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# The Romanian Journal of European Studies

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# Foreword

*With six articles focused on migration, the present issue of the Romanian Journal of European Studies precedes the publication of a specialist Journal of Migration Studies, a new initiative in the academic environment of Timișoara.*

*Some of the articles in this issue were already presented at the International Colloquium "Romania and the EU in 2007" held in Timișoara on the 6th of May 2005 through the joint efforts of the West*

*University, the School of High European Comparative Studies and the Centre of Excellence 'Jean Monnet'.*

*I hope that all readers will enjoy this special issue.*

**Grigore Silași**, Professor  
Editorial Board Coordinator



# Editorial

## Migration and European challenges

*Being a short-term migrant to Romania, I feel honored to contribute to this journal's issue and therefore would like to thank the editors for this nice opportunity.*

*European studies as a subject, analyzing European developments in the present, past and future, certainly can't avoid the multi-faceted subject of study called 'migration.' Decision-making on migration issues is still defended by Member States as their prerogative as migration directly affects the grounds on which European 'nation-states' have been created. The reluctance of Member States to transfer decision-making power to supranational European institutions is maybe one of the most important indicators that the European Union is struggling hard on its way forward. Like in other aspects of the integration process there are two (or even more) velocities involved: while the polity and*

*trade area of the European Union have been expanding quickly, the mental picture of a 'common Europe and identity' for most citizens remains rather undeveloped and is often blurred by exaggerated expectations or already nearly destroyed by a growing EU-pessimism. Although Europe's final borders and the future neighborhood are currently discussed and the 'frontier' thereby slowly becomes demarcated, the overall progress towards a stronger European self-identification has been extremely limited. The consequences of a globalizing world and the uncertainties of the 'EU-project' are raising fears among European citizens. The possible negative effects of globalization and enlargement have often been illustrated by using the picture of 'uncontrollable waves of migrants' landing at Europe's shores and threatening the income and social security of native citizens — cheaper and cheaper, everywhere available Samsung*

TV sets seem for our 'globalized European village' less worrying.

One can say that the fear of uncontrollable migrations and resulting resentments against future fellow (EU or non-EU) citizens and neighbors, unfortunately, is and has been a close companion of the European project. Policy-makers and EU bureaucrats failed to prepare their constituency, maybe should have given the enlargement more time and/or neglected opportunities to make the whole 'project' more socially sustainable and mentally manageable for individual citizens. On the other hand, policy-makers repeatedly have been quick to react to public fears against potential immigrants (from the new Member States or from elsewhere) and to gain votes out of this fear-induced pre-form of xenophobia: they quickly agree on restrictions — although destroying hereby the original ideal of free movements between new and old Member States and introducing a second class of EU citizens. Unfortunately, however, decision-makers seem rather incompetent and slow to accept mid-term and long-term European realities and neglect new historic opportunities to actively prepare their citizens for Europe's severe transformations - resulting from extremely low fertility rates, a quickly ageing European population, a decreasing European competitiveness and an implosion of social protection systems e.g. Of course, the solution can't exist (solely) in increased immigration to Europe, but to a certain extent Europe will be depending from a labor influx in the near future. Despite this fact, migrants from the new Member States or from Third Countries still have to pay the negative side-effects of restrictive policies that are based on election-inspired rhetoric and a generally badly informed electorate rather than these policies are fact-based and future-inspired.

In summary, Europe should (and is) more than a political construct and trade bloc - it has to be filled with a common dream and spirit and the EU citizenry should be prepared by time to welcome and include people from other countries: Polish plumbers in France, Romanian agricultural workers in Spain or retired Germans in Spain are an important feature

and first step of a Europe growing together and a Europe that tries to deal with (rather than denies and neglect) future challenges.

Migration is crucial for Europe's future development and an interesting subject for the discipline of European studies. I am therefore happy to introduce to a journal that is full of interesting articles, highlighting important features of the migration phenomenon in Europe, and having a special focus on Romania as a new Member State:

The bigger European picture is drawn by Ruspini who questions and outlines the linkage between national and supranational governance on the way to a common immigration policy that will be the underpinning framework of the evolving post-enlargement space. The impact of international organizations and mostly informal consultation processes that led to the pre-construction of an area of Justice, Freedom and Security is portrayed in the article of Geiger. Baldwin-Edwards dedicated his article to the next EU enlargement in line: the former Yugoslavia and Albania as an area that was and partly still is synonymous with voluntary and forced 'mass emigrations.' This year's 'Year of Worker's Mobility', promoted by the EU Commission, in the context of the whole European project is reflected in the article of van Krieken. Paradoxically, although the mobility of workers inside the EU is actually still very low, the new (mostly unfounded) fear of mass movements from the new Member states recently led to the introduction of mobility restrictions inside the enlarged EU. The challenge for the EU in the near future certainly has to be to promote, encourage and tolerate more mobility inside the EU and across its external borders. Finally, two articles highlight the case of Romania: Romanian emigration patterns and the context of EU accession are portrayed by Nicolescu and Constantin, while Ghetau in his contribution analyzes the demographic impacts of migratory movements on different regions and the whole of Romania by focusing on intra-regional comparisons and changes in the sex and age.

**Martin Geiger,**

Guest Lecturer and Associated Researcher  
SISEC, University of the West, Timișoara,  
Guest Editor



# Forms and Features of the Post-Enlargement Migration Space

**Paolo Ruspini, PhD**

Associate Fellow, Centre for Research in Ethnic  
Relations, University of Warwick\*

This paper is a preliminary attempt at investigating the link between the post EU enlargement migration space and the ongoing process of the forming of a common EU immigration policy, now in its second phase, the 'Hague Programme' having been agreed upon in November 2004. The main subject I mean to discuss centres around a series of juxtapositions which are the result of an interrelation between the national and supranational levels of EU policymaking: 'enlargement(s) and restrictions', 'visible and invisible borders', 'pendulum and pillar' defining the area of Justice, Freedom and Security, implemented since the meeting of the European Council in Tampere in October 1999. The theoretical framework in this paper relies upon the 'pendulum model' developed by Helen Wallace and includes a close study of the EU policymaking process. The model shows how this process results in an uninterrupted oscillation between two dimensions of governance – national and supranational – particularly in the field of immigration where prerogatives of national sovereignty often tend to prevail. The conclusive argument advances the idea that the EU should involve all the qualified actors either from old or new member states or neighbouring countries in an effective 'open method of coordination', aimed at harmonizing immigration and asylum policy.

**Keywords:** immigration, EU enlargement, borders, policymaking, European identity.

**W**hat is Europe? Is it a geographic, economic, political entity, a category of thought or rather the space of 'freedom, security and jus-

tice' and for the movement of goods and citizens belonging to the European Union? Regarding people, is this movement indeed 'free', 'just'

\* Coventry CV4 7AL, United Kingdom, e-mail: P.Ruspini@warwick.ac.uk, ph. (+4424) 7652 4869, fax (+4424) 7652 4324, home page: [http://www.warwick.ac.uk/fac/soc/CRER\\_RC/staff/paolo](http://www.warwick.ac.uk/fac/soc/CRER_RC/staff/paolo). This paper first appeared in Italian as "Da dieci a venticinque: il nuovo spazio europeo", in Fondazione ISMU, *Decimo Rapporto sulle migrazioni 2004. Dieci anni di immigrazione in Italia*, Milan: Franco Angeli, pp. 317-330.

and 'safe' for all the citizens that live in this space?

Since its foundation the transnational experiment named European Union (EU), has tried to provide a political form to the ancient idea of Europe. This has been attempted by establishing a set of rules opposing the entropy of the international system, setting up a common market, therefore continuing the process of political integration sanctioned by Treaties. These rules have generated a dense network, which has grown up, surprisingly, beyond all proportions, entangling 'goods and persons', at times delaying the overall growth of the system. The geopolitical space of the European Union has expanded or decreased because of historical social factors and the political willingness, or not, of the ruling coalitions of its member States.

In more than forty years of its recent history, Europe has been a divided entity reproducing variables of political thought and socio-economic systems in contrast one with the other: East and West, a planned economy against the free market, totalitarianism and democracy. To a great extent, they are dichotomies refuted from the historical overthrows of more recent years<sup>1</sup>.

The collapse of the Soviet paradigm in 1991 and the following gradual reunification of the European continent have not only altered forever a vision of the world, but they have also

sparked movements of populations for long appeased, thus putting under discussion migration regimes and the impermeability of European borders. At the beginning of this process, Western European migration scholars started off on the wrong foot, sometimes lacking the knowledge and explanatory instruments necessary to comprehend the migration dynamics, generated from, up until then, a little studied or even ignored reality. The intellectual curiosity, instilled by the ongoing epochal upheavals, has however prevailed on stereotypes and widespread misconceptions. The exchanges of scientific knowledge, which proceeded simultaneously with each stage of European integration, has therefore intensified between East and West, who represented, to each other, only until recently, two very distant worlds.

The idea mooted in this paper is the need to look at the transformations of the EU migration space in the time that starts in the 1980s, goes through the 1990s, until the decisive appointment of 1<sup>o</sup> May 2004, the day that sanctioned the fifth and more imposing EU enlargement. The last date is actually a starting point for the continent that urges to look beyond, trying to identify the empirical form and political features within today's migration scenario of the enlarged EU.

## 1 'Enlargements' and 'restrictions' in the European Union

The path of European integration is not straightforward at all. The history of the European Union has seen periods of acceleration followed by a slowing down, in the process of the formation of a common economic and political space. It is true that this path, though still far from being completed, has never actually arrested and it can be said that it has also reinvented itself in generating new political and institutional frameworks, which are the subject of deep interest on behalf of IR scholars, particularly those of the 'neofunctionalist' school.

Social phenomena and political processes, often complementary, have propelled the enlargement of the common European space: the processes of globalisation and economic interdependence on one side together with the evident impossibility to adopt national immigration policies without externalising the con-

trol of borders. Europe, or better, the European Union, has therefore experienced an awareness, albeit unwillingly, which for some States proves to be a miraculous 'panacea' where for others it represents an improvident solution by which to mitigate the malaises and the stiflement suffered due to systems of national governance.

What might seem a bold pragmatism in this last statement, does not mean to convey a non-appreciation of the propulsive role of the ideas and the sometimes ideological afflatus lavished over time by the advocates of European integration. This paper is not aimed at a philological reconstruction of the development of European integration in the migration sphere, but, rather, it means to encourage thought and clues to a more complete understanding of the dynamics. Some contextualization is, however, necessary in order to make a correct analysis.

The 1980s, starting point of our discussion, saw an acceleration of the political union with the introduction of the concept of 'variable geometry' and the publication of the 'White Book' of the Delors Commission, which includes detailed proposals for realizing a common market. The accession of Greece in 1981, together with that of Spain and Portugal in 1986 gave us 10 EU member States. The same last year the European Single Act has been enacted. It modifies the Treaty of Rome by introducing the 'qualified majority voting' for the harmonization of legislations. This Act, fervently encouraged by Kohl and Mitterand, opened the road to the creation of a big common market without frontiers, expected for the 1<sup>st</sup> January 1993 (Motta, 2003). The Delors Plan, adopted in 1989, prepared the setting up in three stages of the Economic and Monetary Union, while the Schengen Convention, which includes the total abolition of border controls, was signed to on 19<sup>th</sup> June 1990. The last objective was reached only in 1993, after the signing of the Treaty of Maastricht (7<sup>th</sup> February 1992) that sanctioned the freedom of movement for persons, goods, services and capitals.

The historical reconstruction aside, the development of the European integration process has been distinguished by two enlargements to three southern European countries, only five years one from the other and by the signing of the Schengen Convention that closes the 1980s and smoothes the way for the important institutional turning points of the 1990s.

It is interesting to note that the economic situation of Greece, Spain and Portugal at the time of their EU accession, compared with that of the member States was not so dissimilar to that between the EU-15 and the new Central and Eastern European (CEE) members in 2004. Certainly, one should proceed with caution in making comparisons between socio-economic models when taking into consideration their diverse historical experience. In the case of CEE countries, these models have been shaped over time by planning mechanisms historically absent in the West. It is worthy to note however, that calculations may be made through a fear, classifiable as irrational, and emphasised then, as now, with the purpose of raising distinctions and therefore restricting the freedom of movement of workers from the new member States, for subsequently re-negotiable transitional periods, so as to avoid an imbalance in the labour markets of the old member States. The scarce migra-

tory flow, once the freedom of movement for workers of the three Mediterranean Countries was sanctioned (van Selm, Tsolakis, 2004), has proved these fears to be groundless.

On a contemporary level, restrictions have proved worthless, considering by all the projections, sector studies and econometric calculations carried out before the 2004 Eastward enlargement. Past and recent estimations however, seem not to be enough to prevent a sort of 'domino effect', on the eve of the May 2004 enlargement, where member States were urged to apply the restrictions. The 'invasion syndrome' and recurrent use of hyperbola like "big-bang" borrowed from astrophysics, inexorably unmask the hypocrisies of national immigration policies and the selfishness of member States when their own prerogatives of national sovereignty are at stake.

In our opinion, it will be more interesting to look at the eventual reproduction of return migration scenarios, such those regarding Greece, Spain and Portugal, when the internal economic conditions became competitive compared with those of the destination countries. They are hypotheses to be verified on the ground of the characteristics of the CEE migratory regimes and the logics of the pre- and post-enlargement scenario.

One observation must be added regarding the openly evident contrast between the EU set standards that advocate the freedom of movement for all the workers who live and reside in the Union, and the distinctions exercised by the member States in re-proposing the transitional periods. They seem to deny and contradict the freedom of movement in selective terms, i.e. where the Union has accepted countries whose economic development is inferior to the member States average, and where the relative migratory potential was only 'apparently' increased by virtue of projections based on their history of emigration countries.

It is actually worth remembering that, when in 1995 Austria, Finland and Sweden joined the Union, the need to adopt restrictive measures was not apparent, and again in 2004 for Malta and Cyprus. Moreover, we should be wary of myopia, while writing analyses and forecasts based only on wage differentials. It is worth remembering that migration is, in fact, a more complex phenomenon. The migratory potential, i.e. the intention to carry out a migratory project, sometimes does not materialize because of the existence of a series of multiple factors

which characterise the job market<sup>2</sup>, the absence of well-established ethnic networks or the presence of cultural and linguistic barriers in the countries indicated as probable destination (Kaczmarczyk, 2004).

On the importance of seeing the bigger picture, we cannot but be in complete agreement with the statement made by Claire Wallace (1999): "Being poor is not enough to become a migrant".

## 2 'Permeability' and 'impermeability' of the enlarged EU borders

A 'Copernican revolution' took place, within the EU, in the middle of the '90s, which would have soon transformed the global migration regime of the continent. In 1995, for instance, the Schengen Convention came into force ten years after its signature, covering common external borders, common rules in visas and asylum, control of external borders and free movement of persons. The 'Schengen Information System' (SIS) has been established to match freedom and security. It is directed to the gathering and exchange of personal identification data and the description of lost and stolen objects. Limited to the five 1985 founding States (France, Germany and Benelux), the Schengen space has progressively extended to nearly all EU member States (with the exception of the United Kingdom and Ireland). Furthermore, the southern European member States, belonging to the Mediterranean model born at the beginning of the 1980s, grouping common migratory characteristics and experiences, followed paths similar to those of the CEE countries, adapting their mechanisms of borders control. The reactive character of many of these legislations has since been considered unsuitable for implementation, in its ignorance of historical contingencies and existing immigration policies (Kępińska, Stola, 2004).

The need to satisfy parameters established from above, at the EU level, without the advice of the directly interested countries, has pushed on several occasions to postulate policies that are often inadequate in taking into account the historical characteristics of the CEE region and the problems, as a consequence of population movements in the past century, which have arisen in the displacement of ethnic minorities outside their borders of origin. The management of

With these issues in mind, the partial negation of the Treaties' postulate, which has sanctioned the freedom of movement, throws a gloomy light on the EU Charter of fundamental rights (i.e. the nucleus of the European Constitution) and raises questions on the compatibility of any unborn political union with criteria of democratic inclusion typical of a federal structure.

CEE ethnic minorities therefore, cannot be conceived on the basis of the Western European experience, because conditions are rarely analogous and the range of rights which the minorities of these regions aspire to and those that the governments of their countries of origin would be willing to grant are much wider compared with Western European standards (Górny, Ruspini, 2004).

It may be that in the process of EU enlargement, *ad hoc* meetings and exchanges of experiences at the EU level between all the actors concerned with the policy-making process, would have been useful, including those of immigrant communities and ethnic minorities from Eastern and Western Europe. This would have enabled migration experts of the candidate countries to be actively and effectively involved in the formation of immigration policy. Such active involvement would certainly have served as a stimulus to facilitate a search for solutions and compromises in the diplomatic controversies arose during the enlargement process.

The above observations are not aimed at disclaiming the important role of the 'reactive' element in spurring on the formation and harmonization of member and candidate countries immigration policies. This is certainly a first goal, though not definitive, however important, when such diverse starting premises are considered. The alleged facts also testify to the influence that politics, and not only market rules, give to the importance of shaping the flow of migration and to the space of that singular model of supranational political integration that is the European Union. This (re)shaping has not always occurred in the right and desired direction, aimed at matching the general with the specific interests of immigrant groups and eth-

nic minorities. At any rate, the fact that policy-making process has started, is an important success in itself.

On the basis of what is set out above, the importance, therefore, of the role that the Schengen acquis or convergence criteria play in shaping the EU borders is self-evident. An unexpected freedom of movement on behalf of CEE citizens towards the West generated by the removal of the exit controls in the 1990s, has been enjoyed. Many took advantage of the concession of temporary permits, staying permanently in Western European countries, in particular where the geographic proximity, the historical and cultural ties and the economic attraction of the labour markets made the stay reasonable and employment possibilities more advantageous. Absence of exit controls together with the adoption of liberal immigration policies by several western European countries was responsible for a flow of migration towards the West and may have often even sparked this flow.

Moreover, in the decade preceding the beginning of the 1990s, the CEE migration territory worked nearly exclusively according to internal rules; population movements were mainly restricted to the CEE region, as a direct consequence of the lack of exit controls and passport visas for accessing the West. These dynamics were functional to Western Europe. The region acted, in fact, as 'buffer zone' between East and West and so it was until 1<sup>o</sup> May 2004. The Schengen barrier played the role of propeller for CEE migratory flows for a long time. Flows were circular, 'incomplete', triggered by the exploitation of wage differentials at the time of the transition of the CEE economies and at the same time a backwardness and the progressive decline of the bordering former-Soviet republics.

An 'epos' came about, made of peddlers, small 'entrepreneurs', asylum seekers, ethnic networks and dubious legal trading between bordering regions of Eastern Europe, the fascinating study and research of which has remained unchanging regardless of the time which goes by. Therefore, what at first was temporary mobility, slowly became a transformation towards settlement implying permanent stay. The rate of mixed marriages between Poles and Ukrainians, for instance, increased as a result of the prolonged stay and the new and continuing flows from the East, thus demonstrating the significance of a particular kind of

flow within the overall character of migration originating in the former Soviet Union (Górny, Kępińska, 2004).

CEE countries will soon show characteristics and profiles similar to Western Europe in their way of experiencing the migratory phenomenon. Castles and Miller (1993) identified the constant factors associating countries that reached various stages of their immigration experience so as to include:

- A dynamic process of migration, which transformed the temporary entry of workers and refugees into permanent settlers who form distinct ethnic groups;
- The economic and social marginalization of the immigrants;
- Community formation among immigrants;
- Increasing interaction between immigrant groups and the local population;
- The imperative for the state to react to immigration and ethnic diversity (Castles, 1995: 293).

These are stages which Castles and Miller have found, through different sources, in all the Western European countries, and that global migratory dynamics are gradually exporting to the CEE region. This hypothesis can be verified on the grounds of how the enlarged migration territory is synthetically analysed herein. The territory is delimited by new borders, and diverse migratory experiences will increasingly tend to converge until the similarities as listed by Castles and Miller will prevail over the differences.

The debate in question is not the next convergence on migration, but, rather, it is the question of the identity of the European migration territory and its borders. The reshaping of this territory and the Eastward shift of the EU border has actually generated dynamics of inclusion and exclusion to be carefully observed.

In this regard, this research diverges from that which declares the superiority of the market laws on politics, supporting the 'uninterrupted' porosity of the EU border without making any distinction between the time before and after the EU enlargement (Favell, Hansen, 2002). There is no objection as far as the porosity of the borders in the fifteen years before the enlargement is concerned. There is, rather, the conviction that migration dynamics and regional networks have suffered meaningful consequences because of the EU enlargement, and they require political interventions to face the

process of reshaping the borders and the ongoing mechanisms of enclosure.

In other words, I would argue that factors of inclusion and exclusion generated by the 2004 enlargement created 'visible' borders, like the one between Poland and Ukraine, and equally 'invisible' borders, as those generated by the simultaneous existence of wage differentials and the new boundaries of entry and mobility. The differences of socio-economic development, though inherent to the expansion processes, endanger the cohesion and social tissue of culturally and geographically similar communities and the well-established exchange and mobility practices between borders.

As a matter of fact, it is not only question of East-West borders, but of North-South geopolitical spaces, as remarked some months before the Eastward enlargement, by some Maghreb colleagues who complained at the insufficient attention given to EU processes of "inclusion"

on the Southern side of the Mediterranean. There is not doubt that the process of European integration is made of tight interdependent variables (Wallace H., 2001), but one should not forget that the meaningful, though not complete, solution of the East-West differences within the EU enlargement, leaves the North-South difference unsolved.

Though mistrusting the porosity of the CEE borders, it is difficult to imagine Europe as a 'Fortress'. More realistically, the Union should strive to re-establish an absence or "forever lost" socio-economic equilibrium. For example, the EU should aim at preventing an expansion of the bridge demarcating the border between Narva in Estonia and Ivangorod in Russia; two urban agglomerates which were a single city up until 1<sup>o</sup> May 2004 (Visetti, 2004). Metaphorically speaking, this represents a deep moat between Catholicism and Orthodoxy, European Union and Russia.

### 3 The 'pendulum' of Helen Wallace and the 'pillar' of Justice and home affairs

The pendulum fluctuates, attracted, as it is, by two opposite magnetic fields. Helen Wallace, herself, (1996: 13) sharply noticed the fluctuations resulting from the shifts in interests and loyalties in the process of policy coordination of the EU field of Justice and home affairs. These fluctuations happen during the policy formation/harmonisation between the national and transnational/supranational dimension. The European institutions on one side and the national level governance on the other (with the minor 'magnetic fields' of the regional and local dimension) are two opposite poles in competition for the overall field of decisional spaces. The probability that one or the other dimension prevails and the policies adopted depend on the strength of the two magnetic fields: if both sides are weak, no coherent policy will emerge either at the supranational or the national level.

Helen Wallace's "pendulum" is based on a series of premises, which we have indirectly pointed out, like the political inadequacy of the national States, the impact of globalisation and the specific features of the European region (Apap, 2004). The pendulum movements illustrate, with precision, the opposite tensions under way during the process of European inte-

gration: its progresses at times regular, other times irregular, the fluctuations and the immobility. Wallace's metaphor is also useful to illustrate the contrast, which became more and more intense from the second half of the 1990s, in the creation of the EU immigration and asylum policy between the intergovernmental and supranational dimension. A contrast which, in the light of the structural characteristics of the model, does not anticipate a definitive solution in favour of one or the other dimension, but rather a continuous fluctuation with sometimes the prevailing of one, sometimes of the other, depending on the historical circumstances and the political and economic interests at stake.

In this context, some more precise information is necessary in order to contextualise the fluctuations in this field of policy. After the entry in force of the Treaty of Maastricht, the 1990s saw the 1996-97 European intergovernmental conference that prepared the Treaty of Amsterdam. On 2<sup>nd</sup> October 1997, the treaty was signed and on 1<sup>o</sup> May 1999 came into force. The European Union became 'a space of freedom, security and justice'. Justice and home affairs acquired a wider field of action and more specific objectives; the European institutions a

more balanced role and a more effective and democratic method of work had been planned (CE, 2002a). Moreover, the European Commission acquired wider prerogatives and a new Title (IV) included in the Treaty encompassed freedom of movement, immigration and asylum. The Schengen agreements were integrated in the legal frame of the *acquis* of the European Union. Aims to be achieved are "free movement of persons" (EU and third country residents) and "security through the fight of crime and terrorism" (art. 2 of the Single European Act). The introduction of a scoreboard, the so-called "Scoreboard to Review Progress on the Creation of an Area of Freedom, Security and Justice in the European Union" should guarantee the periodic control of the work in progress.

It is the beginning of the 'communitarisation' of the immigration policies. The praxis of intergovernmental consultation however, seems to fade definitively on the horizon. In fact, in the five years from the entry in force of the Treaty of Amsterdam (2004), the decisions on immigration and asylum will have to be adopted only with a qualified majority. Besides, the European Council will have to assure the effective freedom of movement, the control of the borders and the implementation of all the other measures in the field of immigration and asylum (Geddes, 2003).

In October 1999, a special European Council gathered in Tampere with the aim to make the EU into 'an area of freedom, security and justice'. One of the priorities of the Tampere Council is the invitation to the EU member States to elaborate a common policy on asylum and immigration. The aim of the common policy in these specific fields implies the creation of "a harmonized and common way for immigrants and asylum seekers to obtain entry to all EU States" (CE, 2002b). The main intervention areas to reach these goals have been carefully listed (for instance, Górný, Ruspini, 2004: 251).

In short, with the signing of the Treaty of Amsterdam and the following meeting of the European Council in Tampere, a new institutional revolution seemed to overturn from their foundations, the European institutions and start an unprecedented acceleration in the EU process of decisional coordination in the field of asylum and immigration. Unfortunately, this is not exactly true of the current situation.

The subsequent European Councils, in the years from 2001 to 2003, showed a deceleration (Laeken) in asylum and immigration policy, fol-

lowed by the determination to go on (Seville) or again by the acknowledgment of the progresses made with the approval of so long waited directives, like the one on 'family reunification' or 'the status of third-country nationals who are long-term residents' (Thessaloniki). In fact, it is clear from the analysis of the documentation produced in these and other venues, that the member States' are determined not to abdicate from their own prerogatives of national sovereignty by keeping control of such a sensitive field as immigration. The resounding declarations of principle included in these documents often clash with the daily practices of the national governments, urging the European Commission on more than one occasion, to invite the member States not to adopt legislations in the migratory field which might, to a certain extent, contrast or hinder the ongoing supranational harmonization.

The metaphor of the Wallace 'pendulum' thus seems to find in these statements and in the contradictory results listed so far, a reason of being and a true confirmation. In spite of the efforts at harmonizing, it is however, legitimate to argue that progress in this area is, at the end of the day, the result of a combination of intergovernmental and supranational political decisions (Jordan, Stråth, Triandafyllidou, 2003).

On 1<sup>o</sup> May 2004, the conclusion of the first imposing phase of the process of the EU enlargement with the accession of 10 new member States, took place at the same time as the entry in force of the Treaty of Amsterdam. The enlargement, with the revision of the borders and the external relations of the Union, had raised hopes in the setting aside of another aspect of the member States sovereignty and the intensification of efforts for the common policy formation even in areas like immigration and asylum policy (Ruspini, 2002). In fact, the number of directives adopted in this field is, all in all, scarce in comparison with the legislative proposals put forward since Tampere, while the decisional mechanisms, at the moment, have not been changed as originally expected. The inability of the European Convention to impose the qualified majority voting on national States as *condicio sine qua non* in some sensitive decisional fields of the new European Constitution<sup>3</sup>, showed unavoidable repercussions on the expected deadline for the entry in force of the Treaty of Amsterdam. The agreement reached by the European leaders on the so-called 'The Hague Programme' during the 4<sup>th</sup> and 5<sup>th</sup>

November 2004 summit in Brussels, fixed the new 2010 deadline for the adoption of common policy solutions in the field of asylum and immigration.

The approval of this new agenda has allowed the adoption of qualified majority decisions in the field of border controls, illegal immigration and asylum starting from 2005.

The area of legal immigration remains instead subject to the unanimity rule and the right of veto until the European Constitution is not approved. There is a predominant feeling, that counterbalances, deceleration and distinctions on principles will influence future political choices, allowing the 'pendulum of Wallace' to fluctuate again.

## 4 Forms and features of the post-enlargement migration space

Having witnessed the conclusion of the first phase of expansion of the EU migration space, it is interesting to note how the post-Tampere agenda will be effective and what the impact this will have in the forming a common immigration policy. I would limit suggestions to a few remarks regarding the migratory phenomenology of the enlarged EU and to the identification of variables while providing a view of the future scenario. For clarity's sake I would first focus on a series of points.

- The EU migration territory has been enlarged and it will be further increased to the Southeast;
- The 'buffer zone' between East and West moved further eastwards;
- The borders are not porous as before, at least in this EU border zone;
- Russia and the former-Soviet republics are still lacking suitable laws and infrastructures to carry out the role of 'buffer zone', long represented by the CEE countries before the EU enlargement;
- Migrants coming from the former-Soviet republics and the extremities of the Asian continent travel in the huge geographic spaces of Russia and the Soviet former-republics looking for a landing place in the West;
- Centrifugal migratory dynamics (towards the West) are added to centripetal dynamics (towards the 'core' of Russia) making the overall Eurasian migration space extremely fluctuating.

In this context, the demographic and economic differentials between border regions of the post-Soviet universe spark the migratory flows. The absence of controls in entry and the strict controls in exit towards the West, sometimes transform the transit in the post-Soviet space in stay of indefinite length. According to

the most reliable estimations, 4/5 million immigrants are irregularly present in the territory of the Russian Federation (Ivakhniouk, 2003). It is an irregularity-settling tank that should raise greater interest from the EU side.

At the southern borders of the European continent, the Mediterranean Sea separates opposite poles of economic development. The Maghreb presses to tighten closer ties with the countries of the north side of the Mediterranean, while migrants coming from sub-Saharan Africa try desperately to move towards the Schengen space (Barros, Lahlou, et al., 2002). The Maghreb countries are therefore assuming characteristics of transit typical to migratory phenomenology already seen in other geographic areas of the European continent.

