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THE ESTABLISHMENT AND DEMARCATION OF BORDERS IN EUROPE, IN THE EARLY MODERN AGE

Silviu STOIAN [1]

ABSTRACT

EUROPE IN THE EARLY MODERN PERIOD HAS GONE THROUGH MANY TRANSFORMATIONS. ONE OF THESE CHANGES IS REPRESENTED BY A BETTER CONTOURING OF STATE BOUNDARIES. STATES ARE UNDERGOING THROUGH A PROCESS OF CENTRALISATION AND TERRITORIALISATION, WHICH IS REFLECTED IN A BETTER ESTABLISHMENT AND DEMARCATION OF FRONTIERS. AT A THEORETICAL LEVEL, THIS PROCESS IS INFLUENCED BY A REBIRTH OF ROMAN LEGAL TRADITIONS. THIS PAPER TRIES TO PRESENT SOME MODELS OF THE ESTABLISHMENT AND DEMARCATION OF BORDERS THROUGHOUT THE EUROPEAN CONTINENT. MORE PRECISELY: PRINCIPLES OF BORDER DELIMITATION IN THE ITALIAN AREA; BORDER BETWEEN SPAIN AND FRANCE ON THE PYRENEES MOUNTAINS; NORTH-EASTERN FRONTIER OF FRANCE; THE FRONTIER OF EXPASION IN THE RUSSIAN STEPPES; ENGLAND'S BOUNDARIES WITH SCOTLAND AND IRELAND AND THE OTTOMAN-HABSBURG MILITARY FRONTIER. THE PAPER WILL ALSO DESCRIBE METHODS OF DEMARCATION AND ADMINISTRATION OF BOUNDARIES AND THE TRANSITION,THAT HAPPENS IN SOME INSTANCES, FROM JURISDICTION TO STATE SOVEREIGNTY.

KEYWORDS: FRONTIER, DEMARCATION, BORDER, LEGAL TRADITION, STATE

INTRODUCTION

Any political authority that wishes to effectively govern a territory, an area, a jurisdiction must have physical limits. The position and the role of these limitations affect the lives of people on both sides of the border. Frontiers, borders, practically represent an institution without which the political, social and economic life of complex societies could not hold. The higher control a ruler has over borders of a country, the stronger his domestic authority is, therefore the centralization of states in the sixteenth and seventeenth centuries, is directly influenced by this.

In this paper I will make a brief description of establishing models, border demarcation and organization in Europe showing the changes that occur at the end of the Middle Ages up to the Modern Era. This period presents some characteristics in the evolution of political borders of the old continent. It is the time when the modern European nations have emerged, not only politically and culturally but also territorially.

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THE BORDER THEORY

In the theory of borders, the crossing to the linear model of the borders occurs. The notion of linear borders is specific mainly to the modern period, because until then, the borders were perceived more in a judicial sense or contact zones. Peace treaties signed in the sixteenth and seventeenth centuries, sometimes contained clauses on border delimitation and demarcation lines. But as Peter Sahlins[2] specifies, the political linear borders of the pre-modern period were not identical to the political linear borders that develops in the eighteenth century. Prior to this period the borders were not designed as straight lines delineating territories and political sovereigntis. Borders in the modern sense, acquire importance with the emergence of territorial states, from the sixteenth and seventeenth centuries, when the borders become more *visible* and topographic elements begin to be clearly defined[3]. That does not mean that in the Middle Ages there was no concept of linear borders. The historian Marian Coman[4] considers that, even if the majority of linear borders in medieval times were of estates, and not States, the emergence of the latter being influenced, to some extent, from the first, this does not mean that the medieval States were deprived of linear borders, but only that the interest in delimitation of territorial accurately was much lower. When there was a reason for a linear frontier, people from the middle ages have proven that they know very well how to do so. As follows, there is no need to question the existence of a border, but rather the importance that was granted to it.

The rebirth of the Roman legal tradition in the sixteenth century, gave rise to a new theoretical discussion about borders and how they are defined. The concept of borders became an issue of government and appeared in a number of legal documents. Since the sixteenth century until the eighteenth century, the idea of natural borders rooted in legal discourse and legal texts. In the early international law, the term *fines naturales*, which was associated with concrete natural elements such as rivers, mountain ranges, deserts and swamps, was becoming increasingly used to denote a particular type of political border lines in contrast with the artificial demarcations (finish, Limes). An important contribution to the dissemination of these terms, had the writings of Hugo Grotius (1583 - 1645) and Samuel Pufendorf (1632-1694)[5]. But Johann Oetinger (1577 - 1633), in his *Tractus de jure et controversiis limitum*, using biblical arguments consider that it is the divine will that nations be separated by natural borders. In the early modern era, political, legal and historical discussions regarding the borders, was heavily influenced by the large number of pan-European conflicts, such as the war of 30 years of the eighteenth century, as well as the ones from the next century[6].

THE ITALIAN BORDER

In the period under review there were several models of establishment, demarcation and management of borders, they had many common points as well as differences, they all

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[2] Peter Sahlins, *Boundaries: The Making of France and Spain in the Pyrenees* (University of California Press, 1991), 6-7.

[3] Maria Baramova, „Border Theories in Early Modern Europe" *European History Online*. accesat la data de 12.03.2010 - http://www.ieg-ego.eu/en/threads/crossroads/border-regions/maria-baramova-border-theories-in-early-modern-europe.

[4] Marian Coman, *Putere şi Teritoriu. Ţara Românească medievală(secolele XIV – XVI)* (Bucureşti: Polirom, 2013), 205-206.

[5] Baramova, Border Theories, http://www.ieg-ego.eu/en/threads/crossroads/border-regions/maria-baramova-border-theories-in-early-modern-europe.; Hugo Grotius, *On the Law of War and Peace (De jure Belli ac Pacis)*, 2001, accesat la data de 05.03. 2010 - www.lonang.com/exlibris/grotius/.

[6] Baramova, Border Theories, http://www.ieg-ego.eu/en/threads/crossroads/border-regions/maria-baramova-border-theories-in-early-modern-europe.

went through a process of evolution until the end of the eighteenth century, when they came to common standards reflected in international treaties of the time. Thus the Italian space at the end of the Middle Ages had precise demarcation rules about the borders that were mentioned in the legal science of the era. The witnesses in a process had to accurately describe the border route. If the witness's memory could not reproduce the border route, it was preferable to keep the initial situation, considering that the border has been strengthened over time, as they went on the principle that as older the boundary is the more just it is[7]. But witnesses were considered the most convincing proof of the veracity of a route, therefore the court panel tried to listen to many testimonials. Papers and documents could also prove useful. Then they moved to a detailed on-site investigation *inspectio ocularis*. In the case of borders marked by natural elements, the rules were clear, taking into account the central line of the rivers bed or lakes demarcation, and the line of *divortium aquarum* (water separation) in the case of mountains. But the stability of natural frontiers was only apparent, since rivers and lakes may alter their route or form, so it was necessary to analyze the morphological transformations. Even the mountains stabile in their physiognomy, needed some clarifications to support the territorial division. Thus, such principles as *divortium aquarum*[8] had only an indicative value and allowed for numerous exceptions.

In the legal treaties of the age the concept of *fines publici* is born, which defined the border lines separating territorial sovereignties of two States, a clear distinction from the borders between two private entities. The principle that constantly appears in the writings of lawyers concerned with the borders, is that of not debatable (*fines publici*) borders, not only in the case of a territorial encroachments, but after the passage of a sufficiently long periods of time, when there are no more complaints or doubts regarding the course of the border. *Fines publici*, were written by doctors in law of the era *praescribi non possunt*. This principle operates only when the borders have an original safe route. As signs of the border used to mark the Italian border lines we can mention: trees, boulders, tree-trunk branded with various incisions, stones arranged in a particular manner, but such signs should not be confused with signs bordering private propertis, in this case being *fines publici*. The exercise of jurisdiction[9] is one of the most compelling ways to measure the expansion of possessions. The frontier militia, or even public execution rituals were used to mark their boundaries and that's because, as lawyers write, *limites territorii sunt limites iurisidctionis* and vice versa.

THE SPANISH AND FRENCH BORDERS

The peace of the Pyrenees, signed in 1659, between France and Spain divided the Catalan Valley of Cerdanya into two parts. The following year by the agreement from Llivia, Spain give France, 33 villages, not including the town of Llivia, which was surrounded by those villages. A memorandum prepared in 1660, for the Spanish Commissioner, Don Miguel de Save, stated that *"this division line, which should be almost mathematical, must necessarily be narrow"*. But diplomats and commissioners did not think in modern terms about the notion of linear borders that separates two distinct national territories. Instead they put the problem in terms of jurisdiction. *"The division between France and Spain will be understood as a division between jurisdictions (towns) that will be transferred to France*

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[7] Paolo Marcheti, „Spazio politico e confini nella scienza giuridica del tardo medieoevo", *Reti Medievali Rivista* VII 1(iunie – iulie) (2006): 7.
[8] Marcheti, Spazio politico, 8-9.
[9] Marcheti, Spazio politico, 6-7.

and the ones that remain in Spain" specified the Llivia Treaty[10]. Sovereignty was also jurisdictional. Unlike most treaties of the 17th century, the text invokes a historical and natural border, so that next year the members of the Joint Committee discussed the geographical distribution of pre-Roman Nations and the administrative divisions of the Roman and Visigoth conquests of the region. But they did not manage to harmonize their distinct visions about the exact position of the *true* Pyrenees, but the 42nd article of the Treaty declares that *the Pyrenees mountains, which in antiquity divided the Gaels from the Hispanics, will therefore divide the two kingdoms[11]*. The case of Cerdanya is just one permutation within a larger framework that combines elements of politics, ethnicity and topography.

The peace of the Pyrenees did not do a precise demarcation of the borders, nor has it respected the principles of the natural borders and jurisdictional conflicts continued into the next century, because their limits did not coincide with each other or with the territorial boundaries between the two countries. In regards with the methods used as indicators for the cut of the Cerdanyei Valley border, official documents and decisions of the courts for the demarcation of land, included descriptions of boundary markers: piles of stones called "oratories", branded with crosses, drilled, or with an iron cross on top[12].

