway is becoming more and more “European”, given that it is increasingly more involved in the EUs developments.<sup>113</sup>

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<sup>109</sup> European Parliament (2013). “Schengen governance after the Lisbon Treaty”. *Library Briefing of March 18, 2013. Library of the European Parliament*. URL: [http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130358/LDM\\_BRI\(2013\)130358\\_REV1\\_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130358/LDM_BRI(2013)130358_REV1_EN.pdf) (Retrieved on April 27, 2013).

<sup>110</sup> European Parliament (2013): 3.

<sup>111</sup> Holter, Magne (2013). “Interview with the Counsellor of Migration, Magne Holter, from the Mission of Norway to the EU.” *Dated April 23, 2013. By Elizaveta Vassilieva*.

<sup>112</sup> (Ibid.)

<sup>113</sup> NOU 2012: 2. “Europe Review: Outside and inside”. pp. 113-117.

The Convention Implementing the Schengen Agreement (CISA) forms the grounds for the Schengen acquis, which consist of approximately 300 acts, including the visa policy domain.<sup>114</sup> According to the Norwegian Counsellor of Migration, around 20 of these acts have been processed in the past few years and several of these were connected to the CVP. The process usually begins with a proposal from the EC or a member state. Then a series of negotiation rounds is conducted at the senior official level in working groups, expert committees and between ministers.<sup>115</sup> When the negotiations are finished, the Council reaches a decision on the legislation proposal (the Council either makes the decision independently or in consultation with the EP).<sup>116</sup>

Figure 3.1 illustrates the participation conditions of the EU member states (including Finland) and Norway, and the different stages of the decision-making process for Schengen. The figure also indicates that, in principal, Norway and Finland have very similar opportunities to influence new Schengen legislation to shape their individual visa regimes towards Russia. However, an important aspect here is that the EU's negotiations on VFAs or visa exceptions with third countries are sectioned under the EU's Foreign Policy branch, and is therefore conducted separately from the Visa Policy branch. This means that the conditions for Norway's participation in the VFA area are not covered by the association agreement (on Norway's Schengen membership) and that Norway's chances on formally influencing the EU's supranational VFAs with Russia are minimal. For instance, in the current EU-Russia talks on visa liberalization as well as the "common steps" towards visa freedom, which would ultimately affect the entire Schengen area, Finland's interests are more likely to be accounted for than Norway's.

**Figure 3.1: Participation in the EU's decision-making process regarding new Schengen legislation<sup>117</sup>**

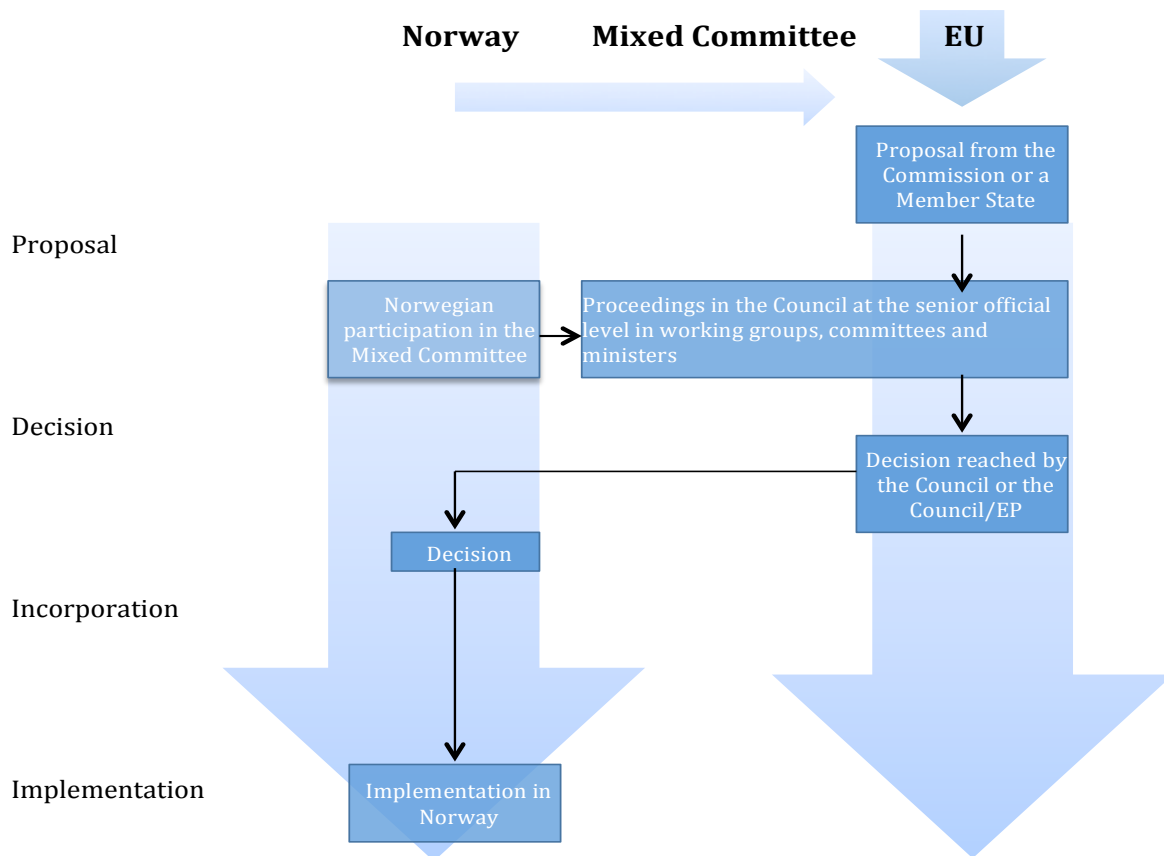
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<sup>114</sup> European Parliament (2013): 3.

<sup>115</sup> The Mixed Committee.

<sup>116</sup> Ministry of Foreign Affairs of Norway (2013). "Om gjennomføring av europapolitikken" *The Storting White Paper No. 23 (2005-2006). Section 3.2.3 "Hovedinnholdet i Schengen-samarbeidet."* URL: <http://www.regjeringen.no/nb/dep/ud/dok/regpubl/stmeld/20052006/stmeld-nr-23-2005-2006-/3.html?id=200827> (Retrieved on February 25, 2013).

<sup>117</sup> (Ibid.).



### 3.3.2 The Schengen acquis: “common steps” towards Finnish visa practices

General participation conditions make up one aspect where national negotiation practices can be compared. However, a better understanding of the subject can be achieved by examining specific legislation cases where Finland and Norway took part in during the past years.

Finland’s negotiation experiences in the Schengen Cooperation have been very important for the development of the Schengen legal framework, particularly for its early preparation stages. In the late 1990s the EC played mainly an observatory role in the negotiations, while common decision-making was still a relatively young and strictly intergovernmental matter. According to Pekka Järviö – who was involved in the Schengen Central Group and the Schengen Evaluation Working Group – when Finland first entered the negotiations shaping the Schengen Cooperation, in 1996, it raised concerns among the other EU members.<sup>118</sup> Finland was the only EU member who shared a border with (post-Soviet) Russia, which, at

<sup>118</sup> Järviö, Pekka (2013). ”Interview with Pekka Järviö (Järviö Associates, Helsinki) about the Finnish negotiation experiences in the Schengen cooperation.” Dated April 11, 2013. By Elizaveta Vassilieva.



the time went through a political crisis. A concern that the chaotic situation in Russia could lead to cross-border crime and illegal immigration, strongly affected the early Schengen negotiations. However, Finland managed to present its border security with Russia in such a way that not only allayed these concerns, but also shaped an important foundation for the upcoming border regulation framework. A challenging issue in these negotiations was to maintain the NPU within the Schengen cooperation, given that some of its countries were not EU members. This problem was eventually solved by an extensive risk analysis and the following inclusion of countries like Norway into the Schengen area<sup>119</sup>.

Despite its lack of the personnel's customer service and language skills, Finland continues to be acknowledged for its competence in external border control.<sup>120</sup> It is widely seen as a respected, reliable and exemplary negotiator, which in turn strengthens the Finnish influence of the content in the Schengen acquis. Because a significant part of the Schengen acquis is based on the Finnish traditional cross-border principles, the main aspects of the Finnish-Russian visa regime have not changed since the "pre-Schengen" time. As noted by Järviö, Schengen obviously brought a number of technical adjustments to the traditional Finnish visa rules, but the main aspects of the Finnish visa practices towards Russia remained.<sup>121</sup> It is therefore more correct to say that Finland does not negotiate *with* Schengen, but rather takes part in negotiations as *one of the Schengen signatories*, implying that intergovernmentalism is still an important aspect of the Schengen cooperation.

### 3.3.3 "Outside and inside": Norway's negotiation practices in Schengen

Norway is often referred to as an awkward partner of the EU – being both "outside and inside" of the EU.<sup>122</sup> It is "inside" because of its active participation in several of the EU's

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<sup>119</sup> (Ibid.)