Which is the EU answer to these dynamics? The concession of 'facilitated transit' settles controversies like the one involving the Kaliningrad region, the enclave between East and West of the enlarged Union, and allows the Russians of Ivangorod to visit their neighbours of Narva, but are only extemporaneous solutions for controversies of small or medium size intensity. These solutions certainly indicate the best practices in facing similar cases in other EU zones, but their complexity and their limited operational sphere show undoubtedly several limits.

The 'neighbourhood policy' prepared for the EU expansion is still too vague. The Union has planned *ad hoc* budget lines for implementing these policies by taking advantage of experience gained from with other financial instruments like Phare, Tacis and MEDA (CEC, 2004). In any case, though important, the problem not only lies in identifying and displaying adequate financial instruments for policy implementation. Overall, the policies proposed by the European Commission, aimed at smoothing the way for the neighbourhood policy, still lack a real



vision. They do not seem able to avoid the methodological superficiality and scientific vagueness of expressions like “ring of friends” to define the countries bordering the European Union. It is actually not always a question of “friends”, if one considers the strongly authoritarian regime of Alexander Lukashenko in Byelorussia and his scornful and definitely scarcely conciliating attitude, not only towards the EU but also towards Russia.

The existence of an unstable and uncertain world on its doorstep should put pressure on the EU to take political action, as well as economic measures, in order to meet the challenges and problems of the “neighbouring” areas. Closer to our immediate interests, i.e. immigration policy, one should be thinking now about multilateral solutions that can effectively involve all interested parties in the policy-making process. A solution could be to use the “open method of coordination” (CEC, 2001) for the EU immigration policy, not only in ‘horizontal’ way, i.e. by involving all the actors at national level in the setting up of immigration policy, but also in a ‘vertical’ way by involving the non-governmental and international organizations, the migrant associations and the ethnic minorities operating at transnational level. This coordination should be established by stimulating participation in the process of harmonization on behalf of all actors in the interested countries, old and new EU members and those neighbouring countries whose membership is probably not imminent.

The challenge of a further expansion is awaiting us: the expected 2007 participation extended to Rumania and Bulgaria, and possibly the one to Croatia in 2008 and that to Turkey

whose accession date has still to come. Turkey seems to raise more problems, because of its demographic potential and, above all, its Muslim identity overlapping the East and the West. It is worth remembering that, only few years ago, the fear that some million Turkish citizens resident in Germany were able to acquire, over time, a double nationality and consequently a significant electoral power, forced the adoption of a compromise model in reforming the citizenship law. The new law adopted some elements of *jus soli*, but the hypothesis of a double passport originally included in the reform supported by the red-green coalition, has been rejected. In the following years, advocated by the Christian-democratic and social Christian party a new debate started concerning national identity and the concept of *Leitkultur*, a ‘dominant culture’ whose roots date back, according to the exponents of the two parties, to the Christian tradition of Germany.

The German case is only one example. Other western countries are experiencing equally strong conflicts on issues of identity which the September 11 tragedy particularly exacerbated. The conditions of immigrant communities and ethnic minorities living in the European Union became harsher. The multicultural practices are constantly under discussion and face more and more difficulties in being really implemented (Rex, 2004). The Turkish issue is added to this composite picture, forcing the European Union to rethink itself, its identity and its borders. Finally, only when the debate on the identity of the European Union is entirely exhausted will the practical problems of the national and supranational political spheres aspire to a suitable solution.

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## Notes

<sup>1</sup> Exceptions are not missing if one thinks about Belarus of Alexander Lukashenko.

<sup>2</sup> One should not neglect that labour migration is first of all demand driven.

<sup>3</sup> Adopted from the 18<sup>th</sup> June 2004 Intergovernmental conference, the new European Constitution should enter in force on 1<sup>st</sup> November 2006.

# Managing Migration for an Enlarging Europe — Inter-governmental Organizations and the Governance of Migration Flows

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In the course of an intensifying cross-border and trans-societal inter-connectedness the sovereignty of nation-states and especially their capacity to effectively govern policy issues in a unilateral way have been eroded. In the mid-80s, trying to defend the concept of an imagined closed community of ethnically homogenous citizens European receiving states started to co-ordinate their approaches in order to find multi-lateral solutions as an exit-strategy out of declining national regulating capacities. Until today a complex, but somehow still embryonic, regional regime of inter-governmental collaboration has evolved. In addition to nation-states, trans-state expert panels and inter-governmental organisations (IGOs) have become the avant-garde in the promotion of new techniques to manage migration and asylum 'in a more orderly way.'

With regard to theories of international relations, the article will outline why and how inter-governmental organisations have become embedded as new 'managers.' The role and contribution of these organisations then will be evaluated with regard to aspects of democratic transparency, accountability and policy effectiveness.

In the EU (European Union) context, IGOs provide additional possibilities for negotiations but serve as well as a 'fast-track exit strategy' for individual Member states to avoid complex and rather slow common decision making processes. Characterised by low levels of policy transparency but a high involvement in the implementation of restrictive policies, it is questionable if IGOs respect the interests of EU citizens and immigrants. Rather, the approaches currently applied by IGOs undermine the project of tolerant, more open-minded receiving societies. As will be argued, it is due to intra-organisational financial interests, the IGO's own political struggle for global/regional or issue-specific (asylum/migration) leadership as well as the power inequality between receiving and sending states that in the near future a new – more just – global or regional framework for the movement of people is unlikely to be established.

**Keywords:** Migration Governance/Migration Management, Inter-governmental Organisations, European Union/Europe, EU Decision-Making, EU Harmonisation Process

## Introduction

The following article focuses on the involvement of inter-governmental organisations (IGOs) in the governance of migration

flows, especially within the new approach to 'manage' migration movements in a more orderly and more effective way. The author is

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concerned how the perspective on migratory movements within this new management paradigm seem to have become generalised and simplified, and this rather technocratic paradigm is mainly disrespecting the highly complex nature of (cross-border) population movements and the kaleidoscopic combination of their political, social and economic motivations, giving in reality every single migratory movement an unique individuality. It is intended to critically evaluate this new management paradigm, generally subsuming (more economically and socially motivated) migratory and (more politically caused) refugee movements under one single category of population movements 'to be managed.' The author therefore prefers to use the rather neutral and theoretically better founded term of 'governance.'

The term governance, with regard to theories of international relations, refers to a process through which a single policy actor (or a multitude of policy actors) intends to change the behaviour of another actor (actor-oriented conceptualisation). Simultaneously governance can be conceptualised as an intervention of one or more actors in social systems with the aim to impose a change on the specific setting within a

specific policy-area or part of the society concerned (setting-oriented conceptualisation).<sup>1</sup>

In the following it will be revealed that, in addition to nation states and their specialised government departments, increasingly non-state/private as well as trans-state (including IGOs) actors take the place of these traditional actors in shaping the way migration movements are governed. In addition, the embryonic international regime to govern (or manage) migrations, having emerged within the last twenty years in Europe as well as in other world regions, is characterised by the struggle of these traditional state actors in keeping the capability to solve their nationally experienced migration 'problem' by joining forces with other governments and thereby defend their regulatory capacity. The intentions of non-state, trans-state and traditional state actors to govern migration movements hereby include the intention to mitigate the root causes leading to emigration in other (mostly non-European) countries; governance is hereby directed towards (state) actors in sending and transit countries as well as the specific setting existing within the societies of these states.

### 1. *Bridging the gaps in policy implementation: From unilateralism to multilateralism and supra-nationalism in migration governance*

The general discourse about globalisation encloses the paradigm of nation states that, in the course of intensifying cross-border and trans-societal internationalisation processes, have lost most of their former regulatory capacity, authoritative power and sovereignty.<sup>2</sup> While non-state organisations (NGOs etc.) are increasingly acting trans-nationally, far-reaching liberalisations in the field of trade and financial transactions have led to the fact that private corporations are able to effectively circumvent national regulations.<sup>3</sup> National governments – with regard to the challenge to govern policy issues that hardly respect the territorial borders of their polities – are confronted with the need to co-operate with other nation states and their actors in order to find cross-border and trans-polity solutions and to co-ordinate their individual actions in a given cross-border policy-area with those of these foreign forces.

In the field of environmental protection, trade or the use of nuclear power, this has led to a new quality of cross-border negotiations and bargaining. By collaborating on the international level, national governments nowadays seek to find solutions for problems they either cannot solve due to their cross-border character or consist in issues that by *unilateral* action can only be tackled in a less effective way than by *multilateral* action. Not least of all, governments, by intending to bridge and close widening gaps in the implementation of policies by substituting or combining unilateral action by/with multilateral efforts, aim at securing their former authoritative position or at pretending to still possess full regulatory capacities.<sup>4</sup>

Despite these new intentions for international collaboration, state actors are struggling hard to keep up with new actors that have become involved in cross-border governance *beyond* the

nation state: international non-governmental organisations (NGOs), private corporations and inter-governmental organisations (IGOs, being formed by nation states).

In addition to the terms of international or global governance, referring broadly to new forms of multilateral negotiations and bargains in often over-lapping policy issues, the concept of international regimes is mostly used to describe a specific setting of implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given (and specific) issue-area.<sup>5</sup> *Regimes* hereby can be conceptualised as institutional as well as normative arrangements to facilitate co-operation and co-ordination among rational, ego-centric and from each other independent policy actors with the aim to circumvent or mitigate negative side-effects of solely unilateral policy actions.<sup>6</sup> In contrast to ad-hoc *agreements*, international regimes are arrangements with a certain capacity to resist to/cope with short-term shifts regarding the power relations and interest constellations among the regime members.<sup>7</sup> Within a regime, the intentions of actors to influence the governance of policy issues can either be directed towards the setting of the regime itself or towards other actors inside or outside this collaborative arrangement.

Embedded in the globalisation paradigm is the assumption that migratory and refugee movements are directly resulting from fading national regulatory capacities of receiving,

sending and transit countries. Already in the 1980s, several states started with the project of a new international regime to govern migration and refugee movements on the regional level (Europe as the main example), the UN Secretary General now again reinforced these intentions by calling out a Global Commission on Migration<sup>8</sup> in order to discuss a new global, more just framework for the movement of people.

Like will be outlined in the following chapters, Member states of the European Union (EU) have been successful in achieving a high level of institutionalised collaboration with other (non-) European states in certain fields of migration governance. Among EU Member states multilateral collaboration has now reached the level to become even supra-nationalised (the shift from inter-governmental collaboration towards the governance of migration and asylum issues exercised by supra-national institutions of the EU). Inter-governmental organisations and cross-border expert panels have been crucial to achieve this high level of intra-EU as well as EU-overlapping international collaboration – the evolvement of a migration and asylum regime that has become extended to neighbouring regions (like Northern Africa). However, it has to be emphasised that this regime – established within the last twenty years – hardly can be regarded as an all-encompassing, complete arrangement as it focuses until today nearly exclusively on border controls, the restriction and avoidance of further immigration to EU core states.

## 2. New realisms, the project of a European migration and asylum regime and the European Dilemma of decision-making

With the beginning of the 1980s and then later, with more emphasis, towards the end of the twentieth century, a trend in mid- and West-European receiving states gained momentum to severely restrict and avoid further in-coming migration and refugee movements. Following decades in that the former Federal Republic of Germany, the Benelux-states, Switzerland and France have been in need to recruit foreign guest-workers, and refugees were able to benefit from a certain, ideologically founded openness ('The free west'), the beginning of a global economic crisis and the implosion of communist regimes in Eastern Europe and Asia led to a

turning point. Within the field of migration and asylum, as outlined by JOLY, LAVENEX and BLASCHKE, a new *realism* followed former more humanitarian or economically-rational approaches. Being based on the scenario of uncontrollable mass immigration from East Europe, European receiving societies developed the fear to become flooded with migrants and asylum seekers in a time when a profound crisis of their welfare systems started to evolve.<sup>9</sup>

Especially against the background of the outbreak of violent inter-ethnic conflicts, warfare, mass displacement and the split up of the multi-ethnic republic of Yugoslavia, the threat

of an implosion of the Soviet empire and its satellite states, potential Western European receiving countries acted, in a first step, *unilaterally* by imposing harsher immigration and asylum regulations and increased efforts to prevent mass movements.<sup>10</sup> Indeed, the more restrictive realist approach of receiving states had a certain success: the vast majority of refugees from the territory of Yugoslavia, only granted with a temporary refugee status, returned shortly afterwards; in addition, the *common* restrictive hard-line of EC Member states (European Community) opened the floor for new multilateral approaches with the goal to guarantee an effective further restriction of in-coming migration and refugee movements. Member states hereby coincided in their perception of migratory movements as being a (potential future) threat, endangering the construct of ethnically homogeneous nation states, their social cohesion and security.

Firstly, the development of an embryonic Western European (EC) 'control regime' was due to the common perception among the members of the EC that multilateral action was now needed in order to prevent migration and refugee movements from becoming out of control and to allay native fears of deepening social inequalities caused by immigration.<sup>11</sup> Until today consisting as an inter-governmental governance model, this regime provided the collaborative background for a far-reaching 'harmonisation' (a close substantial convergence) of national legislations concerning the possibilities for so-called 'Third Country Nationals'<sup>12</sup> to get access, permissions to stay and work or asylum within the European Community/European Union.

Secondly - in addition to a shared *need* to collaborate on the inter-governmental (multilateral) level - the harmonisation process in the field of migration and asylum resulted from a second, (more functional) need, stemming as a logical consequence from the progress in European integration: following the Schengen Treaty (1985) and the Single European Act (1987), the new freedom for EC citizens to circulate and migrate between different Member states had to be flanked by common regulations concerning the controls of the external borders, their fortification.<sup>13</sup> In this context, new Member states, like Spain - due to the policy pressure exercised by core states like Germany or France - had to implement foreigners' bills that acknowledged the interests of these core states to realise a

restrictive governance of migration flows. This shows that the interests of some 'partners' within this multilateral bargaining process were able to outweigh weaker parties.<sup>14</sup>

In addition to the establishment of a collaborative arrangement (regime) in the field of migration control, following the Treaty of Dublin (1990), a regional regime to co-ordinate and harmonise the asylum policies evolved among the EC Member states. Intending to regulate which Member is responsible to decide about a possible asylum status, this regime encloses the concept of so-called 'Safe Third Countries' as well as a list of states declared as being politically stable and free of politically motivated forms of persecution. To enforce the implementation of control measures, the restrictions on the access of unwanted migrants (including potential asylum-seeking migrants) in general, the regulations of Schengen and Dublin enclosed the formulation of carrier sanctions for airlines and other transport companies failing to ensure that their passengers possess valid documents and are allowed to enter the EC and/or that they do not overstay their visas.

Although migration and asylum issues in the Treaty of Amsterdam (1999) now were officially transferred from the third (inter-governmental co-operation, Treaty of Maastricht, 1992) to the first pillar of EU decision-making (common EU decision-making), EU Member states remain reluctant to transfer substantial decision-making powers to the supra-national level. So far, migration and asylum issues - as a policy area in the intersection between the national and the European level - remain chiefly governed by national governments and the coordinating mechanism of the European Council. The European Parliament, in contrast, does not thus far possess any decision-making and politically binding power; actions of the Commission remain limited to initiatives and proposals directed to the Council.

Migration and asylum issues can be regarded as one of the last, but heavily defended issues touching a decidedly sensitive part of the whole Europeanization process and posing a severe dilemma for the development of a (substantially advanced and effective) European Political Union. This sentiment continues to exist, despite the fact that with regards to cooperation-theory, the step towards further inter-governmental co-operation and then supra-nationalization is likely to take place given the congruent interests among EU member States,

transit and even sending states.<sup>15</sup> Given the fact that migration will be crucial for the future wealth and development of European societies that now begin to experience a drastic decrease of their native work force and a 'greying' of their population, a transformation of the current restrictive control regime seems advisable.

In 2005, the EU Commission presented a first version of a Green Paper towards initiating a common European recruitment scheme that is offering immigrants new possibilities to work and live legally within the EU.<sup>16</sup> Against the background of the current crisis of the EU (Rat-

ification of the EU Constitution) and a new wave of 'Realpolitiken' of individual EU Member states, however, it remains uncertain as to when such a common approach could be reached, let alone implemented. At the moment, the inter-governmental governance model to avoid and restrictively control a further influx of immigrants and asylum seekers, in contrast, seems likely to gain momentum, given the shared perception of immigration to be closely linked with the issue of terrorism (following the devastating attacks of Madrid and London).

### 3. *Bringing new actors in: Expert panels and inter-governmental organisations Consultative Processes on migration and asylum: Budapest and Barcelona*

Despite the general discourse, arguing that European receiving states do only possess limited regulatory capacity to effectively govern migration and asylum issues in the national context (often this discourse confuses hereby the issues of integration with those of illegal migration, border controls and the fight against terrorism), Europe as a regional context can serve as an example that migration in deed can be effectively limited, although not completely avoided. The exodus from East Europe and Asia in most cases has been governed effectively, restrictively limited/avoided in large parts and the majority of migrants and refugees, coming from the crisis area of the Balkans, has returned. The main problem has more to be seen in failing national policies to actively promote the equal participation of Third Country Nationals in European societies and does – in contrast to the general image of mass media and political discourse – not consist in the fact that borders are too porous. However, migrants willing to cross borders can do so (even if these borders are heavily fortified/technologically secured) by risking their lives and investing high amounts of money.

The effectiveness in restrictively limiting mass movements is, in addition to the close policy co-ordination among EC/EU Member states and the harmonisation of national approaches and legislations, mainly due to the extension of a collaborative institutional and normative arrangement towards main sending and transit states in neighbourhood to the territory of the

EC (EU), especially the territory of the Schengen Treaty. Within the framework of various, partly overlapping, consultation and co-operation processes, Member states of the EC, starting at the end of the 1980s, developed a common approach towards these neighbouring states to convince them to closely co-operate with them in the restriction of further immigration. Simultaneously, EC states within these processes have been successful in transferring vast extents of the costs for limiting and controlling migratory and refugee movements to their neighbours.<sup>17</sup>

Within the so-called 'Budapest Process' (established in 1993, following the consultative processes of Berlin and Vienna), representatives of Eastern and Central European post-communist transformation countries (later as well from the territory of the Community of Independent States (CIS) and other transit and sending countries) held informal meetings to discuss with officials of EC and EFTA (European Free Trade Area, including Switzerland) Member states measures to strengthen border surveillance and approaches how the 'migration pressure' on EC states could be reduced. For their co-operation in taking back rejected asylum seekers and 'illegal' (unwanted) migrants or (as safe countries) processing asylum seekers within their territory and repatriate rejected persons to other neighbouring countries, these Central and Eastern European states were granted with financial and technical assistance.<sup>18</sup>

However, given the highly informal character of these consultative processes and the fact

that (officially) no resolutions of politically binding character were formulated, the effect of these forums on the evolvement of a regional migration and asylum regime can only be roughly estimated.<sup>19</sup> The high significance of this process, however, becomes evident with regard of the development of this consultative forums: until today there has been a continuous growth by incorporating more and more receiving, transit and countries in these consultations, in addition, the consultative forum became represented by the establishment of its own inter-governmental organisation, the International Centre for Migration Policy Development (ICMPD) – therefore it seems likely that the member states of this organisation and forum regard the Budapest Process as a politically utile platform for inter-governmental negotiations on issues of migration and asylum.<sup>20</sup>

In retrospective, it can be assumed that this inter-governmental political dialogue was of crucial importance not only for the East-ward extension of the EC-control regime (by avoiding a direct access and claim-making of migrants and asylum seekers on EC/EU territory, their processing on the territory of Eastern and Central European states and the repatriation and border control measures of these states), but also for the preparation of the EU-accession of some of these states. The new ten Member states of the EU, following the Budapest process and other bilateral and multilateral negotiations,

adopted and implemented national regulations that went conform to the Schengen Acquis and the interests of their more powerful EC/EU or EFTA neighbours.<sup>21</sup> Their accession to the EU therefore could be somehow regarded as being a reward of their willingness for close co-operation in these matters.

The eastward extension of the EC migration and asylum control regime was replenished to the South by the set-up of consultative forums with neighbouring transit and sending countries of Africa, especially the Maghreb states. In the framework of the so-called 'Barcelona-Process' (initiated in 1992) – the European-Mediterranean Partnership – issues of development aid, the promotion of human rights and the establishment of a free trade area (to become realised between the Member states of the EU and their African counterparts in 2012) were linked with the extension and intensification of border controls and cross-regional (mostly police) co-operation to impose strict limitations on migratory movements originating from Africa. Most African members of this process promised to take back rejected asylum seekers and 'illegal' migrants after being expelled from European territory, while approaches to grant more possibilities for their citizens to accede to EU states on a temporary basis have been discussed (mostly on a bilateral basis, for example between Morocco and Spain), but, however, in most cases not have been implemented so far.

#### 4. *The new avant-garde in migration governance:* Inter-governmental organisations (IGO's) and trans-state expert panels

These mostly informal consultative processes on migration and asylum issues, mostly embedded in broader and multiple issue-policy frames (like the European-Mediterranean Partnership), with regard to international regime theory, do not necessarily have to lead to long-term institutional and normative arrangements (regimes). In some cases, their policy outcome and effect is limited to short-term/ad-hoc agreements without any politically binding character – however, the initiation of such consultative processes is seen as a necessary step for the preparation and initiation of a regime in a specific issue area.

Consultative processes, based on negotiations between government officials, scientific experts and representatives of IGOs (as well as in some cases of actors of the civil society), can be described with the concept of 'policy networks'. Policy networks are providing the framework for first contacts between decision-makers from different (national, scientific or political) background, they serve in stabilising and relativising actor's expectations and are crucial in establishing of a formal equilibrium among actors that mostly differ greatly with regard to their capacities.<sup>22</sup> In the context of policy making processes that increasingly disre-



spect national borders, policy networks provide the platform for harmonising states'/ actor's unilateral approaches with those of other states/actors and the achievement of inter-governmental deals/bargains to achieve a multilateral/multi-party solution of a policy problem.<sup>23</sup>

To initiate and promote learning processes (towards the achievement of a common standpoint) so-called 'epistemic communities',<sup>24</sup> consisting in a trans-state dialogue of scientific experts and certain renowned individuals (as structures parallel to these networks), are of crucial importance. In addition, inter-governmental organisations often serve in stabilising and/or intensifying the collaboration among states towards the establishment of a long-term regime. Sometimes these organisations are on their own a direct outcome of policy-networks and inter-governmental consultations (like in the example of the ICMPD). In other cases, regimes are containing inter-governmental organisations as members or important stakeholders (being nearly equal to states). The new quality and character of governance, increasingly taking place 'beyond the nation state,' becomes evident with regard to the fact that policy networks/inter-governmental negotiations and international regimes have become set up by IGOs instead of individual state governments.<sup>25</sup>

The field of migration and asylum serves hereby serves as a remarkable example: the majority of today's existing regional consultative processes in deed have been set up and are (indirectly or directly) governed by inter-governmental organisations like the International Organisation for Migration (IOM), the agency of the United Nations High Commissioner for Refugees (UNHCR) or the ICMPD (limited in its activities mostly to the regional context of Europe). Each of these organisations hereby is acting simultaneously as a 'forum organisation' (in organising trans-state policy dialogues and acting as the administrative co-ordinator or secretariat within these consultative processes<sup>26</sup>) as well as a more technically oriented 'service organisation'<sup>27</sup> (by supplying their member states with expertise and technical knowledge<sup>28</sup>).

While UNHCR is providing receiving, transit and sending countries with a broad repertoire of support measures in the field of refugees and asylum seekers (consisting in financial and technical support as well as policy advice), the IOM is active in the field of

migrants' voluntary return, repatriation and resettlement. Both organisations as well as the ICMPD and other smaller organisations are aiming at a specific form of 'capacity building' in their member states, they provide trainings for experts, decision-makers and practitioners (including border police officials) in the specific national context, and support governments technologically as well as financially in their efforts to better 'manage' (or control) migration and refugee movements.

Especially in the context of Europe and inter-governmental negotiations on migration and asylum issues between EU Member states and African, Asian or East European sending and transit countries (including authoritarian regimes like in the case of Libya), the advantage of inter-governmental policy networks and organisations can be seen in the fact that they are officially not bound to the EU-framework but allow, due to the membership of both receiving and sending countries, for informal and formal consultations without the need for 'official' bilateral or multilateral talks. It seems likely that modes of governance in the field of migration and asylum in Europe will still be based on a multitude of European, bilateral and multilateral approaches implemented by individual states and/or additional inter-governmental actors.<sup>29</sup> Against the background of lengthy and complex EU decision-making processes and the current crisis of the European integration process, IGOs and policy networks can serve governments to circumvent some of these hurdles and find at least some short-term/ad-hoc solutions for their national 'migration problem.'

Contrary to the efforts of the EU-Commission to construct a 'more open' regime (among others through the newly proposed 'Hague Programme' calling for national quota and immigration liberalizations), the field of migration currently is simultaneously characterised by a new 're-nationalization:' EU member States (like Italy and Spain), seeking to find such a quicker solution to their national migration problem, enter in rather questionable agreements (in some parts facilitated by IGOs) for the repatriation of illegal immigrants (for example the agreement between Italy and Libya, or the repatriation of unwanted migrants from the Canaries (Spain) to the Moroccan occupied West Sahara). Especially the inter-governmental organisation of IOM has developed into a regional (as well a global) key actor in the new

'management' approach (see following sub-chapter), and has somehow become not only an 'assistant' for its member states but rather as well a 'managing director' in providing expertise and facilitating sometimes rather questionable formal and informal agreements.

Despite the contradictions contained within its institutional framework, Member states of the EU (with the help of IGOs) nonetheless attempt to communicate a '*common* restrictive migration and asylum approach' towards neighbouring states and regions (among others via the newly established 'European Neigh-

bourhood Policy, and its migration-related initiatives). By incorporating transit and receiving states a variety of non-state actors (including private corporations like airline companies), and inter-governmental organizations and expert panels outside the official EU framework, the EU and its member States to some extent hereby 'peripheralize' their regional or national 'migration problems' to Third countries and delegate a vast extent of responsibilities (for example given by the Geneva Convention) to third states and the organisations such as IOM, UNHCR or for example the Red Cross.

## 5. *Managing migration for the benefit of all:* Towards a new philosophy in migration and refugee governance

Although migration and refugee movements in most cases are politically unwanted, the realities of Europe as well as other regions show that migratory movements, in general, are hardly to be avoided. Despite accepting this reality, public and political discourse in most EU states is concentrated in a daily reconstruction of the image of a migration 'crisis' (mostly represented as consisting in hordes of illegal migrants arriving in boats at the coasts of Southern Spain or Italy). The fear of 'uncontrollable' migration movements hereby is directly linked to aspects of a fading national identity (see for example the discourse of the German Christian Democrats (CDU) in 2004) in an enlarging European Union, the postulation of a drastic decrease in public security, reflected by an increase in terrorist activities, being committed by not-enough-controlled illegal/non-enough-integrated immigrants.

Because the European Union's efforts to curtail immigration thus far have not brought the desired results, it must be asked whether the perspective on immigration issues should be changed. According to GHOSH,<sup>30</sup> the adopting of a new 'regulated openness' could lead to a decriminalisation and de-illegalisation of immigrants by providing them with more opportunities to live and work legally within the territory of receiving states.

Since the mid-1990s a new concept as well as a new trans-national discourse (or philosophy) has evolved that is based on the general assumption of migration as a problem that can

be brought to a solution by 'managing' migration flows in a new, more orderly and rational way. Migration movements are hereby regarded as an unavoidable fact and curtailing migration seems inappropriate due to economic and demographic reasons (for example the fact that in certain sectors labour shortages exist (or are foreseeable) or receiving societies suffer from a drastic ageing of their native population and work force). The long-term goal of states and inter-governmental actors is the establishment of a new international governance model, being based on a close co-ordination between sending, transit and receiving countries, and consisting as a politically binding global regime (framework), embracing regional- and sector-specific sub regimes.<sup>31</sup>

Problematically, the term 'migration management' has now become the catch word of a broadly generalised discourse in policy-making and scientific debate. Although management has become a generally used term – thanks also to the promotion of this term by representatives and advisors of IOM and IOM's own scientific journal ('International Migration') – however, so far, no general turn in the perception of (and the political response towards) the migration phenomenon has occurred (given for example the case of the EU).<sup>32</sup>

It is especially this inter-governmental organisation, the IOM, that due to its growing importance in the regional (Europe) as well as in the global context became heavily criticised for the pragmatic and mostly technocratic imple-

mentation of its management approach. Under the slogan *'Managing migration for the benefit of all'*<sup>33</sup> IOM sees its intra-organisational responsibility and challenge in assisting its members – currently 105 governments – *"in meeting the growing operational challenges of migration management"*.<sup>34</sup> Against the background of an estimated operational budget of 640 million \$US,<sup>35</sup> IOM sees itself as the globally leading international organisation in migration issues and as one of the most important focal points for discussions on migration policy and management. In addition to the Mediterranean Transit Migration Dialogue (MTM), the organisation is acting as the co-ordinating agency within the Manila-Process, the South American Migration Dialogue, the Migration Dialogues in Southern as well as in Western Africa and various other panels. IOM within these dialogues facilitates expert networks among stakeholders in receiving, transit and sending countries and supports them to find *"pragmatic and action oriented mechanisms"* and to develop *"institutions and infrastructure for a humane, safe and orderly migration management."*<sup>36</sup>

In addition to IOM, also the UNHCR is earning criticism for its move from a former exclusively humanitarian ideal and mandate to a rather pragmatic/technocratic management approach: for most critics UNHCR, since the formulation of its 'Convention Plus' (2003),<sup>37</sup> moved in the direction to rather serve the interests of receiving states (in avoiding the influx of asylum seekers and refugees and to process asylum applications outside their territories) than those of refugees/asylum seekers. Similarly to IOM, UNHCR is increasingly regarded as a 'implementation' partner for receiving states

that, under current real politics, are more interested in control and prevention than an humanitarian 'management,' centred on migrants/refugees and their interests.

