

***DISCUSSION PAPERS IN DIPLOMACY***

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## ***THE VISA DIMENSION OF DIPLOMACY***

***Kevin D. Stringer***

The consular element of national diplomatic power plays an essential, but often underrated and overlooked role in international relations. This consular dimension of diplomacy has often taken the backseat to the political and military aspects of foreign policy in the past. This situation has changed dramatically with the end of the Cold War and the rapid globalization of the world economy. This shift to a unipolar world, but global marketplace, emphasizes the increasing importance of so-called 'low politics' – trade, commerce, tourism, migration – all traditional consular areas of interest. While one superpower, the United States, may currently dominate the military and political aspects of the international environment, the economic and commercial interplay among nations is more diffuse and requires a nuanced and multilateral diplomatic approach. This environment is caused largely by the increasingly complex interdependencies among the world's economies, which no longer recognize political, commercial, geologic, or technological borders as barriers. The line between domestic and foreign events has been blurred by the impact of external forces ranging from diseases like Severe Acute Respiratory Syndrome (SARS) to technological developments like Chat. Indeed, technology has tended to transcend borders, crossing them and turning them into obstacles to progress.<sup>1</sup>

In this type of international world, a nuanced and multilateral approach requires the flexible application of a variety of diplomatic instruments, either in solo or in unison with other countries, to influence positively or negatively, the actions of other state actors and non-state actors, to achieve national interest goals. This type of environment places emphasis on all operative aspects of diplomacy, one of which is its consular component. With the use of force between states more and more restricted as a policy option in the international system, alternative diplomatic options must be sought.

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1 Martin van Creveld, *The Rise and Decline of the State* (Cambridge: Cambridge University Press), 1999, p. 378.

Nowhere is the partial fulfillment of this need for a variety of diplomatic instruments better illustrated than in the often overlooked, and seemingly mundane area of consular visa operations. The lowly visa serves an important purpose in international relations and is a well-used, but little studied, instrument of foreign policy in today's system of sovereign states.<sup>2</sup> In fact, its use may be more diplomatically opportune when other, blunter instruments are not available or possible.

This paper will attempt to illustrate the practical uses of 'visa diplomacy' as an integral device in the conduct of international relations. Visa diplomacy is defined as the use of visa issuance or denial at an individual, group or interstate level, to influence another state's policies. The first section will provide a brief overview of consular visa diplomacy. The second section will focus on examples of visa issuance as a symbolic diplomatic measure to express a shift in foreign policy to greater cooperation or recognition. The third section will consider examples of diplomatic retorsion<sup>3</sup> with visa usage as an expression of protest, a step in conflict escalation, a measure for diplomatic coercion, or as part of a wider sanctions package targeted towards specific, decision-making groups. Visa regimes as a component of the national security system and border control will not be addressed in this paper<sup>4</sup>.

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2 The genesis for writing about this theme in an expanded format is found in a short article this author published in 1995. See Kevin D. Stringer, 'The Political Strength of 'Visa Diplomacy'', Foreign Service Journal, August 1995, pp. 13-15.

3 Retorsion is defined succinctly by Michael Akehurst as a lawful act which is designed to injure the wrongdoing state (see Michael Akehurst, A Modern Introduction to International Law (London: George Allen and Unwin), 1980, p. 13). Von Glahn provides a more thorough definition: retorsion is the commission of an unfriendly but legal act, undertaken in response to a prior, equally unfriendly act, either of a legal or illegal nature, by the other party to the dispute (See Gerhard von Glahn, Law Among Nations, 7th Edition (Needham Heights: Allyn & Bacon), 1996, pp. 533-534).

4 Visa policy has become more critical to national security since the September 11, 2001 terrorist attacks on the United States. For an interesting look at what role visa policy played to facilitate the entry of terrorists into the USA see Joel Mowbray, Dangerous Diplomacy (Washington, D.C.: Regnery Publishing), 2003. For an earlier view to the importance of visa policy to national security, see Kevin D. Stringer, 'Border Control: A Key Component of National Security', Strategic Review, Summer 1996, pp. 76-80. See also James Carafano and Ha Nguyen, 'Coordinate Visa Security: Homeland Security Needs Authority To Keep Nation Safe,' The Heritage Foundation, December 22, 2003.

The conclusion will assess where the use of visa diplomacy seems most effective in international relations.

### ***1. Consular Visa Diplomacy in General***

The importance of consular services as an integral part of a country's diplomacy in general is insufficiently understood and appreciated. It is insufficiently understood not only by the general public but also by persons who make the study of foreign policy their specialty – even by many practitioners of diplomacy.<sup>5</sup>

Consular operational services generally divide themselves into two areas: the provision of assistance to citizens abroad and the issuance of visas to qualified foreigners seeking entry into the represented state. The first area plays an important role in how a country's consular service is perceived in domestic politics. This citizen service will not be addressed in this paper. The second area, visas, influences how a country is perceived abroad and serves as a tool in a country's overall foreign policy.

Broadly speaking, the consular aspects of foreign policy issues have become much more prominent and complex in the 20th and 21st centuries. The movements of people – voluntary and forced, individual and mass – are a growing international phenomenon caused by global trends in technology and demography, income disparities, and political instabilities.<sup>6</sup> The division of the world between developed and developing countries, coupled with advanced telecommunications and internet technology which allows both camps to view each other instantaneously, encourages both legal and illegal migration from one to the other. This trend is abetted by an ease of travel that puts any destination within reach of a long haul flight. In taking the United States example, many people wish to come to the United States, not just to travel, but for business, study, family visits, and of course immigration.<sup>7</sup> This interest makes the use of visa denial or issuance an influential tool – but not

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5 See Martin F. Herz, 'Introduction' in Martin F. Herz, Ed., *The Consular Dimension of Diplomacy* (Lanham: University Press of America), 1983, p. 2.

6 See Robert E. Fritts, 'Consular Operations and Foreign Policy' in Martin F. Herz, Ed., *The Consular Dimension of Diplomacy* (Lanham: University Press of America), 1983, p. 5.

7 David T. Jones, 'The Under-Appreciated Consular Cone,' *Foreign Service Journal*, March 2001, <http://www.afsa.org/fsj/mar01/jonesmar01>

necessarily a powerful one in comparison to force or trade sanctions – for foreign policy applications.

The visa component of consular diplomacy can be visualized as the foreign policy bridge between the foreign individual and his government. The application of a specific visa policy can affect international relations between states at a personal (individual applicant), group (tourists, businessmen, students, government officials) or intergovernment level. Briefly viewing visa diplomacy at these three levels gives an indication of its influence on international relations.

From the first level perspective, consular work should be esteemed in the diplomatic service because it concerns the individual. Consular officers are the first, and sometimes only people who represent their country to foreigners abroad.<sup>8</sup> Consular officers may well be the first government representatives aliens abroad will meet. The impression consular officers make on these people may be lasting. The skill, the patience, the civility, the decency they bring to their tasks in dealing with foreigners can do much to enhance the image of a government, institution, society, or people.<sup>9</sup> At this level, consular diplomats are exposed to local people, culture, and language directly through visa application interactions.<sup>10</sup> A foreign culture and society are intensively learned by interviewing visa applicants. One could argue that the consular visa interview is the most basic level of bilateral diplomatic interaction between two countries.