<sup>120</sup> Kauppinen, Perttu (2005). "Finnish border control among best in EU. Reduction of Russian border guards will not mean more work for Finland." *Helsingin Sanomat. International Edition – Foreign*. URL: <http://www.hs.fi/english/article/Finnish+border+control+among+best+in+EU/1101981791539> (Retrieved on April 27, 2013).

<sup>121</sup> Järviö (2013).

<sup>122</sup> European Voice (2013). "Norway. On the outside, looking in." *Published on January 26, 2012*. URL: <http://www.europeanvoice.com/article/imported/on-the-outside-looking-in/73334.aspx> (Retrieved on April 27, 2013).

projects, including the EEA agreement, which obliges Norway to adopt the laws of the Common Market. But it is “outside” because, despite Norway’s engagement in the European integration process, it is not a formal member. The Schengen cooperation clearly constitutes a case where Norway is as “inside” as it gets. However, given that Norway is a non-EU member, it has become more experienced in the informal ways of affecting EU legislation, which suggestively means that it has established an acknowledged presence in the overall European negotiation arena and thus a greater chance of influencing it. In the Schengen cooperation these chances are even greater than in other Norwegian association agreements with the EU.

The general interests of Norway, being an intergovernmental negotiator in the Schengen cooperation, are to be part of a greater European free travel area, as to ensure that its participation can be guarded from any potential security threats. Similar to Finland, Norway wanted the NPU to be integrated into the Schengen area. As concerns Russia, Norway seems to be positive about the provisions of the local border traffic agreement and, moreover, about a “future with no visas”.<sup>123</sup> As the Finnish example has demonstrated, the Schengen cooperation is still highly intergovernmental. Even though Norway did not participate in the preparations of the Schengen acquis, it did get to influence many of its later adjustments.

The agreement on the Border Citizen Permit between Norway and Russia originated from the 2006 EC Regulation on local border traffic at external land borders, in which Norway took part.<sup>124</sup> A similar agreement on a visa free border zone has been concluded between Poland and Russia. When Poland wanted to extend its local border zone, the proposal was brought into discussion as a legislative amendment. Norway also took part in these negotiations at senior official level, which ultimately lead to the amendment including the Kaliningrad area into the border zone.<sup>125</sup>

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<sup>123</sup> As expressed by Foreign Minister of Norway, Jonas Gahr Støre at the official meeting with Sergei Lavrov, October 2, 2010. The official signing of the Norwegian-Russian Local Border Agreement (Border Citizen Permit). Source: NRK (2013).

<sup>124</sup> Europa (2013). “Local border traffic at external land borders.” *Summaries of EU Legislation. Last updated on August 29, 2011.* URL: [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/free\\_movement\\_of\\_persons\\_asylum\\_immigration/114506\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/114506_en.htm) (Retrieved on April 27, 2013).

<sup>125</sup> European Commission (2011). “Regulation of the European Parliament and of the Council amending Regulation (EC) No 1931/2006 as regards the inclusion of the Kaliningrad area and certain Polish administrative districts in the eligible border area.” Brussels, 27.7.2011 COM(2011) 461 final, 2011/0199 (COD). URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0461:FIN:EN:PDF> (Retrieved on April 27, 2013).

As a non-EU member state, Norway has less formal influence in influencing the Schengen acquis than Finland. Firstly, if Norway would decide not to accept a new Schengen law, the remaining option would be to leave the cooperation. Secondly, the EU reviews Norway's management of external border control as deficient, compared to Finland's. As reported by the Barents Observer, the EU's 2006 Schengen Evaluation of Norway's border controls stated that:

*"[...] conscripts guarding the border to Russia are not to be regarded as professional border guards, since they are just doing their military service and not a real profession [and that] Norway was recommended to improve the human and material for guarding the border."*<sup>126</sup>

Considering the fact that Finland's border security reputation is important for the efficiency of its negotiation practices, Norway's negotiation practices can be described as relatively weak. However this does not need to be the case and, as suggested by Järviö, *"in practice there is probably not a great deal of difference [between the influences of Finland and Norway]."*<sup>127</sup>

### **3.4 Conclusions on the national experiences: How flexible is the Schengen legal framework?**

This chapter has examined national visa practices at three different levels. It has argued that there is a significant difference between Finland and Norway at the executive level – their authorities responsible for visa issuance are organised differently, the types of visas they issue to Russians are different, and the duration of their national application processes is different for each country. Some similarities can be mentioned, such as the fact that both countries increasingly use outsourcing services, but these similarities do not outweigh the differences. At the implementation level the national experiences can also be deemed different. Norway arguably utilizes the Schengen acquis more liberally than Finland, applying common rules to different policy areas, such as the VFA example has demonstrated.

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<sup>126</sup> Barents Observer (2013c). "Norway to continue with military border guards." *Published on September 24, 2009*. URL: <http://barentsobserver.com/en/news/norway-continue-military-border-guards> (Retrieved on April 28, 2013).

<sup>127</sup> Järviö (2013).

As for the negotiation level, an important finding is that Finland has managed to influence the Schengen legal framework to a greater extent than Norway. Formally, Finland and Norway have equal opportunities to influence Schengen developments by means of intergovernmental negotiations. Nevertheless, Finland has influenced the Schengen framework to a significant extent during the 1990s, largely thanks to its relations with Russia. Norway, on the other hand, did not have the same opportunity to influence the preparation of these rules, but has been able to influence some of the later developments. It is, however, difficult to establish just how many of these adjustments Norway actually got to influence, and to what extent so. The problem is that meeting documents rarely provide such information in detail unless one country's influence was of particular common concern (as it was with Finland in the post-Cold War period during the 1990s). This leaves one to assume that Norway's influence in the Schengen developments has not been as great as Finland's.

Consequently, the overall assessment for this chapter would be that there are significant differences on all three CVP levels, which means that national approaches to negotiation practices and the shaping of visa policies have a strong appearance in the Schengen cooperation. Thus, it is reasonable to assume that the Schengen legal framework is indeed flexible, and adaptable to certain national preferences, or the so-called Schengen exceptions.

# Chapter 4

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## **Understanding the logic of divergent visa practices: a multi-dimensional perspective**

The awareness of national visa practices and their differences is important because it gives an insight on how states negotiate on, interpret and utilize the Schengen Agreement. The previous chapter has managed to provide this by establishing that there are evident differences between CVP practices in Finland and Norway, although these differences vary in degree depending on the level of practice. However, a better, and arguably more valid, understanding of the national differences can be achieved by examining which societal aspects can justify them. In this chapter, I will therefore attempt to find the best explanation for why the Finnish and Norwegian CVP practices are different by setting them up against four explanatory factors: culture, economy, security and historical bordering traditions.

The choice of factors can be supported by the fact that each of them illustrates a potential explanation to the divergent visa practices, in general, and negotiation practices, in particular. For instance, culture forms the identity and mentality of a country, which, in turn, affects the way national governments (including their subordinate institutions) practice different policies and behave in negotiations. Economy can be equally important in explaining the logic of national visa practices – considering, for instance, the connection between the growing number of visa issuances on the one hand, and the strengthening of local economies in subsequent border regions on the other. As already mentioned in the previous chapters, one of the main concerns that come with visa policy and the freedom of movement is security, thus making different security experiences of Finland and Norway a potential explanation to their divergent visa practices. Finally, a great deal could be explained by each country's history of bordering traditions (described more closely in chapter two), particularly by the historical cross-border relations between Finland and Russia, as opposed to those between Norway and Russia.

The following sections will discuss these matters in more detail in order to determine which factor has the strongest explanatory power with regard to my main research question.

#### 4.1 Culture as the explanatory factor

Arguably, many of the political differences between Finland and Norway can be explained by their national cultures, which is the first explanatory factor in my analysis. One may argue that Finland is different from Norway in its national mentality and that this is clearly reflected in its visa practices in general, and visa issuance procedures in particular. As demonstrated in chapter three, Finland tends to be relatively strict and thorough when it comes to implementation of the Schengen acquis and visa issuance. At the same time, Finland generally appears to be more pragmatic in its relation towards Russian visa applicants, as it spends less time processing visa applications, requires no invitations, and provides good visa services. This pattern evidently demonstrates the Finnish nature and values, which, according to Richard Lewis, are based on traits like decisiveness, pragmatism, reliability, trust of perception, task orientation and concept of service.<sup>128</sup> Moreover, as pointed out by Lewis, the Finnish managerial style differs from the other Northern Europeans because of the “strong reactive element”, including traits like shyness, introversion, modesty, humbleness and respect for others – a nature often associated with Eastern countries such as Japan, rather than European.<sup>129</sup> These cultural characteristics give Finland an innate capacity to adapt to fluctuating market conditions, notably across the Russian border, which in turn influences Finland’s visa practices. An example that clearly illustrates this is that Finland, over the past few years, has adapted to the Russian market by expanding its visa issuance services with more visa centers than Norway. Moreover, the mentioned characteristics permeate Finland’s behaviour in negotiations on the Schengen developments, suggestively making it appear as a humble, reliable, and relatively influential, negotiator – which can explain why Finland took such a central part in the preparations of the Schengen acquis in the 1990s.