While out of intra-organisational interests (to promote their international standing and significance as well as to defend their issue-specific competence) IOM, UNHCR as well as other inter-governmental organisations (like for example the ICMPD) are competing with each other for scarce resources and are trying to take over the lead in consultative processes (especially with regard to IOM), these organisations at the same time are threatened to fall back to the status of independent and involuntary henchmen of states seeking to achieve short-term solutions for their individual 'migration and asylum problems.'

Increasingly, the most important financial contributors to these organisations (the G7-countries) link their payments to the implementation of specific programs and measures, like the prevention of illegal movements and border enforcement. Instead of contributing to the setup of a more adequate regime, based on the realisation of the benefits of migration, IGOs are more likely to support the further existence of traditional patterns of control. While some IGOs (like IOM) in the interests of potential receiving states have to deal with (or manage) unwanted ('illegal') migrants and organise their return as 'pragmatic service providers,' other IGOs (like UNHCR) have to 'manage' refugees/asylum seekers by processing them outside the territory of potential receiving countries (extra-territorial processing) and selecting the 'really endangered refugees' from 'only' economically motivated migrants.

## 6. Critique and conclusion: *Inter-governmental organisations as service providers and managers in the orderly movement of people*

Against the background of the European framework of migration management that currently consists of restrictive controls, one must ask if the efforts of international organisations result in a more orderly and more humane migration management. Migration management must tackle highly complex issues and challenges that result in a heightened need for inter-governmental and international coopera-

tion. Although IGOs like the IOM and regional consultation processes intend to establish a global framework for the orderly movement of people, processes which de-link migration from the nation-state level, the 'real' problem behind migration management does not exist in a surge of population movements that are less predictable as before; rather states and their societies pose the main barrier to the develop-

ment of such an international framework. This occurs within a general reluctance of states to transfer real binding power on questions of national sovereignty and security – such as migration that touches the very fabric of nations – to other entities. Co-operation in migration issues, so far, consists foremost in the transfer of control tasks to sending and transit states and the granting of rewards to these states whose co-operation in managing/control efforts are matched with development/financial aid or political and military support.

Regional migration management in the European as well as other contexts suffers from immense differences regarding power and interests between receiving, transit, and sending countries. Mostly the individual interests, orientations and expectations of the people migrating are somehow forgotten and are not taken into account. The approach to manage migration and to reduce illegal migratory movements by a change in perspective, so far, lacks from the support of European receiving states to actually grant more migrants the opportunity to enter the EU and secure access to the labour market under circumstances of legality.

While EU states continue to block immigration - except those belonging to a 'very fine selection' of economically welcomed migrants - authoritarian states like Libya have now become included and accepted as partners to exercise control. Tolerated by other EU states, Italy continues with its approach and co-operates with a regime that is internationally accused of disrespecting human rights, internationally isolating itself for decades, lacking any legal, democratic framework as well as the capability to deal with migration in a humane manner.

Italy's actions occur due to the general dilemma of the EU harmonisation process and the general unwillingness of European and national policy-makers to develop a 'management approach' based on a more realistic perception of the root causes of migratory movements: deepening economic imbalances between Europe and migrant sending regions and the pull-effect of European (informal) labour markets for foreign labourers. Quick fixes, resulting in the transfer of the perverse side-effects of failing policies to the shoulders of migrants, so far are the only remaining answer. Any long-term perspective of migration management, has therefore to be said, is still missing.

Inter-governmental organisations like the IOM could provide a solution to this situation by their engagement in the governance of migration and refugee governance. European Union member states and other nation states already benefit from their involvement and their contribution to standard setting, technical cooperation and (in)formal consultations. However, the role of organisations like IOM within this process is highly questionable.

An institutional framework for the management of migration, based on IGOs as its dynamic actors, has its main constraint in that these organisations do not possess any formal mandate to deal with normative or regulatory aspects of international migration. Informal meetings and inter-governmental panels are mostly non-transparent, and the positions and strategies of the 'managers' of migration (control) remain unclear to the public and the electorate of member states.

In- and outside the framework of the UN unfortunately no organization or committee, so far, has a sufficiently broad mandate to claim to be the 'co-ordinator' of migration management on the global level. This applies also to the IOM, although this organisation does possess certain financial resources, is supported by a great number of states and, seems to be the most likely candidate able to fill the institutional vacuum on the global level.

It must be criticised that most approaches of the IOM, while intending to tackle the root causes of migratory movements in emigration countries, have forgotten to pursue a change of perspective in receiving states who are the main financial contributors to the IOM. Migration management thereby is developing in another direction than to direct orderly and humane processes. The globally evolving institutional regime is likely to be based on a pure utilitarian ideology or political rationality where population movements will be allowed only when they seem economically warranted. Migration management in this sense remains limited to the world-wide extension of control policies that nation states are no longer able to exercise on their own.

Although migration management was formulated to reduce the net-costs of migration, most residents of receiving societies still fear 'waves of immigrants' and immigrants remain the scapegoats for deepening social inequalities and rising crime rates. The need to import foreign labourers, due to a rising demand in

receiving societies caused by on-going economic and demographic transformations in the near future, has not resulted in a change of perspective. Nor do politicians see the necessity 'to prepare' residents to face this near-future challenge or to accept a co-existence with immigrants. Migration management that remains limited to control – as is thus far in the interest of all EU member states – will further increase the costs and negative side-effects of increasing irregular movements.

Instead of de-politicising and technocrising migration issues by adopting the neutral term 'management,' IGOs should engage more actively in the protection of migrants' rights. A

just system of migration management should not only serve the purposes of wealthy receiving societies. 'Managing migration,' according to PAPADEMETRIOU,<sup>38</sup> should not only intend to seek 'perfection' as migratory movements result mostly from individually made decisions that due to their nature are highly uncertain and far from being predictable. Rather, it should lead to international agreements that are truly bi-directional and balanced and are based on moral and democratic values. Inter-governmental organisations, when pursuing this approach, would provide an escape out of antiquated national policies and failing or missing common approaches in the context of the European Union.

## Notes

- <sup>1</sup> For example: Görlitz, Axel and Burth, Hans-Peter, *Politische Steuerung*, Opladen, 1998, 320 pp., pp. 9 and 115.
- <sup>2</sup> See Sandholtz, Wayne, *Globalization and the Evolution of Rules*, In: Prakash, Aseem and Hart, Jeffrey A. (Eds.), *Globalization and Governance*, London and New York, 2000, 338 pp., pp. 77-102, p. 89; Brühl, Tanja and Rittberger, Volker, *From international to global governance, Actors, collective decision-making, and the United Nations in the world of the twenty-first century*, In: Rittberger, Volker (Ed.), *Global Governance and the United Nations System*, Tokyo, 2001, 252pp., pp. 1-47, pp. 2-5; Görlitz and Burth, pp. 10-19.
- <sup>3</sup> For example: See Lake, David, *Global Governance, A relational contracting approach*, In: Prakash, Aseem and Hart, Jeffrey A. (Eds.), *Globalization and Governance*, London/New York 2000, 338 pp., pp. 31-53; Sandholtz, Wayne; Prakash, Aseem and Hart, Jeffrey A., *Globalization and Governance, An Introduction*, In: Prakash, Aseem and Hart, Jeffrey A. (Eds.), *Globalization and Governance*, London and New York 2000, 338 pp., pp. 1-24; Sassen, Saskia, *A new crossborder field for public and private actors, Denationalized state agendas and privatised normmaking*, In: *Journal für Entwicklungspolitik*, 16/2000, 4, pp. 393-407.
- <sup>4</sup> See Jachtenfuchs, Markus, *Regieren jenseits der Staatlichkeit*, In: Hellmann, Gunther et al. (Hrsg.), *Die neuen internationalen Beziehungen, Forschungsstand und Perspektiven in Deutschland*, Baden-Baden 2003, 614 pp., pp. 495-518; Scharpf, Fritz W., *Die Handlungsfähigkeit des Staates am Ende des Zwanzigsten Jahrhunderts*, MPIfG Discussion Paper 91/10, Köln 1991, 39pp.
- <sup>5</sup> See Krasner, Stephen D., *Structural Causes and Regime Consequences: Regimes as Intervening Variables*, In: Krasner, Stephen (Ed.), *International Regimes*, Ithaca and London 1983, 372 pp., pp. 1-21, p. 2.
- <sup>6</sup> Vgl. Schneider, Volker and Werle, Raymund, *Regime oder korporativer Akteur? Die EG in der Telekommunikationspolitik*, MPIfG Discussion Paper 88/4, Köln 1988, 85 pp., p. 11.
- <sup>7</sup> See Krasner, pp. 2-3; Zürin, Michael, *Political systems in the postnational constellation, Societal denationalization and multilevel governance*, In: Rittberger, Volker (Ed.), *Global Governance and the United Nations System*, Tokyo 2001, 252pp., pp. 48-87, p. 63; Young, Oran R.: *Regime dynamics: The Rise and Fall of International Regimes*, In: Krasner, Stephen (Ed.), *International Regimes*, Ithaca and London 1983, 372 pp., pp. 93-113; p. 94.
- <sup>8</sup> For more information see the homepage of the Global Commission on Migration: <http://www.gcim.org>.
- <sup>9</sup> See Joly, Danièle, *Whose protection? European Harmonization on Asylum Policy*, In: Cohen, Robin (Ed.), *The Cambridge Survey of World Migration*, Cambridge 1995, 570 pp., pp. 496-501, p. 496; Lavenex, Sandra, *Security Threat or Human Right? Conflicting Frames in the Eastern Enlargement of the EU Asylum and Immigration Policies*, EUI Working Paper RSC No. 7, San Domenico, 2000, 35 pp., pp. 1-3; Blaschke, Jochen, *Einwanderung aus dem Osten*, In: Blaschke, Jochen (Hrsg.), *Ost-West-Migration, Perspektiven der Migrationspolitik in Europa*, Berlin 2001, 194 pp., pp. 5-35.
- <sup>10</sup> See Brochmann, Grete, *European Integration and Immigration from Third Countries*, Oslo, 1996, 164 pp., pp. 3-4; Benedikt, Clemens, *Diskursive Konstruktion Europas*, Frankfurt am Main 2004, 280 pp., pp. 11-12; Endres, Daniel, *Schutz für Flüchtlinge und Vermeidung weiterer Flüchtlingsbewegungen, Zur Arbeit des UNHCR in Osteuropa*, In: Friedrich-Ebert-Stiftung (Hrsg.), *Ost-West-Migration, Fluchtursachen und Handlungsperspektiven*, Gesprächskreis Arbeit und Soziales Nr. 35, Bonn, 1994, 79 pp., pp. 63-71; Dehdashti, Rexane, *Prävention von Fluchtbewegungen, Die internationale Diskussion und die Entwicklung von Frühwarnsystemen*, Berlin, 1996, 176 pp.
- <sup>11</sup> See Tomei, Verónica, *Europäisierung nationaler Migrationspolitik*, Stuttgart, 2001, 224 pp., pp. 11-14; Miller, Mark J., *International Migration in Post-Cold War International Relations*, In: Ghosh, Bimal (Ed.), *Managing Migration, Time for a New International Regime?*, Oxford and New York 2000, 258 pp., pp. 27-47, p. 39.
- <sup>12</sup> Third Country Nationals = Persons not in possession of the citizenship of a Member state of the European Community/the European Union.

- <sup>13</sup> See Brochmann, pp. 75-76; Tomei, pp. 12-13 and 51-54; Collinson, Sarah, *Beyond Borders, West European migration policy towards the 21<sup>st</sup> century*, London, 1993, 116 pp., pp. 35-39.
- <sup>14</sup> See Arango, Joaquin, *Becoming a country of immigration at the end of the twentieth century, The case of Spain*, In: King, Russell et al. (Eds.), *Eldorado or fortress?, Migration in Southern Europe*, Hampshire and London, 2000, 351 pp., pp. 253-276, pp. 1-10.
- <sup>15</sup> See Tomei, pp. 42-51; Lake, p. 40, Krasner; Keohane, Robert O., *The Demand for International Regimes*, In: Krasner, Stephen (Ed.), *International Regimes*, Ithaca and London 1983, 372 pp., pp. 141-171.
- <sup>16</sup> See European Commission: COM 2004/811 (11.01.2005).
- <sup>17</sup> See Georgi, Fabian, *Migrationsmanagement in Europa, Eine empirischtheoretische Analyse am Beispiel des International Centre for Migration Policy Development (ICMPD)*, unpublished Master thesis, Freie Universität Berlin, 2004, 208 pp., pp. 19-27; Angenendt, Steffen, *Regelung und Vermittlung, Die Rolle internationaler Migrationsorganisationen*, In: Thranhardt, Dietrich and Hunger, Uwe (Hrsg.), *Migration im Spannungsfeld von Globalisierung und Nationalstaat*, Leviathan Sonderheft 22, Wiesbaden, 2003, 374 pp., pp. 180-202.
- <sup>18</sup> See Overbeek, Henk, *Globalisation and governance, Contradictions of neo-liberal migration management*, HWWA Discussion Paper 174, Hamburg, 2002, 19 pp.; Overbeek, Henk, *Globalization, sovereignty, and transnational regulation, Reshaping the governance of international migration*, In: Ghosh, Bimal (Ed.), *Managing migration, Time for a new international regime?*, Oxford and New York, 2000, 258 pp., pp. 48-74; Angenendt, *Die Rolle internationaler Migrationsorganisationen*, pp. 190-191; Thouez, Colleen and Channac, Frédérique, *Convergence and divergence in migration policy, The role of regional consultative processes*, In: Global Migration Perspectives No. 20, January 2005, Geneva, <http://www.gcim.org> (15. April 2005).
- <sup>19</sup> It was only ten years after its establishment, in 2003, that a first official report of the activities of the Budapest Process became published.
- <sup>20</sup> See Georgi; Angenendt, p. 191.
- <sup>21</sup> See Georgi, pp. 18-19.
- <sup>22</sup> See Wolf, Klaus-Dieter, *Internationale Organisationen und grenzüberschreitendes Regieren*, In: Münkler, Herfried (Hrsg.), *Politikwissenschaft, Ein Grundkurs*, Hamburg, 2003, 736 pp., pp. 412-446, pp. 423-424; Zürn, pp. 63-64; Mayntz, Renate, *Politikwissenschaft in einer entgrenzten Welt*, Max-Planck-Institut für Gesellschaftsforschung, MPIfG Discussion Paper 00/3, Köln 2000, 26 pp., p. 12; Windhoff-Héritier, Adrienne, *Politikarena und Policy Netz, Zum analytischen Nutzen zweier Begriffe*, Berlin, 1985, 33 pp.; Windhoff-Héritier, Adrienne, *Policy-Analyse, Eine Einführung*, Frankfurt and New York, 1987, 184 pp., pp. 45-47.
- <sup>23</sup> See Benz, Arthur, *Mehrebenen-Verflechtung, Verhandlungsprozesse in verbundenen Entscheidungsarenen*, In: Benz, Arthur et al. (Hrsg.), *Horizontale Politikverflechtung, Zur Theorie von Verhandlungssystemen*, Frankfurt and New York, 1992, 205 pp., pp. 147-205, p. 154; Scharpf, Fritz W., *Einführung, Zur Theorie von Verhandlungssystemen*, In: Benz, Arthur et al. (Hrsg.), *Horizontale Politikverflechtung, Zur Theorie von Verhandlungssystemen*, Frankfurt and New York, 1992, 205 pp., pp. 11-27.
- <sup>24</sup> See Haas, Peter M., *Saving the Mediterranean, The politics of international environmental cooperation*, New York, 1990, 303 pp., p. 55; Jachtenfuchs; Chayes, Abram and Handler Chayes, Antonia, *The new sovereignty, Compliance with international regulatory agreements*, Cambridge and London 1995, 417pp., pp. 278-281.
- <sup>25</sup> See Chayes and Handler, pp. 271-273; Sandholtz, p. 82.
- <sup>26</sup> See for example the role of IOM in the Mediterranean Migration Dialogue/The 5+5 Process.
- <sup>27</sup> 'Forum' and 'service organisations:' see Tussie, Diana and Riggiozzi, Maria Pia, *Pressing ahead with new procedures for old machinery, Global governance and civil society*, In: Rittberger, Volker (Ed.), *Global Governance and the United Nations System*, Tokyo 2001, 252pp., pp. 158-180, p. 164.
- <sup>28</sup> See for example the efforts of IOM and ICMPD in the field of border management.
- <sup>29</sup> The IOM, by having established the Mediterranean Migration Dialogue (MTM) as well as various other panels in this EU border region, can be regarded as a crucial actor also within the broader context of the EU-led Barcelona Process. This with regard to the fact that IOM is holding meetings between Northern African and EU member State (MTM and 5+5 Dialogue) officials - the EU-Commission, however, stays formally excluded but is being invited as an observer.
- <sup>30</sup> Together with Jonas Widgren (ICMPD) the IOM senior adviser Bimal Ghosh can be regarded as the "ideological mastermind" of the 'management' approach in migration governance (see for example: Ghosh, Bimal, *Movements of people, The search for a new international regime*, Paper prepared for the commission on global governance, Geneva, 1993, 18 pp.; Ghosh, Bimal, *Managing Migration, Whither the Missing Regime?*, Paper abstract, First Conference on International Management of Migration Flows, Maratea (Italy) 16-19 September 2004.
- <sup>31</sup> Migration management hereby is seen to embrace the management of refugee movements (the prevention of refugee crises, the channelling of refugee flows, the processing of asylum claims etc.).
- <sup>32</sup> See for example Papademetriou, Demetrios G., *Managing rapid and deep change in the newest age of migration*, In: Spencer, Sarah (Ed.), *The politics of migration, Managing opportunity, conflict and change*, The Political Quarterly, Special Issue 2003, pp. 39-58; Spencer, Sarah, *Introduction*, In: Spencer, Sarah (Ed.), *The politics of migration, Managing opportunity, conflict and change*, The Political Quarterly, Special Issue 2003.
- <sup>33</sup> See the homepage of IOM: <http://www.iom.ch>
- <sup>34</sup> International Organisation for Migration (IOM), *International Dialogue on Migration 2004*, available at: [http://www.iom.ch/en/who/main\\_informal\\_consultations.shtml](http://www.iom.ch/en/who/main_informal_consultations.shtml) (05.05.2004).
- <sup>35</sup> See International Organisation for Migration (IOM), *Programme and Budget*, available at: <http://www.iom.int/DOCUMENTS/GOVERNING/EN/MC2143.PDF> (05.05.2004).
- <sup>36</sup> IOM-Homepage: <http://www.iom.ch> (05.05.2005).
- <sup>37</sup> See Angenendt; United Nations High Commissioner for Refugees (UNHCR), *Convention Plus*, to find at: <http://www.unhcr.org> (05.05.2005); Drüke, Luise, *Flüchtlingspolitik auf supranationaler Ebene, Das UN-Flüchtlingskommissariat, die UN und die EG*, In: Heinelt, Hubert (Hrsg.), *Zuwanderungspolitik in Europa, Nationale Politiken, Gemeinsamkeiten und Unterschiede*, Opladen, 1994, 323 pp., pp. 176-194.
- <sup>38</sup> See Papademetriou, pp. 53-55.

# Balkan Migrations and The European Union: Patterns and Trends

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The Balkan countries exhibit a wide range of migration types, levels of economic development and formal relationship to the EU. Four types of migration — forced migrations, ethnic migrations, trafficking and temporary migration - are examined in some detail for the whole region. It is concluded that forced migration has generally ceased, although return of refugees remains a major issue; that ethnic migrations have largely discontinued, with the partial exception of Roma; trafficking appears to be in decline; and that temporary migration has been an option only for Romanians and Bulgarians. There is little evidence of a major problem with transit migration, border controls are now operating efficiently, and all countries of the region are rapidly adapting to the EU *acquis communautaire*. The prognosis is that migration patterns are becoming more “normal”, with trends of temporary labour emigration and asylum-seekers from outside the region. The real problem is exclusion (of some countries) from the Schengen white list, and the existence of a Schengen wall comparable with the former Iron Curtain.

**Keywords:** forced migrations, ethnic migrations, trafficking, temporary migration

The Balkans constitutes one of the most remarkable regions of the world for the complexity and extent of its recent refugee and migration movements. Between 1990 and 2000, over 10 million people — out of a total population of some 80m in the Balkan peninsula<sup>1</sup> — had moved. Furthermore, these population movements, unusually, had ramifications for security within the Balkans and also for western Europe, thus implicating both the European Union (EU) and North Atlantic Treaty Organization (NATO) (Widgren, 2000: 3). What has changed in the intervening years?

The Balkan region is complex, with several distinct categorizations of country according to

economic development, recent migration history, and formal relationship to the EU. Among the constituent republics of the former Yugoslav Federation, one (Slovenia) has acceded to the EU, another (Croatia) is a candidate country although its application was delayed until October 2005 owing to unresolved war crimes issues (EC 2005a: 6). The remainder — Serbia and Montenegro (SCG), Bosnia and Herzegovina (BiH), Kosovo, and Macedonia (fYRoM) — might be characterized as having serious political structural problems; Macedonia, however, has achieved a degree of stability such that it is now recommended as a candidate for EU membership (EC, 2005b).

There remain around one million refugees and displaced persons in these countries, predominantly in Serbia. Some refugees have returned to the region, but not without problems and recently at a dwindling rate (Blitz, 2005; Philpott, 2005; ECRI, 2004a). With the exception of Croatia (and, of course, Slovenia), economic development is still at a low level, with *per capita* GDP ranging from €930 in Kosovo, €2,230 in Serbia and reaching €5,745 in Croatia for 2003 (EC 2004: 13). Informal economic activity, organized crime and trafficking of aliens are endemic in the region, and constitute a major threat to political stability and chances of future EU membership.

Of the remaining four Balkan countries, two – Romania and Bulgaria – are applicant EU countries, and expected to accede in 2007; Albania and Moldova, on the other hand, have economic and political infrastructure so far below the EU level, that their possibility of EU accession is some way off. Nevertheless, in principle all Balkan countries are seen as possible future members of the EU (EC 2004a: 5), with some significant reforms, especially concerning border controls, being undertaken through the Stabilization and Association Process (Baldwin-Edwards, 2004a: 11-12). Stabilization and Association Agreements are in force with Croatia and Macedonia, in the final stages of negotiation with Albania, under negotiation with Serbia and Montenegro, and about to be discussed with Bosnia and Herzegovina (EC 2005a: 10).

In terms of economic development, *per capita* GDP is extremely low for Moldova (€417 in 2002), for Albania it is lower than all of former Yugoslavia other than Kosovo (€1,685 in 2003), and it is slightly above the average for the region for Bulgaria and Romania (€2,257 and €2,317) (EC 2004b; Jandl 2003). The current number of emigrants from Moldova is variously estimated at between 600,000 and 1,000,000 persons (IOM 2003a: 4; Scanlan 2002: 16), constituting 25-45% of current population. Human trafficking has been, and remains, extensive from Moldova, with merely an estimated 80,000 migrants working legally in their country of destination (Jandl, 2003). Albania is thought now to have a minimum of 900,000 emigrants (Barjaba, 2004); however, official data from just Greece and Italy count over 1m Albanians with residence permits, so an estimate of 1.1m (34% of the population) is more plausible.

In the case of Romania, by far the largest country in the region with a population of some

22m, the statistical service seems to have been unable to calculate emigrants from the census data. Nor are there any other state data on temporary migration (IOM 2003b). Comparing 1992 and 2002 census data, a calculation of 800,000 'missing' persons can be made<sup>2</sup>: this figure sits well with recent IOM survey data, which suggest that 15% of the adult population has worked abroad, with currently some 850,000 persons still abroad, and only 53% with legal employment (IOM 2005). Similar problems with data exist in Bulgaria, where the census data show only 196,000 emigrants between 1992-2001 whilst other calculations suggest 600-700,000 (IOM 2003c:17-18). Gächter (2002) in a detailed analysis, suggests that high net emigration – mainly of Turkish Bulgarians – occurred 1988-1995, with some 479,000 persons. From 1996-99, Bulgaria had a low level of net immigration whereby emigration of Bulgarians was more than compensated by immigration of other nationals (Gächter 2002: 4). Thus, a snapshot of Bulgarian emigration patterns would probably show less than 10% of the population abroad at any moment.

Table 1, below, summarizes these data on population and migration in the region.

Table 1  
*Crude Population data, Balkan region*

	GDP <i>per cap.</i> (€)	Population (millions)	Stock of recent emigrants¶	Emigrants/population (%)
	2003	2003	Most recent data	
Albania	1,685	3.2	1.1 million	34
BiH	1,897	4.2	*N/A	
fYRoM	2,121	2.1	N/A	
SCG	2,232	8.6	N/A	
Kosovo	930	1.9	N/A	
<i>West. Balkans.</i>	2,053	19.9	N/A	
Bulgaria	2,257	7.8	650,000	8
Croatia	5,745	4.4	N/A	
Romania	2,317	21.8	850,000	4
Moldova§	417		600,000-1 million	25-45

SOURCE: EC (2004b)

Notes:

\* Emigration data concerning nationals are not applicable for the former Yugoslav countries, owing to the complexities of refugees and returns, along with IDPs. See Tables 2 and 3, below.

§ Data for Moldova are from Jandl (2003), IOM (2003a: 4), Scanlan (2002: 16)

¶ Estimated data from various sources (see text for details)



## Types of Migration in the Balkans

Across the Balkans, we can identify four very different sorts of migration, which require separate treatments:

- *forced migrations*, associated with war and 'ethnic cleansing', including IDPs<sup>3</sup>;
- *ethnic migrations*, which are of a voluntary nature but inspired either by racial exclusion [e.g. Turkish Bulgarian migration to Turkey] or sometimes by better opportunities abroad [e.g. Greek Albanian migration to Greece];
- *trafficking*. This is endemic in the region, but affecting different countries rather differently;
- *temporary or incomplete migration*. This is the most common form of migration over the last few years, and is particularly difficult to measure. Census data do not properly capture the reality, and can overstate or understate the extent and meaning of migrations.<sup>4</sup>

### Forced migrations

By the end of the 1991-95 war, some 300-350,000 Croatian Serbs had left their homes in Croatia, mostly for Serbia or Bosnia (Ivanisevic 2004: 351); from Bosnia, at the end of the 1992-95 war, a massive estimated 2.6m people were displaced — more than half the pre-war population (Philpott, 2005: 1) — and about 1.2m found refuge abroad (Ivanisevic, 2004: 351). In Kosovo, 350,000 people fled their homes as IDPs or refugees in 1998, and in 1999 some 450,000 ethnic Albanians fled to Albania, 250,000 to Macedonia (fYRoM) and 70,000 to Montenegro. With the end of war in June 1999, 600,000 people returned to their homes in Kosovo, only to be followed by a reverse exodus of 230,000 Serbs and Roma who sought safety in Serbia and Montenegro. Two years later, conflict in Macedonia in 2001 led to 150,000 ethnic Albanians fleeing, mainly to Kosovo (UNHCR, 2001: 7).

By end 2003, UNHCR calculated around 540,000 refugees or asylum-seekers outside of the Yugoslav region, around half in Germany (Table 2). Within the region, there were some 600,000 IDPs and over 300,000 refugees (Table 3); IDPs were located mainly in Bosnia or Serbia

and refugees almost exclusively in Serbia. Owing to the ethnicized nature of these forced migrations over the last decade, the paradoxical consequence is that Serbia-Montenegro has become not only one of the world's leading source countries for refugees, but also one of the leading host countries for refugees.<sup>5</sup>

Table 2

*Stocks of refugees and asylum seekers from the region, end 2003 [000s]*

Originating from:	total	and located in [principal countries, only]:				
		SCG	Germany	USA	Sweden	UK
BiH	300.0	99.8	38.7	61.8	25.8	
Croatia	230.2	189.7	3.8	6.3		
fYRoM	6.0	1.4	3.2	0.1	0.3	0.4
SCG	296.6	---	169.0	16.8	27.9	21.3
<b>TOTALS</b>	<b>832.8</b>	<b>290.9</b>	<b>214.7</b>	<b>85.0</b>	<b>54.0</b>	<b>21.7</b>

SOURCE: UNHCR (2004)

Note: totals do not add up because only major subcategories are shown here

Table 3

*Stocks of refugees and IDPs in the region, end 2003 [000s]*

	IDPs	Refugees	of which [principal nationalities only]:			
			Croatian	Serbian	Bosnian	Macedonian
BiH	327.2	22.5	19.5	3.0		
Croatia	12.6	4.4		0.5	3.9	
fYRoM	0	0.2		0.2		
SCG	256.9	291.4	189.7		99.8	1.4
<b>TOTALS</b>	<b>596.7</b>	<b>318.5</b>	<b>209.2</b>	<b>3.7</b>	<b>103.7</b>	<b>1.4</b>

SOURCE: UNHCR (2004)

The dramatic reduction in refugee numbers is mainly the result of returns — one of the preferred 'durable solutions' favored by UNHCR. Looking simply at the number of returning refugees, these vary greatly across the region. In the case of Bosnia, by mid 2004 just under 1 million had returned, of which 440,000 were minority returns, (Black and Gent, 2004: 11). For returns to Croatia, the figure is 110,000 (Blitz, 2005: 363), with 6,600 from Serbia and 850 from

Bosnia in 2004 (UNHCR 2005a, Table 16). In Bosnia, mostly affected by IDPs, in 2004 there were some 20,000 persons returning to their place of origin (UNHCR, 2005b: 417). Within Serbia, rather than returns the policy solution favoured is naturalization: UNHCR expects the refugee population of 275,000 at end 2004 to halve through this mechanism, along with the recent closure of 58 refugee camps (UNHCR, 2005b: 417). The apparently intractable problem lies with Kosovo, where fewer than 10,000 of the 230,000 refugees who fled since 1999 have returned, and there remain thousands of IDPs within Kosovo or Serbia (HRW 2004a). The increased violence against minorities in Kosovo in March 2004, which created another 4,000 IDPs (mainly Kosovar Serbs and Roma), is also explicitly connected with 2,240 Kosovar refugees in Macedonia (mainly Roma), who are denied local integration (UNHCR 2005b: 416; HRW, 2003). However, 725 refugees returned from Kosovo to Macedonia in 2004 (UNHCR 2005b: 417).