For the northern and eastern limits of France[13], the year 1678 and the Treaty of Nijmegen that ended the Franco-Dutch war (1672-1678) was a movement towards the consolidation of a new type of military border. *The gates open policy towards neighboring countries was replaced by the barrier policy*. The idea was of Sébastien Le Prestre de Vauban, the architect of new frontiers of France. Long before the Maginot line, Vauban designed and built *the iron border* composed of two lines of fortifications. The idea was to abandon the most upfront fortresses and cities, giving up most distanced outposts in the interest of smaller spaces (contoured), without having to renounce the claims of European hegemony of France. Vauban gave expression to this new border policy in a memorandum in 1673, suggesting to the King to think about shifting territories, being dissatisfied with the confusion that was created by the mixture of enemy and friendly fortresses nearby. In addition to organizing the two lines of fortification, the new military border required the eradication of enclaves inside France. Strengthening the territorial sovereignty has contributed not only to ensure the military border, but also to ensure the free transit and communications between French cities[14].

THE RUSSIAN BORDER

Speaking further about the patterns of establishment and demarcation of borders, a special case is represented by Russia. In the 16th century, Russia laid his authority up to the line of meeting of forests and steppes. The Russian term approaching the most the notion of frontier is *ukraina* which means the peripheral edge or area, this border was different from border/boundary because it was flexible and very movable. It actually represented the North-Caspian and North-pontic steppes area, sparsely populated and controlled by the Tatars and

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[10] Peter Sahlins, „State formation and national identity in the Catalan borderlands during the eighteenth and nineteenth centuries" în: *Border Identities. Nation and State at International Frontiers* (Cambridge: Cambridge University Press, 1998), 36.

[11] Sahlins, Boundaries: The Making of France, 20.

[12]Sahlins, Boundaries: The Making of France,40.

[13] Daniel Nordman, *Frontières de France: De l'Espace au Territoire, XVI – XIX Siècle* (Paris: Gallimard, 1998).

[14] Sahlins, Boundaries: The Making of France, 68-69, Nelly Girard d'Albissin, *Genèse de la frontière franco-belge: les variations des limites septentrionales de la France de 1659 à 1789* (Paris : A & J. Picard, 1970), 160-235.

Cossacks[15], the latter being paid by both Moscow and Poland-Lithuania to be the first defensive line against Tatar raids and expeditions.

The actual boundary was represented by a huge *zasechnaia cherta* fortification line or line of Abatis[16], made up of fallen trees strengthened with soil ramps, which went from Kozelsk to Ryazan, nearly two hundred miles south of Moscow. The rationale behind these fortified lines (comparable only with the great Chinese wall or the roman Limes) was to protect from the Tatar invasions and to regulate migration[17]. Work on this line began on some segments at the end of the fifteenth century. In 1533 there were already 250 km of fortification, and until 1600 the line of defenses stretched for 1,000 miles, but it still was not continuous, including natural barriers such as some areas of swamps, very dense impenetrable forests, or sections of rivers that were hard to cross. There were also certain corridors where Tatar armies could penetrate the corridors which were closed by the Russians with field work, palisade, ditches and pitfalls with wolves[18]. The thinner forests were made less penetrable by sending workers in the depth of the forest, away from the open plain, to strike down trees, with the trunks and roots outwards. Such barriers may have had a depth between 20 and 130 m. At intervals some trees were not cut down, so that they could be used for signaling and observation platforms. Forts of wood or soil with artillery, with towers protected on the front side and the flanks with ditches and potholes against the cavalry, were built on the river sides and in the forests corridors, while thin forest stretches where small units could infiltrate were fenced with oak palisade and waves of soil.

Moscow has followed a planned strategy of military colonization, coordinated on a broad front, setting numerous garrison towns increasingly to the South, uniting them across the fortified lines, and then moving the main body of the army to defend the frontier in the new format of the fortified perimeter[19]. Moscow had no intention for the Abatis line to be impermeable, but was primarily a platform for signaling and supervision, which could also slow down the enemy's advance long enough for the army to come to the area to repel the Tatars. But in the year 1571, because of discord among the commanders of Ivan the IVth, the Crimean Tatars entered passed them and burned down Moscow[20].

Thus Russia gradually made the transition from an open border system to an infrastructure that demarcated its limits and gave a tangible expression of territorial sovereignty. After 1635, the Russians will have build a new line of fortification at two hundred miles farther south, the Belgorod line, a defensive scheme eight hundred miles long, incorporating forts, ramparts, moats and towers of surveillance. This enhanced boundary created from military necessity has contributed to the centralization of the Muscovite State in the seventeenth century and the functioning of an autocratic system. The army that guarded the frontier was doubled and the defensive measures were improved[21]. Completion of this line also moved the agricultural colonization limit 100-200 km further south. The towns located along the border were designed as *ukrainnye gorody*. The line itself marked

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[15]. Initially Tatars but later Russian peasants, then the polish and Romanians who fled from feudal obligations to live from robbery and raids,as mercenariies.

[16] The word has its roots in the term palisade

[17] Brian J. Boeck, *Imperial Boundaries Cossak Communities and Empire – Building in the Age of Peter the Great* (Cambridge: Cambridge University Press, 2009),54-55.

[18] Camouflaged pits with a picket inside.

[19] Boeck, Imperial Boundaries Cossak Communities, 40.

[20] Boeck, Imperial Boundaries Cossak Communities, 47.

[21] Boeck, Imperial Boundaries Cossak Communities, 78.

the edge between the open steppes and the territory integrated directly into the Muscovite State administration, beyond it, there were the Cossacks or nomads[22].

As a result of the Karlowitz peace, in the year 1700, Russia spread its control up to the fortress of Azov. In that context there was a demarcation of the border, showing how the boundary was in the North-pontic space. The Kuban River was proposed as a border, however, the Ottomans rejected the proposal. Since there were no other significant natural frontiers, the only remaining solution was to demarcate the frontier on the steppe. The Ottomans proposed a favorable solution for them, they wanted the border to be set at the distance of a "cannon ball" fire from the Azov. After intense negotiations it has been proposed that the border demarcation be made in terms of days away on horseback from Azov. Then the difference between hours and days was reduced. Finally, both sides have agreed to fix the border at a distance of ten hours south of Azov. Then, the speed of movement was taken into consideration. The Ottomans demanded that the speed be defined as the *moderate riding speed,* but the Russians countered by saying that riding in the steppe is made in a calm and orderly manner. Finally a settlement was reached when the two Commissioners came out on the field[23]. The certainty big layout of the steppe, and the fact that there was no effective political authority there, led to the Russo-Ottoman border demarcation to be benchmarked so imprecisely.

In the case of the Russian border, an interesting aspect to review is the control upon the movements of one side of the border to the other. The two impressive lines of fortifications from the 16th-17th centuries, did not only serve to protect the front from the Tatar invasions, but also to curb the migration and runaway farmers into the steppe, where they could find freedom. To regulate the flow of people entering and exiting the Muscovite State, identification documents were used. Thus, as early as 1620, the government officials, made the distinction between the persons with documents, seen as the legitimate travelers, who traveled for a short duration abroad and the undocumented persons, without the authorization to travel i.e. fugitives. In the late 17th century, the Imperium border between Russia and the steppe began to have the characteristics of a modern border: travel documents issued by the state, patrols, customs, inspections and control points. Any Russian who wanted to travel beyond the Belgorod line, was obliged to obtain travel documents stating the purpose of the journey, the destination, and the return date to the country. To obtain such documents, the applicant had to appear before an official of the Government, with two witnesses who were meant to confirm the identity of the applicant and pay a fine if the traveler did not return to the country. But emigration was never completely stopped.

Some of the fleeing peasants were obliged to perform military services and maintenances of the border, as debt to the State. The selection for the border guard service was made as follows, one male from every third household in a village within a radius of 15 km, was obliged to perform military services, and in the case of villages within a radius of 16-25 km, a man from every fifth household[24].

THE ENGLISH BORDER

At the other end of Europe, the English Kingdom up until the dynasty Union with Scotland and the complete conquest of Ireland, during the Tudor's reign, had a number of difficulties in terms of managing and having a precise delimitation of their borders. The British borders did not present the level of antagonism as in the Christian-Muslim borders

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[22] Boeck, Imperial Boundaries Cossak Communities, 59.

[23] Boeck, Imperial Boundaries Cossak Communities,139 - 140.

[24] Brian Davies-L, *Warfare: State and Society on the Black Sea Steppe, 1500 – 1700* (Routledge, London and New York, 2007), 45 – 46.

nor does it reflect any type of conflicts as between sedentary and nomadic society like in the case of Russia. However, as in other parts of Europe at the end of the Middle Ages, the British frontiers were entire regions, where different populations lived in proximity, rather than clear borders. In fact there were brands of border.

In these circumstances, the Kings of England were forced to maintain in these regions a quasi-judicial decentralized system of governance, with special military administrators (baron) and lieutenants appointed to control the brands, which wielded enough legal and military power. The English border region was an area made up of several brands with a special status[25]. I will discuss more specifically two border areas, Scotland and Ireland.

The English ruled in Ireland a territory[26] that started in Dublin, the English political centre, with rich surrounding plains that stretched up to the mountain areas in the South and West of Ireland. By comparison the Anglo-Scottish border had a much longer tradition and was closer to the political-geographical definition of borders. The Scottish border was a clearer border between two sovereign States. In Ireland there was no border line established by an understanding between the English barons and the Gaelic's from Ireland. Beyond this *border* the region was uninhabited. In an investigation of the Crown in 1541 there were identified large portions of land, situated at the edge, that were not cultivated due to the Irish incursions, therefore a parliamentary Ordinance required each brand leaseholder from the borderline with Ireland to build a double trench between the cultivated areas and the wasteland. It seems that only inhabited territories were part of the brands and the wastelands were a *no man's land* that fluctuate and upon which both the British owners and the Irish ones had claim[27]. A similar situation existed at the border with Scotland as well, where constant raids have created vast swaths of territory with deserted towns.

Boundary surveys in 1542 and 1550, have revealed a series of border violations by the Scots, in some areas. The most important dispute was about the *Debatable Land* (literally the conflicting land), a long strip of land of 15 miles wide and 4 width. The land was finally divided by the two countries in 1552.

THE HABSBURG-OTTOMAN BORDER

Closer to our space, the Habsburg-Ottoman border was a military frontier, bounded by fixed fortified points, with up to 150 towns[28]. At the beginning of the 16th century, the Hungarian defensive line was located on the Danube-Sava line[29], but after the defeat at Mohács in the second half of the century, the border was moved to the heart of medieval Hungary, bounded by the Mureş-Timiş region in the East, along the northern edge of the Pannonian plain, then Transdanubia, Slavonia, Central and South-West Croatia up to the Dalmatian coast. With a length of several hundred miles, it formed a line of fortification in the form of a semicircle[30]. The border between the two empires had a long evolution over

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[25] Davies-L, Warfare: State and Society, 155.