Culture can also explain the Norwegian way of negotiating on the Schengen acquis, as can be said about Norway’s visa practices in general. As The Europe Review puts it, the Norwegian cultural identity is best described with the Lipset-Rokkan model on social cleavages – it is wealthy, well organized, yet surrounded by “an undifferentiated sea of differentness”.<sup>130</sup> The traditional “yes-no” position on EU-membership clearly demonstrates a feature of public

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<sup>128</sup> Lewis, Richard D. (2005). *Finland, Cultural Lone Wolf*, 1st ed. Published by Intercultural Press, a Nicholas Brealey Publishing Company, 2005: London, UK. Printed in Finland by WS Bookwell.

<sup>129</sup> Lewis (2005): 95-97.

<sup>130</sup> Hylland Eriksen, Thomas & Iver B. Neumann (2011). ”Norsk identitet og Europa”. *From the series of reports constituting The Europe Review. Ministry of Foreign Affairs of Norway, NOU 2012.*

indecisiveness, but also a sense of “reservedness” towards Europe and an unwillingness to give up common habits – as Europe, in the eyes of Norwegians, appears to be something “woolly, vague and unimportant.”<sup>131</sup> Many of these features can thus be linked to Norway’s national visa practices. For instance, the fact that Norway is extensively concerned with formalism reflects its tendency of being “reserved”, and the relatively time-consuming visa issuance procedures suggestively demonstrates the trait of indecisiveness, a greater trust in non-harmonized national principles regarding visa policies, and an emphasis on the related institutions processing visa applications.

The examples above illustrate that culture is a crucial factor when explaining the differences in national visa practices. However, this is not always the case. Firstly, culture cannot explain why Norway concluded the bilateral VFA with Russia, arguably bringing the practice of CVP a step further, whereas Finland did not. Considering the Finnish “pragmatism” and “trust of perception” as opposed to Norwegian “reservedness”, it would be more likely that Finland would be first to conclude a Local Border Traffic Agreement with Russia. Secondly, culture cannot directly explain the differences in negotiation practices. Whereas culture may be a component of the national interests represented in negotiations, it does not have a direct impact on the way in which these negotiations are conducted in practice. For instance, a central difference between the Finnish and Norwegian negotiation practices is the fact that Finland, in contrast to Norway, took part in the Schengen negotiations at a relatively early stage, thus having the opportunity to influence the Schengen acquis in its very formation. Therefore, it would be more reasonable to suggest that this is a difference of circumstances, rather than a cultural difference. In fact, “circumstance” can serve as a valuable explanation factor, although it is a relatively vague term, which needs to be specified more carefully in order to explain the logic of divergent visa practices.

Suggestively, a circumstance can be interpreted as political issues that affect national governments, their behaviour and strategies, and the resulting policies or practices. Such issues can, for instance, be related to economy and security. Moreover, a circumstance can be interpreted as a historical event directly affecting the way in which the CVP is practiced in one country, as opposed to another. The following sections will therefore discuss how

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<sup>131</sup> Hylland & Neumann (2011): 5.



political issues (economy and security, in particular) and historical events affect the course of the divergent visa practices of Finland and Norway.

#### 4.2 Economy as the explanatory factor

In his speech after the Russian WTO accession in 2012, the European Commissioner for Trade, Karel De Gucht, expressed the EU's prospects on future trade relations with Russia.

*“As two global scale markets on each other's doorsteps, Russia and the European Union are pulled together by economic gravity. Even when we have differences we will always be close partners. [...] That is why Europe's interest – as well as our desire – is for the closest economic ties possible with a dynamic and successful Russia.”*<sup>132</sup>

The statement above clearly illustrates that the economic significance of international trade between Europe and Russia is growing, and that measures must be taken by both parts in order to ensure a successful cooperation in this field. One of these measures has been the European Neighbourhood Partnership Instrument (ENPI), which seeks to enhance “people-to-people cooperation” and, subsequently, “economic gravity” with third countries like Russia.<sup>133</sup> Since cross-border movement directly affects people-to-people contact, it is reasonable to assume that visa policies in Finland and Norway are, to some extent, driven by their foreign trade relations and economic activity vis-à-vis Russia. Thus, the differences in the national visa practices can be explained by the differences in Finland and Norway's economic relations with Russia.

In the past decade, Russia has been the number one growing export market for Finland, most notably in the field of tourism.<sup>134</sup> For example, Russians make the largest tourist group in

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<sup>132</sup> European Commission (2012). “Speech after WTO Accession: Reform and EU-Russia Trade Relations” by the European Commissioner for Trade, Karel De Gucht. *December 5, 2012. SPEECH/12/901*. URL: [http://europa.eu/rapid/press-release\\_SPEECH-12-901\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-12-901_en.htm) (Retrieved on May 8, 2013).

<sup>133</sup> “European Neighbourhood and Partnership Instrument: Cross-Border Cooperation.” *European Commission Strategy Paper 2007-2013, Indicative Programme 2007-2010*. URL: [http://ec.europa.eu/world/enp/pdf/country/enpi\\_cross-border\\_cooperation\\_strategy\\_paper\\_en.pdf](http://ec.europa.eu/world/enp/pdf/country/enpi_cross-border_cooperation_strategy_paper_en.pdf) (Retrieved on May 8, 2013).

<sup>134</sup> Jakosuo, Katri (2011). “Russia and the Russian tourist in Finnish tourism strategies – the case of the Karelian Region.” Lathi University of Applied Sciences, Finland. (p.1).

Finland (about 38% in 2012, by guest nights),<sup>135</sup> whereas in Norway the share of Russian tourists is considerably smaller (about 0,4% in 2012).<sup>136</sup> Thus, a possible explanation to why Finland issues more visas than Norway is that the economic utility of border crossings is higher for Finland. This further suggests that it is advantageous for Finland to make visas more accessible to Russians, for instance, by having shorter issuance procedures, invitation-free requirements, and many visa centers.

Furthermore, this can also explain why Norway chose to conclude a Local Border Traffic Agreement with Russia, rather than following the Finnish example of general “visa accessibility” for Russian applicants. In Norway, the increased border traffic at Storskog/Boris Gleb has made a positive impact on the local economy in Sør Varanger municipality, largely due to the large number of Russian shopping tourists who visit this area.<sup>137</sup> Since Sør Varanger appears to be the only Norwegian region where there is a direct economic utility caused by border-crossings, it becomes reasonable that Norway only has a VFA agreement limited to this particular area. Nevertheless, if the economic utility of tourism is the explanation behind the Local Border Traffic Agreement, it would be reasonable that the agreement covered a larger territory, including, for instance, Murmansk city, which stands behind the main group of Russian tourists who visit Sør Varanger. This is, however, not the case. As expressed by foreign ministers Jonas Gahr Støre and Sergey Lavrov, a central objective in the Norwegian-Russian relations is visa freedom, although this will not be achieved overnight but through small steps such as the Local Border Traffic Agreement.<sup>138</sup> This suggestively implies that the economy factor alone is not strong enough to fully explain how Norway shapes its visa regime with Russia.

In terms of explaining the differences in national visa practices, the economy factor has some other significant weaknesses as well. Firstly, the overall economic utility of cross-border movement does not correlate with the extent of visa issuance. For instance, in all Finnish

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<sup>135</sup> Official Statistics of Finland (OSF): Accommodation statistics [e-publication]. ISSN=1799-6325. February 2013. Helsinki: Statistics Finland [referred: 10.5.2013].

<sup>136</sup> Statistics Norway (2013a). ”Accommodation, March 2013. Hotels and similar establishments. Guest nights, by nationality of the guests.” URL: <https://www.ssb.no/en/transport-og-reiseliv/statistikker/overnatting/maaned/2013-05-06?fane=tabell&sort=nummer&tabell=110818> (Retrieved on May 10, 2013).

<sup>137</sup> Aftenposten (2012). ”Til Russland med sko.” *December 2012*. URL: <http://www.aftenposten.no/nyheter/uriks/Til-Russland-med-sko-7004747.html>. Retrieved on February 2, 2013.

<sup>138</sup> Arbeidsmanden (2013). ”Norsk-Russisk visjon om visumfrihet.” Published on October 2, 2010. URL: <http://www.arbeidsmanden.no/anb-nyheter/article5369090.ece> (Retrieved on May 8, 2013).

regions bordering to Russia, the gross domestic product per capita appears to be significantly lower than the national average, while the unemployment rate is higher.<sup>139</sup> Compared to the Finnish border regions, the average unemployment rate in Sør Varanger is among the lowest in Norway (about two percent).<sup>140</sup> Moreover, the share of tourism in the Finnish GDP is only three percent, meaning that while economic utility is partly important for visa issuance it is not the main reason why Finland's practices the CVP the way it does.<sup>141</sup>

Secondly, the economy factor cannot explain the differences between Finland and Norway at the negotiation level. The differences in their economic conditions does not have a direct impact on negotiation practices: despite having a higher GDP than Finland,<sup>142</sup> which arguably strengthens its international position, Norway still comes second in terms of negotiation efficiency, largely because of Finland's head start participation in the early development stages of the Schengen framework. Thus, an overall remark would be that the economy factor only partly explains the CVP differences between Finland and Norway, and that other factors are necessary to get a better understanding of these differences. The following section examines security as the explanatory factor.