Although refugee return to the Balkan region is a clear policy choice of the European Union and its national governments, and the re-integration of ethnic minorities along with strong legal protection of minority rights is seen as necessary legitimization for post-conflict societies, there remain many unresolved fundamental issues concerning refugee return. Richard Black and Saskia Gent contribute the concept of "sustainable return", with a range of factors determining such (Black and Gent, 2004: 17). Similarly, Brad Blitz in his study of returns to Croatia suggests that different historical paths of refugee flight and return lead to vastly different outcomes, with five scenarios of return migration. In particular, it seems that the majority of Serbian returnees are elderly, with a specific type of return — the "return of retirement" (Blitz, 2005: 380). Other scenarios include "resettlement as ethnic colonization" (Bosnian Croats who fled to Croatia), "displaced persons and refugees returning from Bosnia" (Croatian Serbs who remained and did not flee to Serbia apparently have had worse treatment), "settlement through repossession" (housing repossession through judicial intervention), and a final category of "no return", where marginalized former tenancy holders<sup>6</sup> lack support structures and exist on the margins of Croatian society.

Overall, the return of refugees has not undone the realities of ethnic cleansing, and it is not clear that this should in fact be an objective

of international agencies. One obvious impediment to refugee return has been housing: whereas 93% of claims had been sorted out in Bosnia by June 2004 (ECRI 2004a: 14), restitution of property rights does not mean return. More important, is the existence of jobs (Philpott, 2005: 21). In Croatia, continued discrimination in the labor market and society is seen as one of the most outstanding impediments to re-integration: Blitz contrasts the full incorporation of Croats from Bosnia with the situation of the Serbian minority — the former as recipients of government grants and aid and displacing Serbian local workers (Blitz, 2005: 381). As the International Commission on the Balkans points out, multiethnic harmony and re-integration of refugees must be achieved at the local level, especially as the result of population movements has been to create regional concentrations of minority ethnic communities. This is particularly visible in Macedonia, where local communities have become almost ethnically homogenous (ICB, 2005: 32-33). To these realities should be added the phenomenon of massive urbanization, which has occurred across the entire Balkan region: this obscures the meaning of international migration, and additionally makes more spurious the goal of refugee returns. It may be that we have more or less reached the end of the road with this policy solution to forced migration in the Balkans.

Asylum-seekers continue to be produced by the Balkan countries, even from Romania and Bulgaria. Serbia and Montenegro is now the leading producer of asylum-seekers in industrialized countries, after massive declines in Russians and Iraqis since 2003, although there is a continued slow decline in numbers. Bosnia and Hercegovina also continues to produce asylum-seekers, and the numbers have been increasing rather than diminishing; Bulgaria too produces rather more asylum-seekers than would be expected from an EU candidate country, again with significant increases over the last two years. Romania, Macedonia and Albania all continue to produce significant numbers of asylum-seekers, but in continuous decline (UNHCR, 2005c: Table 4).

## Ethnic migrations

The Balkan region can be characterized as a region dangerously affected by ethnic conflict,

with difficult relations between dominant national majorities and sizable ethnic minorities (Atanasova, 2004: 357). The wide distribution of different ethnic minorities constitutes not only a problem of political management by the state, but is also an issue of diaspora relations impacting on a national state's relations with other neighbouring states. One author (Tóth, 2003: 201) describes the Hungarian diaspora in the Balkan region (in Croatia, Slovenia, Yugoslavia and Romania) as "kin-minorities" connected to the "kin-state": clearly inter-state relations are intimately affected by the presence of such minorities.

In the twentieth century, the solutions favored for managing the issue of large ethnic minorities have been 'exchanges of [minority] populations', forcible [often violent] assimilation into a national culture, and toleration of ethnic and regional difference within the broader framework of a socialist planned economy. The two Balkan countries outside of the communist bloc — Greece and Turkey — relied on the first two mechanisms. On the other hand, most of the communist bloc in the Balkans and Eastern Europe tolerated ethnic difference: the problems came primarily with collapse of their regimes, and the open hostility based on ethnicity which appeared subsequently.

One ethnic group<sup>7</sup> which ended up being neither exchanged, assimilated nor tolerated was that of the Roma. Although they had benefited from special measures in the early post-war communist bloc, and had actually achieved minority status by the 1980s, traditional prejudices against them emerged and exploded into violence after 1989 (Crowe, 2003: 86). This triggered a new wave of Romani migrations fleeing persecution, both in wartime and also from stable countries such as Romania. Thus, Roma constituted a massive proportion of asylum-seekers from the Balkans over the 1990s, but have not been systematically recorded as Roma. In the period in the early 1990s of mass Romanian asylum-seeking, for example, more than 60% of them were Roma (Ethnobarometer, 2004: VII.3). Comparable data for other countries is not available, as UNHCR does not record ethnicity as such.

Now, with the returns of refugees to Serbia and other countries of the war-zone, there are serious and unreported issues concerning Roma. The vast majority of recent returnees to Serbia and Montenegro have been Roma (CNGOS, 2005: 16); in May 2005, Germany start-

ed to forcibly return members of certain minority groups from Kosovo — mainly Bosnians, *Ashkali* and Turks — whereas Roma and Serbs are spared deportation for the moment (Grupa 484, 2005: 21). This has been done despite the warning of independent observers that Serbia is not yet a safe place for minorities (HRW 2005).

Other than Romani migrations and refugees from war-zones, the principal ethnic migrations from Balkan countries since 1989 consist of the following:

#### From Romania: emigration of ethnic Hungarians, Germans and Jews

Over the decade of the 1990s, these are recorded as 105,000 Germans, 37,000 Hungarians and 3,000 Jews. Earlier periods saw much larger ethnic emigrations, though (Ethnobarometer, 2004:VIII). By 2002, the Romanian Census showed that only the Hungarians had retained a significant presence of just under 1.5m (6.6%, of total population) and almost exclusively located in the region of Transylvania (Ethnobarometer, 2004: IV.4). Ethnic migrations have more or less ceased since 2000.

#### From Bulgaria: emigration of ethnic Turks

The first pogrom against Turks began in 1984, with a state demand that Turks "Bulgarize" their names; it was accompanied by the closure of mosques and outlawing of Muslim religious holidays. Many resisted, with an estimated death toll of 300–1,500 Turks over one year (Crowe, 2000:107) and a reported 1,000 imprisoned (Atanasova, 2004: 364). This had a knock-on effect for Roma, who were the victims of forced assimilation and violence in the 1980s.

In 1989, after blaming ethnic Turks for a series of bomb attacks, Prime Minister Zhivkov invited those who "do not feel Bulgarian" to leave Bulgaria. Some 360,000 ethnic Turks left, and after pressure from the West and USSR, Zhivkov was forced to resign (Anagnostou, 2005: 91; Warhola and Boteva, 2003). His successors immediately rescinded the effects of this ethnic cleansing, with a 1990 law on the restoration of Turkish names, which was utilized by some 600,000 ethnic Turks in 1991 (Atanasova, 2004: 364). Another law provided amnesty for victims of the 1980s assimilation campaign, while two decree-laws and a 1992 law provided restitution of the housing, property and employment rights of those who had emigrated to Turkey but subsequently returned. An estimated 150,000 returned from Turkey after this

reversal of policy (Atanasova, 2004: 364). Thus, Bulgaria has effectively escaped what many western commentators view as the dictates of history and ethnic conflicts in the Balkans (Anagnostou, 2005),

#### **From Albania: emigration of ethnic Greeks**

The number of ethnic Greeks in Albania was, and remains, highly contested. The range of figures starts at 59,000 in the 1989 Albanian Census and goes up to 300,000 claimed by the Greek government (Baldwin-Edwards, 2004b: 51). Pettifer (2001: 4) gives a figure of 100,000, which is plausible. The number who actually migrated to Greece is also highly problematic to estimate, for several reasons. First, the ethnic Greek migration was contemporaneous with mass illegal migration of ethnic Albanians as temporary labour in Greece in the 1990s. Secondly, the Greek state did not systematically record those who had been given entry visas as ethnic Greeks. Thirdly, there are accounts of Albanians with different ethnicities (e.g. Vlach) being encouraged to assume a Greek "identity" and apply for special status, either in the Greek consulates or within Greece itself. Thus, by 2004<sup>8</sup> the Greek state had surreptitiously issued some 200,000 'ethnic Greek identity cards' (Baldwin-Edwards, 2004c: 3), whilst there did not seem to be significantly smaller ethnic Greek communities still residing in Albania! It does not appear, therefore, that the ethnic composition of Albania was much altered by the ethnic migration of Greeks: the emigration of the general Albanian population was much more important.

#### **Trafficking of migrants in the Balkans**

For some time now, European policy-makers, practitioners and academics have identified a "Balkan route" for trafficking and/or smuggling<sup>9</sup> of migrants (e.g. Salt and Stein, 1997: 475-7; Budapest Group, 1999; IOM 2001), with clear links made between older drug trafficking routes, their interruption by war and organized criminal gangs branching out into people-smuggling and trafficking (Kolakovic et al., 2001: 7-9; Budapest Group, 1999; Lindstrom, 2004). Simultaneously, the United States embarked upon its global attack on trafficking, issuing an annual report and tiered classification (using unknown and rather suspect criteria) of how well other countries of the world were attempting to limit the phenomenon. Their

global estimates of the extent of trafficking started out with a maximum estimate of 4m in 2002, reduced to 800,000 for both 2004 and 2005; again, the mechanism by which these figures are reached are unknown, and should be treated with extreme suspicion.

Alongside methodological problems concerning the estimation of the extent of trafficking, there remain fundamental definitional problems concerning the issues of migration, prostitution and agency (Kelly, 2005:237). The clear distinction between trafficking and smuggling which is embodied in the UN protocols is not so visible in practice, and it would be more correct to view them both as part of a continuum of behaviours, changing over the migrant's journey in time and space. Essentially, measurements and interpretations of trafficking data are practitioner-based, and inclined to view all illegal migrants as victims without agency, rather than as frequently willing participants in complex interactions with other persons and/or criminal organizations in their migratory experiences. Yet another deficit is the focus of international organizations on trafficking for sexual exploitation and of children, whilst ignoring other forms of exploitation (Kelly, 2005: 237).

In the case of the Balkans, some of the most detailed investigation of any region in the world has been made since 2000, with research undertaken or financed by the IOM, the Stability Pact for South Eastern Europe, the ILO, UNICEF and the OSCE, amongst others. One of the most authoritative recent reports identified 6,256 victims between January 2000 and December 2004, with the primary countries of origin as Albania, Moldova and Romania (and to a lesser extent, Bulgaria and Kosovo) and the primary countries of destination or transit as being Croatia, Bosnia, Macedonia and Serbia and Montenegro (Surtees, 2005: 12-17). Table 4 reproduces their summary data.

Over the period 2000-2004, 90% of victims were from only 5 countries (28% from Albania, 26% from Moldova, 17% from Romania, 10% from Bulgaria and 9% from Kosovo). There is also a significant number from the Ukraine (6%), but from other countries the numbers identified and assisted are very small indeed.

According to an earlier report (for the period 2000-2003), first trafficking experiences occurred as minors for 65% of Albanians and 50% of Bulgarians, although most were 18-24 at the time of identification (RCP, 2003: 14). The identified trends, confirmed by other recent

Table 4

*Number of identified and assisted trafficking victims 2000-04, Stability Pact*

Country of origin of victim	2000	2001	2002	2003	2004	Total
Albania	219	445	375	345	366	1,750
Moldova	319	382	329	313	300	1,643
Romania	163	261	243	194	193	1,054
Bulgaria	46	96	164	172	143	621
Kosovo, Province of	54	67	165	192	90	568
BiH	0	0	8	17	39	54
Serbia	0	1	10	13	21	45
Croatia	0	0	1	1	6	8
Montenegro	0	0	2	3	5	10
fyRo Macedonia	0	0	0	14	12	26
<b>SEE countries subtotal</b>	<b>801</b>	<b>1,252</b>	<b>1,297</b>	<b>1,264</b>	<b>1,165</b>	<b>5,779</b>
Ukraine	68	97	104	47	41	357
Russia	7	22	21	5	4	59
Belarus	8	9	1	2	1	21
Georgia	0	3	2	0	2	7
Other	3	0	5	11	14	33
<b>Other countries subtotal</b>	<b>86</b>	<b>131</b>	<b>133</b>	<b>65</b>	<b>62</b>	<b>477</b>
<b>Total numbers of victims trafficked into, via or from South Eastern Europe</b>	<b>887</b>	<b>1,383</b>	<b>1,430</b>	<b>1,329</b>	<b>1,227</b>	<b>6,256</b>

SOURCE: Surtees (2005: 31-32)

reports (e.g. Rahmani, 2005) are of decreasing visibility or extent of trafficking and increased trafficking of minors – the latter, especially without crossing country borders (so-called ‘internal trafficking’).

According to the Second RCP Report, around 70% of assisted victims from the SEE region (in other words, excluding those originating from other countries) are trafficked solely for sexual exploitation, along with another 10-20% for a mix of sexual services and other employment. Table 5 below shows summary data for forms of trafficking. Of the small proportion of persons trafficked for labour, begging or delinquency (11%), in some countries such as Albania and Kosovo the majority were male and minors (Surtees, 2005: 13). The statistical data presented for the SEE region do not show gender or minor

status, but to date no males have been assisted as victims of sexual exploitation.

Within the south east European region, it is alleged that 90% of foreign women working in the sex business are victims of trafficking, with 10-15% under the age of 18 ((El-Cherkeh et al., 2004: 22). However, more recent reports note that raids on bars (the most prevalent form of anti-trafficking action) are no longer producing results and that many women offered assistance as victims of trafficking deny that they are such, and say that they are working voluntarily (Limanowska, 2004: 50). Child trafficking, not only for sexual services but also for organized begging,<sup>10</sup> is an increasing problem across the region and also within the EU (IPEC 2005 and 2004 country volumes). However, the limited empirical evi-

Table 5

*Forms of trafficking among assisted SEE nationals, 2003 and 2004*

FORM OF TRAFFICKING	2003		2004	
	N	%	N	%
Sexual exploitation	824	65.2	864	74.2
Labour	91	7.2	48	4.1
Begging and delinquency	51	4.0	75	6.4
Adoption	0		9	0.8
Sexual exploitation and labour	245	19.4	97	8.3
Sexual exploitation, begging and delinquency	10	0.8	27	2.3
Labour, begging and delinquency	11	0.9	2	0.2
Sexual exploitation, labour, begging and delinquency	1	0.1	0	
Potential victims	31	2.5	43	3.7
TOTAL	1,254		1,164	

SOURCE: Surtees (2005: 33)

dence suggests the following set of characteristics:

- ‘victims’ frequently do not see themselves as such, and often refuse help
- ‘victims’ tend to come from seriously underprivileged backgrounds, and are preponderantly from ethnic minorities, including Roma

- 'victims' tend to be very young, and the trend is increasing for minors
- the crossing of borders is not a necessary part of trafficking
- sexual exploitation is not a necessary part of trafficking

In conclusion, we should note that the number of persons identified by the Regional Clearing Point is very small relative to the extent of migration in the region (both voluntary and forced) and raises serious questions about the real significance of the phenomenon of trafficking in the Balkans. The RCP Report itself notes that it is only a standardized record of assistance, and there is no way of estimating the actual extent of trafficking: furthermore, high numbers of assisted victims in a particular country may reflect pro-active policy to tackle the phenomenon, rather than the existence of a greater problem than elsewhere (Surtees, 2005:25). Trafficking and prostitution are largely demand-driven, and extremely problematic and extensive in UN-managed Kosovo, as well as associated with supply side social and family problems in the countries of the region. Furthermore, little if any evidence has been adduced to show that trafficking is big business in the Balkans: rather, the evidence suggests that it is a cottage industry (Nicholson, 2002: 4). This, combined with the increasing phenomenon of "internal trafficking", might lead us to conclude that this is a problem of social policy, which has developed to extend beyond national borders.

Thus, trafficking is not per se an issue of migration, but rather one of economic survival strategies on the part of both traffickers and those being trafficked or smuggled; on the other hand, the demand side of prostitution, cheap labor and organized street begging is a significant socio-economic problem not only in the Balkans but also across Europe. These two aspects –the supply side of underdevelopment and unequal income distribution, and the demand for sexual services, forced labor and informal employment in EU countries and elsewhere – might be more appropriate foci for government policies.

### Temporary or incomplete migrations

Also known as circular migrations, these are typical of voluntary population movements from the CEE region since 1989 (Kaczmarczyk

and Okoloski, 2005: 18). They have two defining characteristics: they are predominantly irregular, with employment in the shadow economy; they do not conform to the definition of migration. This 'incomplete migration' appears to be extensive in the CEE region, with very large numbers participating, and mainly involving semi-skilled and unskilled persons. Owing to its clandestine character, data and interpretation of numbers are highly questionable and problematic. In the Balkan region, three countries are predominantly involved with this migration type – Albania, Romania and Bulgaria.

The 1990s Albanian migrations to Greece and Italy were clearly of this type, even if the mass deportations by the Greek state constituted a peculiar variant of the return strategy (Reyneri, 2001). Subsequent to the first Greek legalization campaign, and after a legal opinion from the Ombudsman denouncing the deportations as unlawful, Albanians found it increasingly difficult to engage in circular migration. With tighter and more aggressive, even violent, border controls, alongside the Greek state's insistence on full-time social insurance contributions for legal residence, by the early 2000s Albanians living in Greece had adopted a typical strategy of permanent settlement (Baldwin-Edwards, 2004b: 62). The early migrations had been undertaken by men, later to be joined by their wives and children: after the 2001 immigration law, some 67,000 permits for family reunification were given by the Greek state (Baldwin-Edwards, 2004c: Table 2). By 2004, official records indicated just over 400,000 adult Albanians, up to 100,000 schoolchildren, and some 200,000 classed as ethnic Greeks: although some of these may have returned to Albania or moved to Italy, there is no evidence to suggest that this was in large numbers. Thus, Greek government policy – by reinforcing the border with Albania – managed to change temporary migration into permanent settlement for the great majority of Albanian migrants. In Italy, a similar pattern has been noted, with a high proportion of Albanians taking Italian citizenship.<sup>11</sup> By end 2004, ISTAT<sup>12</sup> had recorded 317,000 Albanians with residence permits, making them the leading immigrant nationality in Italy.

The situation pertaining to Romanians and Bulgarians is rather different from Albanians. This is not because of any massive difference in strategy by those migrants, nor because of different treatment by receiving countries. It is,

rather, the unintended outcome of the gradual incorporation of these two countries into the EU and Schengen regime. In the case of Romania, although circular migration had existed in the late 1990s, primarily to Italy, it was with the removal of the Schengen visa requirement in 2002 that circular migration of Romanians as 'false tourists' really took off. Travelling legally under 3-month Schengen tourism provisions, a 2005 survey shows that around 9% of households have one member abroad at any one time (around 850,000 people). Their destinations are principally Italy and Spain, with reports from Italy of up to 2.5 million Romanians there, or (from Romanian authorities) of 1.4m in both Spain and Italy. These extraordinarily high numbers arise, as I show elsewhere (Baldwin-Edwards, 2006) from flawed interpretation of information caused by imposing a traditional view of migration on the complex and well-cho-reographed circular migration patterns. Thus, although many Romanians — up to 15% of the adult population — have participated in migration, at any one time there is not such a large number abroad. The latest data show 249,000 Romanians with permits in Italy, and 175,000 in Spain. There is also limited legal temporary labor migration — primarily to Germany, but also to Italy and Spain. Available data suggest that this is well under 100,000 in total, per year (Baldwin-Edwards, 2006).

Despite massive problems with data, it is possible to discern some clear trends. First, the flight of refugees from the region has more or less stopped, with the partial exception of Serbia and Montenegro. The continued asylum-seeking from the Balkans appear to be mainly by Roma, although there are no hard data, and the numbers from Serbia — around 15,000 for 2000 — are openly criticized by the European Commission (Frattini, 2005).

Secondly, the issue of refugee returns is actually dominating the scene, with serious issues about who is forcibly returned to where, and the reception and nature of voluntary returns. Even for candidate country Croatia, the European Commission has worries concerning returns to that country; however, the Sarajevo Declaration of January 2005 committed Bosnia-Herzegov-

Bulgarian temporary migration has targeted Greece, Italy and Spain — but without the visibility of either Albanian or Romanian migration. Furthermore, there is no consensus on the extent of emigration in recent years: one report suggests that it increased after 2001 when the Schengen visa requirement was removed (OECD-SOPEMI 2005: 165) whilst another claims a stabilization over recent years (Beleva and Minev, 2005). A 2001 IOM survey suggests that the primary destinations for Bulgarian seasonal work at that time were Greece, Spain, Italy, Germany and the Netherlands (Guentcheva *et al.*, 2003: 5). Unlike Romanians, who migrated to Germany in large numbers as ethnic Germans and also as contract workers, Bulgarians hardly appear in German immigration data. In southern Europe, Bulgarians are more visible: from residence permit data, they constitute the second largest nationality in Greece (at 59,000), and some 2% of the immigrant population in Spain (52,000), although have only a small presence in Italy at 15,000. Given that many Bulgarian migrants are female and employed as housekeepers, it is likely that their illegal employment is considerably higher than the official data suggest. There is, however, a serious information deficit on temporary migration movements of Bulgarian economic migrants, compounded by their ease of travel within the Schengen zone.

## Trends in Balkan Migrations

ina, Croatia and Serbia and Montenegro to resolve the issue of returns before the end of 2006.

Thirdly, ethnic migration looks like a phenomenon of the early 1990s, with the break-up of communist states. It has largely discontinued, although again there is a question mark about the situation of the Roma. There is also a potential, or actual, issue of asylum applications constituting the only route for unskilled or semi-skilled labour migration to the West; it is impossible to clarify to what extent this may have occurred, given the arbitrary way in which some EU countries evaluate asylum claims.

Thirdly, trafficking figures for the region show a continuous decline: already small numbers are getting smaller. Trafficking, illegal migration and migration for employment have

been hardly visible for most of the former Yugoslavia, owing to their invisibility in the context of forced migrations.

Fourthly, incomplete or circular migration seems ultimately to have been an option for only two Balkan countries — Romania and Bulgaria. The result of tighter border controls and the Schengen zone has been to effect a two-tier status for border crossing — candidate country or non-candidate country. Although intended only for tourism, the Schengen arrangements have had a predictably aggravating impact on the informal economies of Europe — particularly those of southern Europe.

Several issues have not been explicitly addressed so far, and deserve mention. Immigration into, and transit migration through, the Balkans have been a continuous matter of concern by EU countries. This issue is also partly linked with trafficking, but it is really only from the Ukraine that there is any evidence of a problem. Data on immigration into the region are of very low quality, primarily because most of it is illegal. Information from Romania and Bulgaria suggests that it consists primarily of migrants from within the CEE region, from CIS countries, and asylum-seekers and illegal migrants from Asia. Numbers appear to be low, despite periodic hysteria in Western Europe about hordes of Chinese preparing to 'invade' Europe.

One of the clear achievements in the region since the early 1990s has been the modernization and increased effectiveness of border controls, primarily achieved with EU moneys and expertise. Information provided by ICMPD and others suggests a fairly unambiguous improvement in border management, as shown by apprehension statistics (Futo *et al.*, 2005). However, as all countries of the region stabilize, it can be expected that all types of voluntary

migration will increase — especially in the context of mass unemployment and poor quality employment.

The 'brain drain' issue is one which certain Balkan countries worry over, most obviously Croatia. Although there clearly has been an exodus of skilled personnel, mass emigration from the Balkans has represented all sectors of society and arguably over-represented the lower-skilled. The primary issue is not how to deal with past emigration, but how to encourage and fully incorporate possible returning migrants into modern economies. There is, so far, little evidence that focused strategies are being developed to address this issue; furthermore, the EU has provided no guidance or incentives for better labor market and migration management. A legalistic obsession with adaptation to the *acquis communautaire* has dominated both financing and formal relations with potential and actual candidate countries — to the detriment of other functional economic issues (Baldwin-Edwards, 2006).

Thus, the Balkan region is rapidly becoming more typical of semi-peripheral economies, with an increasing tendency for temporary labor emigration and also attraction of small numbers of asylum-seekers — the latter, particularly as legal systems adopt modern asylum laws in line with the EU *acquis*. However, for those countries not on the Schengen "white list", the Schengen wall is almost as great a barrier as the former Iron Curtain, and excludes whole generations in countries with pro-European visions and aspirations for EU membership. There is an imperative for the EU to reform and adapt, as well as for the Balkan countries: this message is rarely heard within European political discourse.

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## Notes

<sup>1</sup> For the purposes of this paper, I follow the policy of the *International Commission on the Balkans* (ICB, 2005) and classify as western Balkans the following countries: Albania, Bosnia and Hercegovina, Croatia, Kosovo, Macedonia, and Serbia and Montenegro. To these must be added the eastern Balkan countries of Bulgaria, Romania and Moldova. Since Turkey occupies a very special and prominent place in relation to both migrations and the EU, I do not include it in this geopolitical scheme.

<sup>2</sup> Own calculation, using census data 2002 and births/deaths published in Constantin (2004:37).

<sup>3</sup> Internally displaced persons

<sup>4</sup> I am indebted to Beryl Nicholson for her astute comments on Albanian emigration and census figures, which also apply to almost all voluntary migrations in the region.

<sup>5</sup> At end 2004, Serbia was ranked third in the world by UNHCR for its refugee to population ratio.

<sup>6</sup> See HRW (2004b) for the landmark ECHR ruling which determined that tenancy rights to socially-owned property were terminated by war, thereby removing the property rights of all refugees from Croatia, who had occupied social housing in Croatia.

<sup>7</sup> There is much controversy about the existence (or not) of different Romani groups — including Egyptian Roma and *Ashkali*. See Marushiakova and Popov (2003) for clarification.

<sup>8</sup> By the end of 2005, the author was receiving reports that the Greek state had surreptitiously withdrawn or not renewed these 3-year cards, and was threatening to deport those who could not prove their Greek heritage.

<sup>9</sup> For the distinction, which increasingly is being questioned, see the UN protocols on trafficking and smuggling.

<sup>10</sup> See TDH (2003) for detailed research on Albanian children trafficked into Greece

<sup>11</sup> This option is denied them in Greece, even for ethnic Greeks. Masked as a "problem" with Albania's refusal to permit dual nationality, it is clearly a political strategy to retain a Greek presence in Albania.

<sup>12</sup> <http://demo.istat.it/>



# Workers' Mobility': Europe's Integration and Second Thoughts

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This contribution focuses on following four relationships

(1) labour and capital . Moving labour may amount to a falsification of a market economy. Labour migration is of benefit in only very few cases (like that of highly skilled, innovation-prone experts). Most studies now explicitly deny benefits or, at best, doubt whether there are any benefits to labour-related migratory movements.

(2) migration and social welfare policy. What is needed is a thorough review of the various social benefits systems and its possible impact on migratory movements, be they intra-European or from third countries altogether. It is submitted that before migration is offered as a release to many needy labour-markets, those markets should first come to terms with the need to re-power their unemployed, re-train them and gear them to full participation, before going for the easy solution of depriving other countries of their potential. Moreover, free movement of labour is only possible with a flexible social welfare system in place, more geared towards the realities of the labour market and the need for Europe to remain/become competitive.

(3) globalization and migration. It is argued that in the case of migrants staying at home, all parties might be better off — the individuals as well as the countries of origin and destination. This is because the transfer of industries, agriculture and back-office jobs to low income or more productive countries would be much speedier, which ultimately substantially benefits the global economic development. It is about moving capital, rather than moving people.

(4) the impact of migration and the receiving community/society. This issue is related to the economic and societal concept of trust, one of the key elements that should be taken into account whenever a migration policy is formulated or whenever the possible positive or negative outcome of migration is being debated. Economies tend to boom on the basis of trust. Migration does not necessarily add to 'trust' , and may hence have a negative impact on growth.

**Keywords:** migration, welfare policy, globalization, European Union

**T**he year 2006 has been designated as workers' mobility year. This 'move' aims at raising awareness and increasing understanding of —

as it has been put — the benefits of both working abroad and in a new occupation.<sup>1</sup> Working in new countries and/or sectors — it is claimed

— often provides workers with new skills and experiences, benefiting both them and their employers. Current figures show that very few Europeans work abroad. The percentage of Europeans residing in an EU country other than their country of origin has consistently remained at around a mere 1.5% for the last 30 years. And in 9 countries of the EU15, 40% of workers have remained in the same job for over 10 years.<sup>2</sup>

At first sight, focusing on workers' mobility looks like a brilliant idea. It promotes the idea of the European house in which we move freely and happily. It is about meeting with fellow Europeans, meeting with complementary skills. Yet, looking into the issue more carefully should also give rise to some second thoughts. Thoughts about individual well-being, about the dialectics between labour and capital, about the loss of human capital as migrant workers often work in positions below their actual professional level (the engineer as taxi-driver, the primary school teacher as orange-picker).<sup>3</sup> Regard should also be had to the social welfare system and the need to make ends meet. But above all, the idea behind moving workers around is also about the challenge of a decreasing European population and the urge to become a fair partner in the globalization process. It is, indirectly, also about the (non-)admission of migrant workers from outside the EU.