This viewpoint is buttressed by Herbert Butterfield's emphasis on the importance of individual personalities in shaping events, because 'every public action which was ever taken can be regarded as a private act, the personal decision of somebody'.<sup>11</sup> Nowhere is this more true than at the level

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8 Mary A. Ryan, 'The Unappreciated Consular Officer' in Karen Krebsbach, Ed., Inside a US Embassy How the Foreign Service Works for America (Washington: American Foreign Service Association), 1996, pp. 92-93.

9 See Peter W. Rodino, 'Foreword' in Martin F. Herz, Ed., The Consular Dimension of Diplomacy (Lanham: University Press of America), 1983, p. vii.

10 Ethan Goldrich and Bryan Dalton, 'A Passport is Not a Pizza,' Foreign Service Journal, March 2001, <http://www.afsa.org/fsj/mar01/goldrichdaltonmar01>

11 See Herbert Butterfield, The Historical Novel, (Cambridge: Cambridge University Press), 1924, p. 74 and a discussion to this view in Paul Sharp, The English School, Herbert Butterfield and Diplomacy, Discussion Papers in Diplomacy No. 83, Netherlands Institute of International Relations 'Clingendael', November 2002, p. 20.

of the visa interview, where the foreign policy of a government is directly communicated to and affects the individual foreigner. As one foreign service officer noted, 'Consular officers affect lives retail, in concrete terms, one body at a time'.<sup>12</sup> The issuance or withholding of visas is retail diplomacy at its best.

Yet this form of retail diplomacy can have serious bilateral implications – both political and economic – in terms of visa issuance or denial at the private citizen, governing elite, or state level. This position is echoed by US Congressman Peter Rodino, who stated, the exercise of those powers, duties, and functions conferred upon consular officers relating to the granting or refusal of visas has far reaching effects on the lives of persons seeking admission to the United States; it affects our foreign policy and foreigners' perception of this nation; and most importantly, it affects our national security and national interest.<sup>13</sup>

Thousands of visa cases are sensitive in political and foreign policy terms. The issuance or refusal of a visa to a controversial person invariably embroils a nation in foreign policy issues.<sup>14</sup> Long lines of visa applicants snaking through the streets, beginning at ridiculously early hours, can lead to public relations problems in host countries.<sup>15</sup> Restrictions on visas for specific groups like students or athletes can also have implications ranging from demonstrations to host government intervention. In one anecdotal example, when the visa of a noted South African boxer was revoked during the apartheid era, the Foreign Minister of that country telephoned the US Secretary of State to point out that unless reversed, that action could have a deleterious effect on the ongoing Namibian negotiations.<sup>16</sup> Clearly then, a nation's visa policy towards another state, and hence its citizens, has both symbolic diplomatic inferences and practical economic implications.

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12 David T. Jones, 'The Under-Appreciated Consular Cone,' *Foreign Service Journal*, March 2001, <http://www.afsa.org/fsj/mar01/jonesmar01>

13 See Peter W. Rodino, 'Foreword' in Martin F. Herz, Ed., *The Consular Dimension of Diplomacy* (Lanham: University Press of America), 1983, p.v.

14 See Robert E. Fritts, 'Consular Operations and Foreign Policy' in Martin F. Herz, Ed., *The Consular Dimension of Diplomacy* (Lanham: University Press of America), 1983, p. 6.

15 David T. Jones, 'The Under-Appreciated Consular Cone,' *Foreign Service Journal*, March 2001, <http://www.afsa.org/fsj/mar01/jonesmar01>

16 See Elizabeth J. Harper, 'Immigration Policy and Foreign Affairs' in Martin F. Herz, Ed., *The Consular Dimension of Diplomacy* (Lanham: University Press of America), 1983, p. 10.

On a basic level, visas are used to control alien entry into a country. They are often employed either to restrict or facilitate travel and commerce between countries depending upon the current climate of interstate relations. Special cases of visa issuance, changes to a nation's visa process, or denials of visas, can be used to symbolize shifts in foreign policy, express official government discontent or displeasure at other states, or as a step in conflict escalation, particularly in the economic and commercial arena. Visas are clearly tools for low level coercion between states. Further, a broader, ill-considered or punitive visa regime between states can have long term economic implications on either the implementing or affected country.

## ***2. The Visa for Recognition and Cooperation:***

Two examples of the use of 'visa' diplomacy give insight into the visa's continuing importance as a tangible measure used to communicate a government's diplomatic mood and to illustrate its continuing relevance to policy-makers in the international political environment. This communication can be directed at both state and non-state actors and often represents a clear policy shift caused by domestic or foreign events. These two examples look at the visa applied as a diplomatic symbol for expressing a move towards greater cooperation and recognition.

### ***Taiwan***

An example of the importance of visas to international relations in signaling cooperation was the May 1995 decision by the U.S. government to issue a visitor's visa to President Lee Teng-hui of Taiwan. President Lee wanted to attend a reunion at Cornell University where he earned a doctorate in agricultural economics in 1968. Given President Lee's position in the Taiwanese government, this visa had special significance in that it perhaps symbolized a strengthening of the unofficial U.S.-Taiwan relationship – a relationship the People's Republic of China (PRC) views as counterproductive to its overall goal of reunification with Taiwan. Certainly for Taiwan, this visa issuance carried enormous significance for a democratic island struggling for global recognition, and served as a reward for its government's efforts in democratization and creating a free market.



Since 1979, when the United States under President Jimmy Carter, shifted diplomatic recognition from Taipei to Beijing, the American government has acknowledged Taiwan as a part of one China and has promised to maintain only cultural, commercial, and other unofficial relations with the people of Taiwan. This decision satisfied China's desire to keep Taiwan diplomatically isolated in the context of its overall goal of peaceful reunification with Taiwan. This issue of a change to President Lee appeared to signal a change in American policy and also touched on Chinese national sovereignty issues since the Chinese view Taiwan as an integral part of China and thus an internal policy matter. Further, no Taiwan head of state had been permitted into the United States since it recognized Beijing as the legitimate government of China in 1979.<sup>17</sup>

The issuance of the visa was, in fact, a symbol representing a shift in US political collaboration with Taiwan. When in May 1994, President Lee had made a brief refueling stop in Hawaii en route home from Central America, he had been forced to stay overnight on his plane. The US Department of State refused him even a transient visa that would have allowed him to go to a hotel.<sup>18</sup> Yet in 1995, he received a tourist visa for his alumni trip.

The key change in this short timeframe was the election of a Republican-dominated US Congress in 1994, which brought in a number of Congressmen sympathetic to the international plight of Taiwan. This new Republican majority was keen to reward Taipei for moving towards democracy and creating a stable political and economic environment as a nation. Concurrently, few Democrats in the US Congress were keen on supporting China after the 1989 Tiananmen Square massacre.<sup>19</sup> This political shift placed rising bipartisan pressure on the Clinton Administration to grant President Lee a visa to visit Cornell University. Since the visit supposedly involved no activities of an official nature, President Clinton and Secretary of State Warren Christopher gave in to the pressure and concluded the issuance

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17 Michael Weisskopf and Keith B. Richburg, 'Taiwan, in Courting U.S. Officials, Reflects Yearning for Recognition,' Washington Post, Tuesday, November 12, 1996; Page A06.

18 See Keith B. Richburg, 'Thirsty for Respect, Taiwan Cheers Its President's Trip to U.S.,' Washington Post Service, 1995.

19 See Tony Walker and George Graham, 'Reaction was predictable but fallout is not,' Financial Times, May 24, 1995.

was 'entirely consistent with the US policy of unofficial relations with Taiwan'.<sup>20</sup> This statement shows a direct linkage between the highest levels of foreign policy decision-making and the use of a simple tourist visa to represent certain diplomatic 'messages' to the receiving nation and the international community.