[26] In English, *Pale of Settlement*, the term *pale* coming from the Latin *palus* meaning pillar, but translated in English by: district, border, limitation.

[27] Davies-L, Warfare: State and Society,160-161.

[28] Mihai Maxim, *Ţările Române şi Înalta Poarta. Cadrul Juridic al Relaţiilor Româno-Otomane în Evul Mediu* (Bucureşti: Enciclopedică,1993), 124.

[29] Gunther E. Rothenberg, „The Origins of the Austrian Military Frontier in Croatia and the alleged Treaty of 22 December 1522", *The Slavonic and East European Review* vol. 38,nr. 91 (1960): 494 – 495.

[30] Dávid Géza şi Fodor Pál, *Ottomans, Hungarians, and Habsburgs in Central Europe. The Military Confines in the Era of Ottoman Conquest.* (Brill, Leiden, Boston, Koln, 2000), XVI.

three centuries and was marked by certain key moments. One of these moments was the establishment of the Aulic War Council in Vienna between 1556-1566. Prior to 1556, the war theatre against the Ottoman Empire in Hungary was ruled by Supreme commanders of Ferdinand the I[st] and his military advisers who were appointed only during the military campaigns. The control of the new defensive scheme has been hindered by the fact that the Supreme commanders had to share their money duties, from the border of Croatia-Slavonia and Hungary with *locumtenens*, and from 1554-1562 with *palatinus*, and with two general captains of the country. With the establishment of the Aulic War Council in 1556, the problem of centralized administrative and military leadership has been resolved. Thus the various parts of the defensive system were organized as a whole.

In the course of the Hungarian campaign of the Sultan Suleiman the Magnificent in 1566, the Turks captured Szigetvár and Gyula. The loss of these two key fortresses led to the fall of a whole chain of castles. The main feature of the system was that defensive border segments were composed of a fortress-castle and a few minor subordinate castles. Gyula's fall marked the end of the history of the general-captain of the lower parts (*capitaneatus partium regni Hungarie inferiorum*), created by Matthias Corvinus, and the fall of Szigetvár has led to the loss of the South area of Lake Balaton. Thus the Royal defense system has been pushed back a few hundred kilometers to the Tisza line and the northern mountains, but the new alignment[31] and geography of the terrain offered more favorable possibilitie for the construction of a new defensive system.

The successes of the Turks in the 15 year war (1591-1606), broke the Habsburg defenses in a manner similar to the campaign from 1566. Although the advance of the Ottoman forces was not as spectacular this time, the fall of forts of great strategic importance such as: Bihács, Győr, Eger and Kanisza broke the defensive system of the border in several places. It must be remembered that the Ottomans had their own defensive lines made up of fortifications, either conquered from the Habsburgs, or newly built. And these defensive lines on either side were not always parallel. A few times the citied of Gyula or Bihács, were almost surrounded by castles and fortifications controlled by the Ottomans. The occupation of the cities of Győr, Eger and Kanisza were a hardship for the Aulic War Council. Because of it between Győr and Vienna there were no other castles capable of stopping a major Ottoman attack, but the city's re-conquest in 1598 permitted the reorganization of the border region that protect lower Austria[32].

With regards to some aspects of the organization and border control, at the military frontier of the Habsburg-Ottoman lines, special status communities were used for the security. I won't go into details of military defense, but a very important element of this defensive system was represented by Vlachs[33], which formed the border guard unit, which were very effective in fighting the Turks. For them in October 1630, a document was emitted, entitled *Statuta Valachorum* whereby in exchange for tax exemptions, the border guards had a duty to guard the border, all men between 16 and 60 years of age were liable for military service. Their loyalty was to the emperor[34].

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[31] Géza şi Pál, Ottomans, Hungarians, and Habsburgs, 39.

[32] Géza şi Pál, Ottomans, Hungarians, and Habsburgs,52-55.

[33] Fodor, Pál, *In quest of the Golden Apple. Imperial Ideology, Politics, and Military Administration in the Ottoman Empire* (Istanbul, 2000), 285.

[34] Béla K. Király, Gunther E. Rothenberg, The Habsburg Military Border System: Some Reconsiderations, War and Society in East Central Europe, vol. I, Special Topics and Generalizations on the 18th and 19th Centuries (New York, 1979), 364 – 365.

CONCLUSIONS

As it can be seen there were many common elements, in respect of the establishment and management of borders, across the continent in the early modern era, but also differences due to the different political and historical context of Western, Central and Eastern Europe. The generalization of international law and the peace treaties signed in the 18th century, as well as developments in the field of topography and cartography, have resulted in the harmonization and standardization of the methods of delimitation of boundaries between centralized States. Within three centuries there have been remarkable changes, usages and customs practiced in the medieval period were gradually replaced by modern diplomacy. The monarch or sovereign jurisdiction lost its pre-eminence in favor of the territory of the State, and political and military frontier became one and the same.

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THE SOCIAL CHALLENGES ON SPAIN'S SECURITY POLICIES
INTEGRATION AND MIGRATION EFFECTS

Vasile Flaviu RUS[1]

ABSTRACT:
THE EUROPEAN UNION IS FACING MANY CHALLENGES AND IS STRUGGLING TO DEVELOP A COMPREHENSIVE MIGRATION POLICY BASED ON THE CORE OF EUROPEAN VALUES, WHILE ON THE OTHER HAND IS FIGHTING AGAINST ILLEGAL MIGRATION. SPAIN HAD BECOME THE DESTINATION FOR INTERNATIONAL MIGRANTS AND IS REPRESENTING A STATEGIC POINT IN THE INTERNATIONAL MIGRATION IN EUROPE. THE ARAB SPRING HAD INCREASED THE CHALLENGES FOR EU' S BORDER POLITICS REGARDING NORTH AFRICA. THIS EVENT HAS TRIGGERED THE INTENSIFICATION OF THE MIGRATION PROCESS, AND ALSO IMPORTANT SOCIAL CHANGES IN SPAIN' S FRONTIER POLICIES. THE COMMON STRUGGLE OF THE EUROPEAN COMMUNITY AND THE SPANIS GOVERNMENT AGAINST IRREGULAR MIGRATION AND THE INTEGRATION OF IMMIGRANS IN SPAIN AND THE MEDITERANEAN REGIONS IS NOT YET CONCLUDED. THE MAIN QUESTION REMAINS: IS SPAIN READY FOR THE NEW CHALLENGES THAT ARE EMERGING?

KEY WORDS: SOUTHERN BORDERS OF EU, SPAIN, ARAB SPRING, SECURITIZATION, IMMIGRANTION

MOTTO:
"But destiny — what from a vital point of view one has to be or has not to be — is not discussed, it is either accepted or rejected. If we accept it, we are genuine; if not, we are the negation, the falsification of ourselves. Destiny does not consist in what we feel we should like to do; rather is it recognised in its clear features in the consciousness that we must do what we do not feel like doing."
-José Ortega y Gasset,
The Revolt of the Masses, XI.

INTRODUCTION

During this decade Spain has experienced an increase in his foreign-born population, from 4 percent to almost 14 percent. The waves of immigrants in Spain and Italy attracted the international attention in the recent period. In Spain the immigration did not cause political and public instability. This country has managed so far to treat the immigration process with finesse, and assured the reinforcement of European Union southern frontier.

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In this moment, the unemployment rate in Spain has reached the highest rates from the European bloc. The Spanish Society is facing a significantly wave of threats which emerged both on the background of the current financial and economic crisis, but also due to the autonomy movements wich lately have intensified, and are stimulated by the present social transformations.

MAIN TEXT

The Spanish policies in the last two centuries were strongly forged by dramatic events and large socials transformations, dominated by regimes under constant instability. However, in the few moments in witch Spain has experienced the stability, this country succeded to show to the world its capabilities, on the political level, but also culturally. In this country the migration phenomenon was present since ancien times. It played a key role in the creation of the Spanish nation. The kings of Spain, especially the Catholics have encouraged the immigration. The giant process of conquest and colonization of the Americas demanded an extremely high human potential. The contributions of Arab culture in the peninsula and for the whole Europe have been invaluable. Nowadays in the approach of migration and immigration issue, have emerged considerables debates regarding the arabic population who immigrated in Spain after the "Arab Spring". The Spanish Society has a great respect for the past, therefore is trying to ensure a more efficient integration, both at the cultural level and also in the social matter.

Thinkers and writers of the stature of Miguel de Unamuno y Jugo (1864-1936), Pío Baroja (1872-1956), Azorin (1873-1967), Ramiro de Maetzu (1874-1936), José Ortega y Gasset (1883-1955) or Ramón del Valle-Inclán (1866-1936) have contributed through their writings and ideas, to Spain's integration in the european comunity. The painting representatives like Pablo Picasso (1881-1973), Ramon Casas (1866-1932), Joaquín Sorolla (1863-1923), Ignacio Zuloaga (1870-1945), Romero de Torres (1874-1930), Juan Gris (1887-1927), Joan Miró (1893-1983) sau Salvador Dali (1904-1989), in sculpture: Antonio Gaudí (1852-1926), Lluis Domènech i Montaner (1850-1923), the musician Albéniz (1860-1909), the "Nobel" Prize winner Santiago Ramón y Cajal (1852-1934), represents only a part of the personalities that propelled Spain in the cultural European Integration.

In 1898 the Spanish-American War has compelled Spain to renounce his colonial empire in the American continent. The United States obtain all of Spain's territories, except of Africa, including Puerto Rico, Guam and the Philippines. Ceuta, Melilla and a few markets in the North of Africa, are all that was left from his colonial past. This context is worth mentioning because the Spanish society from the late nineteenth century and early twentieth century underwent a strong cultural development. This progress have been produced both due to the capital of the Spanish companies who withdrew from the American continent as a result of the Spanish defeat in the Cuban war, and therefore this assets were invested substantially in the economy of the Iberian peninsula, as well due to the powerful activities of the group of intellectuals „Generation of '98". The African colonial wars that followed soon after the lost of Cuba, still haunts the policies of this regions.