The European Union focuses on the freedom of movement, — movement of goods, capital, services and, indeed, individuals. The EU15 were on the way to accomplish these lofty ideas to some significant extent. Remarkably, the 15 have given mixed signals as to the acceptance of labour from the new member states. Hitherto only Sweden has allowed unrestricted access to

its labour markets to the eight central and eastern European countries that joined the EU in May 2004. Several others have opened their markets with restrictions on the number of workers (Austria, Italy, the Netherlands, Portugal), or on the benefits they can claim (UK, Ireland). Belgium, Finland, Germany, France, Greece, Spain and Luxembourg have opted for a 'transitional period'.<sup>4</sup> A number of countries (Finland, Spain) are preparing to lift the restrictions. Belgium and Portugal are also thought to be debating the issue, but Austria and Germany are expected to extend the restrictions (a quota system of sorts). Question-marks remain as to France's and Luxembourg's position.<sup>5</sup>

At the same time, migrant workers from outside the Union who have obtained a long-term residence status in any EU15 country would be allowed to move freely under the Directive agreed upon on the status of long term residents. Such a long-term resident (a third country national who has resided legally and continuously within its territory for five years- art. 4.1), may reside in the territory of an EU MS other than the one that granted long-term status on the following grounds: (a) the exercise of an economic activity in an employed or self-employed capacity; (b) the pursuit of studies or vocational training; (c) other purposes.<sup>6</sup> It would appear that some review may be necessary as third country nationals now would appear to enjoy more freedoms than the fellow EU citizens from the new Member States.

This contribution, therefore, focuses on following four relationships

- 1) labour and capital
- 2) migration and social welfare policy
- 3) globalization and migration
- 4) the impact of migration and the receiving community/society.

## 1. Labour and Capital

As a matter of principle regard should be had to one of the overriding principles as laid down in the preamble of one of the relevant ILO conventions. In this preamble, the need was emphasized "...to avoid the excessive and uncontrolled or unassisted increase of migratory movements because of their negative social and human consequences, and considering that in order to overcome underdevelopment and structural and chronic

*unemployment, the governments of many countries increasingly stress the desirability of encouraging the transfer of capital and technology, rather than the transfer of workers in accordance with the needs and requests of these countries in the reciprocal interest of the countries of origin and the countries of employment...*"

This text is not new. It is taken from the 1975 ILO Labour Migration Convention (C143), and

it is herewith submitted that this text is not just valid for relationships between Europe and the Third World, but is, most probably, also true for the relationship between the EU15 and the new Member States.

Moving labour may amount to a falsification of a market economy. Economists will submit that labour is just one part of the means of production and the free movement of labour is inclusive in the globalization and EU-build-up, maybe as much as a condition for the proper functioning of a world-wide economy. Yet, economists tend to concentrate on the work, the production per se, and they conveniently forget that work amounts to only some 18-22% of the labourer's time. The remainder goes to commuting, sleep, recreation, religion, social and/or political activities. The same way the world's economy was shocked/surprised by the HDI, the human development index, an index that focused on the community's well-being, rather than the cold, anonymous production and GDP figures, the world of

labour migration is also in need of a migrant / receiving community index. Such an index should include production, language skills, integration, social, religious and political tension/well-being as well as the effect of the migratory movement on the community of origin (brain-drain, broken marriages, remittances, holiday-behaviour, etc.). What we will most probably observe is that labour migration is of benefit in only very few cases (like that of highly skilled, innovation-prone experts who truly have some added value to offer). Most studies now explicitly deny benefits or, at best, doubt whether there are any benefits to labour-related migratory movements. It is on the basis of these arguments (labour/capital; loss of human capital; costs to the community) that the 2006 workers' mobility equation deserves to be re-thought. The Commission refers to increased awareness and understanding of the benefits of both working abroad and in a new occupation. A lot depends on the meaning of the word 'benefits'.

## 2. Migration and Social Welfare

In early May 2004, a conference on 'Co-ordination of Social Security in an Enlarged Europe' focused on a new employment regulation, under which unemployed people will be able to seek work in another EU country much more easily by 'exporting' their social welfare entitlements. Member states may allow unemployed people to bring their social welfare entitlements from their home country to the EU country where they are seeking work. This is an important piece of social legislation and it should have an impact on the employment, unemployment and intra-European migratory movements, as well as migration from third countries. This regulation protects the social security rights of people who move, for whatever reason, private or professional, from one Member state to another. If the fight against unemployment is indeed considered to be a priority for the Union, this new regulation represents a major achievement.

Of great relevance in this context is the level of social services being provided in comparison with minimum salaries. In some countries (Denmark, Germany, the Netherlands) the incentive to actively look for a job is quite minimal as the unemployment benefits are sometimes as high, or even higher, than the salary of the job one

might be capable to perform. Moreover, many able-bodied were removed from the labour market as 'incapables' under most generous inability screening *cum* benefits. Some European countries enjoyed low unemployment figures, only because they had such high 'disability'-figures. It took those countries almost a generation (that is: over 20 years) to redress some of the ills involved.<sup>7</sup> With or without the number of disability-benefits receivers who, upon careful scrutiny might be able, under certain conditions, to re-enter the labour market, the total number of unemployed amounts to close to 10% (official unemployment figure for the EU15 has now decreased to 8.5%). That means that in principle a great many unemployed should be available for many of the jobs now being offered to legal or illegal, regular or irregular immigrants.

What is needed is a thorough review of the various social benefits systems and its possible impact on migratory movements, be they intra-European or from third countries altogether. It is herewith submitted that before migration is offered as a release to many needy labour-markets, those markets should first come to terms with the need to re-power their unemployed, re-train them and gear them to full participation,

before going for the easy solution of depriving other countries of their potential.

Apart from the impact of social welfare on the participation in the labour market (yes, participation of men and women alike can be manipulated), it is also of relevance to look into the issue of access of fellow-Europeans or even long-term third-country nationals to the national social welfare systems. As can now be submitted, European borders are to a great extent determined by access to the social welfare office.

In this respect it is to be noted that long-term (third-country) residents shall enjoy equal treatment with nationals as regards *social security, social assistance, and social protection as defined by national law* (art.11.1.d of the above quoted Directive). Art. 21 states that as soon as third-country long-term residents have received a residence permit in a second Member State, they too shall enjoy the benefits as defined under art.11.1.d. This amounts to a remarkably generous approach, particularly in the light of the present restrictive approaches to citizens of the new Member States themselves. Indeed, social welfare systems deserve a complete make-over, reflecting on the one hand community-membership and the place of work, and on the other hand the public/private aspects of any social security insurance. In fact, once every EU-citizen has his/her own private social security arrangement with either a public entity or a private insurance company, the place of work and the risk of becoming unemployed is no longer of great relevance: the person concerned will be covered, one way or another on the terms

he/she agreed upon with the provider of the insurances.

Many unemployment schemes allow the unemployed to enjoy benefits until they find a job on their very own level. The present author fails to understand why a former civil servant or university lecturer should not be considered able to work as a guard or a janitor. Of course, he or she may sign up to an unemployment insurance to prevent him/her to take up such a job, but that then becomes a private matter between the insurer and the insured (and the costs may be staggering or not prohibitive).

A similar re-think needs to be carried through for health insurances and pension arrangements. Health insurances should partly remain in the 'public' domain, as far as the provision of minimum benefits is concerned, because the community as a whole has a utilitarian interest in the health of its fellow community-members. Everything over and above the minimum treatment should be a private matter between the insurer and the insured. As to migrant workers, it does not make a difference where exactly the insurer holds office. Likewise, employers and employees should be entitled to verse funds in a foreign pension fund for any EU employee, thereby assisting towards creating a true European (pension-)market.

Yet, the argument presented here is that free movement of labour is only possible with a flexible social welfare system in place, more geared towards the realities of the labour market and the need for Europe to remain/become competitive.

### 3. Migration and Globalization<sup>8</sup>

Europe has during the last two centuries moved from mainly agriculture to manufacturing and to service industries. Today, thanks to effective communication and transportation, most production can take place on far-away shores. What is needed nearby are health, education, infrastructure and retail. Infrastructure entails construction (roads, offices, housing) but also communication (trains, aircraft, cars, telecom) and general upkeep (repairs, cleaning). Of the four mentioned here, health and education are least prone to productivity increases. This

needs to be taken into account, also in view of the ageing debate.

Coleman (Oxford) submitted at the Cairo+10 UNECE/UNFPA Conference (Geneva, January 2004) that there is no 'solution' to an ageing population short of a return to much higher rates of population growth or mass age-specific euthanasia. The problem is that the effect is not very great and immigration is an inefficient way of achieving this end. Immigrants themselves age and the country then requires more immigrants, as it were, to replace their number.



Immigration cannot solve the problems of population ageing except at rates of immigration so high that they would generate economically and environmentally unsustainable population growth rates and permanently and radically change the cultural and ethnic composition of the host population. The population size consequent on the migration needed to preserve the current potential in the UK would double to 120 million by 2050 because the UK would be importing 1.2 million persons per year. By 2100, up to five million new immigrants would be needed every year and the UK population would have risen to 312 million.<sup>9</sup>

Of course, the retirement challenge needs to be addressed. Now that most experts agree that migration is not the answer, consideration must be given to (a) working up to the age of 65, 67 or even 70; (b) working longer hours (40 instead of 36); (c) salary decreases beyond the age of 55, possibly combined with less work (e.g. a 66% salary for a four-day working week, or a 50% salary for a three-day working week).<sup>10</sup> Most European Governments have understood the message. The Trade Unions, however, generally object. It is worth explaining that non-migration would ultimately improve the salaries and status of their members.

Apart from the idea that bigger populations means more power (presumably through larger armed forces or a stronger economy), there is in principle nothing wrong with decreasing populations. Of course, people want to become richer, and the fear is justified that with less 'producers' less products will be on the market. It is then forgotten that productivity has increased steadily over the last 500 years or so, and there is no reason to suspect that productivity would suddenly stop doing so. Yet, two important conditions then need to be met: (i) sufficient creative and innovative engineering capabilities are to be available to replace labour with capital, that is to introduce new machineries; and (ii) qualified managers must introduce better processing and must continuously streamline procedures. Innovation is the key word, and Europe should invest heavily in ensuring that the replacement of labour by capital will remain a major option. Subject to that condition decreasing populations might still enjoy growing productivity. If only 'space' were not such a scarce commodity.<sup>11</sup>

Alternatively, it should be appreciated that a yearly increase in a population by a mere 1% will result in doubling the population in 72

years. For Europe that would mean that by 2100 the EU-25 will have one billion inhabitants and that the global population will reach the 25 billion mark by 2150.

That having been stated, it is a fact that health and education are economic activities that are not easily submitted to increased productivity ideas. Yet, most of Europe managed to spend additional funds for exactly health and education on – in my eyes non-productive – middle management. The percentage of 'hands at the bed' in hospitals as well as 'teaching the pupils' at schools have disturbingly changed over the last decades. If a revolution would be needed these days, it should be about giving the hospitals back to the physicians and the schools back to the teachers.

Moving agriculture, manufacturing and even, for instance, back-office jobs to countries outside of Europe creates win/win situations. Subsidies should be considered as the scourge of any international economic system. This comes and goes at the cost of the economies of many developing or less developed countries. Countries that should be able to export their products are now forced to export their workforce. It is about tomatoes, not about the tomato-picker. Or, in other words, should the people move to where the capital is, or, rather, should capital move to where the people are?

The recent Brazil/WTO case (on subsidies paid to U.S. cotton farmers) is of the utmost importance in this respect. More than ever, the migration 'lobby' should display an interest in such cases as it should in the subsidy issue at large. In the absence of subsidies, more producers will move production to low-income 'good weather' countries. This is already true for the Dutch flower industry, an industry without subsidies, and perfectly suitable to make use of the globalization processes, thereby benefiting producers, labour and consumers all at the same time.

As for manufacturing it can be submitted that once a manufacturer has reached the margins of profit, and is e.g. faced with labourers who demand an increase in salary, three alternatives are available:

- by hiring migrant labour (including illegals) the manufacturer can avoid the demand/supply reality and can continue profitable production, thanks to relatively low labour costs;
- by replacing labour with capital, the manufacturer can make a sound long-term

investment, making use of the available innovation possibilities (thereby also promoting investments in innovative thinking at large);

- in the end the manufacturer can move the site of manufacturing to a low-labour-cost country.

Of the three alternatives, the first is by far the worst scenario as it delays the introduction of innovative processes and procedures and because it delays moving the site by a couple of years, at the cost of the consumer. The introduction of innovative ideas or machinery benefits all, and the transfer of production is an obvious blessing for Third World economies as well as low-cost Eastern European countries.<sup>12</sup>

It is probably even more surprising to learn that also moving so-called back-office activities (keeping files, administration, accounting, auditing) to low income countries can be a very profitable exercise, that is: profitable to all. The Economist, in its 13 December 2003 issue, calculated that the transfer of 1 dollar worth of back office work from the USA to India would give India 33 dollar cents and the USA no less than \$1.12, making a total profit of 45%. This, it should be added, includes re-employment.<sup>13</sup>

It is a well known yet staggering fact that the total of ODA (Official Development Assistance) covers a mere 35% of the total losses incurred by Third World countries because of those countries not being able to export products to the North/West as a result of tariffs and other export/import hindrances. It should then be added that the OECD has allowed the reception costs of asylum seekers who have come to the North/West to be considered as part of the ODA. It could hence be argued that many countries would be better off without development aid, but with their products having access to the markets of the North/West.

More research needs to be done into the alternative to non-migration. It is hereby submitted that in the case of migrants staying at home, all parties might be better off — the individuals as well as the countries of origin and destination. This is because the transfer of industries, agriculture and back-office jobs to low income or more productive countries would be much speedier, which ultimately substantially benefits the global economic development. It is about moving capital, rather than moving people.

The migration lobby, however, is increasingly focused on a new aspect that, in their views,

would justify migration: remittances. Even the World Bank appears to subscribe to the idea that remittances represent a significant positive economic feature. Migrants provide huge flows of remittances to their countries of origin, amounting to an estimated US\$ 90 billion annually, or the second largest source of external funding for developing countries. However, the total losses seem to become lost in the debate. Reference should be made to: (a) the use of the funds concerned; (b) the durability of those transfers; and (c) the impact of 'dual loyalty' on integration and related processes (the loss of human capital already having been touched upon herein-above).

a) Many of the funds made available through remittances are used for consumption (cars, luxury goods, housing), often as part of a secondary pension fund. Of course, more often than not, the local economy benefits, but in some areas remittances used for the construction of housing often results in an increase in construction costs, which in turn disadvantages those who do not have migrants in their family.

b) The durability is questionable. Those who do not marry someone from the same area/country are not necessarily tempted to invest in the country of origin of just one partner; often emphasis on educating the children results in changing saving-patterns. In other words, the sustainability greatly depends on newcomers, on ongoing migratory patterns. Once no new migrants are forthcoming, remittances are bound to decrease. It would be surrealistic to insist on ongoing migration for the sake of remittances.

c) The idea behind remittances portrays an ongoing link between the migrant and the country of origin. In the case of permanent migration (different from temporary migration) this would be contrary to an all-integration approach, whereby the migrant focuses for the full 100% on the country of residence. It could hence be argued that supporting the transfer of savings to the country of origin rather than investing in the country of destination would be counterproductive to the all-integration-approach — although no results are available from research — if any — into this linkage.

What remains to be done *in situ*, on location, is mainly limited to education, health, retail and infrastructure. The latter includes construction, communication and maintenance. Indeed, many of the jobs involved are the heavy and dirty ones, positions now often filled by

migrants, legal and illegal. This is the case in spite of the significant unemployment rates in Europe as a whole. As usual, market mechanisms should be allowed to play its role. That means on the one hand that salaries for these jobs need to be appealing, but also that social welfare benefits need to be at such a level that actual work always acts as an incentive.

In migratory circles it is well known that a salary difference of 30% and more will trigger migration. It could be submitted that the difference between benefits and salaries should also be in the 30% range to make an impact on the individual decision-making process.

#### 4. Migration and the Receiving Community

The balance between nationals and fellow-Europeans on the one hand, and Europeans and non-Europeans on the other is a most sensitive, even dangerous issue. Non-discrimination stands central whenever one deals with people with a different background. Yet, the eyes should not be closed to the realities of the tension so often apparent in the Paris 'banlieu', the British Midlands, or Berlin Kreuzberg.

Migration is more often than not looked upon as result of external pressure: (1) economics/ecology, (2) war, (3) persecution/repression and (4) demography can all be causes for migratory movements. It is also of importance to emphasize that these four main causes are inter-related: war has an impact on the economy; demographic developments may have an impact on the ecological balance, and so on. Moreover, there is no need to explain that a gloomy economic situation may result in tensions between the population at large and the authorities, resulting in repression, or that a fight on the control of certain natural resources may result in war. It is also clear that an increasing population may put pressure on economic developments (a 3% population increase would need to be off-set by a 7% increase in GDP). Fairly new is the confirmation of the correlation of the so-called youth bulge and the likelihood of armed conflict. It has been submitted by inter alia *population action international* that in the case of the 15-29 old representing more than 40% of the adult population (15 and above), this results in a significant likelihood of armed conflict: "our analysis suggests that states where young adults comprised 40% or more of all adults experienced civil conflict sometime from 1990-2000, 2.3 times the likelihood of countries below that benchmark."<sup>14</sup> On the basis of these figures it could be submitted that a decreasing fertility, combined with a slimming 'youth bulge' may create a situation in which peace may become more likely.

Apart from 'migration' as the result of external pressure, regard should also be had to migration being the *cause* of tension and/or negative developments. The Hmong in Laos; Indians in Fiji; the big-city challenges, — it all adds up.<sup>15</sup> Feller, in a January 2004 Amsterdam address stated: "...On all continents, mass influxes of displaced persons have placed onerous burdens on the physical environment [pollution, deforestation, competition for natural food and water supplies], on social systems [health, welfare, housing and employment and education] and can negatively impact the demographic balance of a host population, antagonizing the host communities. Similarly widespread is the growing problem of irregular movement. It is not only a problem as between regions, but also for popular destination countries within regions themselves...".

Indeed, more research needs to be undertaken into the probability of migration *per se* creating problems next to solving others. More than ever all the relevant disciplines should join hands to tackle the various challenges on this issue.

This issue is related to the economic and societal concept of *trust*. In the opinion of the present author *trust* is one of the key elements that should be taken into account whenever a migration policy is formulated or whenever the possible positive or negative outcome of migration is being debated. Economies tend to boom on the basis of trust. In 1995 Fukuyama, best known for his 'The End of History' (1992) published an important book on 'Trust'. Fukuyama argues that for an economy to boom and for a society to prosper aspects like trust and social cohesion are indispensable. Societal developments, interaction and group dynamics are far more important than hitherto believed: "economic activity represents a crucial part of life and is knit together by a wide variety of norms, rules, moral obligations, and other habits that

together shape the society (...); one of the most important lessons we can learn from an examination of economic life is that a nation's well-being, as well as its ability to compete, is conditioned by a single, pervasive characteristic: the level of *trust* inherent in the society" [p. 7]. "There are three paths to sociability: the first is based on family and kinship; the second on voluntary associations outside kinship such as schools, clubs, and professional organisations, and the third is the state. There are three forms of economic organisation corresponding to each path: the family business, the professionally managed corporation, and the state-owned or -sponsored enterprise. The first and third paths, it turns out, are closely related to one another: cultures in which the primary avenue toward sociability is family and kinship have a great deal of trouble creating large, durable economic organisations and therefore look to the state to

initiate and support them." [p. 62] In fact, Fukuyama displays his doubts concerning multicultural societies. And indeed, in the migration debate it is often forgotten that migrant workers do not only come to work, but are human beings with their own life-style and their own interests, goals and ideas. It is here-with submitted that due to the substantial numbers involved, actual segregation has in some cities taken place, is taking place in others or is about to take place altogether. This is bound to have a serious negative impact on interaction, intercultural relations and hence on trust, with all the negative results for society and the economy at large.

Keeping the above into account, it should become obvious that promoting workers' mobility does not necessarily amount to a straightforward win-win situation.

## 5. Concluding Remarks

It should be quite obvious from the above that the present author is not necessarily keen on promoting workers' mobility. Modern economies should strive for the transfer of capital and goods rather than for the transfer of human beings.

Of course, in the absence of in-depth econometric studies on the impact of non-migration, forcing national economies on even a greater scale to make use of innovation, outsourcing and the transfer of activities to low-income countries, it is no easy task to bring the idea home. But the idea of importing a tomato-pick-

er rather than tomatoes simply does not sound right. Whoever has traveled the cotton fields of Uzbekistan, the USA and Western Africa will most probably understand the issue at stake. Also, please meet and compare the peanut farmers of Senegal and Georgia (USA). As long as the EU distorts in the most hypocritical manner possible the agricultural realities with subsidies and farm support amounting to more than Euro 100 million per day (yes, per day), it should not be too difficult to argue that efforts to make workers move may amount to a distortion in its own right. True innovative thinking would aim at innovation.

## Notes

<sup>1</sup> The present author personally subscribes to that notion. After having spent a great many years with the UNHCR (1975-1995), the Netherlands Ministry of Justice and Webster University (1995-2005), he recently joined UNDP as a Chief Technical Advisor with the Lao PDR Ministry of Foreign Affairs in Vientiane, Laos. This contribution, as a matter of course, has been submitted a titre personnel and is based on his many years in various Twinning, Odysseus and Peer Review activities during the enlargement process. Dr Van Krieken can be reached at peter.krieken@undp.org

<sup>2</sup> <http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/05/817&format=HTML&aged=0&language=EN&guiLanguage=en> (consulted January 2006).

<sup>3</sup> ) Migrants tend to work – at least during the first years – below their educational and skills levels. Recent studies in Canada have indicated that for that country alone the loss involved would amount to some CND\$ 5 to 55 billion on a yearly basis (the \$5B

comes from a Conference Board of Canada article and the \$55B comes from Jeffrey Reitz at the University of Toronto; source, Ms Rosaline Frith, CIC).

<sup>4</sup> Two of the new member states, Hungary and Poland, have as a matter of retaliation imposed restrictions on EU15 workers.

<sup>5</sup> Source: <http://www.eupolitics.com/EN/News/200601/13a724a3-888a-444c-8751-bd74beb3ce9e.htm> (consulted January 2006).

<sup>6</sup> Council Directive 2003/109/EC of 25 November 2003, art. 14.2.

<sup>7</sup> Blair announced in January 2006 a 'benefits shake-up', aiming to get 1.7 million (of the total 2.7 million) incapacity claimants back into work (BBC News, 24 January 2006). Again, it should be noted that these 'incapacity claimants' normally remain outside the unemployment figures.

<sup>8</sup> This part is based on chapter B of the introduction to my *The Consolidated Asylum and Migration Acquis*, The Hague/Cambridge, 2004, pp 19-22.

<sup>9</sup> Coleman also refers to the *Korea Syndrome*: The *reductio ad absurdum* of all this is what one might call the 'Korea syndrome': the level of immigration required in order to preserve the current potential support ratio in the Republic of Korea and its consequences for population growth. In order to preserve Korea's present potential support ratio (10: 1) the population would need to increase to 6.2 billion people by the year 2050. Just by coincidence, this happens to be the entire population of the planet at the present time, so we would all have to go there.

<sup>10</sup> By 55, statistically speaking, most parents can 'breathe': children leave school, the mortgage has been paid off, and some heritage money may be coming in.

<sup>11</sup> Remarkably, the Netherlands, in 2002-2003, combined increased unemployment with increased productivity.

<sup>12</sup> In fact, many Western European firms prefer e.g. Romania to China because of the easy access, the short communication lines and the legal reliability.

<sup>13</sup> India: labour: 0.10; profits retained in India: 0.10; suppliers 0.09; central government taxes 0.03; state government taxes: 0.01. Net benefit to India: 0.33. USA: savings accruing to US investors/customers: 0.58; imports of US goods and services by providers in India: 0.05; transfer of profits by US-based providers in India back to US: 0.04; Net direct benefit retained in US 0.67; Value from US labour re-employed 0.45 – 0.47. Potential net benefit to US: 1.12-1.14. Source: The Economist, December 13<sup>th</sup>, 2003.

<sup>14</sup> This research *excluded* countries with persistent or recurring conflict. See: Cincotta, Engelman and Anastasion: *The Security Demography; population and civil conflict after the cold war*; Population Action International (Washington 2003), p. 48. See also the 2002 WHO World Report on Violence and Health, p. 222.

<sup>15</sup> See for instance Hans Magnus Enzensbergers' *Aussichten Auf Den Burgerkrieg* (1993).



# Romania's External Migration in the Context of Accession to the EU: Mechanisms, Institutions and Social-Cultural Issues\*

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This paper examines the integration mechanisms in the field of migration, focusing on migration flows, specific mechanisms and the institutional - legislative framework created in Romania for external migration administration. These issues have been approached in close connection with the orientations, requirements and trends materialized at the EU level, in the context of enlarging the Union towards the center and the eastern part of Europe. Subsequently an inquiry into the social-cultural dimension is undertaken, highlighting the migrant's profile (emigrant, immigrant), the issues related to the integration within the host country and the phenomenon perception by public opinion and mass-media.

**Keywords:** external migration, mechanisms, institutions, legislation, migrant's profile

## 1. Changes in East – West migration mechanisms

In Romania before 1989 there used to be two migration mechanisms: permanent migration, whose motivations were mainly political and ethnic, and temporary migration, for studying or working abroad, based only on Romania's

inter-governmental agreements with other countries. After 1989, the main reasons behind migration shifted from the ethnic and political reason to economic ones. One consequence is the fact that temporary migration has increased

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both in absolute terms and as percentage in total number of migrations.

To date, there are certain mechanisms through which migration is achieved at international level. We will emphasize those mechanisms that are found at European level, namely those used by persons migrating from Romania to the European Union.

- a. Legal permanent migration
- b. Legal temporary migration: (students; personnel/replacement migration, refugees and asylum applicants)
- c. Illegal transit migration
- d. Illegal migration of persons from Central and East Europe (from Romania)
- e. Circulatory migration by means of migratory networks (legal or illegal)

a. *Legal permanent migration* represent migratory flows leaving Romania to third party countries in order to settle there through the following methods (see figure no. 1):

- based on emigration visas within special programs stimulating emigration of persons holding qualifications that are scarce in the receiving country or other types of programs (such as the visa lottery). The EU does not run this type of permanent emigration programs. Romanian citizens that emigrate permanently are aiming at countries that have such emigration policies and programs namely Canada, Australia, New Zealand and the USA.
- by marrying a citizen from an EU member state and changing the place or residence to the country of their spouse.
- possibly as refugees or political or war asylum applicants. In the past years this has not been the case of Romania, but of the former Yugoslavia states.

b. *Legal temporary migration* refers to those relocating on the territory of an EU country for a limited period of time (from several months to years). This is taking certain forms (see figure no. 2):

b.1. On the one hand there are Central and Eastern European (Romanian) students study-

Figure no. 1. Permanent migration mechanism

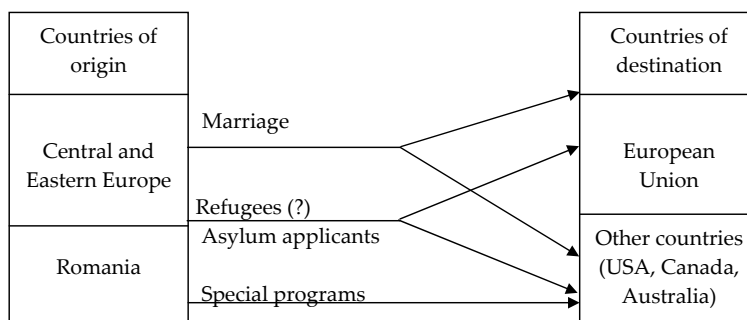
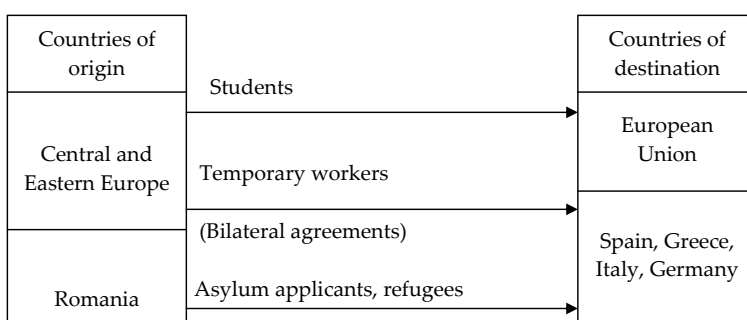


Figure no. 2. The mechanism of legal temporary migration in Europe



ing in the European Union countries and which later on return (at least some of them) to the countries of origin.

b.2. On the other hand there are the Central and Eastern European (Romanian) personnel leaving to work on labour contracts signed based on bilateral agreements between states.

b.3. Refugees obtaining the right to temporarily settle in a host EU country or persons applying for asylum due to political reasons or who are hiding behind such motivations. This type of migration is becoming more and more restricted, and as far as Romanian citizens migrating to the EU are concerned, its degree of applicability tends to reach zero level.

c. *Illegal transit migration* is the mechanism through which persons from third party countries, outside Central and Eastern Europe emigrate to such countries, including Romania so that they could further emigrate to the European Union. This is a relatively new phenomena and it has been found that its main characteristics are illegality and the involvement of criminal organizations in human traffic. Transit migration through Central and Eastern Europe (and thus through Romania as well) consists in a growing number of illegal emigrants, some of them meeting the criteria for which they apply for asylum, but who prefer not to do so in Central and East-



ern Europe for different reasons, so that they could transit to the European Union.

d. *Illegal migration of persons living in Central and Eastern Europe (Romania)* includes persons of Romanian nationality leaving Romania and staying illegally in an EU country – after the legal stay period (3 months) expires, persons leaving as tourists but who, reaching the country of destination, perform lucrative activities on the black market or persons entering and illegally staying on the territory of an EU country (see figure no. 4).

e. *Circulatory migration by means of migratory networks.* Circulatory migration refers to the alternative movement between the country of origin and one or more of the countries of destination. Migrants leaving and working abroad for a period of time, return in the country, stay for a period of time then leave again for work abroad. In this context are formed the migratory networks, networks through which those who want to temporarily migrate abroad receive help and support from previous migrants (see figure no. 5).

The intent to migrate abroad seeking a job is more likely among people living within communities with a high circulatory migration rate. In areas where others have left before, more will leave, in places where other migrants have succeeded and where the signs of success are apparent, migration will be higher. This way, are formed migratory networks when previous migrants resort to members of their families or their friends and acquaintances in order to work abroad, supporting the migration process.