The Taiwanese government was ecstatic, but naturally, such messages run the risk of a counter reaction. Any overt recognition of Taiwan diplomatically, such as a visa issuance to a high level Taiwanese official, is seen by the Chinese as direct interference in their national affairs. China's reaction to President Lee's visitor's visa was of course anger at this decision. Beijing summoned then American Ambassador Mr. Stapleton Roy to the foreign ministry to express China's 'grave concerns' over this visa. Additionally, a high level, seven member delegation led by the Chinese Air Force commander abruptly curtailed its tour of the United States because of the Taiwan visa decision.<sup>21</sup> China accused the United States of violating the three Sino-American joint communiqués on normalization of relations with China, undermining peaceful reunification efforts with Taiwan, and interfering in Chinese sovereignty issues.<sup>22</sup> China's interpretation of this symbolic but tangible cooperative diplomatic action of visa issuance to Taiwanese President Lee Teng-hui created the potential for adverse effects on Sino-U.S. relations in general.

Although the reaction was predictable on the part of the Chinese, the retaliatory foreign policy consequences were not. In this case, the use of the visa to signal a move towards a greater, pro-Taiwanese stance within the US government could have placed diplomatic cooperation in the areas of human rights, missile technology control, and trade, at risk.<sup>23</sup> Given the opacity of Chinese policymaking, it is difficult to ascertain whether this example of visa diplomacy had adverse penalties beyond the Chinese government's rhetoric. Nevertheless, this example shows how the lowly visa can take on significant dimensions in interstate relations.

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20 See Tony Walker, 'Chinese end US tour as Taiwan row grows,' Financial Times, May 24, 1995.

21 See Tony Walker, 'Chinese end US tour as Taiwan row grows,' Financial Times, May 24, 1995.

22 See Department of State Cable, 'May 23 Press Guidances for the EAP region,' May 23, 1995.

23 See Tony Walker and George Graham, 'Reaction was predictable but fallout is not,' Financial Times, May 24, 1995.

### ***Sinn Fein***<sup>24</sup>

A second example of 'visa diplomacy' was the issuance of visas by the U.S. government in 1994 and 1995 to Gerry Adams, leader of the Irish Sinn Fein for travel and eventual fundraising. These issuances marked a shift in U.S. policy to the Northern Ireland situation and were seen as a step in advancing the prospects of peace in this troubled province by providing a gesture to bring the Irish Republican Army (IRA) to the negotiating table.

Prior to these issuances, the United States denied visas to all persons who were terrorists or had any affiliation with terrorist groups. Gerry Adams, as the leader of the Sinn Fein, the political arm of the Irish Republican Army, was ineligible for a visa based upon this connection. In fact, Gerry Adams had been refused seven visas to come to the United States in a 20 year period prior to 1994.<sup>25</sup> Essentially, he was *persona non grata* for successive US administrations.

For years, any White House desire to get involved in Northern Ireland had been tempered by the relationship with London. In the broader context, the United States, despite certain domestic political pressure to the contrary, had adhered to a policy of no official recognition or contact with Sinn Fein or the Irish Republican Army. This policy was in part due to the strong Anglo-American relationship and express British foreign policy requests in this area. A change in the American Administration with the election of President Clinton and ceasefire overtures from the Irish Republican Army, however, altered this political environment and created the conditions for a possible policy modification. This modification was catalyzed by a representative visa issuance.

'Until 1993, successive U.S. administrations largely stayed out of Britain's policies toward Northern Ireland', said Ambassador Nancy Soderberg, who held the position of Deputy Assistant to the President for National Security Affairs on the National Security Council (NSC) during this

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24 The information in this section is based in part on the author's personal experience as a consular officer at the American Embassy in London from 1994 to 1996. During this time period, he was privileged to have access to the actual consular cable traffic concerning the Gerry Adam's visa issuance. He also had conversations with the section head of the Non-Immigrant Visa section, who had formerly held the position of Consul-General at the US Embassy in Dublin, Ireland when the first Adam's visa was issued.

25 See FRONTLINE/ BBC interview with Paul Arthur, PBS, 1998, <http://www.pbs.org/wgbh/pages/frontline/shows/ira/conflicts/us.html>

period and was an instrumental advisor to the President in recommending the chosen course of action.<sup>26</sup> US President Wilson's refusal to offend Britain at the Versailles Peace Conference when the Friends of Irish Freedom campaigned for the recognition of Irish independence was one historical example of this longstanding policy.

Therefore, at the beginning of the 1990s, U.S. foreign policy towards Ireland was as stagnant as the peace process itself. Then, in 1993 and 1994, there was a convergence of forces that pushed the opposing sides to the table for serious talks. The ageing of the IRA leaders, the end of the Cold War, and the no-win status of the fighting served to create a reality check for all parties involved.<sup>27</sup> During the 1992 Presidential campaign, however, Clinton had promised a visa for Adams, and in the summer following his election, he was pushed by a key group of Irish-Americans to deliver on this commitment. As Ambassador Soderberg stated, 'They strongly believed that the visa was the key to bringing about an IRA cease-fire, and that it was time for Americans to get involved'.<sup>28</sup>

While the White House leaned toward granting the visa, the rest of the administration continued to be firmly opposed to such a move. The fronts formed into two opposing camps. On one side was the British government, the U.S. State Department, the Federal Bureau of Investigation (FBI), the Central Intelligence Agency, and the Immigration and Naturalization Service. On the other side was the Irish/American lobby, the National Security Council and eventually the President himself.

In the fall of 1993 the White House began to pick up signals that something was indeed changing on the ground in the IRA.<sup>29</sup> In December 1993, prominent Northern Ireland leaders such as John Hume of the Social

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26 Nancy E. Soderberg, 'US foreign policy yields to forces of history,' Global Executive Forum, University of Colorado, February 1999,

[http://thunder1.cudenver.edu/inst\\_intl\\_bus/gef/issues/issues.html#issues](http://thunder1.cudenver.edu/inst_intl_bus/gef/issues/issues.html#issues)

27 See Nancy E. Soderberg, 'US foreign policy yields to forces of history,' Global Executive Forum, University of Colorado, February 1999,

[http://thunder1.cudenver.edu/inst\\_intl\\_bus/gef/issues/issues.html#issues](http://thunder1.cudenver.edu/inst_intl_bus/gef/issues/issues.html#issues)

28 See Nancy E. Soderberg, 'US foreign policy yields to forces of history,' Global Executive Forum, University of Colorado, February 1999,

[http://thunder1.cudenver.edu/inst\\_intl\\_bus/gef/issues/issues.html#issues](http://thunder1.cudenver.edu/inst_intl_bus/gef/issues/issues.html#issues)

29 See Nancy E. Soderberg, 'US foreign policy yields to forces of history,' Global Executive Forum, University of Colorado, February 1999,

[http://thunder1.cudenver.edu/inst\\_intl\\_bus/gef/issues/issues.html#issues](http://thunder1.cudenver.edu/inst_intl_bus/gef/issues/issues.html#issues)

Democrat & Labor Party (SDLP) urged the White House to grant the visa, a turnaround from their position just six months earlier. Senator Ted Kennedy, long an opponent of the IRA, also pushed for a visa.<sup>30</sup>

As Ambassador Soderberg noted, 'At first, none of us in the White House thought we should issue Adams a visa for fear it might undermine our antiterrorism stance and make the president too vulnerable. We thought instead about lifting the official ban on contacts with Sinn Fein and mulled over other ideas... But for Adams, the bar for the test of our willingness to engage him had long ago been set as the visa, and it was too late to change the rules'.<sup>31</sup>

While Ambassador Soderberg and the rest of the White House were debating the pros and cons of the visa, the distinguished National Committee on Foreign Policy set up a peace conference in New York for mid-January, 1994, and invited Gerry Adams. This placed the White House in an awkward situation. However, the State Department continued to fight strongly against a visa, a sentiment echoed by the FBI and by the Justice Department. The opponents of the visa argued that giving Gerry Adams access to the U.S. would fracture the U.S./British special relationship, which had been severely tested anyway by the John Major- led Tory government decision to openly back George Bush in the presidential election campaign. In addition, they argued that Adams would use the occasion to further the aims of the IRA, and that he was not serious about the peace process. On this point they were proven wrong.<sup>32</sup>

'Ultimately, the president decided to issue the visa because he felt the risk was worth it if we could advance the cause of peace in Northern Ireland.