In may 2014, more than 150 migrants have fled to Spain from Melilla after hundreds broke into the North African region. More than 1,000 stormed the fences into the enclave and about 400 had managed to cross the frontier. Juan Jose Imbroda, the mayor of the city stated that „Immigrants from all over Africa regularly attempts to cross the fences at Melilla and a second Spanish enclave along the coast, Ceuta. Both are surrounded by Maroccan

territory and the Mediteranean sea. It has renewed calls on the EU to do more to address what it says is a security threat to European borders, not just Spain's".[2]

„Security is a cornerstone of development and progress in a free society. A basic and widespread understanding of the importance of security as a guarantee of citizens' well-being and the stability of the State itself is therefore essential."[3]

According to the Migraciones Series of the CIDOB, whose studies focuses on the illegal migration from the North African countries in the Canary Istlands and other southern European regions, that are major concerns regarding the securisation of the Southern maritime borders of the European Union in the recent years.[4]

The North African uprisings had intensified the migration process bringing new challenges for the EU border system. People from Tunisia, Saudi-Arabia, Egypt, Lybia, Syria, Irak confronted with massive protests, dictatorships, poverty and civil wars are trying to reach in the European area. Many scholars claimed that the European migratory system will be forced in a short time to update his policies in front of these confrontations. The European Commission supported Spain by using his economic resources like European Refugee Fund and the European Border Fund, helping the Spanish authorities to cover the humanitarian and medical costs and also the repatriation of irregular immigrants.

Today the competitiveness and a balanced management are the key factors in the strengthening of the Spanish social system, in fighting unemployment, and the appropriate approach in the integration process.

In our study we can not ignore the financial sector, since there is an increasing interdependence between the migration process and the economic field. This sector is the most affected by this crisis, the Spanish companies have reached critical points since 2008 and are involved since then in a constant struggle for survival, and trying to distance themselves more and more from regression and stagnation. The current researches revealed that the Spanish economic engine is on the right track, successsfully exceeding the critical level. In this process of strengthening the spanish economy, the European Union had an essential role. This is being demonstrated by the loans she made, but also by the increasingly active role în the management of migration, the integration process and the fortification on its southern borders.

The project "Access to Citizenship and its Impact on Immigrant Integration", financed by European Union is providing new informations about obtaining nationality in Europe. The indicators reveal that in 2008, only 16% have obtained citizenship in Spain. In the same period, in countries like Sweden and Netherlands the between 60% and 70% of foreign immigrants have obtained citizenship.[5]

The background of the immigrants is very important. The education, employment, family status and language use are factors that also influence the acquisition of nationality. In most EU countries 15% of the immigrants from less developed countries, with secondary

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[2] Immigrants moved to mainland Spain after Melilla break-in, *Euronews*, available at: http://www.euronews.com/2014/05/29/immigrants-moved-to-mainland-spain-after-melilla-break-in/, (accessed July 10, 2014).

[3] Departamento de Seguridad Nacional, *The National Security Strategy*, (Madrid: Presidencia del Gobierno, 2013), 2.

[4] Lluís García Pinyol Agulló, *Introduction 'Protecting borders'? Managing Irregular Migration on the EU's Southern Flank*, in Dirk Godenau, Vicente Manuel Zapata Hernadez et. al. (eds.), *Immigration flows and the management of the EU's southern maritime borders*, Numero 17, (Barcelona: Documentos CIDOB, Serie Migraciones, Fundacion CIDOB, 2008), 8.

[5] Elena, Sánchez-Montijano, Cavadonga, González Pujol, *El Acceso a la Ciudadanía y sus efectos sobre la Integración de Imigrantes*, (Barcelona: Centre for International Affairs, Migration Policy Group, 2010), 4.

school, are 42% more likely to obtain citizenship than those who only have primary education. Immigrants from developing countries and developed countries are more likely to obtain citizenship if they speak the language of the country, home residence, if are married and if they work. The policies also influence the process. Although these factors are important, the nationality laws largely determine the number of naturalized immigrants, because they have establish the conditions under wich immigrants can apply for citizenship.[6]

CONCLUSION

In addition to managing the irregular migration, and the integration process, since the early twentieth century Spain was confronted with increasingly separatist movements. Beginning with the reign of Alfonso XII and the Carlist wars, in certain regions of the country the struggle for self-determination has not been concluded yet. Spain has proved so far that she can successfully manage the migration process and is continues to make further contributions to the European security. The social policies within the integration process facilitated this task, especially in the cultural field. The main question still remains: *is Spain ready for the new challenges that are emerging?* We can say that as long there is a constant versatility this country is on the right way.

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[6] Sánchez-Montijano, *El Acceso a la Ciudadanía*, 7.

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THE IMPACT OF GROWING IMMIGRATION FLOWS ON THE ROMANIA`S SOCIETAL SECURITY ISSUES[1]

Mihai SOFONEA[2]

ABSTRACT:

Societal security focuses more on individuals as human beings rather than on state sovereignty. It is seen as a reaction for the recent global developments suggest the need for another definition of national security that includes resources, environmental and demographic issues. According to this paradigm, states can be made insecure by virtue of threats to their societies. One of the new threats refers to growing immigration flows. In the last years, in Romania, there has been a rising in irregular migration flows and this aspect cannot be ignored neither by society or the Romanian authorities. A question that will remain unanswered is the future Romanian State capacity to offer a certain minimum level of income or subsistence independently if the social actor works or not (immigrants included). Another important aspect is the State's capability to deal with the "foggy immigrants" looking for welfare in Romania or elsewhere. The article will present the latest dynamics in the immigration flows in Romania affecting some of the most important societal security issues.

KEY WORDS: (societal security, immigration flows, Romanian society)

INTRODUCTION

This article explores the implications of migration on national stability in Romania and Eastern Europe by employing a societal security concept. During the last seven years (since Romania is a part of the European Union), cooperative efforts have been made between Romania and the European Union, including countries such as Greece and Bulgaria to control national borders and immigration. From a national security point of view, the question of immigration has produced cooperation rather than conflict among Romanian authorities and East European countries. By contrast, human security discourse has focus on growing security threats such as corruption, organized crime, human not only in the receiving but also in the sending countries (Moldavia and Turkey especially). In general, cooperation is growing at the inter-state level, while instability is increasing at the society or

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sub-state levels, and Romania is making no exception. In this case we could ask ourselves what are the implications of this contradictory development?

The specific geographic position of Romania imposes a dense network of contacts and agreements with other East-European countries, especially in the Balkan Peninsula, which have become essential for effectively facing the smuggling/trafficking of illegal immigrants.

Moving on, I can not dwell on some peculiar aspects of the immigration and societal security. During this long period, in which Romania is struggling to recover from the economic crisis, major concerns relate to the workplace. This is understandable, especially among immigrants, of which a significant number, with the ending of the job contract, have also lost the legal right to stay in Romania. Even in a situation so precarious it is necessary to pay attention to the social security system. Due to the global economic changes (like the economic crisis) the reinforcement of immigration laws are likely to contribute to perpetuating irregular migration flows and this aspect cannot be ignored neither by society or the Romanian authorities. An effort is therefore needed to find ways of measuring not only legal migration, but also „real'' immigration flows in Romania.

Unlike the critical Copenhagen School, more conservative and conventional scholarly work has argued that non-traditional threats to national security may either arise duet o natural adverse circumstances or be deliberately created by adversaries. Migration can thus become a serious challenge or indeed a security threat. However, the empirical cases are fairly limited and do not render this claim generally compelling. The Copenhagen School rejects such argument altogether and advances the proposition that security threats may be constructed for political purposes: governments will declare certain areas to be vital to their national security and thus „securitize" them,[3] without such shifts in focus necessarily corresponding to objective empirical facts. Thus „securitization" may taint the language, ideology, and policy constructed to manage a certain policy domain, preclude the perception of alternative pathways and lead to the viewing of the policy domain through a tainted lens.[4]

In addition, Buzan, Waever and de Wilde provide a three-pronged classification of societal security threats, consisting of migration, horizontal and vertical competition, the former referring to demographic changes caused by (im)migration and the latter two specifying competitive pressures from dominant groups or from integration processes respectively.[5]

The role of the individual on the one hand and the role of the government with the subordinate collective institutions on the other hand. In this case the individual is the immigrant that from the very start of its entrance on the Romanian soil has the right of social and societal security from the State's authority. In the late years there's been a shift in the individual attitude about what the State should offer in response to the societal security. In public opinion's eyes the State is sovereign over the use and the impact the term "security" might have, societal security included.

Private market failed to provide several important services even for the Romanians, as for immigrants the reality is even worse (many of them don't have the money they need to access private healthcare insurances and service).

The focus areas of the societal security include:
- Security management systems;

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[3] Barry Buzan, Ole Waever, Morten Kelstrup, Pierre Lemaitre, *Identity*, *Migration, and the new Security Agenda in Europe*, (London: Pinter, 1993)

[4] Georg Menz, *The Political Economy of Managed Migration*, (New York: Oxford University Press, 2011), 39

[5] Buzan, Waever, Kelstrup, Lemaitre, *Identity, Migration, and the new Security Agenda in Europe*, 121

- Healthcare security;
- Border security (people changing borders with dangerous goods, illegal immigration);
- Chemical, biological, nuclear (crisis management);
- Conflict management capabilities (including the State's capacity to manage an ethnic conflict);
- The State's capacity to ensure the welfare for its citizens (social protection, access to the labor market etc.).

A good example of the cooperation policy around border control regards the immigrants directs towards the Schengen Area between Romania and Hungary. Immigrants can be perceived as the "common enemy" for both the border police institutions, the Romanian and the Hungarian one. But this "enemy" is not sufficient for ensuring a successful cooperation. Romania's starting-point is decisively disadvantageous. Adjustments and structural reforms are necessary from both sides for the full implementation of the Schengen acquis, but the course is still long for Romania. Human resource and technical imbalances are as much determining factors for interaction as the prevailing cultural, social and work-ethic differences.

The early actions towards what could be a first step in a process of "immigration reform in Romania" make the results difficult to quantify. This is because it really depends of the assumptions (predictions) as to how reformable is the impact of immigrants in Romania. Generally speaking, if we look at the social aspect of the societal security, more immigration is good in the near term (immigrants contribute to social security before they withdraw the benefits), in balance people that come into the social security systems are new and tend to put more into the social security system that they are projected to receive.