Informal networks and institutions of circulatory migration are on the one hand the individuals' innovating response to the dysfunctions of formal institutions such as: the labour market, the capital market, assurance of prod-

ucts and prices, labour force mediation abroad by the state and private agencies, while on the other hand they are the adjusting response of the community to new situations entering in conflict with traditional values (Lăzăroiu, 2002).

As migratory processes intensify and legislation changes, migratory networks will probably tend to change the functions that they had at the time they were conceived, that of facilitating transport of labour force and capital and will fulfill functions for maintaining community solidarity.

Figure no. 3. The mechanism of transitory migration in Europe

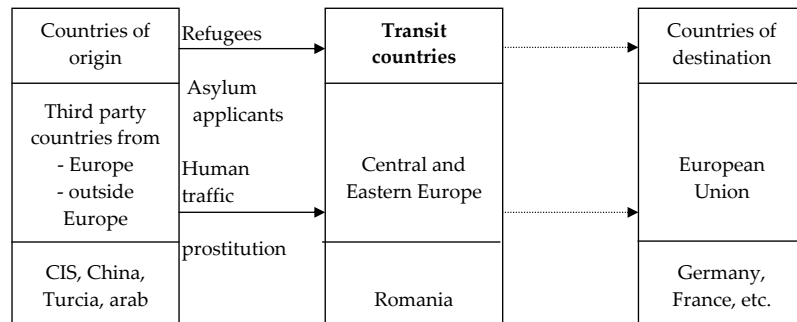


Figure no. 4. The mechanism of illegal migration from Romania to the EU

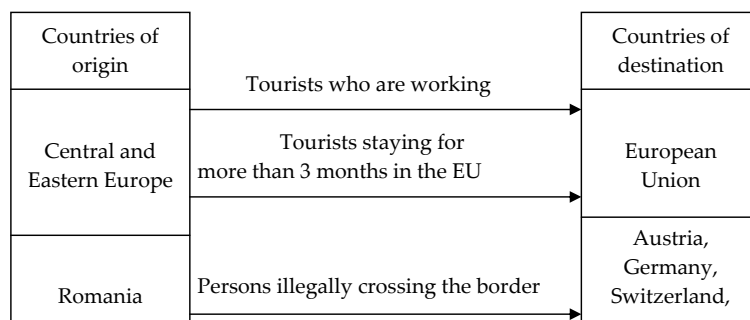
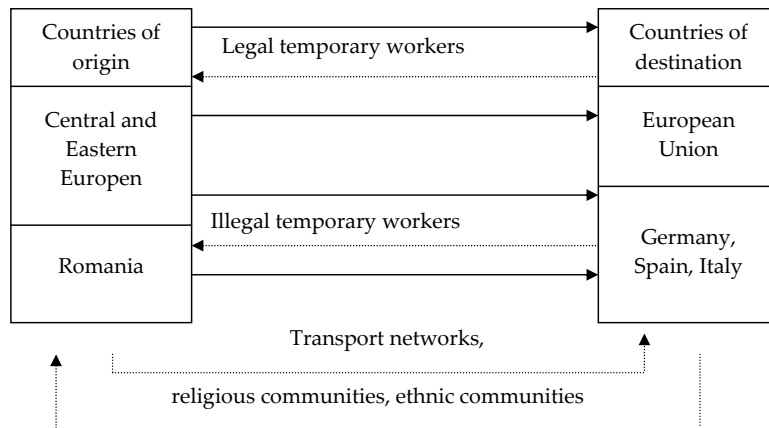


Figure no. 5. The mechanism of circulation network migration



## 2. The creation of the legislative – institutional framework in accordance with the EU requirements regarding migration

**Legislation regarding the migration phenomena at the level of the EU.** The legislation influencing the migration phenomena in the EU is tackled in Chapter 2 Freedom of Movement of Persons and Chapter 24 Cooperation in the field of Justice and Internal Affairs. Within the two chapters, the types of legislation that influences the migratory phenomena in Europe are related to laws in three major fields:

- a. legislation regarding migration (direct influence on migration)
- b. legislation regarding the labour market (direct and indirect influence on migration)
- c. legislation regarding mutual recognition of degrees and qualifications (indirect influence on migration).

### *a. Legislation regarding migration in EU*

For a long period of time, the right to enter and live on the territory of an EU Member State was governed by national laws drawn up by each Member State. One could enter and live on the territory of a state based on an entry visa and a residence visa which were granted by each state. Only in 1999, EU Member States decided the formulation of a **common policy regarding migration and asylum** to become effective by 2004 the latest. The common policy regarding migration includes aspects such as: free movement of persons, external border control and the granting of visas, asylum, immigration and the protection of third party nationalities' rights and legal cooperation on civil matters. The common policy in the field of migration and asylum has in view the adoption of a joint position of the EU member states, towards the applications for asylum coming from persons from third party countries, as well as the control of illegal human trafficking.

### *b. Legislation regarding the labour market in the EU*

The legislation and the regulations in the field of the labour force interest us in the contest of migration in terms of two aspects: first being that of recruiting labour force from outside EU and second being the manner in which the legislation regarding the labour force in the EU may influence east-west migratory flows once

the applicant countries in Central and East Europe become EU members.

The recruitment of labour from outside EU countries' border and outside the EU is the manner through which the European deficit in labour force may be covered where there is such deficit. In this sense there are regulations that have considered the recruitment of labour force from outside the EU, which encourages replacement migration<sup>1</sup>. Replacement migration in the EU focuses on two major categories of personnel: on the one hand – highly qualified personnel which are deficient in the EU countries and on the other hand the unskilled workers which are required for the replacement of the local labour force, that do not want to perform any such works (in agriculture for example). The replacement migration through recruitment from outside the EU is not regulated at the level of the European Union, each member applying its own policy.

The freedom of movement and equal treatment by banning any restrictions regarding labour force for Member States citizens that may apply to Central and Eastern Europe states after joining to the EU, generate fear from the existing Member States of massive migration flows of labour force traveling from east to the west, seeking better salaries and better working conditions. This is why, separate agreements are negotiated regarding the movement of the workforce after joining to the EU with each of the applicant countries, requesting a certain period of transition for the liberalization of the work force movement. The transition period will generally range from 2 to 5 years and by no means can it exceed 7 years.

### *c. Legislation regarding mutual recognition of degrees and qualifications*

Ensuring the free movement of persons and workers requires the recognition of the degrees and professional qualifications. The most important regulations in this sense, at the level of the EU, are a group of directives creating the premises a General System for the Recognition of Degrees and Qualifications and another group of directives regulating the recognition of qualifications of various professions<sup>2</sup>.

It is being considered a new directive (a fifth directive) intended to remain the single directive, which would simplify the *acquis* established in the previous directives. It is being considered the application of the principle of automatic recognition of degrees and degrees' recognition based on coordination of minimum training conditions. In order to facilitate degree recognition processes two information networks have been set up at the level of the EU, namely: ENIC (European Network of Information Center) and NARIC (National Academic Recognition Information Centers).

**Legislation regarding migration in Romania. Harmonization with the European *acquis communautaire*.** The first initiatives for the creation of a new legislative framework in the field of migration took place in Romania at the beginning of the 1990's. Subsequently, with Romania's application for joining to the European Union, this activity has intensified so that, in the past three years, there have been adopted many laws and normative acts intended to ensure the adoption of the *acquis communautaire*. For most directives within the two negotiation chapters that include legislation influencing migration (chapter 2 and chapter 24), Romania has started adopting the corresponding legislation.

Remarkable progress has been made by the Romanian legislation regarding the regime of foreign persons in Romania, the regime of the refugees and their social protection and the prevention and combating of human trafficking. On the labour force market there has been regulated the granting of work permits. Thus, according to the principle of free movement of persons, EU citizens and members of their families may work on Romania's territory without the requirement to obtain the work permit, unlike other categories of foreign citizens.

There are some aspects, where the Romanian progress was smaller: it is believed that there still exists discrimination between EU and Romanian citizens owing to the fact that Romanians are given priority when being employed. Also as far as mutual recognition of professional qualification, Romania's preparations are thought to be at an early stage.

Box no. 1 presents the main legislation regarding migration from Romania.

Progress was also reported with chapter 24. This way, immediately after the issuance of the 2003 Country Report, the National Office for Refugees has issued and submitted a draft amendment for the Government Ordinance no. 102/2000, eliminating all inconsistencies between domestic legislation and the documents included in the *acquis* in force to date and the continuation of the monitoring and analysis of the evolution of the *acquis* for the preparation of draft laws and their initiation on time. In addition to such measures, G.O. no.102/2001 was also amended through Government Ordinance 43/2004, updating the definitions of the forms of protection, eliminating differences in the treatment of the refugees and those receiving temporary protection, confers the National Office for Refugees the capacity to take part in trials regarding asylum applications, and well as other aspects.

As far as the achievement of the objectives related to the European Union accession is concerned, all requirements for closing negotiations on Chapter 24 have been met, except for aspects related to the implementation of Dublin mechanisms and the EURODAC system in Romania<sup>3</sup>.

**Institutions involved in the management of migration in Romania.** Various institutions can be involved in the monitoring and performance of the migratory phenomena, playing different roles. Taking them into account within the framework of international migration reveals that they carry out their activity at different levels, as shown in table no. 1.

For instance, at supra-national level, among state institutions involved in performing and

**Table nr. 1. Institutional actors involved in international migration**

O = origin; D= destination

Level/Type of institution	State authorities	Private companies	Voluntary organizations	Informal transport and mediation networks
Supra-national	European Union	Corporations (headhunting, legal, transport)	International organizations (IOM, ILO, UNCHR*)	Transnational communities
National	Governments (O/D)	Mediation companies (O/D)	Voluntary organizations (D)	Migrants' associations (D)
Local	Local authorities, governmental agencies	Mediation companies (O)	Voluntary organizations (D)	Migrants' associations (D)

Source: Lăzăroiu S. (2002) „Migrația circulatorie a forței de muncă din România. Consecințe asupra integrării europene” –“Circulatory Migration of the Labour Force in Romania. Consequences on the European Integration”, www.osf.ro

\* IOM = The International Organization for Migration; ILO = International Labour Organization; UNCHR = United Nation High Commissioner for Human Rights

monitoring migration there is the European Union, and among voluntary ones there is the International Organization for Migration.

At national level, in Romania, the main governmental institutions involved in the migratory processes are the Ministry of Administration and Interior, the Ministry of Labour, Social Solidarity and Family, the Ministry of Foreign Affairs and the Ministry of Education and Research. The main migratory policies in Romania are implemented through many agencies within or independent of the above mentioned ministries, agencies whose activity is difficult to coordinate. For instance, the emigration and immigration phenomena are dealt with by different institutions, an in case that the same institution is handling both aspects of the migratory phenomenon, they are undertaken by different, specialized departments.

There are also a number of non-governmental institutions involved in running or gathering information on migration, such as: private com-

panies mediating labour contracts abroad, the local office of the International Organization for Migration in Romania, the representative office of the United Nation High Commissioner for Refugees in Romania, the Foundation of the Romanian National Council for Refugees, the Romanian Forum for Refugees and Migrants, and others.

It has been noted that a large part of such institutions carry out their activity helping refugees and immigrants in Romania. An explanation would be that measures taken by the Romanian state have been considered insufficient in his field due to financial difficulties on one hand (Romania is itself going through a developing period) and because there is still a large difference between the legal provisions and what is in fact achieved by the Romanian state (IOM, Migration Trends, 2003). On the other hand, the low number of immigrants targeting Romania (around 200 persons per year) makes it difficult to test the legislation in the field at a large scale.

### 3. The social-cultural issues accompanying the current migration phenomenon in Romania

The international experience in migration administration and monitoring demonstrates **the close relationship between the legislative-institutional dimension and the social-cultural one**. The elaboration and adoption of laws, the creation of institutions, the development of corresponding strategies and policies represent major components of this process, but their success cannot be separated from the manner in which the involved actors –governmental institutions, non-governmental organizations, mass-media, communities, individuals – respond to the so-called “behavioural challenges”, related to participation, communication, mentalities and attitudes.

**The migrant’s profile.** Considering the migration a social phenomenon that directly affects a significant part of the population and has complex implications on the entire society, it is vital to know and to emphasize the *migrant’s profile* – the profile of the emigrant from Romania and of the immigrant to our country. That will enable an accurate development of the measures related to the administration of

migration phenomenon and of the support provided to the migrants.

Within the *dominant national tendency* – namely labour migration, *the most representative category* is currently represented by *young men* (18-35 years old), with *an average education level, as skilled workers from the big cities of Romania and Bucharest, its capital*.

*The villages’ migration potential* should not be ignored either; relating to this issue Dumitru Sandu has suggested the metaphor of the “hydrographical network” (“community represents the spring of migration) and the transition from the factorial approaches to the structural and typological ones, that makes possible to identify types of villages based on the dominant cultural profile and the experience regarding the international circulatory migration (Sandu, 2004).

Various studies have also stated a series of hypotheses regarding the *selective migration flows*, according to which the minority ethnical or religious groups show a higher mobility level than the one of the majority Orthodox Roman-

ian population (Sandu, 2000, Diminescu, Lăzăroiu, 2002).

Even if at present Romania distinguishes on the background of international migration as an emigration country, with a labour market less attractive to the immigrants, being more interesting in terms of transit possibilities to the developed countries (briefly, « More 'Out' than 'In' at the Crossroads Between Europe and Balkans », according to the suggestive title of an IOM country report from the autumn of 2003), is expected that the attractiveness of Romania will increase due to the EU integration perspective and thus Romania will become even an immigration country.

Up to now, *the immigrant's dominant profile* – a refugee, an asylum seeker, an immigrant for labour, study or business purposes – is based on men's preponderance (as it happens with the asylum seekers who have proven to be especially young men, aged between 21-30 years). Yet, when the total number of immigrants is taken into account, the gender based structure is quite well balanced.

**Aspects regarding the integration within the host country society.** The migrant's dominant profile – an emigrant/immigrant from/in Romania – involves a series of specific aspects regarding the integration within the host country society.

*In general terms*, for an *immigrant* the integration consists in the knowledge of the language spoken in the host country (reading, writing skills), the access to the educational system and to the labour market within the respective country, the opportunity of increasing professional mobility by attending to a higher level of education and professional qualification, equity in front of the law, cultural and religious freedom, the respect towards the laws and the traditions of the country he/she lives in. At the same time, for the *host society* the integration of the migrants supposes tolerance and openness, the consent of welcoming the immigrants, the understanding of the advantages and challenges of a multicultural society, providing an unrestricted access to information related to the advantages of integration, tolerance and intercultural dialog, respecting and understanding the status, tradition and culture of the immigrants, as well as the respect towards the immigrants' rights (IOM, 2003a).

As far as the *particular case of Romania* is concerned, given the lack of previous expertise in

this field, the still low number of immigrants and refugees and the limited financial resources, it has been noticed that the services and the assistance for integration are not fully satisfactory, despite the diligence within the last years for the alignment to the international standards.

A special issue envisages the *vulnerable groups*, especially the *non accompanied minors*, for whom a reconsideration of the interviewing procedures and an adequate training of the civil servants are necessary, since malpractice could have major traumatic effects.

Besides the integration of the immigrants, a multiple faced challenge for the Romanian society is represented by the *reintegration of the Romanians who return to their home country* after an external migration experience. It focuses on certain specific categories, such as the Romanian students and graduates from foreign universities, the Roma people, the victims of trafficking in human beings, the unaccompanied Romanian minors, the repatriated people, etc.

On the whole, the issues related to the reintegration of the Romanians who come back to their home country vary according to the educational level, their qualification, family status, duration of their stay abroad etc., complex social and psychological aid oriented programmes being necessary, so that re-emigration be not the sole solution to such people (Lăzăroiu, 2002).

Finally, besides the integration/ reintegration on its territory, Romania must also care for certain aspects related to the *integration of Romanian emigrants within the host countries*. In this context the role of Romanian authorities should consist in the contribution to promoting and increasing of an accurate, objective image on the entire Romanian Diaspora, that may represent a valuable share to the enrichment of the scientific and cultural patrimony of the host countries, as well as in preserving the connection between the Diaspora and the mother- country. A special aspect refers to the support that the Romanian state must grant and that it actually grants to the large Romanian groups living outside the country's borders due to historical reasons (in the Republic of Moldova, as well as in Ukraine, Hungary, Bulgaria, Yugoslavia) who need, besides the support for the preservation of their cultural identity, support at international level, regarding the recognition of their rights within the respective countries.

**The public opinion and mass-media.** The Romanian public opinion perceives the migration phenomenon mainly as labour migration. A large number of people believe that migrants earn money from a paid job and only a small part of the public opinion think that they obtain money from theft and begging. Yet, the results of the opinion polls mentioned in this study reveal a wrong perception – in some points - of the negative aspects that accompany the Romanians' external migration, which proves that the public opinion finds it difficult to distinguish between certain objective hardships related to the travel within the Schengen space and the violation of the law, between the groups performing illegal activities and the affiliation to a social, ethnic or religious minority, which leads to the creation of stereotypes, to attitudes that feed delinquency, intolerance and xenophobia. This perception could be set right by means of joint, coherent efforts of mass-media, public administration and civil society.

Up to present, one cannot say that *mass-media* has brought its necessary contribution to the accurate rendering of external migration phenomenon, with all its aspects and to the creation of an adequate social behaviour with respect to both migration itself and the integration/ reintegration process. It has been remarked that migration is not systematically

rendered and assessed, in its entire complexity, the emphasis being put on the narration of certain negative, sensational facts and less on the *orientation* of the migrants within an universe that makes them face numerous risk and uncertainty components, on the *prevention* and *combating* delinquency, clandestine traveling and corruption related to visa granting. To a considerable extent, the partial and sometimes wrong coverage of the migration phenomenon by mass media is the result of the *shortage of specialized journalists* in this field; therefore is highly recommended the organization of training courses with respect to the investigation and assessment of migration.

Our study appreciates and supports the proposals converged in various documents regarding migration (especially the IOM's) with reference to the *introduction in the academic curricula of subjects specialized on the study of the migration phenomena* (labour economics, law, medicine, health policy, sociology, education sciences, etc.), as well as the *creation of a national migration research center* (to be set up by the Romanian Government in partnership with IOM, UNCHR and other international organizations), *of some faculties or departments of inter-disciplinary studies on migration*, so as to build up the necessary expertise in public policies, social assistance, human resources and migration management.

#### 4. Concluding remarks

Apart from the economic, social, demographic implications, migration phenomenon in the perspective of Romania's accession to the EU brings about specific requirements regarding the establishment of a *new legal and institutional framework* for migration management. As migration mechanisms Romania - EU change, legislation gets rapidly in line with the *acquis communautaire*, whereas its implementation via involved institutions is slower, but progressive.

An important progress has been recorded after 2000 in legislation regarding the foreigners' regime in Romania, the status and the regime of refugees, preventing and combating the trafficking in human being, work permits, whereas lower progress occurred in the legislation envisaging the mutual recognition of degrees and qualifications, discrimination of EU citizens as compared the Romanians in getting a

job in Romania by giving priority to the Romanian citizens.

The elaboration and adoption of laws, the creation of institutions, the development of corresponding strategies and policies represent major components of this process, but their success cannot be separated from the so-called "*behavioural challenges*", related to participation, communication, mentalities and attitudes, which envisage all actors involved – governmental institutions, non-governmental organizations, mass-media, communities. Major changes should occur in the way that public opinion perceives migration related phenomena as well as in the contribution which should be brought by mass-media to the prevention and combating delinquency, clandestine travelling and corruption and to the orientation of the migrants within an universe that makes them face numerous risk and uncertainty components.

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## Notes

<sup>1</sup> Replacement migration refers to migration based on work force recruitment from outside the European Union for qualifications that are deficient within the Union and for jobs and qualifications that are not sought by the local people.

<sup>2</sup> Among those the main are: Directive 89/48/CEE, Directive 92/51/CEE, Directive 1999/42/CE and Directive 2001/19/CE.

<sup>3</sup> The Dublin mechanism refers to a set of norms based on which it is appointed the member state responsible for processing asylum application in the situation where a person has transited more than one member states and has submitted an asylum application. Generally the state where that foreign persons has entered the European space is responsible. For such purposes, there have been established an European database with fingerprints of all persons that have illegally entered, are illegally staying or apply for asylum in the member states – EURODAC. This database prevents the submission of several asylum applications successively or concomitantly in many member states. In this situation, the respective person, being also identified based on the Dublin mechanism, is returned to the member state that have implemented for the first time the fingerprint of the respective foreign person.





# Migrations et incidence sur la répartition spatiale de la population en Roumanie au niveau national et régional\*

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The economic and social transition has overturned the demographic landscape of Romania. The fall in birth rate, the upsurge in mortality rate and the international migration have deeply deteriorated the demographic panorama of the country. The population decline and the increase of population ageing can be viewed as the most noticeable immediate objectification of this deterioration. Within this context of a veritable breaking, a strange restructuring of internal migration flows between urban and rural areas could be observed and quantified. Under the pressure of economic and social factors and changes defining the transition-crisis, including the (mostly painful) economic reforms Romania experienced after 1989, the traditional rural-urban migration flows started a continuous downward trend and, by 1997, for the first time in Romania's social history, the two streams reversed as magnitude. During the following years the movement continued and reinforced. This paper presents these dramatic changes, their origin, their characteristics and their consequences on population number, population age and sex structure. The analysis at regional level is privileged.

**Keywords:** components of population change; internal migration (with change of permanent residence); Urban-Rural and Rural-Urban migration; age and sex composition of migrants; migration by regions of development; return migration; international migration

## Introduction

La démographie de la Roumanie a connu des changements profonds dans les années 1990 et qui continuent de se manifester dans cette première décennie du nouveau siècle, soit par

dynamique propre, soit par l'action d'un contexte socio-économique en plein évolution. Une partie de ces changements sont communs avec ceux qui ont eu lieu dans l'ensemble des pays de l'espace

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central et est européen se trouvant en transition politique, économique et sociale, après l'effondrement du communisme. Il s'agit, surtout, de la véritable chute de la natalité et, avec certaines exceptions, de la recrudescence de la mortalité. Mais, on peut saisir des particularités nationales importantes, provenant de la manière dont les réformes politiques et économiques ont été conçues et appliquées, de différences de développement économique, social et culturel des pays, ainsi que de facteurs de nature historique.

Un examen même sommaire du degré de la détérioration de la situation démographique en Roumanie par rapport aux autres pays de la région montre une position médiane, tant en ce qui concerne la dimension de la baisse de la natalité, ainsi que la magnitude de la détérioration de la mortalité (Council of Europe, 2005). Un déclin démographique bien installé encore en 1990, alimenté par migration externe négative dans toute la période et par baisse naturelle depuis 1992, et l'accélération du vieillissement démographique définissent l'essence de l'actuel paysage démographique de la Roumanie. Ce paysage est le résultat du contexte politique, économique et social qui a modelé la population et les phénomènes démographiques après 1989 et ce contexte a été, dans son essence, un contexte de crise. Crise économique, surtout, mais aussi crise sociale.

Entre les recensements de janvier 1992 et mars 2002 la population de la Roumanie a connu une baisse de 1129 milles habitants, ça veut dire un recul de 5 p.100. La baisse naturelle a contribué avec seulement 27 p.100 à cette baisse, la contribution majeure revenant à la migration externe. Une contribution négative de la migration n'est pas surprenante, elle étant présente en Roumanie et avant et après 1989. Mais, l'élément surprise a été représenté par la magnitude de la baisse par migration et la nature de cette migration. La partie connue statistiquement (immigrants et émigrants légaux, enregistrés) n'a contribué qu'avec 12 p.100 à la baisse générale de la population, ce qui laisse entrevoir qu'en proportion de plus de 60 p.100 (environ 700 milles habitants) la baisse du nombre d'habitants du pays s'est produite par une nouvelle composante de la migration internationale. Il s'agit de roumains partis à l'étranger (avec ou sans visa) et qui non pas été déclarés / enregistrés au recensement de 2002. Cette nouvelle composante de la migration internationale

en Roumanie est peu connue statistiquement mais on sait que sa dimension a connu un accroissement sensible après 2001, date à laquelle les visas d'entrée ont été supprimés pour les roumains pour presque tous les pays européens. Cette migration est, essentiellement, une migration pour travail.

La baisse de 1,1 millions d'habitants est donc le résultat des évolutions conjuguées de la baisse naturelle et de la baisse par migration. Dans les deux cas la crise économique et sociale que la Roumanie a traversée et traverse encore dans son passage du régime totalitaire vers l'état de droit, démocratie et économie de marché, a joué le rôle majeur, même si des différences peuvent être signalées d'un phénomène démographique à l'autre. La recrudescence de la mortalité aussi bien que la migration externe négative sont l'expression directe de la crise. Dans le cas de la natalité, la situation est beaucoup plus compliquée. Il s'agit d'un phénomène avec une détermination complexe, d'une façon générale, et - dans le cas de la Roumanie - des facteurs spécifiques peuvent être identifiés. La politique pro nataliste de l'ancien régime a maintenu d'une manière forcée la natalité à un niveau relativement élevé avant 1990 et il était bien évident que l'abrogation des réglementations restrictives en matière de contraception et d'avortement conduira automatiquement à la baisse de la natalité. Et ce recul a eu lieu surtout en 1990 et 1001. Il est fort probable que les facteurs de crise ont accentué la baisse.

Si l'analyse de la dynamique démographique est poussée vers le niveau régional, on pourra constater que ce que nous voyons au niveau national est en fait le résultat des dynamiques régionales différentes ou un rôle important revient à une autre variable – la migration interne. Cette composante a connu en Roumanie dans les années de la transition des évolutions d'exception, pas tellement au niveau de la dimension globale, qu'au niveau de la structure des flux migratoires entre régions et entre l'urbain et le rural, les facteurs déterminants étant – essentiellement – les multiples facettes de la crise économique et sociale que la Roumanie a traversée. Cette communication se propose justement d'analyser les changements que la migration interne a connu après 1989, au niveau de la direction des flux, de la structure par âge et sexe des migrants, ainsi qu'au niveau des conséquences

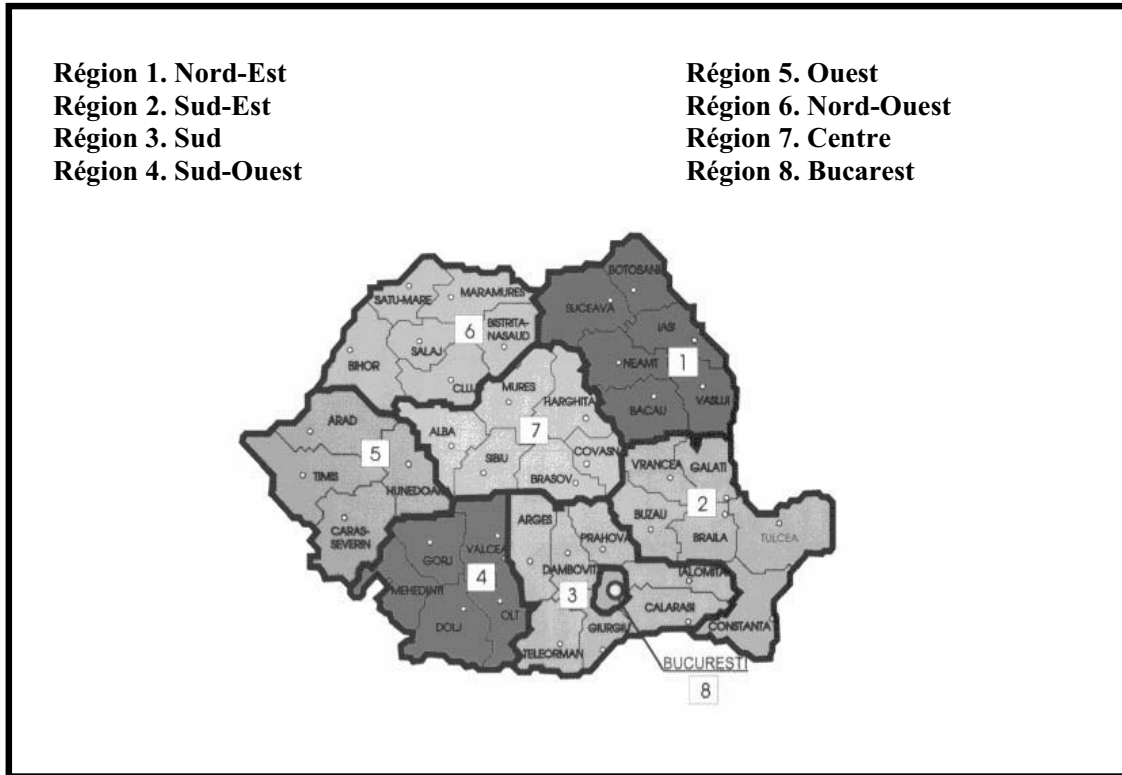
sur le nombre et la structure de la population par région et par milieu urbain / rural.

**Un regard rapide sur les régions de développement en Roumanie. Caractéristiques**

Les unités territoriales agrégées de la Roumanie sont les départements (*judetze*) et les

de population urbaine), dans le contexte où la Roumanie a un degré d'urbanisation faible parmi les pays européens.

Les régions ont un profil économique et un degré de développement économique différents. Les régions 1-Nord-Est et 3-Sud ont été



régions de développement. Il y a 41 départements et la municipalité de Bucarest, la Capitale du pays. Ces unités sont groupées en huit régions de développements. Voici la carte de ces régions (dans l'Annexe 1 on peut trouver une carte plus détaillée):

Les huit régions de développement ne sont pas homogènes par caractéristiques économiques et démographiques (voir Annexe 2). La superficie des régions est équilibrée pour sept de huit régions – 12-14 p.100 de la superficie nationale, la seule exception étant la région 8-Bucarest (composée de la ville de Bucarest et du département entourant la ville) qui a un peu moins de 1 p.100 du territoire national. Le nombre de la population s'inscrit entre 1,9 millions dans la région 5-Ouest et 3,7 millions dans la région 1-Nord-Est. Le degré d'urbanisation varie entre 41 p.100 dans la région 3-Sud et 60 p.100 dans la région 7-Centre (sans prendre en considération la région 8-Bucarest, avec 91 p.100

et continuent d'être moins développées par rapport aux régions 5-Ouest, 7-Centre et 8-Bucarest. Le déclin des activités économiques industrielles, peu performantes et grandes consommatrices d'énergie, a affecté l'ensemble des régions mais avec une dureté plus forte les régions 1-Nord-Est et 3-Sud. On peut même remarquer un accroissement du décalage entre ces régions et les régions 5-Ouest et 7-Centre (plus 8-Bucarest), les investissements privilégiant ces dernières. Comme corollaire, le niveau de vie est plus élevé dans ces régions.