### 4.3 Security as the explanatory factor

How can security explain the differences in negotiation practices? As demonstrated in the previous chapter, the EU reviews Finland and Norway's competences in external border security somewhat differently. While the Finnish external border control is seen as more solid and competent, the Norwegian is regarded as non-professional because its guards are less experienced and mainly serve the border guard as part of their military service rather than as a profession.<sup>143</sup> Arguably, this may have an impact on the differences in visa practices. If the EU views Finland's external borders security as exemplary, Finland has a better chance in influencing the EU by promoting its national interests regarding visa policy because the EU

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<sup>139</sup> Golunov, Serghei (2013). *EU-Russian Border Security: Challenges, (Mis)Perceptions and Responses*. Routledge, 2013: New York, USA.

<sup>140</sup> Statistics Norway (2013b). "Registrerte arbeidsledige i kommuner, 2013". URL: [www.ssb.no](http://www.ssb.no) (Retrieved on May 11, 2013).

<sup>141</sup> Ministry of the Employment and the Economy of Finland (2013). "Tourism's significance to Finland's national economy." *Last updated on May 8, 2013*. URL: <http://www.tem.fi/?l=en&s=2839> (Retrieved on May 11, 2013).

<sup>142</sup> CIA: The World Factbook (2013). "GDP Country Comparison, 2012". URL: <https://www.cia.gov/library/publications/the-world-factbook//rankorder/2001rank.html> (Retrieved on May 10, 2013).

<sup>143</sup> Barents Observer (2013c).

has a greater confidence in Finland's practices. This would suggestively explain why Finland's visa regime with Russia has been through relatively few technical changes (as opposed to other Schengen members including Norway), and why it has managed to influence such a big part of the Schengen acquis.

The example above has illustrated that there is a connection between security and negotiation practices on visa policy. However, this statement is not flawless. For instance, there is very little or no clear evidence showing exactly how the different security competences are emphasized during negotiations on Schengen developments, which makes it difficult to determine the extent of their practical importance in this respect. Arguably, it is more important to note that both countries' security authorities are, in fact, successful in preventing cross-border crime and illegal immigration, despite having different security approaches and different reviews by the EU. Both of them have also undergone relatively few changes to their visa regimes with Russia, compared to other peripheral Schengen states such as, for instance, Poland.<sup>144</sup> This implies that Finland and Norway show generally good results in border security management and that this, most likely, should have a similar positive affect on their respective negotiation opportunities at the intergovernmental level. In other words, the security factor fails to explain the full scope of national differences at the negotiation level.

At the executive level of practice, however, border security appears to have a larger impact on Finland and Norway's visa practices, and thus on the underlying differences between them. For example, in March 2013 the Finnish and Russian border security authorities signed an agreement on enhanced cooperation to ensure a more efficient border management (particularly with regard to the growing cross-border traffic) and also "*to expedite development of infrastructure*", as the Finnish Minister for European Affairs and Foreign Trade, Alexander Stubb, explicitly expressed.<sup>145</sup> This example suggests that while Finland arguably has the most developed border guard, and geographically the longest stretching border with Russia, it is also more concerned with the efficiency of handling cross-border traffic and, subsequently, visa issuance. As for the Norwegian case, border security is still

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<sup>144</sup> Migration Information Source (2010). "EU Membership Highlights Poland's Migration Challenges." *Published on September 2010*. URL: <http://www.migrationinformation.org/feature/display.cfm?ID=800> (Retrieved on May 11, 2013).

<sup>145</sup> Ministry of Foreign Affairs of Finland (2013b). "Finland and Russia agreed upon closer border cooperation in Turku." *Press release 72/2013. Published on March 27, 2013*. URL: <http://formin.finland.fi/public/default.aspx?contentid=273363&contentlan=2&culture=en-US> (Retrieved on May 10, 2013).

very important, but the concerns about enhancing its security standards – such as replacing military conscripts with a more experienced staff – are not among its top priorities. Consequently, and in contrast to Finland, Norway is also less likely to engage in a similar Norwegian-Russian border cooperation in the nearest future or to make its border management and visa issuance more like Finland's.

Nevertheless, one central aspect is worth drawing attention to in this context. An explanation of national differences based on the security factor is almost never entirely based on security. As the example above has demonstrated, factors like geography, history and tradition become almost equally important for the different ways in which Finland and Norway shape and practice their visa policies. Therefore, neither the culture-, economy- or security factor alone can fully explain why Finland and Norway's visa practices diverge the way they do. Having said this, it becomes clear that in order for the analysis to be more valid, one would have to include a factor that explains the differences in national visa practices more widely and, at the same time, account for aspects like history, tradition and geography. Thus, the following explanatory factor is the quasi-constructivist factor of historical bordering traditions.

#### **4.4 Historical bordering traditions as the explanatory factor**

Finland and Norway's divergent experiences in visa politics demonstrate an interesting point: despite the changes that came with globalization, European integration, the freedom of movement and the Schengen Agreement, member states still tend to be tied by old habits in their national visa policies. Understanding this tendency is part of the key to understanding future developments of the Schengen cooperation and the signatories' participation in it. A well-known quote by the Chinese philosopher Confucius says: "*study the past if you would define the future*".<sup>146</sup> This adds an importance to the final explanatory factor of my analysis, which emphasizes that the current visa policies have been shaped by a history of bordering traditions. Accordingly, the divergent visa practices of Finland and Norway can best be explained by the differences in their historical bordering traditions.

It is reasonable to argue that the main explanation to why Finland's negotiation practices and, subsequently, its executive visa practices are more efficient than Norway's is its historical

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<sup>146</sup> Confucius (ca. 479 BCE - 221 BCE). In James Legge (2010): *The Analects of Confucius*. Mobile Reference Publishing, 2010: Boston, USA.

bordering relationship with Russia. Throughout the Finnish bordering history, Finland has undergone many changes and at least three major stages of border evolution. Firstly, there was a stage in when Finland was under Russian rule – a period considered to be very dark and chaotic.<sup>147</sup> Secondly, there was a stage where Finland got its independence and started to form a nation state. Finally, there was a third stage, which can be considered as the “mature stage” of the Finnish bordering history. These historical changes brought not only geographical changes to the Finnish-Russian border, which was redrawn several times during these stages.<sup>148</sup> They also made Finland more experienced in border management because of its good knowledge of the Russian society, having been part of it at an earlier stage.

It is, perhaps, the close historical ties that has made Russia more understandable to Finland and enabled it to form a visa regime that does not require invitations. Given that the Finnish and the Russian societies have developed a relatively good understanding of each other over the years, one may find a possible explanation to why Russian tourism is such a success in Finland, and hence why Finland chooses to make visas more accessible to Russian visitors. Because of a shared bordering history, Russians have been traveling to Finland for centuries – from the first migratory wave in the 18<sup>th</sup> century to the present immigration and reuniting of old family ties.<sup>149</sup> In 2011 over 16% of Finland’s population were ethnic Russians, being the second largest group of foreign immigrants after Estonia.<sup>150</sup> Moreover, Finland currently has a Russian radio channel and an independent Russian-language monthly magazine.<sup>151</sup> The overall assessment is that history has facilitated visa accessibility the same way it has facilitated tourism.

Consequently, this has created an important basis for the recent Finnish-Russian relations and thus the Finnish role at the European level. Finland was important for the EU in the 1990s, as it was the first country entering Schengen that had a border to Russia and had the best competence in order to manage Schengen’s external borders. This illustrates that the historical bordering traditions provide a good explanation for the way Finland practices the Schengen CVP. Moreover, considering the fact that Finland’s bordering to Russia is still considered

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<sup>147</sup> Lavery, Jason Edward (2006). *The History of Finland*. Westport, 2006: Greenwood Publishing Group.

<sup>148</sup> Korpela, Salla (2008). ”Tracing Finland’s Eastern Border.” *Published in June 2008, at This is Finland*. URL: <http://finland.fi/Public/default.aspx?contentid=160531> (Retrieved on May 11, 2013).

<sup>149</sup> Niemi, Heli (2007). ”Russian immigrants in Finnish society.” *Published by the Social News magazine*. URL: <http://www.socmag.net/?p=270> (Retrieved on May 11, 2013).

<sup>150</sup> Statistics Finland (2011). ”Foreigners in Finland.” URL: [http://www.stat.fi/tup/suoluk/suoluk\\_vaesto\\_en.html#foreigners](http://www.stat.fi/tup/suoluk/suoluk_vaesto_en.html#foreigners) (Retrieved on May 11, 2013).

<sup>151</sup> Radio Sputnik (<http://radiosputnik.fi>) and the Spektr magazine (<http://www.spektr.net>).

more efficient than Norway's, it is more likely that its competences will remain important to the EU in the years to come, especially with regard to the current talks on visa freedom at the supranational relationship between Russia and the EU.