The often somewhat hysterical tone and nature surrounding immigration in Europe may appear perplexing to an outside observer. It seems unsurprising that this prosperous and in parts economically dynamic subcontinent with generally high standards of living would appear attractive to newcomers. The wage gap between the northern and the southern shore of the Mediterranean exceeds 1:20. The income between Germany and Poland (roughly 1:8). Moving further east and outside of the realms of the EU, the wage and income gaps become even more starkly pronounced and obvious "push" and "pull" factors become visible.[6]

The key problem for studies considering the impact of migration on the native employment rate is that of endogeneity. For example, a negative correlation between the native employment rate and the migrant stock is consistent with the hypothesis that migrants reduce the native employment rate, but also consistent with the hypothesis that migrants move to regions with lower employment rates. It is therefore difficult to measure the impact of migration on the native employment rate accurately.[7]

Overall, sources of new employment opportunities will remain scarce and diverse, adding to the complex picture on the labor market in advanced economies. The current situation of high uncertainty makes firms reluctant to open vacancies or to hire workers even if they have an open position. New employment opportunities are mainly generated in sectors that have not experienced a jobs crisis before.[8] In these case immigrants have less

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[6] Menz, *The Political Economy of Managed Migration*, IX

[7] Migration Advisory Committee, Analysis of the Impact of Migrations – 2012, 62, available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257235/analysis-of-the-impacts.pdf, accessed 10.03.2014

[8] Global Employment Trends 2013, 54, available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_202326.pdf, accessed 19.03.2014

opportunities to enter in the legal framework of the labor sector pushing towards the informal/illegal labor sector without any contribution to the social tax support of the Romanian economy; as Figure 1. presents the unemployment rate is maintaining itself high. Figure 1.

Trend unemployment has increased (2011 vs. pre-crisis)
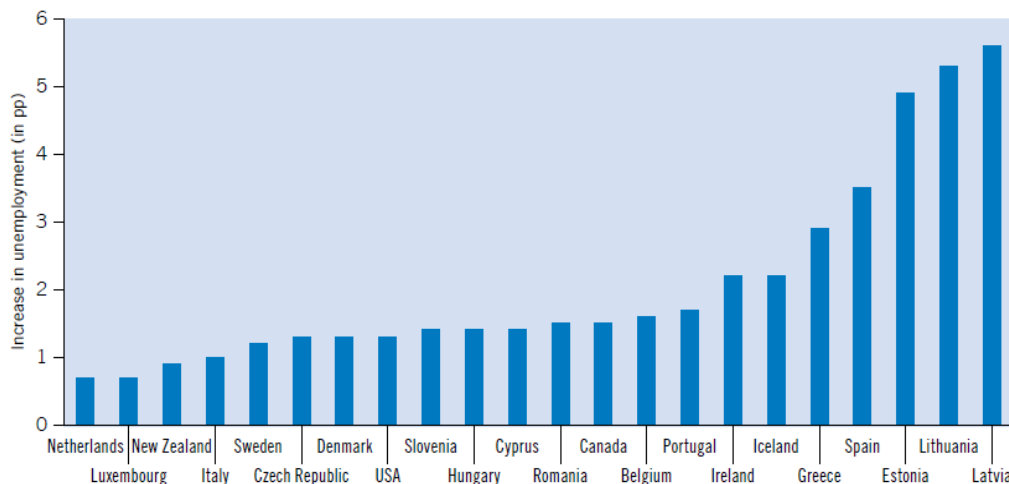
Note: The figure displays the increase of trend unemployment between 2011 and pre-crisis trends based on the estimation of a crisis-induced shift of the Beveridge curve (i.e. the relationship between vacancies and unemployment). The shift is measured at an assumed average level of economic activity, reflecting neutral business cycle conditions. Only countries for which the crisis effect on unemployment was statistically significant have been displayed.
Source: ILO calculations, see Appendix 1 for methodological details.

Source: Global Employment Trends 2013 [9]

In Romania, the maximum number of work authorizations is fixed by a governmental decree. In light of the economic downturn, the Romanian government has reduced the quota for work authorizations every year since 2009.

In the first five months of 2012, the number of asylum seekers increased by 166% compared to the same period in 2011, but the absolute number remained low (1 200). The main origin countries of asylum seekers were Algeria, Morocco and Afghanistan. The increase in the number of asylum seekers was mainly due to new rules in 2011 which regard asylum seekers' rights. First, Romania now provides accommodation to those having no access to material/financial resources.[10]

Furthermore, the General Inspectorate for Immigration took measures in order to increase the capacity of receiving and processing asylum seekers, by strengthening the co-operation with the General Inspectorate for Emergency Situations and the Romanian Red Cross. In order to combat illegal immigration, in 2013, the General Inspectorate for Immigration took 4584 measures, 660 of this measures were actions in common share with other institutions and 1658 by the institution itself. As a result of the control measures were found 2318 illegal aliens on the Romanian soil.

The main countries of origin in 2013 were:
- Turkey – 353 illegal migrants
- Moldova – 267 illegal aliens
- Siria – 167 illegals
- China – 140 illegals

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[9] Global Employment Trends 2013, p. 54, available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_202326.pdf, accesed 19.03.2014
[10] OECD, International Migration Outlook 2013, OECD Publishing, 2013, 288, available at http://dx.doi.org/10.1787/migr_outlook-2013-en, accessed 19.03.2014

▪ Serbia – 143 illegal aliens

Source: General Inspectorate for Immigration

Since the accession to the European Union, one of the main challenges Romania had to face has been irregular migration. In 2011, new measures were introduced to ensure the legal stay of immigrants on our home soil. Information campaigns on the risk of illegal employment were organized both for immigrant workers and for employers willing to offer jobs for the migrants. Also, a free hotline was opened to report cases of illegal or undeclared work. A joint action plan was issued with Serbia in order to survey migration flows at the national borders.

In 2011, new social integration measures were introduced. A special training project prepared 20 Romanian language teachers to teach Romanian to asylum seekers. Romanian language and culture handbooks were published. From February to June 2011, 300 foreign citizens benefited from Romanian language and culture courses. The Ministry of Education, Research, Youth and Sports, together with UNHCR, organized a training programme for teachers of Romanian language and literature in order to provide courses to immigrants.[11]

Although there were about 1000 less applications in 2013 than in 2012 the numbers are still high.

Figure 2. Asylum applications and procedures

Source: General Inspectorate for Immigration [12]

By the actions in the informal economy of the host-country the immigrants (asylum seekers especially) establish within the State's structure a so called „foggy social structure". The „uncertain" character of the structures the immigrants build was studied by Godfried Engbersen and Dennis Broeders. The researchers argue that the state has three main strategies to deal with foggy social structures:

– The first strategy is to accept and tolerate these structures for economic and humanitarian reasons. This is rather an informal policy based on a silent consensus among policymakers to deal pragmatically with the economic interests of certain business sectors, especially agriculture.

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[11] OECD, International Migration Outlook 2013, OECD Publishing, 2013, p. 288, available at http://dx.doi.org/10.1787/migr_outlook-2013-en, accessed 19.03.2014
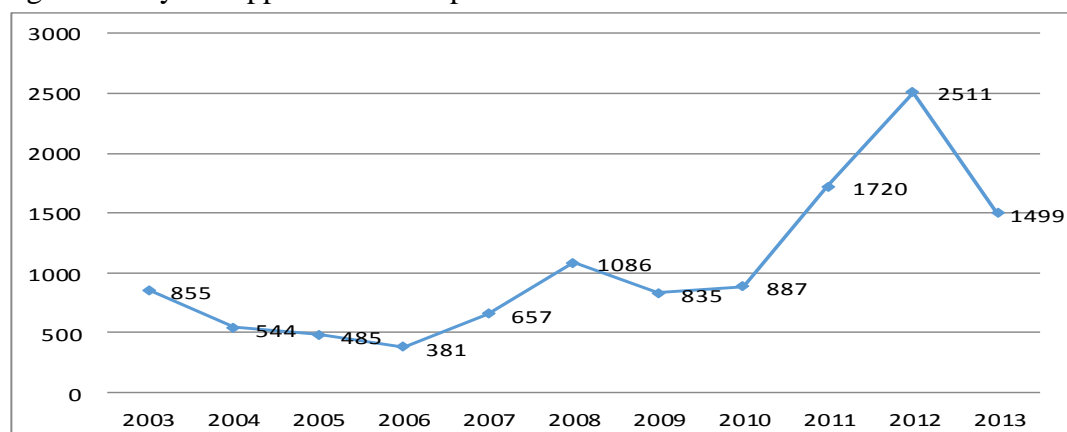[12] General Inspectorate for Immigration: statistics 2013, p. 18, available at http://ori.mai.gov.ro/detalii/pagina/ro/Bilant/189, accessed 19.03.2014

– The second strategy is to convert the informal into the formal, or the illegal into the legal, through regularization programs. Such programs bring irregular immigrants out of the shadows of secret society. They also transform such immigrants into regular denizens with corresponding rights and duties, making them less dependent on informal markets and crime. In the past few years, the Italian, Spanish and Greek governments, in particular, have pursued this strategy of regularisation programmes.

– The third strategy is to break open the foggy social structures of irregular immigrants. This is currently a dominant strategy in the welfare states of Northern Europe. Since the beginning of the 1990s, irregular immigration has been considered a more serious social problem in Nordic European countries and at the supranational level of the European Union. This third strategy confirms the growing importance of internal border control. It also shows that the existing gap between rhetorical rejection and pragmatic acceptance of irregular migration is increasingly being bridged.[13]

Romanian legislation, or rather, the lack of it, creates a kind of ghosts asylum seekers, whose asylum applications have been rejected. For the Romanian legislation frameworks, under certain conditions, such immigrants officially cease to exist (along with those who do not wish to apply for asylum).

As "foggy immigrants" they are placed in the "tolerated category" and have no rights - to work, housing, the right to healthcare, but are only allowed to stay in the territory Romania.

Such non-legal social identity acquire value only when, for one reason or another representative of this category of immigrants enter in conflict with the law or the social subject is a matter of urgency. There are no studies, no real verifiable size datas of this category of immigrants.

Most of them prefer to "lose", waiting to earn enough money and hoping to find a guide to take them to another European country. Moreover, this part of the non-immigrant people engage with Romanian State in a relationship of "mutual ignorance".[14]

Statistics available in Romania provide a fairly good idea of the migrant population in the country and of its main socio-demographic and economic characteristics. It is often said that, statistically speaking, Romania's administration is able to provide good information on the foreign population flow.