In the end, the choice was a win-win situation. If we issued the visa and the IRA declared a cease-fire, great. If it failed to do so, we would then be in a much stronger position to isolate and squeeze the IRA and to call on Irish America to do the same'.<sup>33</sup>

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30 See Nancy E. Soderberg, 'US foreign policy yields to forces of history,' Global Executive Forum, University of Colorado, February 1999,

[http://thunder1.cudenver.edu/inst\\_intl\\_bus/gef/issues/issues.html#issues](http://thunder1.cudenver.edu/inst_intl_bus/gef/issues/issues.html#issues)

31 Nancy E. Soderberg, 'US foreign policy yields to forces of history,' Global Executive Forum, University of Colorado, February 1999,

[http://thunder1.cudenver.edu/inst\\_intl\\_bus/gef/issues/issues.html#issues](http://thunder1.cudenver.edu/inst_intl_bus/gef/issues/issues.html#issues)

32 See 'The Adams Visa: Then and Now,' *The Irish Voice*, 1 February 1995.

33 Nancy E. Soderberg, 'US foreign policy yields to forces of history,' Global Executive Forum, University of Colorado, February 1999,

[http://thunder1.cudenver.edu/inst\\_intl\\_bus/gef/issues/issues.html#issues](http://thunder1.cudenver.edu/inst_intl_bus/gef/issues/issues.html#issues)

It was a fine line to follow, but in January 1994, President Clinton proceeded to anger London, the US's closest ally, by granting a US visa to Gerry Adams. This momentous event came about because the President and staff inside the NSC were willing to listen to respected moderates such as John Hume. They ignored the cautious advice coming from the State Department and the Justice Department.<sup>34</sup> In New York, Adams promised that his major objective was to 'take the gun out of Irish politics'. Within six months of his return, that is exactly the process he and the Republican movement began when calling a ceasefire followed shortly by an equally courageous cessation called by the Loyalist paramilitaries.<sup>35</sup> On August 31<sup>st</sup> 1994, eight months after the issuance of the controversial visa the IRA declared a cease-fire. Despite accusations of being soft on terrorism and opposition among some of his own people, Clinton's decision was justified because only by including the Republicans could they be encouraged to leave violence behind.<sup>36</sup>

The importance of the visa issuance as the diplomatic catalyst to the initiation of the Northern Ireland peace talks is best stated by Lord Owen. He believed that:

In retrospect, my own conclusion is that Gerry Adams needed to have the recognition from the US that a visa entailed if he was later to stand a chance of delivering a ceasefire. In the British Parliament John Major had only a small majority, the Unionists in his own party would never have agreed to any UK recognition of Adams and there could have been a sizeable revolt.

The Labour and Liberal opposition parties might have been tempted to equivocate under pressure from the tabloid press to denounce any visit. Only the US could act and take the flak and make talking to Adams respectable... This experience suggests a third guideline.

If negotiating with freedom fighters/terrorists or paramilitaries it particularly helps to have other powerful nations supporting the diplomacy, not just to bring to bear international diplomatic pressures

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34 See FRONTLINE/ BBC interview with Paul Arthur, PBS, 1998,

<http://www.pbs.org/wgbh/pages/frontline/shows/ira/conflicts/us.html>

35 See 'The Adams Visa: Then and Now,' *The Irish Voice*, 1 February 1995.

36 See Dominic Casciani, 'Clinton: His role in Northern Ireland,' *BBC News*, December 11, 2000, [http://news.bbc.co.uk/1/hi/northern\\_ireland/1065913.stm](http://news.bbc.co.uk/1/hi/northern_ireland/1065913.stm)

but also for domestic political reasons to help overcome the criticism that merely talking to such people who hold and use arms is appeasing violence.<sup>37</sup>

This use of a visa proved to be the key action in bringing diplomatic pressure to bear and overcoming both British and American domestic political obstacles. The issuance of these visas to Gerry Adams provided a tangible symbol of American recognition of Sinn Fein, and served as a clear signal of an American foreign policy shift towards the Northern Ireland problem that had both positive and negative implications for interstate relations between the United States, the United Kingdom, and the province of Northern Ireland. This visa issuance to an individual (Gerry Adams), belonging to a non-state, terrorist group (Sinn Fein/IRA) exemplifies visa diplomacy at both an individual person and group level causing political effects between two major state actors (US and UK). This case also shows the relevance of visa diplomacy in today's world. In that respect the decision to grant the Sinn Fein visa was a watershed in the peace process, a move credited by Gerry Adams himself with having a powerful impact both internationally, diplomatically, and internally on the burgeoning peace process.<sup>38</sup>

### ***3. The Visa for Coercion and Protest***

The visa is also a diplomatic tool to communicate government discontent or displeasure at other states and a coercive instrument to change or bend another state's position on a particular issue. In fact, the implementation of a punitive visa regime is often the only 'weapon' that can be used in situations below the boundary of armed conflict, due to influencing factors like international law or treaties. The use of visa denials or the introduction of a visa regime is a form of state self-help used in pursuit of legitimate national interests. Visa diplomacy in this application is a form of retorsion. The definition of retorsion is the commission of an unfriendly but legal act, undertaken in response to a prior, equally unfriendly act, either of a legal or

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37 See the speech by the Rt Hon The Lord Owen, 'The Resolution of Armed Conflict – Internationalisation: Its Lessons particularly in Northern Ireland,' Millennium Lecture, The University of Liverpool, 19 January 2000.

38 See 'The Adams Visa: Then and Now,' [The Irish Voice](#), 1 February 1995.

illegal nature, by the other party to the dispute.<sup>39</sup> The use of visa diplomacy in this fashion places it within the same realm as sanctions. The genus of sanctions contains a large number of species, one type being political sanctions, which are relatively informal government measures used to express displeasure at the actions of another government. Visa restrictions, the suspension of official visits, and selective travel bans all constitute forms of political sanctions.<sup>40</sup>

Sanctions, however, are controversial. While they are a definite instrument of policy recognized by international law, they are not always effective. Driven by dissatisfaction with the costs to both innocent civilians and front-line states of broad trade embargoes, policymakers in recent years turned their attention to targeted sanctions as a possible alternative. The objective is to find a tool that is both more effective than trade sanctions in achieving foreign policy goals and less blunt in its economic effects. Much of the debate has focused on methods for more carefully targeting sanctions so that more of the costs are borne by those whose behavior the international community seeks to change and less by civilians who have little or no control over policy. Another goal of proposed reforms is to reduce the costs to members of the coalition imposing sanctions, especially neighbors and close trading partners of the target state who bear a disproportionate share of the burden and who often lack the resources to adjust.<sup>41</sup> Examples of broad band sanctions which were detrimental to the civilian populace were Rhodesia, Iraq, and Haiti. Targeted sanctions may have been more effective by placing direct pressure on the governing elites.