In similar fashion, Norway's historical bordering traditions can explain the Norwegian way of practicing the Schengen CVP. Norway has had a slightly different bordering history with Russia and has therefore shaped a different kind of regime. Firstly, the Norwegian-Russian bordering history is more commonly traced back to World War II, when Norway and Russia cooperated on the fight against German invaders in Sør Varanger. During that time, many central developments in border management were made cooperatively by Norway and Russia – for instance, border checkpoints were established at Storskog / Boris Gleb and a mutual agreement was made on the principal to reduce unintended border traffic.<sup>152</sup> In the following stage, the Cold War period made a significant impact on the Norwegian border management, as it became responsible for guarding the borderline between NATO and the Soviet Union. The affiliation with NATO put pressure on Norway's position as Soviet's geographical neighbor, but also ensured that this cross-border relationship became important to the West and the later EU countries.<sup>153</sup> As expressed by Sverre Lodgaard, the Norwegian-Russian border has always been peaceful, even during Soviet times.<sup>154</sup> However, both of the mentioned historical examples have an apparent effect on the way Norway manages its visa policies today. Firstly, the Norwegian tendency towards "reservedness" (explained in chapter 4.1) can be explained by the fact that a significant part of Norway's bordering traditions was based on restriction of cross-border movement – first of the German invaders during World War II, and later of the Soviet troops during the Cold War. This further explains why Norway's visa issuance procedures are more complex and time-consuming, and why Norway is more concerned with formalism than Finland. Moreover, Norway's bordering traditions have ensured an international relevance of the border area between Norway and Russia, which would ultimately explain why the Local Border Traffic agreement was only limited to this particular area, as opposed to a larger area or generally increased visa accessibility.

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<sup>152</sup> Johanson, Bodil (1999). "Overenskomsten: mellom den Kongelige Norske Regjering og Regjeringen for Samveldet av Sovjetiske Sosialistiske Republikker om forskjellige forhold ved den norsk-sovjetiske grense og om fremgangsmåten ved ordningen av konflikter og hendinger på grensen." *The Norwegian Border Commissariat, Kirkenes, 1999: Dagfinn Hansens Trykkeri*.

<sup>153</sup> Nyhamar, Jostein (2004). "Security Policies From Constraint to Choice". In Heidar, Knut. *Nordic Politics. Comparative Perspectives*. Oslo: Universitetsforlaget. (241-242)-

<sup>154</sup> Lodgaard, Sverre (2013). In a speech at a panel debate by the Norwegian Polytechnic Association (date is unknown). "Å være nabo til Russland", *Polyteknisk forening*. URL: <http://www.polyteknisk.no/Referater-videoer/AA-vaere-nabo-til-Russland> (Retrieved on May 11, 2013).

Summing up, historical bordering traditions have proven to be successful in explaining the differences in national CVP practices between Finland and Norway. The factor has managed to explain why Finland issues more visas than Norway, and why its practices are considered to be more efficient and why it has managed to influence a greater part of the Schengen framework. Historical bordering traditions have also explained why Norway's practices are more restrictive than Finland's in terms of visa accessibility, and why Norway has conducted the "locally limited" VFA agreement with Russia while Finland has not.

However, this factor is facing a few challenges. It is difficult to determine the degree to which history permeates the national interests of states in intergovernmental negotiations. How deep are the traces set by the historical events of the past, and to what extent are they emphasized when national governments meet to bargain on the Schengen developments? Due to the fact that the "historical bordering traditions" factor sometimes appears rather vague, it fails to explain the extent to which history is practically relevant in negotiations. It may be true that history matters, but it is also true that certain historical events matter less with time and that the differences between states reflect current issues rather than old, historical ones. Moreover, because there is a considerable amount of time between the older historical events and the current negotiations that the national differences are arguably better explained with more intermediate, and less vague, factors such as culture, economy, and security.

Still, it is important to note that culture, economy and security are all part of history, and that using the "historical bordering traditions" means using all those factors combined in addition to a historical perspective. Therefore, it is reasonable to conclude that "historical bordering traditions" is the best factor to explain the logic of divergent visa practices.





# Chapter 5

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## **Conclusion**

A few decades ago, it would have been very unlikely to imagine a borderless Europe. Yet the Schengen cooperation has made it possible for 26 signatories to cross its internal borders without requiring a passport. Consequently, this cooperation has become important for many reasons, such as the fact that freedom of movement enables people-to-people contact, which further enhances international trade and cooperation. The Schengen cooperation is gradually in development towards more efficient visa relations with third countries, and one of the current objectives for Schengen is the “common steps towards visa freedom” with Russia. The Finnish and Norwegian cases have shown that national experiences in visa politics can be just as important in making these “common steps” as the supranational ones.

This thesis has examined and compared national visa practices between Finland and Norway. It has focused on several goals and primarily the goal to establish how Finland negotiates with Schengen on legislation to shape its visa regime with Russia, compared to how Norway does it. The three-level analysis has provided a detailed overview of the main differences between the Finnish and Norwegian visa politics at the executive level, the implementation level and the negotiation level. Another important goal was to explain why the national experiences differ, by using four hypothetical factors. This chapter will provide a summery and a brief discussion of the main findings, as well as some thoughts regarding the future research on the Schengen visa politics.

### **5.1 Main findings**

The main results of the three-level analysis have demonstrated that Finland and Norway, in fact, have rather different visa experiences in their respective visa regimes with Russia. Formally, both countries have the same negotiation opportunities at the intergovernmental

level, although historical events have suggestively made Finland's bargaining position stronger than Norway's. Because of its historical relations with Russia, Finland was able to play a central role in the early developments of the Schengen acquis. This means that the current legal framework coincides more with the old Finnish visa practices, arguably representing many of the Finnish national interests, as opposed to the Norwegian ones.

Nevertheless, Norway has taken the utilization of the Schengen acquis a step further towards visa freedom by concluding the Local Border Traffic VFA with Russia. This means that Norway's interpretation of the Schengen legislation is more liberal than Finland's. It also means that the Schengen framework is flexible and that it allows for certain exceptions in national practices. However, Finland annually issues the highest number of visas making them more accessible to Russians due to the invitation-free requirements, shorter issuance procedures and better services.

Essentially, Finland's visa practices are to be considered the most efficient, and the best explanation for this is its historical bordering traditions. Finland's history of border relations with Russia has made it better acquainted with the Russian society and thus has a better competence in border management, cooperation and visa practices.

In conclusion, it can be stated that all countries are alike in the sense that they all have their individual patterns regarding visa practices. Yet at the same time, countries are different in the sense that each pattern is different from one another. The characteristic of each pattern is multidimensional and can therefore have various explanations. However, at the end of the day, history appears to be the strongest explanatory factor because it accounts for several social dimensions as well as specific historical events. As for the future of the Schengen cooperation, history will probably be a good way to predict the upcoming developments. This would be beyond the scope of this study, although it poses an interesting challenge to future research on the Schengen visa politics.

## Primary sources

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Aftenposten (2012). "Til Russland med sko." *December 2012*. URL: <http://www.aftenposten.no/nyheter/uriks/Til-Russland-med-sko-7004747.html>. Retrieved on February 2, 2013.

Aftenposten (2013a). "Navarsete: Schengen vil aldri sette regjeringssamarbeidet på spill". *Published on April 10, 2013*. URL: <http://www.aftenposten.no/nyheter/Navarsete---Schengen-vil-aldri-sette-regjeringssamarbeidet-pa-spill-7170022.html#.UW1dS7-AGvs> (Retrieved on April 15, 2013)

Aftenposten (2013b). "Til Russland med sko", *Published on September 30, 2012*. URL: <http://www.aftenposten.no/nyheter/uriks/Til-Russland-med-sko-7004747.html>. Retrieved on February 2, 2013.

Arbeidsmanden (2013). "Norsk-Russisk visjon om visumfrihet." *Published on October 2, 2010*. URL: <http://www.arbeidsmanden.no/anb-nyheter/article5369090.ece> (Retrieved on May 8, 2013).

Barentsnova (2013a). "Finnish visa center opened in Murmansk." *Published on October 11, 2012*. URL: <http://barentsnova.com/node/2085>. (Retrieved on March 24, 2013).

Barentsnova (2013b). "Visa center of Norway in Murmansk". *Published on January 14, 2013*. URL: <http://barentsnova.com/node/2202>. (Retrieved on March 20, 2013).

Barents Observer (2013a). "Finland opens more visa centers in Russia". *Published on March 12, 2013*. URL: <http://barentsobserver.com/en/borders/2013/03/finland-opens-more-visa-centers-russia-12-03> (Retrieved on April 24, 2013).

Barents Observer (2013b). "Finland with twice as many visas than Norway". *Published on January 6, 2012*. URL: <http://barentsobserver.com/en/borders/finland-twice-many-visas-norway> (Retrieved on April 3, 2013).

Barents Observer (2013c). "Norway to continue with military border guards." *Published on September 24, 2009*. URL: <http://barentsobserver.com/en/news/norway-continue-military-border-guards> (Retrieved on April 28, 2013).

Barents Observer (2013). "One third of all Schengen visas are issued by Finland". *Borders*. *Published on December 5, 2012*. URL: <http://barentsobserver.com/en/borders/2012/12/one-third-all-schengen-visas-are-issued-finland-05-12>. Retrieved on March 3, 2013.