Considering some important recent developments, the statistics which are available tend to obscure some major structural changes in social dynamics and demography. Sticking to the sole criterion of nationality implies maintaining the sole understanding of the nation, while at the same time reinforcing the dichotomy between ,'immigrants'' and „Romanians".

In conclusion, nowadays risk has become the arbiter of social stratification, replacing the old class and status system based on unequal distribution of scarce resources. In this view, danger, not scarcity, determines social position and relations. Moreover, knowledge of risks has become commoditized, a commodity not everyone can afford, because so far as scientists do not recognize risks, they do not exist as social artifacts. This means that scientific risk experts have a monopoly on defining what dangers society contains. Those who lack technical expertise must rely on those who have it, thus removing much of the critical discourse about risk from popular politics.[15]

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[13] Michael Bommes, Giuseppe Sciortino, *Foggy social structures*, (Amsterdam: Amsterdam University Press, 2011), 170

[14] Iris Alexe, Gestionarea Benefică a Imigraţiei în România, Bucureşti: Fundaţia Soros România, 2010, 150, available   at http://www.fundatia.ro/sites/default/files/ro_106_Gestionarea%20benefica%20a%20imigratiei.pdf, accessed 15.03.2014

[15] Geoffrey R. Skoll, *Social Theory of Fear*, (New York: Palgrave Macmillan, 2010), 3

CONCLUSION

Still, a large amount of work needs to be done before the „official'' statistics on immigrants in Romania can become a real tool for monitoring the immigrants integration, rather than just being a rigid administrative information system focused on the size and the main characteristics of the foreign population. By being more comprehensive, statistics may respond to another question about the diversification of migration flows that can be translated into a longitudinal statistical tool that focuses on the integration process.

The main challenge that authorities have to face in the near future is the undocumented migration and its measurement. Until recently, administrative offices in charge of the statistical collection of datas ignored the fact that illegal migration is a reality in Romania as well as in other industrialized countries.

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7. **Migration Advisory Committee;** *Analysis of the Impact of Migrations* – 2012, p. 62, available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257235/analysis-of-the-impacts.pdf, accessed 10.03.2014;
8. **OECD**; *International Migration Outlook 2013*, OECD Publishing, 2013, available at http://dx.doi.org/10.1787/migr_outlook-2013-en, accessed 19.03.2014;
9. **Skoll, Geoffrey R.**; *Social Theory of Fear*, New York: Palgrave Macmillan, 2010;

MIGRATION IN EUROPEAN UNION: BETWEEN NECESSITY AND INSECURITY

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ABSTRACT:
THIS PAPER AIMS TO EVALUATE THE RELATIONSHIP BETWEEN EXTERNAL MIGRATION, HAVING AS TARGET THE EU, AND THE SECURITY ISSUES THAT IT GENERATES. IN THE FIRST PART OF THE PAPER WE TRY TO PRESENT THE MIGRATION FROM THE PERSPECTIVE OF OPPORTUNITY THAT IT REPRESENTS, IN ORDER TO SOLVE TWO MAJOR DEMOGRAPHIC PROBLEMS OF THE UNION: NEGATIVE NATURAL GROWTH AND AGING POPULATION. IN THE SECOND PART IS EXPOSED THE MANNER IN WHICH MIGRATION CAN BE CONSIDER A RISK FACTOR TO THE EUROPEAN SECURITY. TO HIGHLIGHT THIS DILEMMA: MIGRATION - OPPORTUNITY / MIGRATION - VULNERABILITY, THE AUTHOR PRESENTS A SWOT ANALYSIS OF ALL THESE ISSUES. THE CONCLUSION OF THE AUTHOR POINTS OUT THE FACT THAT MIGRATION IS THE ONLY MEANS BY WHICH THE EU CAN SOLVE THE PROBLEM OF THE DEMOGRAPHIC DEFICIT (IN THE MEDIUM TERM) AND THE AGING POPULATION.

INTRODUCTION

Overcoming the demographic transition phase by all European nations conducted to decreased of population growth and, more important, to the aging of population. As a result, there are needed measures to balance the natural increase, in the context of population aging. Unfortunately, most of the policies pursued by European states have failed in stimulating the birth rate, and population growth remains as close to "0" or negative. In this context, the integration of immigrants may seem like a solution, even if just temporary one, in order to allow states to preserve, if not to increase the number of population.

Immigrants themselves all over the globe (that they have colonized another time), the Europeans are faced with a significant dilemma: to keep their identity by refusing integration of immigrants, or to use them to support population growth and even to revitalize their populations. Major European nations seem respond differently to these problems. The Great Britain and France - representative exponents of classic European colonialism - adopted important measures, most of them visible in the integration of immigrants, which has already led to an obvious demographic growth. This fact situates them, over the coming decades, in the top of the most populated European countries. In contrast, Germany has failed

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the same thing, which will lead to the gradual loss of leadership that the issue of the German population. The East European nations are far away in implementation of policies which stipulate the role of immigrants in stabilizing a positive demographic growth.

As expected, the contribution of migration in European population growth generates multiple problems in terms of security. The impact of migration occurs in all dimensions of security: societal, political, economic, military and even the environment. Among these, the issue of illegal migration seems to be the worst. Organized crime and even terrorism might be considered the most important "benefit" of it.

Whatever its consequences, migration remains a reality which cannot be stopped, but it can be managed.

The awareness of this fact depends on the adaptation of European policies and also of the national policies, in order to manage the migration phenomenon. Therefore, this study aims to answer the question whether the contribution of migration within the EU means, in addition to demographic growth, an increase of insecurity. In order to answer this question we tried to analyze contemporary migration phenomenon in terms of its multiple security implications, and having as source documents both the UN and the EU, regarding the international migration and some studies point. Also, an important role in the study has the statistical documents delivered by institutes from different European countries and have been selected as the basis for analysis.

The findings of the study will try to show whether migration within EU is necessary, in order to maintain the current economic and political position of Union at the global level, with the condition that the phenomenon can be controlled and managed.

CHAPTER 1. GENERALLY, ON MIGRATION

In order to avoid any confusion on Migration, this chapter aims to provide an overview of this social phenomenon taking into account the information provided by human geography.

The definition given by the Encyclopedic Dictionary for the word "Migration" is the following: *"the voluntary movement of individual person or of populations from one country to another, or from one region to another, determined by economic social, political, cultural or natural factors"* [2].

According to the site www.romaniaeacasa.ro developed by the Interior Ministry and the European Commission in order to integrate third-country nationals in Romania, *"Migration is the movement of people from one place to another."* [3]

Therefore, the emigrant can be defined as a person who leaves his birthplace in favor of moving to another area, and the immigrant is a person who arrives in a place where it sets permanently or temporarily.

According to Constantin Vert, *"Migration is not only a change of address; it is also a change of social, cultural, economic and emotional environment. Migration has no dual character - biological and social – as had birth and death have, it is entirely a social event".* [4]

A definition which generated controversy is the one given by the Organization for Economic Co-operation and Development (OECD) that says: *"a long-term international*

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[2] Dicţionar Enciclopedic, Editura Enciclopedică, 1993-2000

[3] http://romaniaeacasa.ro/index.php/ro/cui-de-adresam/129-informatii-generale/523-despre-migratie

[4] Constantin Vert, Geografia populaţiei şi aşezărilor umane, curs universitar, Universitatea de Vest Timişoara, 2000, pg. 104

migrant is a person who moves to a country other than that of his or her usual residence for a period of at least a year" [5].

Relating these definitions we can say that migration is caused by several reasons, the most significant being: overpopulation territories, social causes (which are based on political considerations, historical, religious, cultural and even traditions causes) or environmental destruction. Motivating factors that generate the migration are economic, social, political, environmental factors, rejection or attraction. Depending on these factors and causes the migration can be "internal migration" (within a state) and "international migration". The distance to move of migrants is conditioned by their motivation, by the possibilities for travel and by the overall security situation in the area he or she is heading towards.

An important feature of migration is the duration of this movement. If migration involves a significant number of people this phenomenon becomes "migratory flux" and might change the ethnic structure and / or confessional of two areas: the starting and the finish.

Also, taking into the account the globalization, we can say that migration is directly influenced by this phenomenon. The access to information, media, and especially the increasing speed of transport and travel safety comes to support of this assertion.

Referring to the typology of migrants we can say that there are different types: one that wants to change the country and nationality; immigrant temporary, foreign worker represented by people who have been forcibly displaced (expelled, transferred) from their country of origin and refugees who have decided to leave their countries for political, environmental, religious reasons etc[6].

In conclusion, we can say that Migration is a complex phenomenon that takes into account both: the natural dynamic of population and the political, economic, social, military and environmental factors. The phenomenon is continuously, impossible to be stopped, and therefore it requires a deep knowledge and, in the same time, it involves mechanisms able to manage it.

CHAPTER 2. MIGRATION WITHIN THE EUROPEAN UNION

In order to understand better the effects of migration in terms of security, in the European Union, we will initially try to do a brief presentation on the phenomenon within the EU, and the proposed policies meant to manage the phenomenon. Speaking about the typology of EU migration, we identify the following types:

- Migration within the national borders of EU member states: determined by economic factors (looking for a job; the loss of economic facilities that required a large number of employees, etc.), social (migration from rural to urban areas due to search better living conditions, education, health, etc.);

- Migration between member states of the Union: takes place mainly from the states that joined the EU in the last and second last wave, especially Romania, Bulgaria, Poland towards Western and Southern Europe, especially to France, UK, Germany, Benelux, Italy and Spain;

- Migration into the EU from outside the EU: Africa (especially from Maghreb), Middle East, Asia;

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[5] Pauline FRON, Georges LEMAITRE, Thomas LIEBIG, Cécile THOREAU, *Standardised statistics on immigrant inflows results, sources and methods*, Organisation for Economic Co-operation and Development, September 2008, p 3, http://www.oecd.org/els/mig/41281008.pdf accesat la 01 iulie 2014

[6] Pierre George, Etude sur les migrations de population. Paris: Centre de documentation universitaire, 1952. http://www.erudit.org/revue/cgq/2008/v52/n146/019598ar.pdf

If the first two types of migration do not represent a major threat to the security of the Union, immigration from Africa, the Middle East and Asia is a major problem, in particular because is an illegal one.

Also, if we take into account the legality of immigration within EU it is two categories: legal and illegal. If the first is under the strict control of immigration destination states, the second can generate vulnerabilities, risks and menace to the security of the Union in general and in particular member states.