If the international system in 'low politics' is diffuse, then sanctions are most effective when they are multilateral, targeted, and flexible. Sanctions can be effective at times, but they must be guided by a strategic design.

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39 See Gerhard von Glahn, Law Among Nations, 7th Edition (Needham Heights: Allyn & Bacon), 1996, pp. 533-534.

40 European Union, EU Law and Policy Overview, <http://www.eurunion.org/legislat/Sanctions.htm>

41 See Kimberly Ann Elliott, Paper: Analyzing the Effects of Targeted Financial Sanctions. 2<sup>nd</sup> Interlaken Seminar on Targeting UN Financial Sanctions, 29-31 March, 1999, Switzerland, p. 189.



They should exert pressure on decision-making elites while exempting innocent populations, and if possible, empowering reform constituencies.<sup>42</sup> Visa diplomacy fits squarely into the category of targeted sanctions, since it allows direct application to governmental elites and their cronies. 'Targeted sanctions' or 'smart sanctions', like 'smart bombs', are meant to focus their impact on leaders, political elites and segments of society believed responsible for objectionable behavior, while reducing collateral damage to the general population and third countries.<sup>43</sup>

Visa restrictions against individuals and groups fit well into this category since they not only avoid the possible humanitarian impacts of broader travel restrictions, but are also useful in denying legitimacy to political leaders, military officials and their supporters. Such restrictions cut blacklisted individuals (like former Serbian President Milosevic and his supporters) off from their companies and bank accounts and hobble them in conducting business abroad.<sup>44</sup> Overall, visa sanctions seem to be primarily symbolic measures, which may satisfy the need in sender states to 'do something'; they may slake humanitarian concerns; and they may serve to unify fraying coalitions, but they are not a magic bullet for achieving foreign policy goals.<sup>45</sup> That said, targeted sanctions like visa denials and restrictions may still be used as a 'warm-up' for broader measures.<sup>46</sup> As such, they provide a useful instrument for use by sovereign states to symbolically make a statement, apply pressure on receiving country political elites, or serve as an escalation warning shot for future, more punitive actions like unilateral full embargoes or asset freezes, multilateral regional organization action, or ultimately United Nations Security Council resolutions.

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42 See David Cortright and Samina Ahmed, 'Sanctions: Modify'em,' The Bulletin of Atomic Scientists, September/October 1998, pp. 22-24.

43 Gary Hufbauer and Barbara Oegg, 'Targeted Sanctions: A Policy Alternative?' Paper given at the Symposium on 'Sanctions Reform? Evaluating the Economic Weapon in Asia and the World,' February 23, 2000.

44 Gary Hufbauer and Barbara Oegg, 'Targeted Sanctions: A Policy Alternative?' Paper given at the Symposium on 'Sanctions Reform? Evaluating the Economic Weapon in Asia and the World,' February 23, 2000.

45 Gary Hufbauer and Barbara Oegg, 'Targeted Sanctions: A Policy Alternative?' Paper given at the Symposium on 'Sanctions Reform? Evaluating the Economic Weapon in Asia and the World,' February 23, 2000.

46 Gary Hufbauer and Barbara Oegg, 'Targeted Sanctions: A Policy Alternative?' Paper given at the Symposium on 'Sanctions Reform? Evaluating the Economic Weapon in Asia and the World,' February 23, 2000.

The question which remains is if visa sanctions are effective, or are they merely a way for a government to avoid doing nothing, and to give national politicians an avenue for posturing. The next four examples illustrate the use of visa diplomacy in its coercive role, in various combinations with other diplomatic tools, and with varying degrees of probable effectiveness.

### ***Spain, Canada, and the Turbot War – 1995***

In the spring of 1995, Canada took unilateral action against Spanish fishing trawlers operating outside its 200 mile national limit by cutting their nets and detaining a vessel, thus starting the so-called Turbot War.<sup>47</sup> Canada, a nation that had never before fought in defense of its own sovereignty, and Spain, a nation not known in the late 20th century for international aggression were the unlikely antagonists.<sup>48</sup> Spanish trawlers were in apparent violation of maritime rules concerning fishing quotas, and were contributing to the depletion of world fish stocks, and in particular negatively affecting the Canadian fishing industry. Canada felt it had an obligation to protect these turbot stocks from Spanish trawlers who were exceeding quotas and using small nets in violation of international fishing agreements, despite the fact that their operations took place outside of Canadian national jurisdiction.

The seeds of the conflict were laid when Canada declared a moratorium on the fishing of many stocks in 1994 within its 200 mile coastal economic zone. Unfortunately stocks continued to dwindle because of foreign fishing fleets. The reason for this continued decline was that two areas of the Grand Banks fishing zone fall outside of Canada's 200 mile economic zone, but the turbot, along with many other fish stocks, straddle this 200 mile economic limit and are migratory by nature.

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47 For a more complete overview to this unusual conflict see Elizabeth R. De Sombre and J. Samuel Barkin, Turbot War: Canada, Spain and Conflict over the North Atlantic Fishery (Georgetown: Institute for the Study of Diplomacy), 2000, and Andrew F Cooper, Snapshots of Cyber-Diplomacy: Greenpeace against French Nuclear Testing and the Spain-Canada 'Fish War', Discussion Papers in Diplomacy, No. 36, Netherlands Institute of International Relations 'Clingendael', December 1997.

48 See Yvan Champagne, 'An Expose of British Noncooperation in the EU,' The Yale Political Quarterly, Volume 18, Number 2, May 1997.

During the 1990s, Canadian diplomatic officials lobbied unsuccessfully through the Northwest Atlantic Fisheries Organization (NAFO) to establish firmer regulations in order to conserve fishing stocks in these areas outside Canadian territorial waters. Not surprisingly, they were thwarted by NAFO members who benefited from this lack of regulation. Spain, whose fishing industry profited from this situation, led the blockade. Given the migratory nature of these fish, Canada's own national fishing interests became threatened. Frustrated, the Canadian government passed legislation authorizing Canadian officials to seize vessels suspected of overfishing outside of its 200 mile economic zone. On March 8, 1995 Canadian officials attempted to board a Spanish fishing vessel, the Estai, that was suspected of overfishing. This peaceful attempt failed when the trawler cut its nets and a chase ensued until the ship was finally boarded and impounded.<sup>49</sup> Canada's detention of the trawler, in contravention of international law, created an uproar between her, Spain, and the European Union.

With the European Union serving as both a mediator between parties and a representative for its member nation, Spain, the fishing crisis escalated to occupy world media headlines. Threats were exchanged, demands were made, and various types of countermeasures were discussed by all parties. Canada threatened to continue to cut nets and detain vessels until the Spanish desisted in their overfishing and came into compliance with set quotas. Spain used harsh words and threatened to send warships to protect its trawlers, but given that both Canada and Spain are members of the North Atlantic Treaty Organization, this talk was seen by the world community as counter-productive and mere political rhetoric.