BBC World Service (2013). "Fortress Europe".

CIA: The World Factbook (2013). "GDP Country Comparison, 2012". URL: <https://www.cia.gov/library/publications/the-world-factbook//rankorder/2001rank.html> (Retrieved on May 10, 2013).

Consulate General of Finland in Murmansk (2013). "Шенгенская виза в Финляндию" (Schengen visa to Finland). Published on the official website for the Finnish Embassy in Moscow and the Finnish Consulate General in St. Petersburg. URL: <http://www.finland.org.ru/public/default.aspx?nodeid=36986&contentlan=15&culture=ru-RU>. (Retrieved on April 26, 2013).

Consulate General of Norway in Murmansk (2013). "Visumavdelingen" (the visa department). *Norway, the official site*. URL: <http://www.norvegia.ru/Norsk/Reise-til-Norge/>. (Retrieved on April 26, 2013).

Directorate of Immigration of Norway (2013a). "Common information sheet on the rights and conditions, related to a uniform Schengen visa, mainly addressed to Russian citizens." URL: <http://www.norvegia.ru/PageFiles/425919/Common%20information%20sheet%20FINAL.pdf>. (Retrieved on April 24, 2013).

Directorate of Immigration of Norway (2013b). "Different types of visas". URL: <http://www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Visa/What-type-of-visa-should-I-apply-for/#visitorN>. (Retrieved on April 25, 2013).

Directorate of Immigration of Norway (2013c). "Schengensamarbeidet". *Last updated on December 12, 2011*. URL: <http://www.udi.no/templates/Page.aspx?id=2843> (Retrieved on April 27).

Directorate of Immigration of Norway (2013d). "Tabell 2: Saksbehandlingstid fordelt på instans." URL: <http://www.udi.no/arsrapport2012/Statistikk/Tabell-2-Saksbehandlingstid-fordelt-pa-instans-2012/>. (Retrieved on April 24, 2013).

Directorate of Immigration of Norway (2013e). "Tabell 8: Besøksvisum innvilget i første instans etter statsborgerskap, 2012." *Statistics from the annual report on migration for 2012, "UDI: Migrasjon 2012. Fakta og analyse."* Published on the directorate's official website on March 4, 2013. URL: <http://www.udi.no/arsrapport2012/Statistikk/Tabell-8-Besoksvikum-innvilget-i-forste-instans-etter-statsborgerskap-2012/>. (Retrieved on April 24, 2013).

Directorate of Immigration of Norway (2013f). "Tabell 9: Besøksvisum innvilget i første instans etter vedtaksinstans, 2012." *Statistics from the annual report on migration for 2012, "UDI: Migrasjon 2012. Fakta og analyse."* Published on the directorate's official website on March 4, 2013. URL: <http://www.udi.no/arsrapport2012/Statistikk/Tabell-9-Besoksvikum-innvilget-i-forste-instans-etter-vedtaksinstans-2012/>. (Retrieved on April 24, 2013).

Directorate of Immigration of Norway (2013g). "Utlendingsdirektoratets virksomhetsidé". *Published on the Directorate's official website. Last updated on January 18, 2011*. URL: <http://www.udi.no/Om-UDI/Utlendingsdirektoratets-virksomhetside/>. (Retrieved on April 23, 2013).

EU Observer (2013). "EU and Russia in visa talks, despite Magnitsky regret", Published on March 21, 2013. URL: <http://euobserver.com/foreign/119519> (Retrieved on April 15).

Europa (2013). "Local border traffic at external land borders." *Summaries of EU Legislation. Last updated on August 29, 2011*. URL: [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/free\\_movement\\_of\\_persons\\_asylum\\_immigration/114506\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/114506_en.htm) (Retrieved on April 27, 2013).

European Commission (2011). "Regulation of the European Parliament and of the Council amending Regulation (EC) No 1931/2006 as regards the inclusion of the Kaliningrad area and certain Polish administrative districts in the eligible border area." Brussels, 27.7.2011 COM(2011) 461 final, 2011/0199 (COD). URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0461:FIN:EN:PDF> (Retrieved on April 27, 2013).

European Commission (2012). "Speech after WTO Accession: Reform and EU-Russia Trade Relations" by the European Commissioner for Trade, Karel De Gucht. *December 5, 2012. SPEECH/12/901*. URL: [http://europa.eu/rapid/press-release\\_SPEECH-12-901\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-12-901_en.htm) (Retrieved on May 8, 2013).

European Commission (2013a). "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". *Home Affairs*. URL: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm). Retrieved on February 2, 2013.

European Commission (2013b). "Europe of Free Movement: The Schengen Area". *Home Affairs*. (p.3). URL: <http://ec.europa.eu/dgs/home-affairs/pdf/flipbook/index.html>. Retrieved on February 23, 2013.

European Commission (2013c). "Schengen, borders & visas". URL: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/index_en.htm). Retrieved on February 24.

European Commission (2013). Trade: Russia. URL: <http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/countries/russia/>. (Retrieved on April 12, 2013).

"European Neighbourhood and Partnership Instrument: Cross-Border Cooperation." *European Commission Strategy Paper 2007-2013, Indicative Programme 2007-2010*. URL: [http://ec.europa.eu/world/enp/pdf/country/enpi\\_cross-border\\_cooperation\\_strategy\\_paper\\_en.pdf](http://ec.europa.eu/world/enp/pdf/country/enpi_cross-border_cooperation_strategy_paper_en.pdf) (Retrieved on May 8, 2013).

European Parliament (2013). "Schengen governance after the Lisbon Treaty". *Library Briefing of March 18, 2013. Library of the European Parliament*. URL: [http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130358/LDM\\_BRI\(2013\)130358\\_REV1\\_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130358/LDM_BRI(2013)130358_REV1_EN.pdf) (Retrieved on April 27, 2013).

European Union (2013). "Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)". *Official Journal of the European Union, 15.09.2009*. URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:243:0001:0058:EN:PDF>. Retrieved

on February 24, 2013.

European Voice (2013). "Norway. On the outside, looking in." *Published on January 26, 2012*. URL: <http://www.europeanvoice.com/article/imported/on-the-outside-looking-in/73334.aspx> (Retrieved on April 27, 2013).

Europedia (2013). "Common treatment of nationals of third countries in the EU". Last updated in 2011. URL: [http://europedia.moussis.eu/books/Book\\_2/3/8/1/3/?all=1](http://europedia.moussis.eu/books/Book_2/3/8/1/3/?all=1). Retrieved on February 4, 2013.

Finnmarken (2013). "Frykter utmelding av Schengen". *Published on April 8, 2013*. URL: [http://www.finnmarken.no/lokale\\_nyheter/article6592523.ece](http://www.finnmarken.no/lokale_nyheter/article6592523.ece) (Retrieved on April 15, 2013).

Government of Norway (2013). "Lov av 15. mai 2008 nr. 35 om utlendingers adgang til riket og deres opphold her (utlendingsloven). § 9 Visumplikt og visumfrihet." *Published at the official website of the Norwegian Ministry of Foreign Affairs*. URL: [http://www.regjeringen.no/upload/AID/publikasjoner/lover\\_og\\_regler/2009/Utlendingsloven\\_2010.pdf](http://www.regjeringen.no/upload/AID/publikasjoner/lover_og_regler/2009/Utlendingsloven_2010.pdf). (Retrieved on April 25, 2013).

Holter, Magne (2013). "Interview with the Counsellor of Migration, Magne Holter, from the Mission of Norway to the EU." *Dated April 23, 2013*. By *Elizaveta Vassilieva*.

Immigration Service of Finland (2013). "Visiting Finland (Visas)." *Information elsewhere. Published on the Finnish Immigration Service's official website, 2013*. URL: [http://www.migri.fi/information\\_elsewhere/visiting\\_finland](http://www.migri.fi/information_elsewhere/visiting_finland). (Retrieved on April 23, 2013).

Jacobsen, Marit Egholm (2013). Personal e-mail from the Visa Consul at the Norwegian General Consulate in Murmansk, Marit Egholm Jacobsen, dated March 15, 2013. Interview by Elizaveta Vassilieva.

Järviö, Pekka (2013). "Interview with Pekka Jarvio (Jarvio Associates, Helsinki) about the Finnish negotiation experiences in the Schengen cooperation." *Dated April 11, 2013*. By *Elizaveta Vassilieva*.

Kauppinen, Perttu (2005). "Finnish border control among best in EU. Reduction of Russian border guards will not mean more work for Finland." *Helsingin Sanomat. International Edition – Foreign. Published on October 23, 2011*. URL: <http://www.hs.fi/english/article/Finnish+border+control+among+best+in+EU/1101981791539> (Retrieved on April 27, 2013).

Media Visa (2013). "The Schengen visa portal." URL: <http://www.mediavisa.net/schengen-area.php>. Retrieved February 24, 2013.

Migration Information Source (2010). "EU Membership Highlights Poland's Migration Challenges." *Published on September 2010*. URL: <http://www.migrationinformation.org/feature/display.cfm?ID=800> (Retrieved on May 11, 2013).