In order to control the phenomenon of immigration, the EU adopted a series of decisions that underline a European policy on immigration. It aims to develop a comprehensive EU policy regarded the future-oriented migration, a policy based on solidarity and responsibility, and it will become a key-policy objective for the European Union.

Since 2005 the European Council adopted the document on "Global Approach to Migration"[7].

Also, in **Stockholm Program** - *An open and secure Europe serving and protecting citizens*[8], in the chapter "**Access to Europe**" is stated: *"The EU should continue to develop its integrated border management and visa policies to streamline the access of third country nationals in Europe, and ensuring the security of its citizens. Strict border controls are necessary to combat the illegal immigration and cross-border crime. At the same time, we need to ensure access to those who require international protection and for the vulnerable groups, such as unassisted minors"*.

European Pact on Immigration and Asylum is a new important step towards a comprehensive EU migration policy. This document aims to give a new and impetus approach, establishing a common policy on migration and asylum, using clearly defining responsibilities at national and EU level and enhancing dialogue with countries of origin, taking into account the common interest of the EU, and the specificities of each Member State[9]. Pact member states propose five political commitments that will be enforced by clear measures. They are subject to annual assessment and are elaborated by a joint EU Council and the European Commission. Pact requires Member States to establish indicators of impact and effectiveness and mutual information for any new measures or legislative reforms on immigration and asylum.

Regarding political commitments, the European Council has taken five basic commitments, which will continue to be developed and translated into concrete measures, especially in the Stockholm Program - Towards a Europe of citizens in the area of freedom, security and justice, namely: organizing legal immigration must to take account of the priorities, needs and reception capacities determined by each Member State and to encourage integration; control the illegal immigration, by ensuring the provision of effective return foreigners in irregular situation; better protection of Europe, by improving the efficiency of border controls; construct a Europe of asylum; create a comprehensive partnership with the countries of origin and states of transit to encourage the synergy between migration and development[10].

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[7] Raport anual privind imigraţia şi azilul (2010), Comunicare a Comisiei către Parlamentul European şi către Consiliu, Bruxelles, 24.5.2011, COM(2011) 291 final, pp 2 Programul de la Stockholm, 2 decembrie 2009, Consiliul Uniunii Europene 17024/09.

[8] Programul de la Stockholm, 2 decembrie 2009, Consiliul Uniunii Europene 17024/09.

[9] Pactul european privind imigraţia şi azilul, Consiliul Uniunii Europene, Bruxelles, 24 oct 2008, 13440/08, pp 3, http://register.consilium.europa.eu/doc/srv?l=RO&f=ST%2013440%202008%20INIT

[10] Document Măsuri concrete stabilite de Pactul european privind imigraţia şi azilul, http://mae.ro/sites/default/files/file/2010_08_Masuri_Imigratie_Azil.pdf

Every year the European Commission draws up an annual report on migration and asylum. At 17 June 2013, the Commission calls for the development of future policies towards migration[11]. Co-author of the report, Cecilia Malmström, Commissioner for Home Affairs, said in the press conference: *"We are about to establish a common European asylum system that protects the most vulnerable people and we are in solidarity with them. Many of these people are very skilled and it should be given the opportunity to exploit the full potential of them by the host countries. The same thing is true for other groups of migrants. Our manner of approach the migration should reflect our common priorities and our future needs. The establishment of policies oriented politically to the future and initiative can certainly make the migration a dynamic force for growth and progress. "*[12]

In conclusion, we can say that the European institutions consider Migration a major phenomenon and confer it a significant importance, allocating it financial and political resources for a proper management. However, nation-states continue to have a major role in the implementation of European policy on migration and asylum. This might be a vulnerability to the whole European policy in the field, knowing the divergent opinions of the European countries on migration and compliance with measures imposed by European legislation.

CHAPTER 3. MIGRATION IN THE EUROPEAN UNION - A SOURCE OF DEVELOPMENT AND BALANCING OF DEMOGRAPHIC DEFICIT

In the last annual report of the European Commission, regarding the future policy on migration, in the Section from June 2013 this concept is seen "as a tool for growth." [13] The Report states that it will not be long until Europe starts to feel the effects of an aging population and decreasing workforce, suggestive in this sense being the fact that, at the level of 2012, there were about 2 million vacancies across the EU in health, ICT, engineering, sales and finance. EC considers that immigration can be a way to counter the deficit gaps of labor force that could support further EU growth strategy.

Already, the EU legislation on migration helps to attract certain categories of immigrants. For example, the Directive from 2009 on the EU Blue Card, stipulates that third country nationals are granted the right of entry and residence to fill highly skilled jobs. It is essential that in the field of immigration, Member States will ensure that effective measures are taken to promote the integration of immigrants. According to this imposed rules meant to ensure migrants' rights, they can develop their full potential. Proper implementation by the Member States, the Directive on single residence, granting equal rights to certain third-country workers will be particularly important.

In conclusion, we can estimate that immigration from the third countries becomes an opportunity for the EU, taking into account the fact that, in 2015 the natural increase in the Union will have a negative trend, and the process of aging will become more visible[14].

Here are some data to support this affirmation:

• the EU-27 population will grow from 506.8 million on 1 January 2012 to 521 million in 2035, and thereafter, it will decrease gradually to 506 million in 2060;

• since 2015, the number of deaths will exceed the number of births, and the increase of population due to natural growth would stop;

• since 2015 the positive net migration will be the only population growth factor;

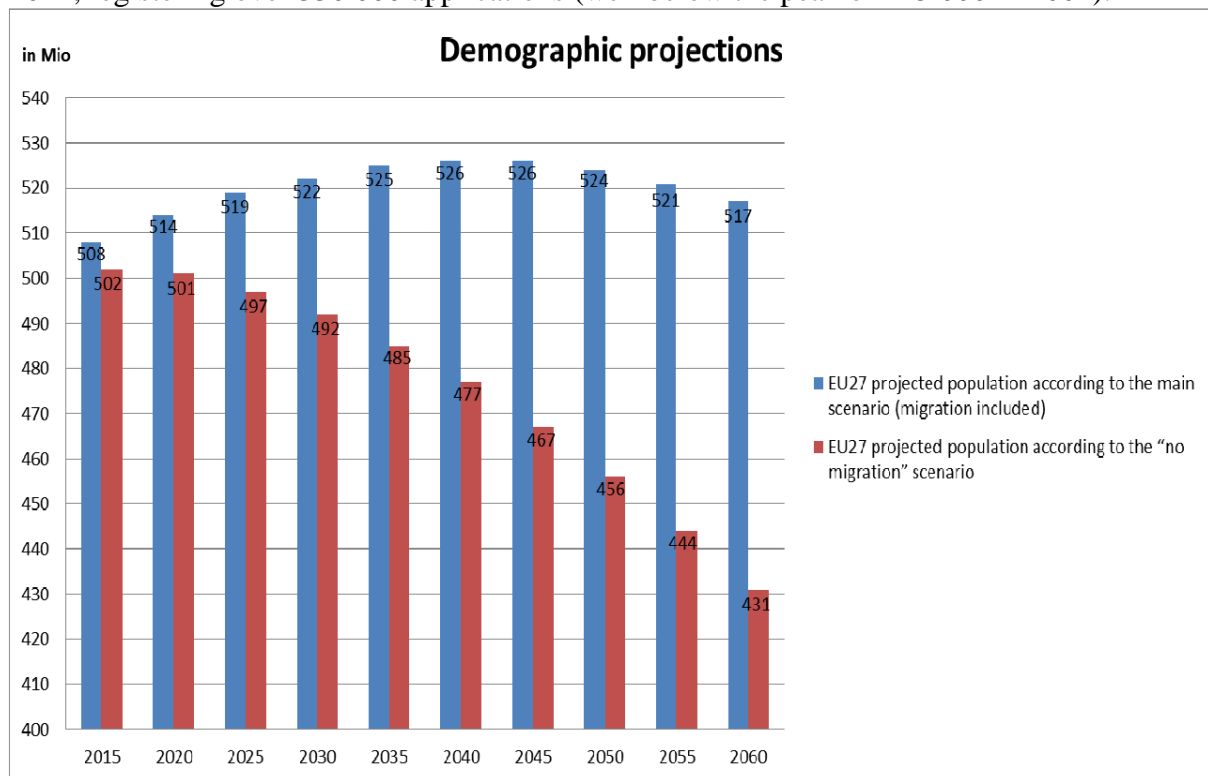[11] Ultimul avut la dispoziţie

[12] European Commission - IP/13/552 17/06/2013

[13] European Commission - IP/13/552 17/06/2013, http://europa.eu/rapid/press-release_IP-13-552_ro.htm

[14] EUROSTAT, Population projections 2008-2060, STAT/08/119

• however, in 2035 the positive contribution of migration would no longer counterbalance the negative natural increase, and the population will decline;

• the EU working population (being between 15 to 64 years old) was about 335.4 million people in 2012, and is projected to continue to decline over the next 50 years to 290.6 million people in 2060;

• the age rate dependency regarding the old people reached 26.8% in 2012 and is projected to increase significantly to 52.6% in 2060;

• the number of third-country nationals residing in the EU (20.7 million) represents about 4.1% of the total EU population;

• in 2012, the total number of asylum applications increased by 9.7% compared to 2011, registering over 330 000 applications (well below the peak of 425 000 in 2001).

Demographic projections

in Mio

Year	EU27 projected population according to the main scenario (migration included)	EU27 projected population according to the "no migration" scenario
2015	508	502
2020	514	501
2025	519	497
2030	522	492
2035	525	485
2040	526	477
2045	526	467
2050	524	456
2055	521	444
2060	517	431

Sursa: Eurostat, December 2013 (online data codes: proj_10c2150p and proj_10c2150zmp)

Analyzing these data through the global interests that EU has assumed - as the global economic leader, the main donor in poor areas, exporting democracy - but also the evolution of the main competitors - U.S., China, India, the Union must find and ensures the human resources able to support this effort. Or, migration from third countries is likely to become one of the main instruments of support, along with population growth ensured already by integrated immigrants.

CHAPTER 4. MIGRATION IN THE EU - SOURCE OF INSECURITY

If we regarding immigration as subject for study or research, immigration in order to work or immigration for family reunification, EU has developed appropriate mechanisms, so, it remains to solve the problem of illegal immigration.