Malgré le fait que les profils démographiques des régions ont connu un rapprochement sur le fond de la détérioration de la situation démographique générale, un nombre de particularités se conservent. La natalité est plus élevée dans la région 1-Nord-Est, tandis que la mortalité reste plus élevée dans les régions du sud et de l'ouest.

Figure 1. Roumanie. Les huit régions de développement – I

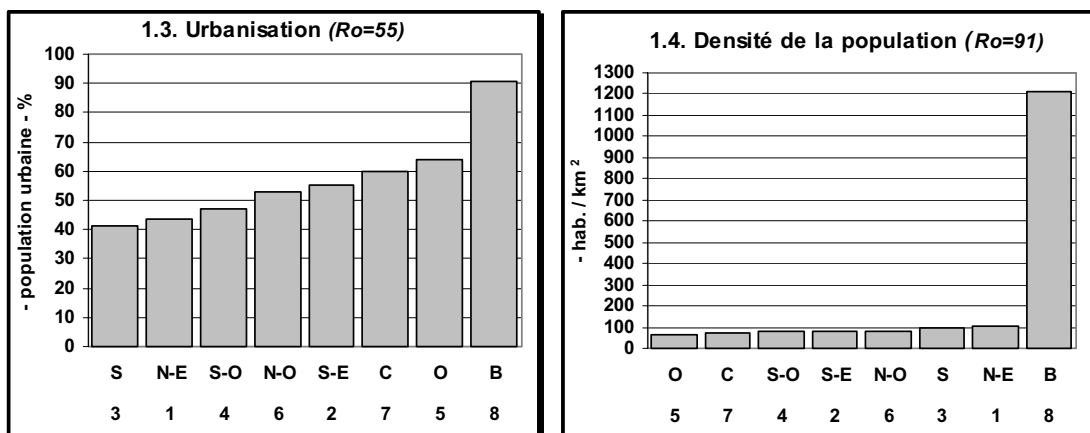
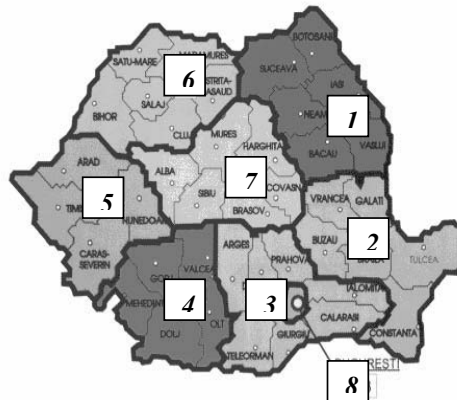
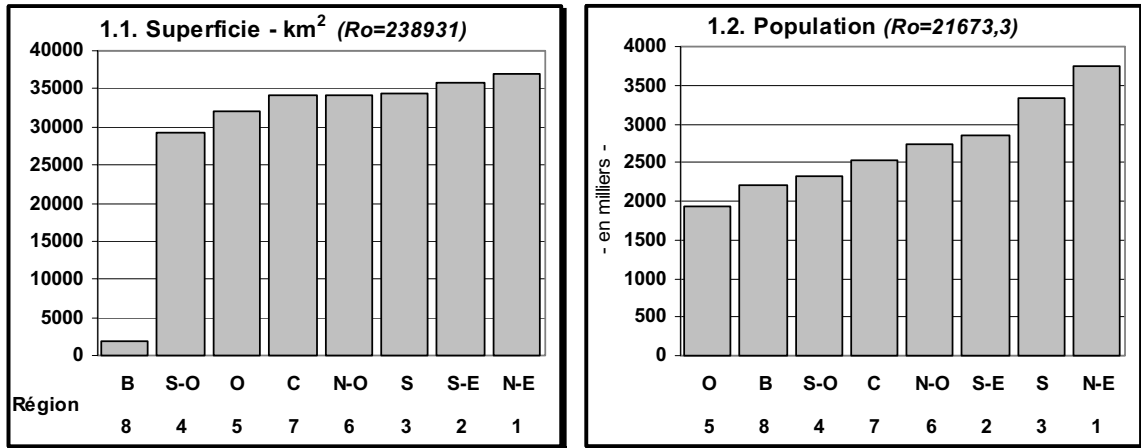


Figure 1. Roumanie. Les huit régions de développement – II

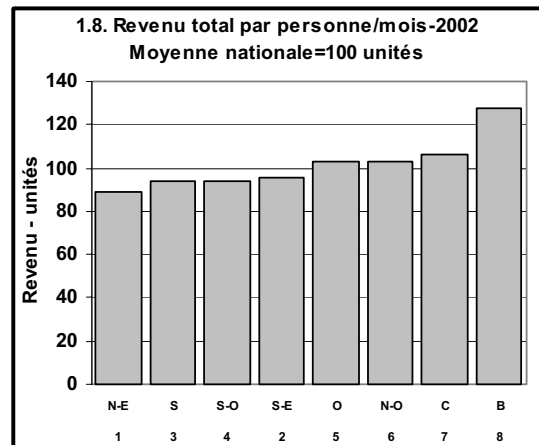
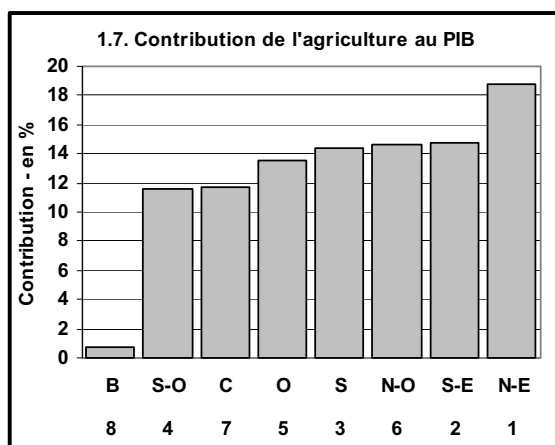
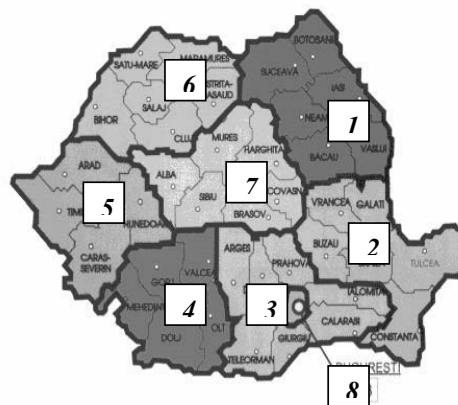
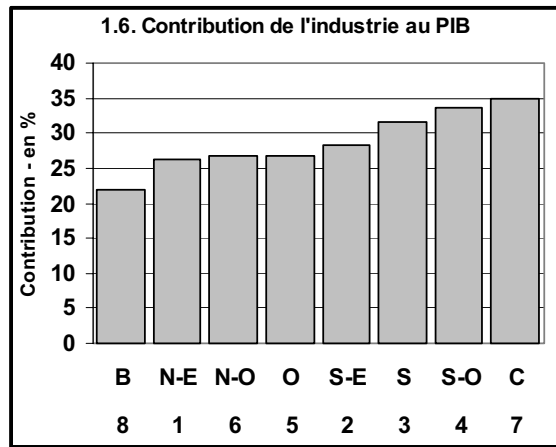
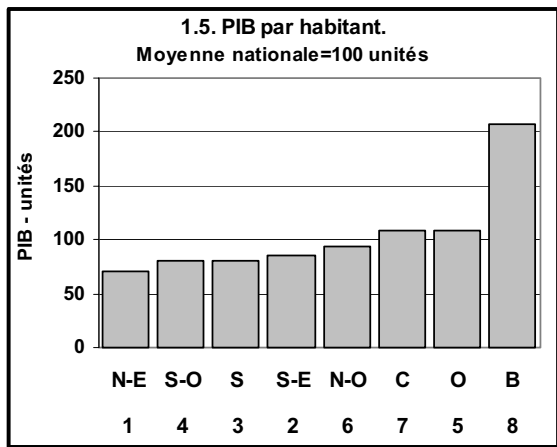


Figure 1. Roumanie. Les huit régions de développement – III

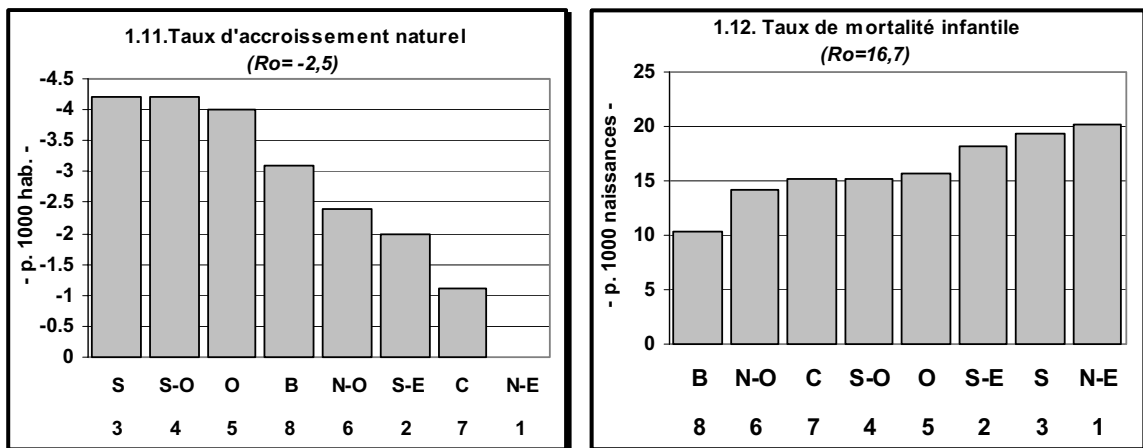
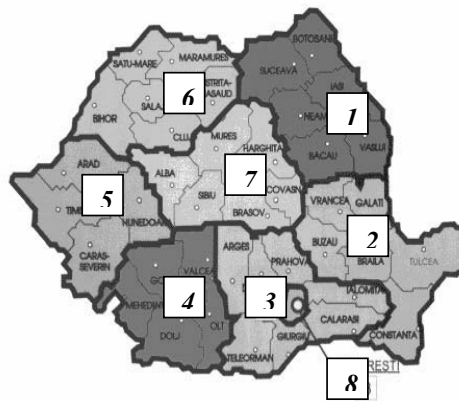
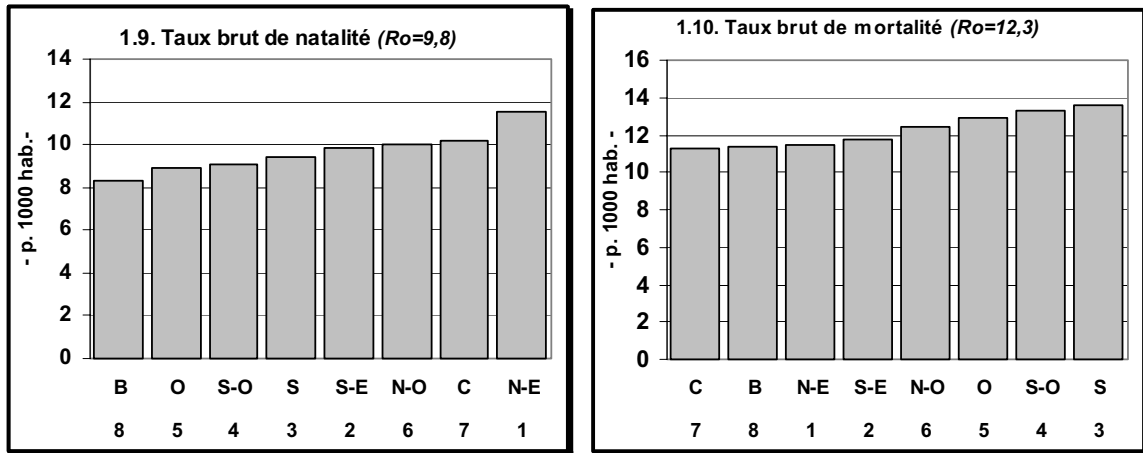
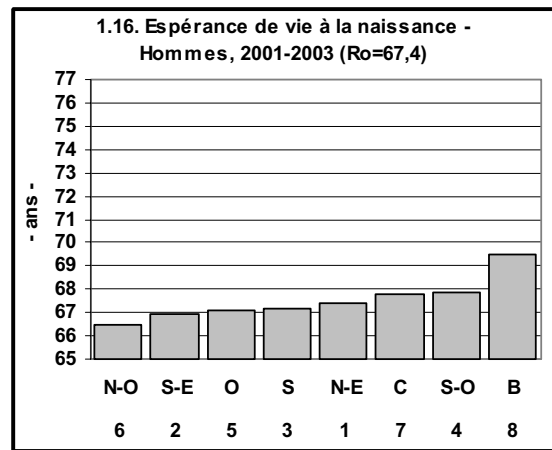
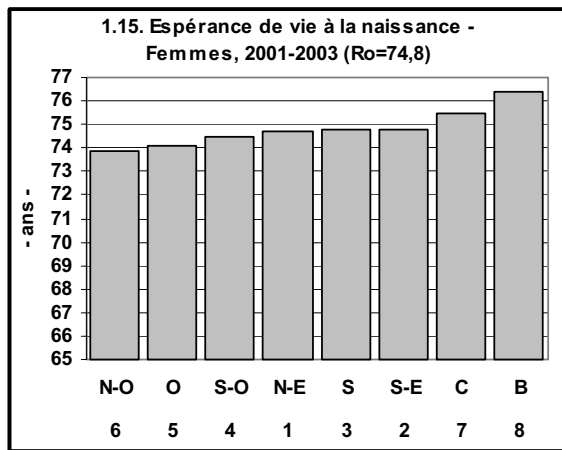
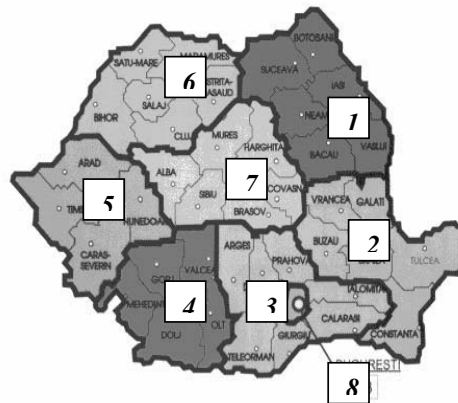
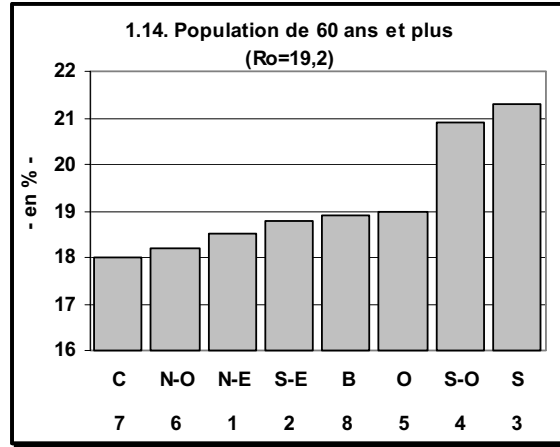
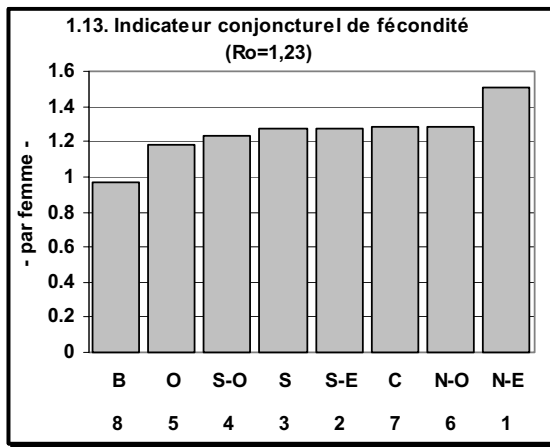


Figure 1. Roumanie. Les huit régions de développement – IV



### Dynamique de la population au niveau régional. Composantes des changements

Entre les deux derniers recensements - janvier 1992 et mars 2002 - la population de la Roumanie a connu une baisse de 5 p.100. Le recul est général, dans toutes les huit régions, mais des différences significatives existent en ce qui concerne la magnitude de la baisse, les régions les plus touchées étant 5-Ouest, 7-Centre et 6-Nord-Ouest. Les données de stock fournies par les deux recensements, combinées avec les données de flux sur les naissances, les décès et les changements de domicile (résidence permanente) permettent d'estimer la contribution des trois composantes - croissance naturelle, migration interne et migration externe - sur la dynamique régionale de la population (tableau 1)

**Tableau 1.** Roumanie. Changement du nombre de la population 1992-2002 et composantes du changement par région de développement

Région	Croissance totale	dont :		
		croissance naturelle	migration interne nette	migration externe nette
<b>I. Croissance de la population et ses composantes – en milliers</b>				
1. Nord-Est	-77,4	+92,4	-52,6	-117,3
2. Sud-Est	-115,0	-21,4	+1,2	-94,7
3. Sud	-180,3	-93,0	-15,4	-72,0
4. Sud-Ouest	-126,7	-60,0	-6,4	-60,4
5. Ouest	-153,3	-68,2	+43,5	-128,6
6. Nord-Ouest	-169,6	-44,1	-20,8	-104,7
7. Centre	-178,7	-21,4	+8,2	-165,4
8. Bucarest	-128,1	-88,2	+42,3	-82,2
<b>Roumanie</b>	<b>-1129,1</b>	<b>-303,8</b>	<b>0,0</b>	<b>-825,3</b>
<b>II. Croissance de la population et ses composantes – taux p. 1000</b>				
1. Nord-Est	-20,8	+24,9	-14,2	-31,6
2. Sud-Est	-39,6	-7,4	+0,4	-32,6
3. Sud	-52,0	-26,8	-4,4	-20,7
4. Sud-Ouest	-52,9	-25,0	-2,7	-25,2
5. Ouest	-75,3	-33,5	+21,4	-63,2
6. Nord-Ouest	-60,0	-15,6	-7,4	-37,1
7. Centre	-68,4	-8,2	+3,1	-63,3
8. Bucarest	-55,9	-38,5	+18,5	-35,9
<b>Roumanie</b>	<b>-50,8</b>	<b>-13,7</b>	<b>0,0</b>	<b>-37,1</b>
<b>III. Changements 1992-2002 – en %</b>				
1. Nord-Est	-2,1	+2,5	-1,4	-3,1
2. Sud-Est	-3,9	-0,7	0,0	-3,2
3. Sud	-5,1	-2,6	-0,4	-2,0
4. Sud-Ouest	-5,2	-2,4	-0,3	-2,5
5. Ouest	-7,3	-3,2	+2,1	-6,1
6. Nord-Ouest	-5,8	-1,5	-0,7	-3,6
7. Centre	-6,6	-0,8	+0,3	-6,1
8. Bucarest	-5,4	-3,7	+1,8	-3,5
<b>Roumanie</b>	<b>-4,9</b>	<b>-1,3</b>	<b>0,0</b>	<b>-3,6</b>

Source : Calculs de l'auteur sur la base des données publiées par l'INS (Institut National de Statistique). INS, 1993 à 2005 ; 1994 ; 2001 ; 2003 ; 2004a ; 2005c ; 2005d.

Ce qu'on peut constater au niveau régional n'est que le résultat combiné des mouvements différents comme sens et intensité de la croissance naturelle, de la migration interne et de la migration externe.

Voici les principales observations:

- la croissance naturelle a été positive seulement dans la région 1-Nord-Est, son apport étant de +2,5 p. 100 entre 1992 et 2002;
- la migration interne a favorisé les régions plus développées – 5-Ouest, 8-Bucarest et 7-Centre; les régions fournisseurs de population ont été surtout 1-Nord-est et 6-Nord-Ouest;
- la migration externe a été négative dans toutes les régions, et plus particulièrement au Centre et en Ouest.

Quelques précisions s'imposent. Le degré plus faible de développement économique de la région 1-Nord-Est a maintenu dans cette région une natalité plus élevée et qui a été la composante principale de la croissance naturelle positive dans cette région. Les régions 3-Sud et 4-Sud-Ouest sont proches comme niveau de développement de la région 1 mais elles ont une structure par âge plus détériorées, ce qui explique la mortalité plus élevée et une natalité légèrement plus faible dans ces deux régions par rapport à la région 1. Une croissance naturelle positive et un niveau de développement plus faible ont déterminé une propension plus forte vers migration dans la région 1. Et la destination de cette migration ont été les régions plus développées et surtout les régions 5-Ouest et 8-Bucarest; sans l'apport positif de la migration interne la dimension de la baisse de la population dans ces deux régions aurait été sensiblement plus grande.

En ce qui concerne la migration internationale, elle englobe aussi bien la migration à long terme, légale et connue, que la migration temporaire pour travail, cette dernière composante connaissant une véritable explosion dans la deuxième partie des années 1990 et notamment à partir de 2001, comme suite de la suppression du visa d'entrée dans les pays de l'ouest. La migration externe nette a été négative dans toutes les régions mais on s'attendait que le niveau soit plus élevé dans les régions moins développées, ou les facteurs de *push* sont plus forts. Mais, les données montrent que les régions avec les pertes les plus importantes de population par migration externe sont les régions 5-Ouest et 7-Centre, régions plus



développées. L'explication n'est pas difficile d'être trouvée. Ces régions ont eu et continue d'avoir une structure ethnique de la population plus hétérogène par rapport au Nord-Est et au Sud et la mobilité est plus forte dans ce milieu humain. Au Centre et dans l'Ouest on a eu une importante minorité allemande qui a émigré. La migration actuelle de ces régions est composée, presque en totalité, de roumains. Par rapport aux ethniques roumains du Nord-est et du Sud, les roumains de l'Ouest et du Centre ont une propension plus élevée de migrer vers les pays de l'Europe occidentale (vers l'Allemagne surtout), et qui peut s'expliquer par la proximité géographique, le maintien des liaisons et des contacts avec ceux qui ont quitté ces régions, un niveau plus élevé de qualification professionnelle et d'éducation. D'autre part, en examinant la géographie de la migration en Roumanie on peut saisir des mouvements en vagues: du Nord-Est on part vers le Centre et l'Ouest, tandis que du Centre et de l'Ouest on part vers l'étranger (pour que le circuit soit complète, on peut saisir plus récemment un autre vague, de la République de Moldova vers la région Nord-Est).

Pour faire une remarque de synthèse sur la migration interne en Roumanie après 1989, on pourrait dire que la migration interne a connu un accroissement, dans un contexte de libre circulation de l'individu, d'une véritable chute des activités économiques industrielles, surtout dans les villes, de la restructuration de la propriété agricole (la terre) et de l'agriculture. De plus, la crise économique et sociale a eu une contribution essentielle, liée à la dureté et aux rigueurs de la transition à l'économie de marché, mais aussi à la façon dont les réformes structurelles ont été adoptées et appliquées.

L'industrialisation massive des années 1950-1970 a encouragé et stimulé la migration rural-urbain. Les conséquences démographiques et économiques de cette politique n'ont pas tardé d'apparaître: la main d'œuvre dans l'agriculture est devenue déficitaire et la population rurale est entrée dans un fort processus de vieillissement et de féminisation. Devant une telle situation, l'ancien régime a introduit, dès le début des années 1980, des mesures restrictives

visant la migration vers les villes, surtout vers les grandes villes, ce qui a conduit à une réduction significative de la migration interne avec changement de domicile. Dans les années 1980 on avait autour de 10 migrants p.1000 habitants, par rapport à 15 dans les années 1970. Dès que les restrictions ont été éliminées, à la fin de 1989, le nombre de migrants a explosé en 1990 – 34 p. 1000. C'était l'épuisement d'un stock, de ceux qui vivaient et travaillaient pratiquement dans les villes et qui pouvaient obtenir seulement un visa de résidence temporaire (et pas de résidence permanente – domicile). Après 1990 la migration interne annuelle s'est située à 11-13 p. 1000, avec une légère tendance d'augmentation en 2002-2004 (tableau 2).

**Tableau 2.** Roumanie. Migration interne avec changements de domicile, 1985-2004.  
Volume et structure par milieu social

Année	Migrants		Flux entre milieux sociaux – en %			
	Milliers	Taux – p.1000	Urbain > Urbain	Urbain > Rural	Rural > Rural	Rural > urbain
1985	196,1	8,6	20,0	6,5	16,1	57,4
1989	192,9	8,3	19,2	6,4	18,9	55,4
1990	786,5	33,9	18,1	3,5	8,5	69,8
1991	262,9	11,3	20,2	10,1	19,4	50,3
1992	293,2	12,9	24,3	13,7	22,8	39,2
1993	240,2	10,6	25,4	14,6	25,0	35,0
1994	266,7	11,7	25,6	18,4	25,5	30,5
1995	289,5	12,8	26,1	20,8	28,0	25,1
1996	292,9	13,0	27,4	23,4	24,5	24,7
1997	302,6	13,4	25,0	26,8	25,6	22,6
1998	276,2	12,3	26,0	28,5	23,6	22,0
1999	275,7	12,3	26,5	30,7	21,7	21,0
2000	244,5	10,9	23,7	33,8	23,0	19,5
2001	284,3	12,7	27,5	27,9	20,0	24,6
2002	320,8	14,7	25,8	30,1	21,6	22,4
2003	331,7	15,3	27,3	30,2	19,3	23,1
2004	369,9	17,1	26,1	31,8	21,1	21,1

Source : Calculs de l'auteur sur la base des données INS, 1993 à 2005

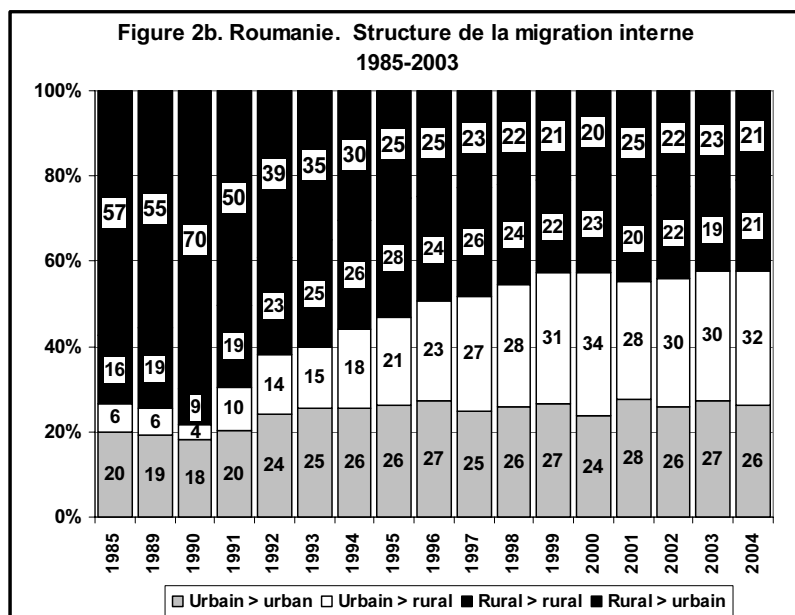
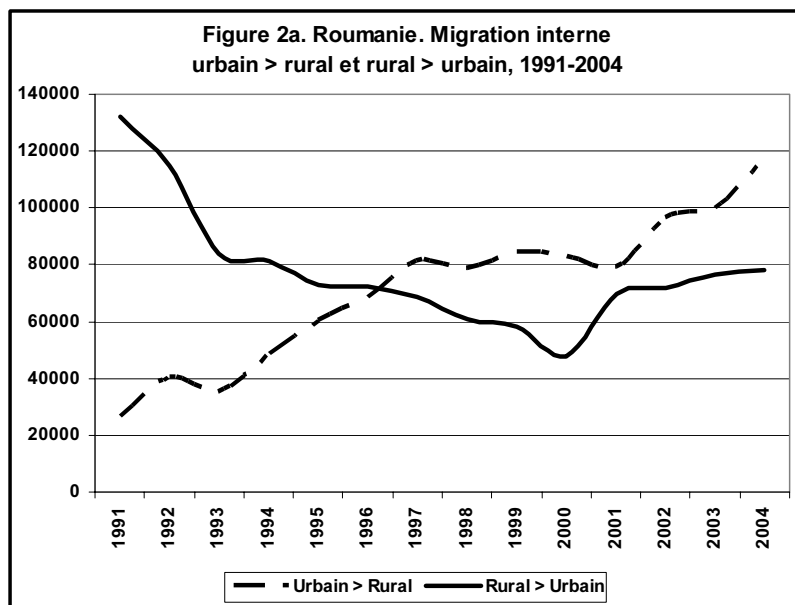
### Restructuration des flux migratoires entre l'urbain et le rural. Dimension

Un changement spectaculaire connu par la migration interne en Roumanie après 1989 et qui mérite d'être analysé est la naissance et la consolidation d'une nouvelle configuration de la migration interne entre l'urbain et le rural (tableau 2). Il s'agit d'un changement dont les causes et les mécanismes peuvent être détectés mais qui est peu connu comme implications économiques et démographiques, à long terme surtout.

Le flux rural-urbain a dominé, depuis toujours, largement, la migration interne en Roumanie. Mais, le début des années 1990 marque la naissance d'une dynamique différente de deux flux (urbain-rural et rural-urbain) - croissance considérable de la composante urbain-rural et recul massif du flux opposé, rural-urbain, de manière que en 1997, pour la première fois dans l'histoire sociale de la Roumanie, le flux urbain-rural a dépassé le flux rural-urbain. Les tendances se sont maintenues et dans les années suivantes (figure 2), même si après 2000 la migration rural-urbain a connu un

revirement. Un tel changement impose un nombre d'observations.