One of the first concrete unilateral countermeasures, however, announced and implemented by the Spanish government was the introduction of visas and visa fees for Canadians desiring to travel to Spain. This action, effective as of April 1995, although symbolic and mildly inconvenient for the individual Canadian traveler, allowed the Spanish government to take some tangible action against Canada and reflected the Spanish government's displeasure with Canada's perceived effrontery.<sup>50</sup>

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49 See Thomas Jandl, 'Turbot Loss and Canada,' Case 114, Trade and Environment Database (TED) Case Studies, Volume 3, No. 1, January 1994, <http://www.american.edu/TED/class/all.htm> and Yvan Champagne, 'An Expose of British Noncooperation in the EU,' The Yale Political Quarterly, Volume 18, Number 2, May 1997.

50 See 'Spain Imposing Visa on Canada,' Financial Times, April 1995.

The lowly visa provided a useful weapon for Spanish diplomatic action when other conflictual tools were unavailable. Considering that only approximately 90,000 Canadians traveled to Spain in 1995, and 92,200 traveled there in 1996,<sup>51</sup> the actual effects of this visa regime were probably miniscule in their outcomes on the Canadian government.<sup>52</sup> The action was largely symbolic and provided a path for pure diplomatic posturing.

### ***India – 1998***

Even before 1993 it was clear that both India and Pakistan were nuclear-capable. Nuclear and missile proliferation were a significant element in American bilateral relations with both countries throughout the Clinton years. Initiatives beginning under US Secretary of State Warren Christopher aimed to slow down the nuclear and missile programs of both countries. Nevertheless, India's new Hindu nationalist Bharatiya Janata Party-led government conducted nuclear tests without warning in May 1998 and Pakistan followed suit. The tests precipitated widespread international condemnation and sanctions against both, but also provided an opening for serious U.S.-South Asia dialogue on this critical issue.<sup>53</sup>

The Clinton Administration implemented economic sanctions to punish the two states for testing nuclear devices, but avoided cutting ties completely. The sanctions terminated economic aid, loans and military sales to both governments, but did not ban loans to privately-owned companies or investment by U.S. companies. Exports of most dual-use items were cut off, and banks were prohibited from lending money to either government. Most other states, including Britain, France and Russia, refused to impose any

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51 Statistics from the Embassy of Spain in Canada Website, section 'Did you know', <http://www.docuweb.ca/SpainInCanada>

52 Canada has a population of 32.2 million (July 2003 est.). The number of travelers to Spain represents 0.28 percent of the total population. It can be reasonably inferred, that such a small percentage of the voting populace would exert an equally small influence on Canada's foreign policy decision-makers.

53 See History of the Department of State During the Clinton Presidency (1993-2001), South Asia, released by the Office of the Historian, Bureau of Public Affairs, <http://www.state.gov/r/pa/ho/pubs/8529.htm>

trade sanctions.<sup>54</sup> In the case of India, visas did play a role in the ill-defined sanctions imposed by the Clinton administration and other Western countries in the wake of the Indian nuclear tests, albeit the visa regimes were haphazard and unevenly applied.

In May 1998, Japan denied visas to officers from the Indian National Defence College who were on a familiarization tour of the region. Also, in May 1998, the United Kingdom denied visas to four leading Indian scientists who were scheduled to attend a meeting of editors of a scientific encyclopedia at Oxford University. The United States followed suit in the denial of a US visa to Dr. R. Chidambaram, Chairman of the Indian Atomic Energy Commission. This denial was a direct result of the nuclear tests. The US indicated that after the Pokhran – II nuclear tests, it would deny visas to selected people, particularly nuclear scientists to prevent unwanted transfer of technology. Further denials were apparently given to scientists from the Indian Space Research Organization and other government research organizations. The US denied, however, that visa restrictions were part of a sanctions policy imposed by the US.<sup>55</sup> Rather, the very symbolic visa denial for Dr. Chidambaram was part of a policy ‘review’ aimed at scientific exchanges, particularly with Indian scientists engaged in nuclear and missile development programs.<sup>56</sup>

This example demonstrates the use of visas in a rather capricious fashion to signal official government displeasure at India’s testing, but visa diplomacy was not incorporated into a stronger, more punitive, and more comprehensive sanctions effort. Nonetheless, the psychological impact and uncertainty over the full extent of US visa sanctions among Indian individuals and broad groups of professionals made the symbolic impact of elected visa refusals greater than normally might have been the case and should not be underestimated.

As CNN reported, while detonation of underground nuclear devices may have caused some to celebrate in India, the ramifications of that blast created high anxiety for many Indians working in the United States on temporary visas. Indian workers were concerned that the backlash over the nuclear tests

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54 India-Pakistan: Nuclear Weapon Update 1998, The Risk Report, Volume 4 Number 6 (November- December 1998),

<http://www.wisconsinproject.org/countries/pakistan/nuke98.html>

55 See John Cherian, ‘A capricious visa regime,’ Frontline, Vol. 15: No. 16: August 1-14, 1998.

56 US Department of State, Daily Press Briefing, July 15, 1998.

might lead to the revocation of their visas.<sup>57</sup> These fears were not unjustified, because U.S. officials were vowing to impose unspecified sanctions against India. The revocation of visas would have been in line with US actions during previous diplomatic crises. For instance, both Cuban and Iranian immigrants lost visas when relations deteriorated between their governments and the United States. In this instance, the visa sanctions were limited primarily to India's nuclear scientist group.

The use of visa sanctions towards India as a consequence of the May 1998 nuclear tests was seemingly haphazard and not focused in its application. The threat of comprehensive visa sanctions and the possibility of their introduction, however, does illustrate their potential effectiveness at an individual, group, and interstate level. At the individual level, visa restrictions would have affected large numbers of Indians working in high technology jobs in the US, particularly in the Silicon Valley economy. From the group perspective, focused and comprehensive visa sanctions could have influenced decision-making elites in the Indian government and military, while sending a strong message to the Indian government. In reflecting on this approach, a stronger diplomatic alternative might have been a focused and targeted visa denial program. For example, a pointed sanctions policy would have identified the Hindu nationalist leaders of the Bharatiya Party (BJP) in India as the group responsible for precipitating the India-Pakistan nuclear crisis. In Pakistan it would have targeted the military leaders and nuclear scientists who have controlled military policy and long championed the nuclear option. Canceling visa and residency permits for the leaders and their families would have been effective, and especially onerous, because many Indian and Pakistani leaders send their children to universities in North America and Europe and have business connections there.<sup>58</sup> As applied, however, at the interstate level, this use of visa diplomacy was symbolic and psychological in its qualities. It was more of an attempt to send a weak diplomatic message, rather than a strong policy signal into a complex and dangerous crisis situation in South Asia.

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57 Rusty Dornin, 'Indian workers in US fear sanctions will threaten visas,' *CNN*, May 17, 1998, <http://www.cnn.com/US/9805/17/india.american.jobs/>

58 See David Cortright and Samina Ahmed, 'Sanctions: Modify'em,' *The Bulletin of Atomic Scientists*, September/October 1998, pp. 22-24.

### ***Belarus – 1998***

The case of the European Union's (EU) handling of a diplomatic incident with the Government of Belarus, provides a good example of the application of targeted visa sanctions to a governing elite. These visa restrictions were employed in addition to the withdrawal of EU ambassadors due to a row over evictions from diplomatic residences in the Belarusian suburb of Drozdy.