Ministry of Foreign Affairs of Finland (2013a). "Information for a Foreign National Requiring a Visa". URL:

<http://formin.finland.fi/public/default.aspx?nodeid=15717&contentlan=2&culture=en-US#Refusal>. (Retrieved on April 24, 2013).

Ministry of Foreign Affairs of Finland (2013b). "Finland and Russia agreed upon closer border cooperation in Turku." *Press release 72/2013. Published on March 27, 2013*. URL: <http://formin.finland.fi/public/default.aspx?contentid=273363&contentlan=2&culture=en-US> (Retrieved on May 10, 2013).

Ministry of Foreign Affairs of Finland (2013c). "Norway". URL: <http://formin.finland.fi/public/default.aspx?nodeid=36561&contentlan=2&culture=en-US>. Retrieved on March 3, 2013.

Ministry of Foreign Affairs of Norway (2013). "Om gjennomføring av europapolitikken" *The Storting White Paper No. 23 (2005-2006). Section 3.2.3 "Hovedinnholdet i Schengensamarbeidet"*. URL: <http://www.regjeringen.no/nb/dep/ud/dok/regpubl/stmeld/20052006/stmeld-nr-23-2005-2006-/3.html?id=200827> (Retrieved on February 25, 2013).

Ministry of Labour of Norway (2013). "Om lov om utlendingers adgang til riket og deres opphold her (utlendingsloven). 12. Visum." Ot.prp. nr. 75 (2006-2007). URL: <http://www.regjeringen.no/nb/dep/ad/dok/regpubl/otprp/20062007/otprp-nr-75-2006-2007-/12.html?id=474444>. (Retrieved on April 25, 2013).

Ministry of the Employment and the Economy of Finland (2013). "Tourism's significance to Finland's national economy." *Last updated on May 8, 2013*. URL: <http://www.tem.fi/?l=en&s=2839> (Retrieved on May 11, 2013).

Ministry of the Interior of Finland (2013). "Aliens Act (301/2004, amendments up to 1152/2010 included)." *Types of Schengen visas* (p. 6). URL: <http://www.finlex.fi/en/laki/kaannokset/2004/en20040301.pdf> (Retrieved on April 25, 2013).

Mugaas, Knut A. (2010). "Murmansk fylke, samfunn og økonomi. Norsk næringsvirksomhet." *Annual report on economic development of Murmansk Oblast, written collaboratively by the Norwegian Ministry of Foreign Affairs (presented by the Consul of Commercial Affairs) and the department of Innovation Norway in Murmansk. Published in Vadsø, Norway, 2010*.

Norden (2013a). "About the Nordic Co-operation" URL: <http://www.norden.org/en/about-nordic-co-operation>. Retrieved on March 1, 2013.

Norden (2013b). "History of the Nordic Council", URL: <http://www.norden.org/en/nordic-council/the-nordic-council/the-history-of-the-nordic-council/1953-1971>. Retrieved on March 1, 2013.

Norway Mission to the EU (2013). "The Schengen Agreement and Norway". URL: [http://www.eu-norway.org/Schengen\\_agreement/](http://www.eu-norway.org/Schengen_agreement/). Retrieved on March 3, 2013.

Norway's Official Website Abroad (2013). "Visum til Norge". URL: <http://www.norvegia.ru/Norsk/Reise-til-Norge/>.



Norway's Official Website Abroad (2013). Visum til Norge. URL: <http://www.norvegia.ru/Norsk/Reise-til-Norge/>.

Norwegian Ministry of Foreign Affairs (2013a) "The High North". URL: <http://www.regjeringen.no/en/dep/ud/campaigns/the-high-north.html?id=450629>. Retrieved on March 3, 2013.

Norwegian Ministry of Foreign Affairs (2013b). "The Schengen Agreement and Norway". *Mission to the EU (Norway House)*. URL: [http://www.eu-norway.org/Schengen\\_agreement/](http://www.eu-norway.org/Schengen_agreement/). Retrieved on March 2, 2013.

NRK (2013). "Russland vil fjerne visum til Norge." Published on October 2, 2010. URL: [http://www.nrk.no/nyheter/distrikt/troms\\_og\\_finnmark/1.7364344](http://www.nrk.no/nyheter/distrikt/troms_og_finnmark/1.7364344) (Retrieved on April 28, 2013).

Police Service of Norway (2013). "Antall passeringer over Storskog grensekontrollsted desember 2012." URL: [https://www.politiimg.no/img/lokale\\_bilder/ostfinnmark/Bilde\\_1803\\_lrg.jpg](https://www.politiimg.no/img/lokale_bilder/ostfinnmark/Bilde_1803_lrg.jpg). (Retrieved on March 26, 2013).

Radio Sputnik (2013). URL: <http://radiosputnik.fi>.

Spektr Magazine (2013). URL: <http://www.spektr.net>.

Staalesen, Atle (2013). Interview by Elizaveta Vassilieva, April 5, 2013.

Statistics Finland (2011). "Foreigners in Finland." URL: [http://www.stat.fi/tup/suoluk/suoluk\\_vaesto\\_en.html#foreigners](http://www.stat.fi/tup/suoluk/suoluk_vaesto_en.html#foreigners) (Retrieved on May 11, 2013).

Statistics Finland (2013). "Accommodation statistics [e-publication]". ISSN=1799-6325. February 2013. Helsinki: Statistics Finland [referred: 10.5.2013].

Statistics Norway (2013a). "Accommodation, March 2013. Hotels and similar establishments. Guest nights, by nationality of the guests." URL: <https://www.ssb.no/en/transport-og-reiseliv/statistikker/overnatting/maaned/2013-05-06?fane=tabell&sort=nummer&tabell=110818> (Retrieved on May 10, 2013).

Statistics Norway (2013b). "Registrerte arbeidsledige i kmmuner, 2013". URL: <https://www.ssb.no/statistikkbanken/selecttable/hovedtabellHjem.asp?KortNavnWeb=regledi g&CMSSubjectArea=arbeid-og-lonn&checked=true> (Retrieved on May 11, 2013).

Storskog Border Station (2011). "Storskog grensepasseringssted 2011-2014, rapport fra arbeidsgruppe". *March 16, 2011. (p. 8)*.

The European Free Trade Association (2013). "EEA Agreement". URL: <http://www.efta.int/eea/eea-agreement.aspx>. Retrieved on March 3, 2013.

The European Union External Action Service (2013). "Schengen Agreement". EEAS. *Delegation of the European Union to Iceland*. URL:

[http://eeas.europa.eu/delegations/iceland/eu\\_iceland/schengen\\_agreement/index\\_en.htm](http://eeas.europa.eu/delegations/iceland/eu_iceland/schengen_agreement/index_en.htm). Retrieved on February 24, 2013.

The Finnish Border Guard (2013). "Schengen external borderline traffic 2009-2012". *The Border Guard in Figures, border crossing*. URL: [http://www.raja.fi/guidelines/border\\_crossing/border\\_crossing\\_points](http://www.raja.fi/guidelines/border_crossing/border_crossing_points). (Retrieved on April 24, 2013).

The Government of Canada (2013). "History of Passports: Early Passports". *Passport Canada. Last modified on July 25, 2012*. URL: <http://www.ppt.gc.ca/pptc/hist.aspx>. Retrieved on February 25, 2013.

The New York Times (2013). "Europe denies 2 nations entry to travel zone." *Published on September 22, 2011*. URL: [http://www.nytimes.com/2011/09/23/world/europe/romania-and-bulgaria-are-denied-entry-to-schengen-zone.html?\\_r=1&](http://www.nytimes.com/2011/09/23/world/europe/romania-and-bulgaria-are-denied-entry-to-schengen-zone.html?_r=1&) (Retrieved on March 21, 2013).

Treaty of Amsterdam (1997). UNHCR. URL: <http://www.unhcr.org/41b6ccc94.pdf>. Retrieved on February 25, 2013.

Treaty of Rome (1957: 4). "Article 3 (c)". URL: <http://www.eurotreaties.com/rometreaty.pdf>. Retrieved on February 24, 2013.



## Literature

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Andreas, Peter (2003). "Redrawing the line. Borders and security in the Twenty-First Century". (pp. 84-101). *Journal of International Security. Fall 2003, Vol. 28, No. 2, Pages 78-111*. Massachusetts, 2003: Massachusetts Institute of Technology Press.

Astrov, Alexander (2011). *The Great Power (Mis)Management. The Russian-Georgian War and its Implications for Global Political Order*. Ashgate Publishing, Surrey: 2011.

Cini, Michelle (2007). *European Union Politics*. New York, Oxford University Press. (pp. 32-33).

Danci, Katalin (2008). *Toward a rights-based post-national Union: EU integration and Schengen extension discourse 2003-2006*. Newark, 2008: The State University of New Jersey Publishment, UMI Microform Edition.

Derry, T. K. (2000). *History of Scandinavia: Norway, Sweden, Denmark, Finland and Iceland*. Chapter 1, (pp. 1-3). Minneapolis, 2000: University of Minnesota Press.

Finnish Karelian League (2013). "Karjalan Liitto (Karelia) – Briefly in English". URL: <http://www.karjalanliitto.fi/english>. Retrieved on March 2, 2013.

