



**CANADA-EUROPE TRANSATLANTIC DIALOGUE:
SEEKING TRANSNATIONAL SOLUTIONS TO 21ST CENTURY PROBLEMS**

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**Canada and the EU towards an international standoff?
The increasingly troublesome Czech visa saga**

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Canada has not won any new friends in the Czech Republic, nor for that matter in the wider European Union -- and, we are not talking about the seal hunt. In 2007, Canada abolished visa requirements for visitors from the Czech Republic. However, Canada re-instated the requirements last summer in response to a growing number of asylum seekers arriving from the Central European country.

Since the lifting of visa requirements, more than 3000 refugee claimants have arrived in Canada from the Czech Republic -- in 2006, there were just six applicants from that country. Most of the refugee claimants were members of the Roma minority. The Canadian authorities argued that the vast majority of the refugee claims were not genuine and that they would put an intolerable burden on the Canadian refugee system. The re-introduction of visa requirements for visitors from the Czech Republic (visas for visitors from Mexico were re-introduced at the same time) was a measure designed to protect the Canadian immigration system from allegedly fraudulent and costly applications.

In July 2009, Citizenship, Immigration and Multiculturalism Minister Jason Kenney explained the rationale for reintroducing visas for Czech and Mexican citizens as follows: "In addition to creating significant delays and spiralling new costs in our refugee program, the sheer volume of these claims is undermining our ability to help people fleeing real persecution,... All too often, people who really need Canada's protection find themselves in a long line, waiting for months and sometimes years to have their claims heard. This is unacceptable."

For this reason, Canada accepted the need to alienate some of its closest partners. In July, Czech Republic Prime Minister Jan Fischer gave one of the more restrained reactions, calling the re-introduction of visa requirements a "unilateral and unfriendly step." In spite of widespread public protest the Czech government could take little action against Canada's reinstated visa requirement. The Czech Republic could not retaliate by imposing visa requirements on Canadians

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because the Czechs must honour the commitments of its EU membership -- this includes respecting the policy of the EU as a whole and its visa-free arrangement with Canada. Thus, instead of pursuing a tit-for-tat policy, the Czech Republic sought the help of the European Union. On September 22, the EU sent a very strong signal: The EU commissioner for Justice and Home Affairs, Jacques Barrot, warned Canada it could face “retaliatory measures” if it does not revoke the visa obligation imposed on Czech citizens by the end of the year. Or, as the *EUobserver* headline put it rather more dramatically: “EU threatens Canada with visa war.” It might be slightly exaggerated to describe the plan to impose visa requirements on Canadian diplomatic passport holders -- the only sanction seriously considered by the EU at the moment -- in terms of warfare. The real casualties of this dispute might not be Canadian diplomats but the very friendly relationship between Canada and the EU. An EU commissioner calling Canada’s action “unacceptable for the entire EU” and recommending retaliatory action by the end of the year seems to fly in the face of the current negotiations for the EU-Canada Economic Partnership, an agreement that, if successful, will facilitate cross-border exchange and collaboration.

How could this issue develop into such a serious challenge to EU-Canada relations? There are three main reasons why Canadian authorities have underestimated the divisive potential of the visa question and allowed the dispute to escalate to his point:

1. The actions of the Canadian government were primarily guided by the need to address the allegedly unacceptable burden on the refugee system and did not sufficiently take into account how explosive visa requirements can be as a political issue. This is particularly true in a country in which the ability to travel freely is widely acknowledged to be one of the key accomplishments resulting from the defeat of the Communist regime twenty years ago. While visa free travel may be an issue of technical detail to Canadian officials seeking to regulate the number of claims that the stressed refugee system has to accept, for the Czech public it is rather a fundamental entitlement that they expect to enjoy as citizens of an EU country. Being excluded from the visa free travel to Canada enjoyed by the majority of citizens of EU countries provokes profound feelings of humiliation and of being unfairly treated for reasons beyond the control of the Czech Republic.
2. Second, Canada has manifestly underestimated both, the solidarity among EU member states and the degree to which sensitive issues such as visa requirements have become a matter of joint decision-making in an increasingly integrated European Union. Foreign Affairs and International Trade Canada may have considered this to be a simple bi-lateral matter to be dealt with exclusively in negotiations between the Czech Republic and Canada. Initial reactions from Ottawa to Jacques Barrot’s announcement suggest that the Conservative government has never seriously considered such a reaction from the EU. This naiveté from the Canadian authorities may be explained by a lack of understanding of how policy making and politics now unfold in the European Union. Yet, this is surely not a good omen as Canada seeks to build closer ties to the EU and engages in ongoing negotiations for a closer economic partnership across the Atlantic.
3. Third, the Canadian government appears to lack a good understanding of how its visa actions can all too easily lead to accusations of discrimination against certain countries or ethnic groups. Canadian officials emphasized repeatedly that re-introducing visa requirements for Czech citizens was not directed against this country or the Roma as a group. Yet, this is a hard sell if the latter group is repeatedly characterized as ‘bogus’ refugee claimants. Minister Kenney appeared to contrast the Roma with ‘people fleeing real persecution.’ While many cases may in fact be bogus such an approach can easily be

depicted as insensitive, if not outright discriminatory. Not surprisingly, the new visa requirements have prompted Amnesty International to criticize Canada and draw public attention to attacks and discrimination against the Roma people in the Czech Republic. Indeed, a position arguing that almost all Roma refugee claims can be dismissed as fake is hard to defend in light of the treatment that this group has received in parts of Central-Eastern Europe over the past years.

What now? How can the diplomatic standoff be ended before even more damage is done to Canada's image in Europe? The Conservative government does not appear to have any intention of backing down. On the contrary, a spokesman for the Ministry of Immigration recently defended the policy as a "great success" pointing to the dramatic fall in the number of refugee claims from the Czech Republic. As a conciliatory move the Canadian government is considering opening a consulate in Prague where Czech citizens could request a visa instead of, as at present, having to travel to the Canadian Embassy in Vienna. However it is unlikely that this move will calm the Czech public or EU officials. As in the case of Mexico the Canadian government has to be clear about the -- unintentional -- effects of using visa requirements to protect its refugee and asylum system -- a system which appears to be in serious need of reform. To provoke angry public reactions, diplomatic quarrels and a considerable blow to Canada's international reputation would seem to be a disproportionately high price to pay for curtailing the number of refugee claimants from particular countries.