As a Council of Europe press release stated, 'Located on the north-west outskirts of Belarus's capital city Minsk, Drozdy is a residential compound where some senior Belarusian government and Communist Party officials lived before the breakup of the Soviet Union. After Belarus declared its independence in 1991 and its recognition by the international community resulted in the establishment of diplomatic relations, the government of Belarus offered arriving foreign ambassadors to come reside in Drozdy, a leafy, quiet and guarded neighborhood. The first diplomatic tenants appeared in Drozdy as early as in 1992, a long time before the very institution of the presidency in Belarus and Belarus's first presidential election. In April 1998 the Belarusian authorities informed those chiefs of mission who lived in Drozdy that they would have to vacate their residences due to the alleged need of utility repairs. The diplomatic dialogue that ensued to persuade the Belarusian authorities to reverse their decision, clearly in violation of the Vienna Convention on Diplomatic Relations and the valid leases signed by respective foreign missions and the government of Belarus, was followed by a string of deadlines set by the Belarusian government, unacceptable for their categorical form'.<sup>59</sup> The motive behind those evictions was believed to be the simple desire of President Lukashenko to use the properties for himself.

Other deplorable events, including an attempt to weld shut a gate to the U.S. ambassador's residence, the blocking of vehicular access to the compound and intrusions onto the territory of the residences, led to the departure of the EU and U.S. ambassadors from Belarus on June 22, 1998. This was the first adverse diplomatic action taken toward the Government of Belarus. On July 9, 1998, the European Council declared that, 'certain measures which the Government of Belarus had undertaken or allowed to be

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59 See also Council of Europe – GENERAL AFFAIRS: Press Release: Brussels (13/7/1998) – Press:240 Nr: 10228/98.

undertaken at the residences of a number of Member State ambassadors without the consent of the heads of mission concerned were considered by the Council to be unlawful and unacceptable'. The Council therefore established a list of individuals (all the members of the Belarus Government, plus senior officials) who would not be admitted into the Member States.<sup>60</sup> Definitively, then on July 13, 1998, the governing elite of Belarus was placed directly in the crosshairs of visa sanctions for their conduct in the conflict around the diplomatic compound in Drozdy and infringements on the Vienna Diplomatic and Consular Convention. On July 13, 1998, foreign ministers of the European Union voted for the introduction of visa sanctions against Belarusian officials.<sup>61</sup> The action of tightening the visa regime was regarded as 'a response' to repeated violations of the Vienna Convention on the part of Belarusian authorities. At the same time, the European Union 'was interested in a constructive dialogue' once the current problems were resolved. The U.S. joined the move on July 14, 1998, by also suspending some military exchange programs involving Government of Belarus officials.

This international reaction was due to the unprecedented violation of the recognized standards of treatment of foreign diplomats. The centuries old tradition codified in the Vienna Convention is that diplomats need to be able to live and work free from intimidation. If they don't feel secure in their homes and chanceries, they cannot perform their diplomatic duties.<sup>62</sup> A number of individuals were denied visas. The latter include the Belarusian president, his administration's staffers of any rank, staffers of the Council of Ministers and ministries, as well as state officials 'equal to a rank of such'.

The EU's decision was not a spontaneous one, since it was already known that the Belarusian Minister of Foreign Economic Relations would not be allowed to visit the international exhibition EXPO-98 in Lisbon. Portugal declined to issue visas for this Belarusian delegation. Some well-informed people stated the incident was not the first one: embassies of western countries have delayed issuance of visas for official Belarusian delegations earlier as well.

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60 Common Position 98/448/CFSP defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning Belarus, OJ L 195, 11.7.1998.

61 See Yegor Mayorchik, 'Belarus Finds itself More in International Isolation,' Belarus Now, 21 July 1998, <http://www.open.by/belarus-now/cont/1998/0721/news/1.html>

62 See US Embassy Belarus Drozdy Residence dispute, [http://minsk.usembassy.gov/html/drozdy\\_dispute.html](http://minsk.usembassy.gov/html/drozdy_dispute.html)



As a result, a number of talks with the participation of Belarus' representatives were disrupted.<sup>63</sup>

The visa ban marked one more gesture of disapproval for Belarus, and while its impact was clearly limited, the signal was plain enough – that under President Lukashenko, Belarus was being pushed further away from the valuable assistance the international community could offer it. Since extending his own powers in a referendum in 1996, President Lukashenko has caused the European Union to gradually withdraw its support, both financial and political, for Belarus. Development projects worth around USD 75 million were frozen and support for joining the Council of Europe withdrawn.<sup>64</sup>

In this case, a visa ban was used in conjunction with the withdrawal of ambassadors to apply diplomatic pressure on the Government of Belarus, and its decision-making members. While these political sanctions were newsworthy and headline catching, the visa ban is probably not as powerful in effect as the freezing of development projects and economic actions. In fact, it is difficult to assess the impact of visa diplomacy on opaque regimes like Belarus. According to the most recent EU country report on Belarus, the EU continues to express concern over the lack of democratization and respect for human rights displayed by the Government of Belarus. In fact a new visa ban was set in place on November 19, 2002 as a reaction to Belarus' refusal to renew the accreditation of the Organization for Security and Cooperation in Europe (OSCE) Assistance and Monitoring Group (AMG). The AMG was established in 1998 with the objective of assisting the authorities to fulfil their OSCE commitments. Due to misgivings about its mandate and activities, Belarus decided to refuse renewal of accreditation of the last remaining foreign staff in October 2002, thereby effectively putting an end to the AMG operations. The EU Council stated in October that 'specific measures' might be taken if AMG were to be closed. As a reaction to this happening, 14 out of 15 EU Member States decided on 19 November to prevent the entry into their territories of President Lukashenko and seven other political leaders of Belarus.<sup>65</sup>

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63 See Yegor Mayorchik, 'Belarusian Officials to stay at Home,' *Belarus Now*, 14 July 1998, <http://www.open.by/belarus-now/cont/1998/0714/news/1.html>

64 See David Eades, 'EU to restrict Belarus officials,' *BBC News*, July 9, 1998, <http://news.bbc.co.uk/1/hi/world/europe/129506.stm>

65 See The EU's relations with Belarus: Developments since 2001, [http://europa.eu.int/comm/external\\_relations/belarus/intro/index.html](http://europa.eu.int/comm/external_relations/belarus/intro/index.html)

Thus, the withdrawal of ambassadors and the coercive visa diplomacy might be considered a warm-up measure to more consequential sanctions to come. If this type of wake-up call does not adjust the policies of President Lukashenko, then something like a three year moratorium on aid projects would increase the diplomatic pressure. Visa sanctions alone, though, are probably not enough to force policy change in such a regime, but they allow a concrete diplomatic action to be taken, and create an irritation for the governing elite.

### ***Zimbabwe – 2002***

The Zimbabwe case provides the final example of the use of visa diplomacy for retorsion purposes. Here, visa sanctions were applied multilaterally, and in a targeted fashion, and with other measures. The effectiveness of these visa sanctions is hard to assess as they are still ongoing as of the writing of this paper, and their significance may have been diluted by lack of compliance by some implementing states.