Finstad, Fredrik Bøckman (2008). "Norges tilknytning til EUs justis- og innenrikspolitikk", *Nytt Norsk Tidsskrift* 4/2008. (pp. 336-347).

Fisher, Robert (2012). *"The Europeanization of Migration Policy. The Schengen Acquis Between the Priorities of Legal Harmonization and Fragmentation"*. Europäische Hochschulschriften Reihe 31: Politikwissenschaft, European University Studies, Political Science and Theory, Frankfurt: 2012.

Godzimirski, Jakub M. (2007). "High Stakes in the High North. Russian-Norwegian relations and their Implications for the EU." *Russia/NIS Center, Paris, Russie. Nei. Visions, nr. 25 | 26 pages*. Published at the Official website of the Norwegian Institute of International Affairs, December 21, 2007.

Golunov, Serghei (2013). *EU-Russian Border Security: Challenges, (Mis)Perceptions and Responses*. Routledge, 2013: New York, USA.

Grabbe, Heather (2000). "The sharp edges of Europe: security implications of extending EU border policies eastward". *The Institute for Security Studies, Western European Union*. Paris: March 2000.

Hix, Simon (2005). *The Political System of the European Union*, 2<sup>nd</sup> ed. Chapter 11: 344-373. The European Series. New York, 2005: Palgrave Macmillan.

Hsieh, Chih-en (year of publication is unknown). "Strengths and Weaknesses of Qualitative Case Study Research." *University of Leicester Publishing*.

Hylland Eriksen, Thomas & Iver B. Neumann (2011). "Norsk identitet og Europa". *From the series of reports constituting The Europe Review. Ministry of Foreign Affairs of Norway, NOU 2012*.

Jakosuo, Katri (2011). "Russia and the Russian tourist in Finnish tourism strategies – the case of the Karelian Region." Lathi University of Applied Sciences, Finland.

Järviö, Pekka et al. (2012). *Ex Borea Lux? Learning from the Finnish and Norwegian Cross-border Cooperation Experience on their Eastern Borders*. Published on November 2012. Prague, Czech Republic: Institute for Stability and Development.

Jileva, Elena (2003). Larger than the European Union: The Emerging EU Migration Regime and Enlargement. Chapter 4 in Lavenex, S. and Uçarer Emek M., *Migration and the Externalities of European Integration*. Lexington Books, 2003: Oxford.

Jones, Erik & Anand Menon (2012). *The Oxford Handbook of the European Union, Chapter 43.5: External Border Management*. Oxford, 2012: Oxford University Press.

Joubert, Chantal & Hans Bevers (1996). *Schengen Investigated. A Comparative Interpretation of the Schengen Provisions on International Police Cooperation in the Light of the European Convention on Human Rights*. The Hague, Kluwer law International. (pp. 32-33).

Jowett, P & Brent Snodgrass (2006). *Finland at War 1939-45*. New York, 2006: Osprey Publishing. (pp. 3-5).

Karanja, Stephen Kabera (2008). *Transparency and Proportionality in the Schengen Information System and Border Control Cooperation*. Leiden, 2008: Martinus Nijhoff Publishers.

Kononenko, Vadim and Jussi Laine (2008). "Assessment of the Finnish-Russian Border. The case of Vaalimaa Border Crossing Point." *57 Working Papers 2008. The Finnish Institute of International Affairs*.

Korablev, N (2013). "From the History of Karelia". The Republic of Karelia State Government Bodies' Official Web Portal. URL: [http://www.gov.karelia.ru/gov/Different/History/history\\_story\\_e.html#01](http://www.gov.karelia.ru/gov/Different/History/history_story_e.html#01). Retrieved on March 2, 2013.

Korpela, Salla (2008). "Tracing Finland's Eastern Border." *Published in June 2008, at This is Finland*. URL: <http://finland.fi/Public/default.aspx?contentid=160531> (Retrieved on May 11, 2013).

Lavenex & Uçarer (2003). "Norway as one of the conditional receivers of the EU asylum/immigration policy." Chapter 3 in Lavenex & Uçarer (2003). URL: [http://www.google.no/books?id=n4KeUt7auE4C&printsec=frontcover&source=gbg\\_ge\\_sum](http://www.google.no/books?id=n4KeUt7auE4C&printsec=frontcover&source=gbg_ge_sum)

[mary\\_r&cad=0#v=onepage&q&f=false](#) (page 58).

Lavery, Jason Edward (2006). *The History of Finland*. Greenwood Publishing Group, Westport: 2006.

Legge, James (2010): *The Analects of Confucius*. Mobile Reference Publishing, 2010: Boston, USA.

Lewis, Richard D. (2005). *Finland, Cultural Lone Wolf*, 1st ed. Published by Intercultural Press, a Nicholas Brealey Publishing Company, 2005: London, UK. Printed in Finland by WS Bookwell.

Moch, Leslie Page (2003). *Moving Europeans: Migration in Western Europe Since 1650*, 2<sup>nd</sup> ed. Migration in the Twentieth Century (pp. 161-177). Indiana, Indiana University Press: 2003.

Nielsson, Gunnar (1971). "The Nordic and the Continental European Dimensions in Scandinavian Integration: NORDEK as a Case Study". University of Southern California. Cooperation and Conflict, March 1971. Vol 6, no. 1 (pp. 173-181).

Niemi, Heli (2007). "Russian immigrants in Finnish society." Published by the Social News magazine. URL: <http://www.socmag.net/?p=270> (Retrieved on May 11, 2013).

NOU 2012: 2. "Europe Review: Outside and inside". pp. 113-117.

Orava, Heidi (2013). 1953-1971. "Finland Joins in and the first Nordic rights are formulated". *Published at The Nordic Council: The official inter-parliamentary body*. URL: <http://www.norden.org/en/nordic-council/the-nordic-council/the-history-of-the-nordic-council/1953-1971>. Retrieved on March 2, 2013.

Pan-European Institute (2012). "Importance of Russia as foreign Investor for the BSR countries in 2010." Presentation of statistics from December, 9, 2012. URL: <http://www.centrubalticum.org/sites/default/files/esitykset-tiedostot/Venäjän%20merkitys%20Suomelle%20ja%20muille%20Itämeren%20maille%2020120912.pdf> (Retrieved on April 27, 2013).

Peers, Steve (2011). *EU Justice and Home Affairs Law*, 3<sup>rd</sup> ed. Chapter 4: "Visas" (pp. 226-294). Oxford EU Law Library. New York: Oxford University Press, 2011.

Pronozov, Sergei (2004). "Border Regions and the politics of EU – Russian relations. The role of the EU in tempering and producing border conflicts." (pp. 1-3). Working Paper Series in EU Border Conflicts, Danish Institute for International Studies, Department of European Studies. No. 3, January 2004.

Riste, Olav (2005). *Norway's Foreign Relations – a History*. Oslo: Universitetsforlaget, 2005.

Salminen, Minna-Mari and Arkady Moshes (2009). "Practice what you preach. The prospects for visa freedom in Russia-EU relations". FIIA Report 2009 18, Helsinki: *The Finnish Institute of International Affairs*.

Salter, Mark B. (2003). *Rights of Passage: The Passport in International Relations*. London, Lynne Rienner Publishers: 2003. (pp. 23-33).

Sassatelli, Monica (2009). *Becoming Europeans. Cultural Identity and Cultural Policies*. Palgrave Macmillan, 2009.

Scott, James Wesley (2011). "State of the Debate Report D6 (WP1)". *EUROBORDERREGIONS, EU External Borders and the Immediate Neighbours. Analysing Regional Development Options through Policies and Practices of Cross-Border Cooperation*. Prepared on August 28, 2011 for the Karelian Institute, University of Eastern Finland.

Scott, James Wesley (2012). *European Politics of Borders, Border Symbolism and Cross-Border Cooperation*, Chapter 5 in Wilson, T. M. And Donnan, H. (2012). *A Companion to Border Studies*. Oxford, UK, 2012: Wiley-Blackwell Publishing.

Staalesen, Atle (2012a). "Cross-Border Cooperation: The Norwegian-Russian Border" in *Järviö, Staalesen et al. Ex Borea Lux? November 2012*.

Staalesen, Atle (2012b). "Crossing the border into new territories" in *The Barents Review 2012* by The Norwegian Barents Secretariat, pp.11-12. Kirkenes, Norway: Dagfinn Hansens Trykkeri AS, 2012.

The Europe Review (2010). "Outside and Inside. Norway's Agreements with the EU". (*NOU 2012: 2) Report from committee appointed by the Ministry of Foreign Affairs 7 January 2010. Submitted to the Ministry of Foreign Affairs 17 January 2012*. Published by the Norwegian Ministry of Foreign Affairs, 2012: Oslo.

The Norwegian Barents Secretariat (2012). *Barents Review 2012: Barents Borders. Delimitation and internationalization*. Kirkenes, Norway: Dagfinn Hansens Trykkeri AS, 2012.

Zaiotti, Ruben (2011). *Cultures of Border Control: Schengen and the Evolution of European Frontiers*. Chicago, 2011: The University of Chicago Press .