Dans un contexte de libre circulation de l'individu, un renversement de la dimension de la migration entre l'urbain et le rural ne peut constituer que le résultat d'un complexe de facteurs socio-économiques très forts, dont l'origine se trouve dans les changements que la société roumaine a connu après 1989. Les conditions de vie dans les villes se sont détériorées considérablement, par l'apparition et l'expansion du chômage, la baisse des revenus salariaux, l'érosion du pouvoir d'achat, l'explosion des coûts relatifs au logement. Pour certaines catégories



de la population urbaine une force de pression est ainsi parue et développée, force qui visait l'abandon de la ville et la migration dans le rural. Quelles catégories de la population urbaine ont été les plus exposées à cette pression? Celles qui étaient venues dans l'urbain dans les années d'industrialisation massive et qui ont été directement touchées par la chute des activités industrielles après 1989 et toutes les conséquences de cette chute (au recensement de 1992, 40 p.100 de la population urbaine était née en rural). D'autre part, un facteur favorisant la décision de retour dans le rural est paru, la loi du fond foncier, par laquelle les coopératives agricoles de type soviétique ont été liquidées en bonne partie et la terre a été retournée aux anciens propriétaires. L'action conjuguée des facteurs poussant vers le départ de l'urbain et des facteurs encourageant le retour dans le rural peut expliquer la dynamique de la migration entre l'urbain et le rural dans les années 1990 et le renversement de deux flux après 1996.

Quelle structure par âge ont eu les migrants de l'urbain vers le rural (table 3)?

**Tableau 3.** Roumanie. Structure par âge de la population rurale 1992 et des migrants urbain-rural, 1993-2004

Groupe d'âge	Population rurale au recensement du 7 janvier 1992	Migrants de l'urbain vers le rural, 1993-2004
Total	100,0	100,0
Moins de 20 ans	29,3	29,2
20-29 ans	13,0	20,9
30-39 ans	10,2	18,3
40-49 ans	11,1	15,8
50-59 ans	14,4	9,6
60 ans et +	22,1	6,2

Source: Calculs de l'auteur sur la base des données INS, 1994 ; 1993 à 2005.

Les migrants de l'urbain vers le rural constituent une population plus jeune que la population rurale. Environ 55 p.100 des migrants sont entre 20 et 50 ans, poids nettement supérieur à la proportion de la même population dans le rural – 34 p. 100, ce qui devrait être un avantage du point de vue démographique et économique, si on tient compte que la population rurale est sensiblement plus âgée. D'autre part, il n'est pas sans intérêt d'observer que les migrants dans le rural (années 1993-2003) sont en proportion de 56 p.100 des personnes mariées, poids plus élevé par rapport au poids des

mariés dans la population urbaine et rurale en 1992 (50 et 52 p.100, respectivement). Si on ajoute que la proportion de la population âgée de moins de 15 ans était, en 1992, de 24 p.100 en urbain et de 21 p.100 en rural, on pourrait avancer l'hypothèse que la décision de quitter la ville pour la campagne a été plus forte dans la population urbaine adulte, mariée et avec enfants, ou le choc de la transition a été plus dur.

### **Migration urbain-rural intra- et inter-régionale. Origine et destination.**

Un dernier aspect sur lequel nous nous penchons dans les lignes suivantes est celui de la façon dans laquelle la migration urbain-rural s'est développée au niveau des régions de développement, compte tenu de leurs caractéristiques économiques et démographiques, déjà mentionnées. Le tableau 4 nous offre des détails.

Evidemment, au niveau de chaque région le flux urbain-rural a deux composantes en ce qui concerne la région d'origine des migrants: de l'urbain de la même région et de l'urbain des autres sept régions. Le poids de la première composante est, au niveau des huit régions, dans les années 1992-2003, de 74 p.100 de l'ensemble de migrants urbain-rural, seulement un quart revenant aux migrants de l'urbain des autres sept régions. Une telle situation n'est pas surprenante. La propension de migrer du rural vers l'urbain du même département et de départements voisins ou proches (dans la même région) a été, avant 1990, naturellement, plus forte que la propension de migrer vers d'autres régions, plus lointaines (pour des raisons évidentes: facilités plus grandes de trouver un emploi et un logement à travers les apparentés et les amis, coûts plus faibles, possibilité de maintenir des contacts plus étroites avec les apparentés restés dans le département d'origine). Si nous regardons la migration de la perspective de la région de destination, nous retrouverons les mêmes poids: 74% provient de l'urbain de la même région et 26% de l'urbain des autres sept régions.

Un examen de la structure des immigrants en rural par régions, montre que la proportion

**Tableau 4.** Roumanie. Migrants urbain - rural par région de développement d'origine et de destination, 1992-2003

Section A. Composition des migrants U > R par région d'arrivée selon la région d'origine - en %												
Région d'arrivée (Rural)	Région d'origine (Urbain)										U de la même région	U des autres 7 régions
	Ensemble	1 N-E	2 S-E	3 S	4 S-O	5 V	6 N-O	7 C	8 B			
<b>Ensemble</b>	100,0	15,7	13,4	13,9	11,1	12,7	11,2	13,2	8,7	74,3	25,7	
1. N-E	100,0	64,6	7,2	2,3	1,3	10,0	1,1	8,2	5,4	64,6	35,4	
2. S-E	100,0	4,1	75,0	5,3	1,3	3,4	0,7	4,6	5,6	75,0	25,0	
3. S	100,0	1,4	3,7	68,6	1,9	1,7	0,6	1,7	20,3	68,6	31,4	
4. S-V	100,0	0,8	1,4	3,5	74,3	11,6	0,6	3,2	4,7	74,3	25,7	
5. V	100,0	2,9	1,1	0,8	2,5	79,1	8,4	4,1	1,1	79,1	20,9	
6. N-V	100,0	0,9	0,6	0,5	0,6	7,4	85,0	4,1	1,0	85,0	15,0	
7. C	100,0	1,6	1,3	0,9	0,9	5,1	4,0	84,9	1,4	84,9	15,1	
8. Buc	100,0	2,8	2,9	7,3	1,4	1,0	0,7	1,0	82,9	82,9	17,1	

Signification: (i)- parmi l'ensemble des migrants arrivés en R de l'U, 15,7 % sont venus de l'U de la région 1-N-E, 13,4 % de l'U de la région 2-S-E etc.; (ii)- parmi l'ensemble des venus en R de la région 1-N-E, 64,6 % sont venus de l'U de la même région et 35,4% de l'U des autres 7 régions (dont: 7,2% de l'U de la région 2-S-E, 2,3% de l'U de la région 3-S etc.); (iii)-dans l'ensemble des venus en R, 74,3 % sont venus de l'U de la même région et 25,7% de l'U des autres 7 régions.

Section B. Composition des migrants U > R par région de départ selon la région d'arrivée - en %										
Région d'arrivée (Rural)	Région d'origine (Urbain)									7 B
	Ensemble	1 N-E	2 S-E	3 S	4 S-O	5 V	6 N-O	7 C		
<b>Ensemble</b>	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0
1. N-E	21,9	90,3	11,8	3,6	2,6	17,2	2,1	13,6	13,4	
2. S-E	14,1	3,7	79,1	5,4	1,6	3,8	0,9	4,9	9,1	
3. S	17,1	1,6	4,7	84,6	2,9	2,3	1,0	2,2	39,8	
4. S-V	13,4	0,7	1,4	3,3	89,1	12,2	0,7	3,2	7,1	
5. V	8,6	1,6	0,7	0,5	1,9	53,4	6,4	2,7	1,0	
6. N-V	11,2	0,6	0,5	0,4	0,6	6,5	84,9	3,5	1,3	
7. C	10,9	1,1	1,0	0,7	0,9	4,3	3,9	69,7	1,7	
8. Buc	2,8	0,5	0,6	1,5	0,4	0,2	0,2	0,2	26,6	
La même région	74,3	90,3	79,1	84,6	89,1	53,4	84,9	69,7	26,6	
Les autres 7 régions	25,7	9,7	20,9	15,4	10,9	46,6	15,1	30,3	73,4	

Source: Calculs de l'auteur sur la base des données INS, 1994 ; 1993 à 2005.

des migrants de l'urbain de la même région a les valeurs les plus élevées – plus de 80 % - dans les régions plus développées 6-Nord-Ouest, 7-Centre et 8-Bucarest. Nous pensons que l'explication se trouve dans le fait que dans ces régions (et la région 5-Ouest) le développement de type industriel d'avant 1990 a été plus fort que dans les autres régions, ce qui a permis une absorption supérieure du potentiel migratoire existant dans le rural de ces régions. Et c'est ici l'explication du fait que dans les nouvelles réalités économiques d'après 1989 dans ces mêmes régions le mouvement de retour de l'urbain vers le rural de la même région a eu les valeurs relatives les plus élevées. Ensuite viennent, comme poids, mais à grande distance, les venus de régions voisines, de l'Ouest pour la région

Nord-Ouest (7,4%), de l'Ouest pour la région Centre (5,1%) et du Sud pour la région Bucarest (7,3%). On ne peut pas saisir le même schéma dans le cas des régions Nord-Est et Sud. Seulement 65% des venus dans le rural du Nord-Est proviennent de l'urbain de la même région, des proportions importantes revenant à l'urbain de la région Ouest (10%) et de la région Centre (8,2%). Autrement dit, le pouvoir d'absorption de l'urbain de cette région, moins développée, a été plus faible dans le passé et la migration de son rural a été une migration de distance plus longue par rapport à la migration rural-urbain des régions plus développées Nord-Ouest, Centre, Ouest et Bucarest. Le cas de la région Sud, elle aussi ayant une proportion plus faible des arrivés dans le rural de son propre urbain, est

différent. La région Bucarest est une "enclave" dans le territoire de la région Sud et la migration du rural de cette région vers Bucarest a été extrêmement fort dans le passé, ce qui pourrait expliquer la force du flux de retour Bucarest-rural de la région Sud – 20% de l'ensemble des arrivés.

Au niveau agrégé, les poids des migrants de l'urbain vers le rural de la même région et vers le rural des autres sept régions constituent aussi les poids des arrivés dans le rural de la même région et dans le rural des autres sept régions (la double facettes) – 74 et 26 p.100. Un regard sur la structure des départs de l'urbain vers le rural par régions de destination (tableau 4. section B) apporte des renseignements complémentaires sur la migration urbain-rural, par la mise en évidence des structures différentes de la géographie des départs vis-à-vis de la géographie des arrivées, au niveau régional. Tandis que dans l'ensemble des arrivés dans le rural, au niveau régional, on trouve une prédominance nette et générale du flux de l'urbain de la même région, la composition régionale des départs de l'urbain met en évidence quelques particularités régionales significatives et qui provient de l'origine régionale de la migration rural-urbain dans le passé. Dans les régions moins développées Nord-Est et les trois régions du sud les départs de l'urbain ont eu comme destination le rural de la même région dans une proportion très élevée – 80-90%, parce que les opportunités de trouver un emploi dans les villes de la même région ont été plus faibles dans le passé et rapidement occupées par des migrants de leur propre rural. Ces régions n'ont pas constitué, dans le passé, des régions d'attraction des migrants originaires du rural des autres régions. Le cas le plus éloquent est celui de la région Nord-Est. Les migrants de l'urbain de cette région sont partis en proportion de 90% vers le rural de la région, d'où ils sont venus dans le passé, parce que l'urbain de cette région moins développée n'a pas attiré les migrants du rural des autres régions que dans une mesure très faible. Le cas de la région Nord-Ouest, une région plus développée mais ayant elle aussi une forte proportion de migrants dans le rural provenant de son propre urbain – 85%, est plus nuancé. Les besoins de main d'œuvre dans l'urbain de cette région ont pu être satisfaits en bonne mesure par son propre rural, trois de six départements qui composent la région ayant un faible degré d'urbanisation et deux de ces départements

ayant une croissance naturelle supérieure à la moyenne nationale dans le passé.

Les régions qui présentent une autre géographie des destinations des migrants de l'urbain sont Bucarest, Ouest et Centre. La région Bucarest est composée seulement de la ville (municipalité) de Bucarest et le département entourant la Capitale (Ilfov), qui a un fort caractère rural. D'autre part, la région est située au centre de la région Sud, une des plus grandes régions du pays et ayant le plus faible niveau d'urbanisation. La région Bucarest est la région la plus développée et elle a constitué un pôle d'attraction pour toute la moitié du sud du pays. Dans ces conditions, il n'est pas surprenant que seulement 27% de ceux qui ont quitté la région Bucarest (la Capitale, en effet) sont partis dans le rural du département entourant la Capitale tandis que 40% ont eu comme destination le rural de la région Sud. Ce qui attire l'attention est la proportion relativement élevée des migrants vers le rural de la région plus lointaine Nord-Est (presque 14%, plus que dans les régions plus proches Sud-Est et Sud-Ouest). Les régions Ouest et Centre retiennent elle aussi l'attention par les poids relativement plus faibles des migrants urbains vers leur propre rural – 53 et 70%. Dans la région Ouest on peut trouver des valeurs importantes des migrants vers le rural de la région Nord-est – 17%, et de la région Sud-Ouest – 12%, ces dernières deux régions étant moins développées et fournisseurs, dans le passé, de migrants vers l'urbain de la région plus développée Ouest.

On peut résumer les caractéristiques de la migration urbain-rural par région par les remarques suivantes:

- en proportion de trois quarts la migration régionale urbain-rural dans les années 1992-2003 (environ un million de personnes) est composée par des flux intra-régionaux et seulement un quart représente des flux inter-régionaux; essentiellement, cette migration est une migration de retour, sa géographie étant similaire avec la géographie de la migration rural-urbain des années 1950-1990;

- au niveau des départs de l'urbain vers le rural, dans les régions plus développées Centre et Ouest la migration de retour dans le rural a une composante plus importante de migration inter-régionale, sur des distances plus longues, vers le rural des régions moins développées Nord-Est et Sud-Ouest, régions qui ont fourni dans le passé, à large échelle, des migrants vers l'urbain des régions plus développées;

- les migrants urbain-rural de la région la plus développée - Bucarest, ont comme destination majeure la région entourant Sud, mais aussi la région plus lointaine et moins développée Nord-Est;

- dans les régions moins développées Nord-Est et celles du sud du pays le flux urbain-rural est constitué en proportion de 80-90% de flux intra-régionaux; par rapport aux régions plus développées, dans ces régions moins développées la migration vers l'urbain a été composée dans le passé surtout par des migrants provenant leur propre rural;

- parmi les immigrants en rural, la proportion de ceux qui viennent de l'urbain de la même région est de 75-85%; c'est l'expression de la nette prédominance du mouvement rural-urbain dans la même région dans le passé; seulement dans les régions moins développées Nord-Est et Sud le poids des venus de l'urbain des autres régions est plus élevée; dans la première de ces régions le sous-développement a poussé les migrants de son propre rural vers l'urbain des régions plus développées, sur des distances plus longues; quant à la région Sud, l'attraction a été exercée dans le passé par la ville de Bucarest (origine du fort flux de retour dans le rural de la région Sud après 1989);
- enfin, il est bien évident le fait que la région Nord-Est détient une position particulière, soit qu'il s'agit de l'origine des immigrants dans son rural (une proportion plus grande d'immigrants d'autres régions), soit qu'il s'agit des départs de son urbain (presque en totalité vers son propre rural); le sous-développement et une forte croissance démographique peuvent expliquer cette particularité.

### Effets de la migration sur la structure par sexe et âge de la population

La restructuration de la migration interne entre l'urbain et le rural n'a pas apporté des changements significatifs dans la structure par sexe de la population urbaine et rurale, parce que la structure par sexe des migrants urbain-rural ne diffère pas de la structure par sexe de la population rurale.

De 1992 à 2005, environ un million de personnes ont quitté les villes pour s'établir en

rural. Ça ne signifie pas que l'urbain a gagné cette population, parce que, dans la même période, un nombre similaire de personnes ont quitté les villages pour s'établir en villes. C'est n'est qu'à partir de 1997 que la balance migratoire est favorable au rural (+200 milles personnes entre 1996 et 2005). Mais, cet apport positif a été largement contrebalancé par la baisse naturelle et par la migration externe nette négative. La migration urbain-rural n'a pas eu un effet bénéfique direct sur le nombre de la population rurale mais elle a contribué sensiblement à la diminution de la détérioration de la structure par âge en rural (tableau 5).

Tableau 5. Structure de la population urbaine et rurale par groupes d'âge, 1992 et 2005

Groupe d'âge	Total	Hommes		Femmes		
		1992	2005	1992	2005	
<b>Urbain 1992</b>						
0-19 ans	32,7	34,1	31,3	22,5	23,9	21,2
20-39 ans	33,4	33,0	33,8	33,6	34,4	32,8
40-59 ans	22,3	22,8	21,8	28,5	28,2	28,7
60 ans et plus	11,6	10,1	13,1	15,5	13,5	17,3
Total	100,0	100,0	100,0	100,0	100,0	100,0
<b>Rural 1992</b>						
0-19 ans	29,3	30,3	28,2	25,5	26,4	24,7
20-39 ans	23,2	25,4	21,0	28,8	31,0	26,6
40-59 ans	25,4	24,7	26,2	21,7	22,1	21,3
60 ans et plus	22,1	19,5	24,6	24,0	20,5	27,4
Total	100,0	100,0	100,0	100,0	100,0	100,0
<b>Urbain 2005</b>						
0-19 ans	22,5	23,9	21,2	25,5	26,4	24,7
20-39 ans	33,6	34,4	32,8	28,8	31,0	26,6
40-59 ans	28,5	28,2	28,7	21,7	22,1	21,3
60 ans et plus	15,5	13,5	17,3	24,0	20,5	27,4
Total	100,0	100,0	100,0	100,0	100,0	100,0
<b>Rural 2005</b>						
0-19 ans	25,5	26,4	24,7	25,5	26,4	24,7
20-39 ans	28,8	31,0	26,6	28,8	31,0	26,6
40-59 ans	21,7	22,1	21,3	21,7	22,1	21,3
60 ans et plus	24,0	20,5	27,4	24,0	20,5	27,4
Total	100,0	100,0	100,0	100,0	100,0	100,0

Source: Calculs de l'auteur sur la base des données INS, 1994 ; 2003.

Dans un contexte de détérioration générale de la structure par âge après 1989, la dimension de cette détérioration est considérablement différencielle et favorable au rural, parce que les migrants de l'urbain vers le rural ont eu une structure par âge plus jeune que la population rurale (tableau 3). La proportion de la population jeune a connu une baisse nettement plus forte en urbain. Le poids de la population adulte-jeune (20-39 ans) est resté stationnaire en urbain et a connu un accroissement en rural, tandis que la population adulte-agée (40-59 ans) a été en baisse en rural et en augmentation en urbain. Enfin, le poids de la population âgée (60 ans et plus) a été en hausse générale, en urbain et en rurale, mais l'accroissement a été plus fort en urbain, même si le degré de vieillissement reste considérablement plus élevé en rural.

### Remarques finales

La Roumanie se trouve dans son 16-ème année de détérioration de la situation démographique. Le recul massif de la natalité, une migration externe négative (et en hausse) et le

maintien de la mortalité à des valeurs élevées pour un pays européen se trouvent à l'origine de cette détérioration. Le déclin démographique et l'accroissement du vieillissement démographique sont les évolutions qui concrétisent dans l'immédiat la détérioration. La stabilité du nombre de naissances et le recul assez important de la mortalité par âge (mais très faible au niveau du nombre de décès et du taux brut de mortalité) durant les dernières années peuvent donner l'impression d'une diminution de la détérioration de la situation démographique. La prudence s'impose. On peut détecter des mécanismes propres à la dynamique interne de la construction démographique qui préfigurent une reprise plus forte de la détérioration à l'avenir, par la baisse du nombre de naissances le moment où les générations nées après 1989 arriveront à l'âge du mariage et de la maternité. Et cet horizon n'est pas loin, tout étant une question de terme moyen (United Nations, 2005 ; Ghetau, 2004). De plus, la dimension de la migration externe après l'admission de la Roumanie dans l'Union Européenne reste une grande inconnue. Dans ce contexte négatif, la migration interne et, surtout, la surprenante physionomie des flux migratoires entre l'urbain et le rural sont elles aussi une réaction à la crise économique et sociale dans laquelle se trouve la Roumanie et aux changements rapides et profonds, douloureux en bonne partie, que le pays connaît dans la phase actuelle de son évolution historique. La restructuration de la migration interne trouve donc l'explication causale dans les réalités économiques et sociales de la transi-

tion. Certaines de ses conséquences semblent être favorables au rural. Mais, des questions graves se posent. Et si une bonne partie des migrants retournés en rural a continué leur mobilité vers les pays de l'Europe occidentale à la recherche du travail, poussée par la pauvreté, le niveau de vie très bas, le spectre du chômage et les incertitudes de l'avenir? (Selon certaines estimations, le nombre de roumains se trouvant aujourd'hui dans les pays de l'Europe occidentale pour travail pourrait atteindre 1,5-2 millions de personnes). La dimension et le poids de la population active dans l'agriculture sont tout à fait inhabituelles en Roumanie (30% de la population active du pays et 35% de la population occupée, à la fin de 2003) (INS, 2004a; 2004b). L'entrée dans l'Union Européenne produira un véritable choc dans l'agriculture roumaine, morcelée, faiblement dotée de moyens techniques et ayant une productivité très faible (Ciutacu, Constantin et Luminita Chivu, 2002). De quelle manière sera affectée la population rurale et la migration interne? Quelles motivations pourra-t-on avoir la continuation de la migration urbain-rural dans un rural ayant déjà une énorme population active agricole? Quelles perspectives pour une population agricole qui sera obligée de réduire ses dimensions par les durs mécanismes de l'économie de marché? Pourra-t-il l'urbain absorber cette population dans des activités industrielles et dans les services ? Toutes ces questions, et on pourrait ajouter d'autres, montrent la complexité de la situation et conduisent à la réflexion et à l'action.

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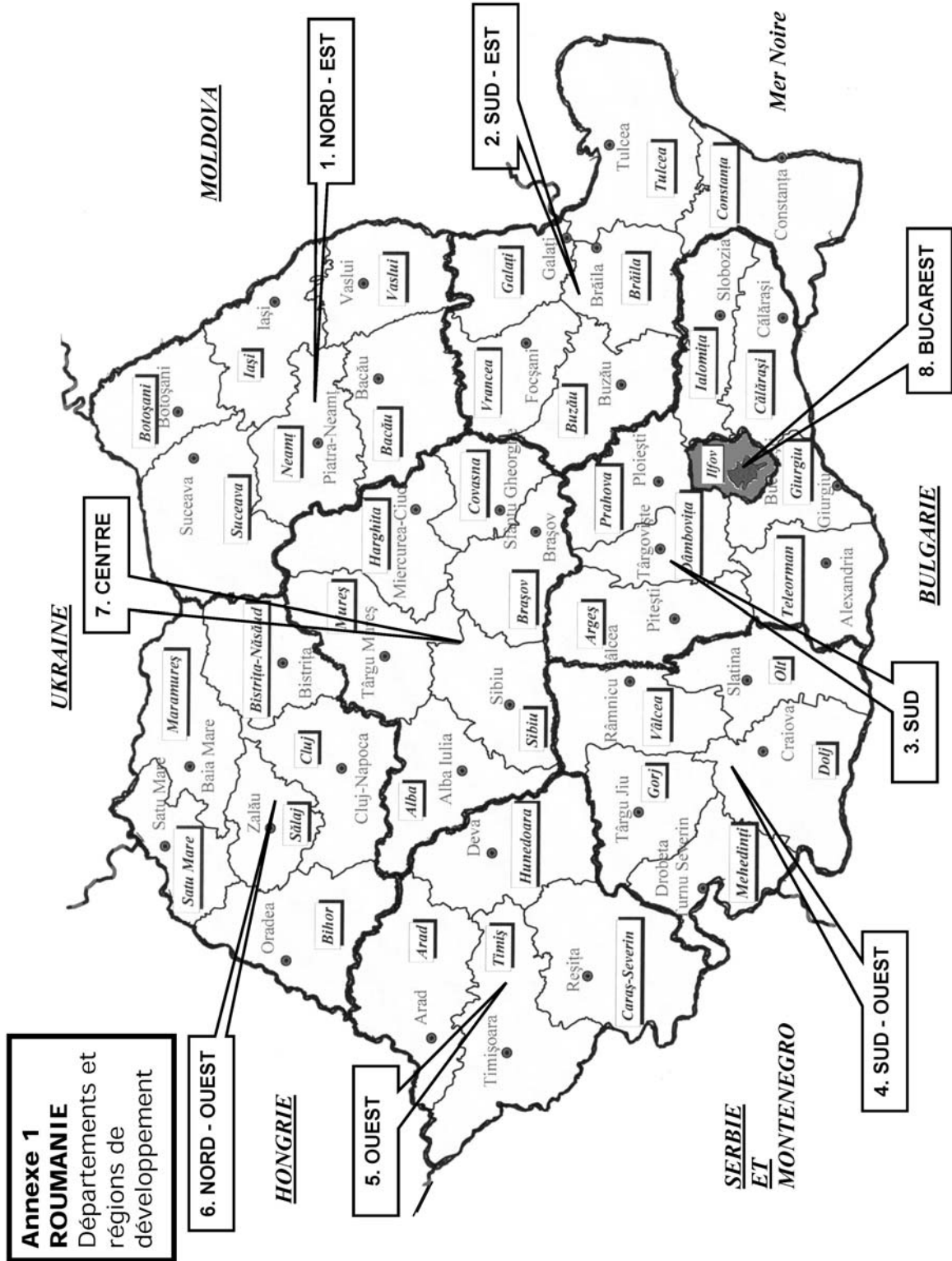
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## Annexe 2. Roumanie. Profile économique et démographique des huit régions de développement

	Roumanie (Ro)	Région de développement							
		1 Nord- Est	2 Sud-Est	3 Sud	4 Sud- Ouest	5 Ouest	6 Nord- Ouest	7 Centre	8 Bucarest
<b>I. Données générales</b>									
Nombre de départements	42*	6	6	7	5	4	6	6	2**
Superficie – km <sup>2</sup>	238931	36850	35762	34453	29212	32034	34159	34100	1821
Superficie – en %	100	15,5	15,0	14,5	12,3	13,4	14,3	14,3	0,8
Population 1.07.2004 - milliers	21673,3	3738,6	2850,3	3342,0	2317,6	1939,5	2738,5	2539,2	2207,6
Population – en %	100	17,2	13,2	15,4	10,7	8,9	12,6	11,7	10,2
Population urbaine – en %	54,9	43,6	55,5	41,4	47,2	63,7	52,8	60,0	90,6
Densité – par km <sup>2</sup>	90,9	101,5	79,7	97,0	79,3	60,5	80,2	74,5	1212,3
<b>II. Données économiques – 2002</b>									
Produit Interne Brut Régional - % dans le PIB national	100	12,3	11,3	12,4	8,6	9,7	11,9	12,6	21,1
Produit Interne Brut Régional par hab. – moyenne nationale = 100 unités	100	71,5	85,9	80,0	79,9	108,3	94,1	108,0	208,2
Contribution (en %) au PIB :									
– industrie	28,1	26,2	28,4	31,6	33,7	26,8	26,8	34,8	21,9
– agriculture	11,4	18,8	14,7	14,4	11,6	13,5	14,6	11,7	0,7
Revenu moyen total par personne / mois ; moyenne nationale = 100 unités	100	88,9	95,8	93,7	93,8	102,6	103,0	106,0	127,9
<b>III. Données démographiques – 2003</b>									
Taux brut de natalité – p. 1000	9,8	11,5	9,8	9,4	9,1	8,9	10,0	10,2	8,3
Taux brut de mortalité – p. 1000	12,3	11,5	11,8	13,6	13,3	12,9	12,4	11,3	11,4
Taux d'accroissement naturel – p. 1000	-2,5	0,0	-2,0	-4,2	-4,2	-4,0	-2,4	-1,1	-3,1
Taux de mortalité infantile – p.1000 naissances	16,7	20,1	18,2	19,3	15,1	15,6	14,2	15,1	10,4
ICF – p. femme	1,23	1,51	1,27	1,27	1,23	1,18	1,28	1,28	0,97
Population âgée de 60 ans et plus – en %	19,2	18,5	18,8	21,3	20,9	19,0	18,2	18,0	18,9
Espérance de vie a la naissance (2001-2003) - ans :									
– Hommes	67,4	67,4	66,9	67,2	67,9	67,1	66,5	67,8	69,5
– Femmes	74,8	74,7	74,8	74,8	74,5	74,1	73,9	75,5	76,4

\* 41 départements plus la Municipalité de Bucarest ; \*\* Municipalité de Bucarest plus un département (Ilfov) ; ICF=indicateur conjoncturel de la fécondité.

Source : INS, 2004a ; 2004b ; calculs de l'auteur.

### Annexe 3. Urbain et rural en Roumanie

L'urbain est composé de villes (orase). Une localité reçoit la qualité de ville par loi. Au 1er janvier 2005 on avait en Roumanie 314 villes. Les villes les plus importantes sont dénommées municipalités (96). Le rural est composé de communes (comune). Il y a 2827 communes.

#### Villes et communes. Nombre et population au 1<sup>er</sup> janvier 2005

Les villes			Les communes		
Taille - habitants	Nombre	Population	Taille - habitants	Nombre	Population
Ensemble	314	11901033 (54,9 %)	Total	2827	9757495 (45,1 %)
Moins de 10000	115	776506	Moins de 1000	63	46693
10000-19999	93	1244347	1000-2999	1312	2789446
20000-49999	60	1812545	3000-4999	980	3773418
50000-99999	21	1491949	5000-6999	318	1833071
100000-199999	14	1875946	7000-8999	113	886677
200000-299999	9	1542213	9000-9999	19	179663
300000-399999	4	1230079	10000-11999	17	183940
400000 et plus	1	1927448	12000 et plus	5	64587
<b>Taille moyenne</b>		37901	<b>Taille moyenne</b>		3451

Source : INS, 2005b.