In February 2002, just before elections in Zimbabwe, the European Union and the United States used a travel ban to punish Zimbabwe's president, Robert Mugabe, and his inner circle. The United States imposed the sanctions to protest an election campaign that the Bush Administration said was 'marred by political violence and intimidation'. The European Union imposed a visa ban on President Mugabe and 19 officials because of the way Zimbabwe treated observers sent to monitor the election.<sup>66</sup>

Already on January 28, 2002, the European Council expressed its serious concern about the situation in Zimbabwe, in particular the escalation of violence and intimidation of political opponents and the harassment of the independent press. It decided that if the Government of Zimbabwe prevented the EU election observer mission from operating effectively, hampered the international media from having free access to cover the election, or if there

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66 'Zimbabwe Bars Blair Over Visa Policy,' The New York Times, November 9, 2002 Late Edition, p. 6.

was a serious deterioration on the ground, in terms of worsening human rights or attacks on the opposition, then it would implement targeted sanctions. The EU began to send election observers on February 3, 2002. Subsequently, the Government of Zimbabwe refused to accredit six observers and the EU Chief Observer. On February 18, 2002, the European Council assessed that the Government of Zimbabwe continued to engage in serious violations of the above conditions, and implemented certain measures. They decided to impose targeted sanctions in the form of an embargo on the sale, supply or transfer of arms and technical advice, assistance or training related to military activities and an embargo on the sale or supply of equipment which could be used for internal repression in Zimbabwe, as well as a travel ban<sup>67</sup> on persons who engage in serious violations of human rights and of the freedom of opinion, of association and of peaceful assembly in Zimbabwe and a freezing of their funds, other financial assets or economic resources, as contained in the Common Position and Regulation concerning restrictive measures against Zimbabwe. These targeted sanctions were aimed solely at those whom the EU judged to be responsible for the violence, the violations of human rights and the prevention of free and fair elections in Zimbabwe. The EU reserved the right to take additional targeted restrictive measures, at a later date, if the situation deteriorated further. The sanctions were designed not to harm ordinary citizens of Zimbabwe or her neighbors, nor would they prevent dialogue between the EU and Zimbabwe to address its economic and other problems.<sup>68</sup>

Article 3 of the European Council Common Position of February 18, 2002, required that 'Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons listed in the Annex, who are engaged in activities that seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe'.<sup>69</sup> Those persons listed were President Robert Mugabe and his coterie of closest associates.

Technically, this visa diplomacy should have closed off the EU area to Robert Mugabe and his associates, and cut-off access to their foreign held assets. Unfortunately, subsequent EU member state actions diluted this

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67 Author's highlight.

68 See EU Press Release, 2409<sup>th</sup> European Council meeting - General Affairs - Brussels, 18/19 February 2002, pp. 13-14.

69 See EU Council Common Position of 18 February 2002 concerning restrictive measures against Zimbabwe (2002/145/CFSP).

resolution, weakening the impact of this instrument to influence the Government of Zimbabwe. In September 2002, the Belgian government allowed the Zimbabwe Trade Minister, Samuel Mumbengegwe to attend a weeklong trade conference. Belgian authorities said the visa ban was waived on the advice of EU lawyers because Mr. Mumbengegwe was invited to an international meeting of African, Caribbean, and Pacific countries under the Cotonou Agreement<sup>70</sup>, which has treaty status and supposedly takes precedence over EU law. This action was roundly condemned since Zimbabwe is a flagrant violator of the Cotonou Agreement.<sup>71</sup>

A similar, heavily criticized exception occurred in 2003 when President Mugabe was invited by French President Jacques Chirac, who asked for a suspension of the visa ban so that the Zimbabwean leader could attend a Franco-African summit there.<sup>72</sup> This lack of ironclad compliance was further illustrated by the Swiss government in December 2003. Although in March 2002, the Swiss government followed the lead of the EU and imposed sanctions on the regime in Zimbabwe, including a travel ban for 79 people including Mugabe and his wife, the Swiss government waived the ban in December 2003 to allow Mugabe to partake in a United Nations technology summit in Geneva.<sup>73</sup>

This example illustrates the use of visa restrictions as part of a selected range of targeted sanctions to address a major international relations regime problem in Zimbabwe. Unfortunately the effectiveness of the visa penalties is questionable. First, repeated non-compliance has diluted their results. Second, since EU nations slapped diplomatic sanctions against Zimbabwe two years ago, President Mugabe has cracked down further on the independent press, the judiciary, opposition parties, and human rights

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70 See Cotonou Agreement, Partnership Agreement between the Members of the African, Caribbean, and Pacific Group of States on the one part, and European Member States on the other part, signed in Cotonou, Benin, June 23, 2000.

71 See Ambrose Evans-Pritchard, 'Another Zimbabwe minister beats EU visa ban,' *Telegraph*, September 26, 2002, <http://www.telegraph.co.uk/new/main.html> and Zimbabwe: EU Sanctions Policy, The United Kingdom Parliament: Written Answers, 17 October 2002, Column WA67.

72 'EU to clamp down on Mugabe', *News24*, 16/01/2004, <http://www.news24.com/News24/Africa/Zimbabwe/>

73 'Travel ban doesn't stop Mugabe,' *News24*, 09/12/2003, <http://www.news24.com/News24/Africa/Zimbabwe/>

workers. In short, there has been no transparent improvement of the political situation as a result of the sanctions. Short of forcefully undermining the regime itself, the EU can as a minimum apply visa sanctions, as part of a package, to provide at least a vehicle for administering diplomatic pressure that could serve as a longer term irritant to the ruling government.

### ***Conclusion***

As seen from the six examples, visas provide states with a simple and low cost vehicle of diplomatic communication and action used to express both subtle and not so subtle shifts in governmental policy or emotions. Visas often allow regimes to make policy statements that cannot be expressed by other diplomatic means. Clearly, this small dimension of consular work should not be overlooked by future policy-makers in their continual review of possible operational options to implement in the foreign policy field of international relations.

But what does the analysis of the effectiveness of visa diplomacy indicate? Visa diplomacy and the use of the visa as a diplomatic instrument appears to be a successful approach when used for recognition purposes and to convey publicly a move towards greater cooperation. This statement is supported by the Taiwan and Sinn Fein examples. In both cases, the visa issuance catalyzed stagnant or blocked diplomatic processes, and gave a voice to changes in foreign policy deriving from domestic or foreign factors. For the Sinn Fein instance, the visa issuance could be viewed as the key to expediting the Northern Ireland peace process. The Taiwanese visa rewarded Taiwanese efforts towards democracy and free markets, and demonstrated unspoken US resolve not to desert Taiwan in the face of PRC aggressiveness.

More problematic is the use of the visa as an instrument of coercion in the spectrum of interstate conflict below the level of warfare. Here the visa certainly provides a measure to use when other potential 'weapons' may not be available, but it is a rather weak form of retorsion when applied haphazardly or not in conjunction with other instruments of diplomatic self-help. In both the Indian and Canadian examples, visa diplomacy provided a way to posture when other diplomatic possibilities were limited due to power-political constraints.

Even when used as part of a focused set of sanctions, targeted at a specific group, often the ruling elite of a country, visa sanctions appear not so effective in influencing a country's policy in the desired way. One reason for this limitation in the multilateral diplomatic environment may be the lack of consequential application among all sanctioning nations as seen in the Zimbabwe situation. Or perhaps visa diplomacy may be assessed and best used as a weak, diplomatic warm-up measure for more decisive sanctions to follow. The Belarus example is a case in point. Although more research is needed to be conclusive, visa diplomacy probably finds its most useful niche in the diplomatic recognition role, and as a retorsion warm-up measure combined with an array of other sanctions directed to the offending state. Despite its limitations, visa diplomacy is an available signaling and retorsion instrument within the consular element of diplomacy, which makes it a viable policy option in the 'low politics' arena of international affairs.

Visa diplomacy is retail diplomacy at its best. At the operative level, it links an individual or group to its sovereign country and respective national policies. Denial or issuance at the individual or group level can have significant outcomes on overall interstate interactions. This type of diplomacy may be little studied, yet as seen in this paper, its practical use is alive and well in modern international relations.