These assessments are based on the existence - closer to EU - of some instability poles, characterized by lack of development, environmental problem and democratic deficit. All these factors are generating migration.

Maghreb and the Middle East have become a starting point for EU migrants; they begin to migrate having as motivation the desire to find a suitable job, or individual rights and freedoms. Refugees resulted because the civil wars throughout the Middle East have become a source of migration to the EU. Overpopulation territories and lack of economic and social prospects in Asia have also generated a wave of migrants to the EU. Sub-Saharan Africa with its serious climatic and humanitarian issues and the rest of Africa - marked by underdevelopment and internal struggles - are a constant source of migration to the EU.

Lack of appropriate policies aimed to control these waves of migrants could create a major security problem at EU level. We talk about "Control" because we appreciate that stopping these waves of migrants at the external borders of the Union is almost impossible.

In other words, the first security issue that EU will have to solve is how it can control the number of migrants. Insecurity caused by the Arab Spring, the fall of totalitarian regimes in the North African region has generated a massive wave of immigrants, having as terminal point the EU, particularly Italy. It was almost impossible to manage the large number of immigrants. Only the financial, material and humanitarian involvement of Union help to avoid a humanitarian disaster in the Mediterranean area. Syria and Iraq are other sources of illegal immigrants. Bases in the region to recruit Islamist fundamentalist terrorist organizations can facilitate the infiltration of members of terrorist networks, targeted against Western interests. The biggest danger for the EU can be including the second generation of immigrants, being already in the integration phase, but, in the same time, being under the ideological pressure put by fundamentalist terrorist networks located in their home countries. The organizers of the terrorist attacks in London in July 2005 were descendants of the first immigrants from South Asia.

Organized crime can just take advantage of ongoing illegal migration routes. Most problematic are the persons and drug trafficking.

Immigrants coming especially from Asia are under the pressure of specialized organized crime, drug and persons trafficking.

In order to solve these problems the integration of immigrants becomes essential. Without feeling that they belong to a common civilization space emigrants are victims of recruitment actions, organized by terrorist networks and by organized crime. Migratory flow can generate the transfer from one region to another of epidemics and pandemics. From here derives the importance of controlling the entry of migrants within EU.

Migrants' pressure on certain countries, regions or European settlements can generate imbalances in the social, medical or educational field, represented by insufficient budgets. Changing ethnic and religious composition of some areas can be a source of insecurity that can generate conflicts community members.

ORIGIN OF NON-EU NATIONALS RESIDING IN THE EU BY CONTINENT
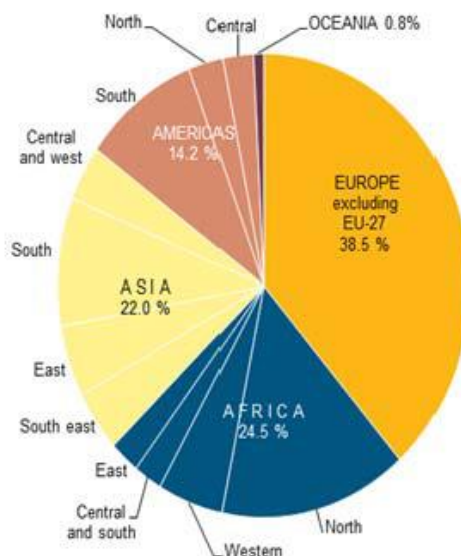
(¹) Estimates.
Source: Eurostat (online data code: migr_pop1ctz)

In order to highlight the issue of migration in the EU, between "necessity" and "insecurity" we have chosen to present a SWOT analysis of the main elements regarding this security dilemma.

SWOT Analysis

Strengths	Weaknesses
- migration from outside the EU can solve the demographic problem; - on the European labor market there are labor shortages that can be filled by immigrants; - immigration can bring social and cultural benefits.; exchanges can be a benefit for all involved parts and can help to create one more tolerant society. European Agenda for the Integration of third-country nationals stretch on participation of immigrants in the economic, social, cultural and political life of the host country, paying particular attention to measures taken at the local level and the role that the countries of their origin play in the integration of their citizens. - EU Global Approach on Migration provides a framework for EU foreign policy in this area.	- the disappearance of internal borders allow people to move freely and immigration can not be managed at the national level; - immigrants who live within the EU can be integrated into host countries only through an active participation at all levels of society; - immigration benefits arise only if immigrants are successfully integrate into their host countries; - sometimes, there are not respected the immigration law; there are people who enter legally in the EU, based on a short-stay visa, and not go out after it; -"black market" force labor attracts many illegal immigrants;
Opportunities	Threats
-immigration brings not only benefits for the people who move in the EU, but also for their host societies;	- illegal immigration is supported by criminal organizations and sometimes they

-immigrants may fill vacancies, from those that require a high level of specialization, for which there are not sufficient qualified labor force in the EU, to those that Europeans are not willing to deal; -immigrants bring with them new ideas and methods that can boost creativity and innovation; -immigration can be helpful for the countries of origin; migrants send to their relatives a part of the wages they get in the EU or return to the country they came with significant baggage of knowledge, thereby improving the living conditions from there; -the work of researchers, students, pupils and trainees will be improved significantly due to implementation of more efficient and transparent terms of entry, residence and mobility within the EU.	continue to depend on after arriving in the EU; - trafficking networks can easily exploit those people without legal documents; - terrorist organizations can take advantage of the existence of immigrants that are enrolled ideological in anti-Western radical movements; - it is possible to arise inter-ethnic and inter-confessional conflicts, between the majority and immigrants; - the public welfare and education can not cope with an increased number of beneficiaries;

CONCLUSIONS

Migration will be a continuous challenge for the EU, a challenge to which the EU and the member states can not answer without adapted tools and a proper management of the phenomenon;

States that hold EU's external borders will not be able to manage the migration flow without the strong and active involvement of the EU at the borders. External borders of the Union belong not only to the Member States of EU. It would be necessary to establish a community structure of control and management of external borders, similar to the European Border Police. So, the weaknesses shown by national states border management could be removed;

Demographic deficit and the aging of the European population can be counterbalanced by the contribution of migration from third countries;

Possible links between terrorist organizations or organized crime networks and migrants can be canceled by a better integration of migrants;

Illegal migration originating from conflict areas and poverty zone will be the main challenge for European policy makers, charged with managing migration issues.

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IMMIGRATION IN THE EUROPEAN UNION. MEDIA'S ROLE IN FRAMING THE IMMIGRANTS

Elena NOVĂCESCU[1]

ABSTRACT:
MASS-MEDIA IS A POWERFUL INSTRUMENT OF INFLUENCE ON SOCIETY ATTITUDES AND FOR PROVIDING INFORMATION ON IMMIGRANTS COMMUNITIES. THE SOCIETY IN WICH WE LIVE IS MORE AND DIVERSIFIED BOTH CULTURALLY AND LINGUISTICALLY DUE TO IMMIGRATION, BUT THIS CHANGES ARE NOT ALWAYS REFLECTED IN A THRUTHFUL MANNER. MASS-MEDIA IS INDEBTED TO USE HER INFORMATIVE, RECREATIONAL AND EDUCATIONAL ROLE IN ORDER TO DELIVER INFORMATION CLEARLY ON THE POSITIVE OR NEGATIVE ASPECTS OF NOWADAYS SOCIETY.

KEY WORDS: IMMIGRANTS, EUROPEAN UNION, PUBLIC OPINION, MASS-MEDIA

INTRODUCTION

Globalization is currently the "engine" that puts the world in motion, the promoter of free movement of individuals, values and cultures. "It's obvious that the report migration-globalization is an implicit one, each component being influenced and influencing the other one, creating true evolutionary cycles with the most profound implications on the social dynamics at the level of the whole world, even if we speak about misaligned societies or about the ones who are the most affected by the present evolutions"[2]. Thus we can say that globalization is the phenomenon which increased the connection between nations, precipitated the flow of goods, services or individuals across national borders. Even if „migration existed long time before the era of globalization, the speed, purpose, complexity and volume of current migration is unprecedented"[3], migration now becoming one of the challenges brought by this new phenomenon of globalization. Migration is a term which derives from the word „mej", which in sanskrit language means „change". It describes the movement of the population within the borders of the state or outside. Usually, this term implies a permanent establishment or for a longer period in a certain area "generally an international migrant is defined as a person which changes his residency from country to country for a minimun period of time."[4] This period is different from state to state. For

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example in Belgium, Germany and Italy the specific duration is 3 months; in Holland there is a period of 6 months while in Great Britain and Ireland a person will be considered international migrant after a period of one year.

1. IMMIGRATION IN EUROPEAN UNION

In present, immigation is an important problem on the European policy agenda because of the large number of immigrants which are arriving in the EU space but also because of its extension. Although immigration involves many problems related with the security of states and their citizens, „immigration is necessary to maintain the numbers of young people entering the labour market in view of Europe's ageing population"[5]. Also immigration is necessary because it helps to maintain the dependency report between active population, who works and inactive population. Immigrants may occupy the vacancies jobs, from those that require a high degree of specialization and from which does not exist enough qualified labor force in UE and up to the unqualified ones which EU citizens do not longer want. An advantage of immigration may be that these persons bring with them new and innovative methods and techniques, which can positively influence the development of EU states. In addition, the home states benefit from financial resources sent by migrants. These aspects of migration may be advantageous only if immigrants successfully integrate into their host countries.

In the last decades, industrialized states, same as states with high levels of living, recorded a large number of immigrants. The causes of this growth were in the imbalance caused by poverty, high unemployment level, conflict situations and also high accessibility to means of communication and transport. In the last period was recorded a major increase in the number of migrants who wanted to establish illegally in the EU. Increased migration and especially illegal migration represents an important problem which requires special measures. Therefore there is a need for adopting more organized and effective measures as far as concern migration problem. In an European Union with 28 states where persons can travel freely it is obvious the fact that migration can not be managed by a single state. Therefore is important that all member states to collaborate in order to control the phenomenon. Individuals from all social and political environments are characterized by their cultures, histories, traditions and events. All these elements contribute to the interaction between groups with different cultural identities and involve challenges to the political decision makers such as European Union „Various patterns of intercultural communication are played out between migrants from outside the EU and European citizens in EU member states, both within and more often outside structured policies aimed at managing issues dealing with migration, citizenship and cultural identity successfully"[6], but mixing the immigrants cultures with the host state culture is not always easy. According to data released by the European Union, in 2011 of the estimated 500 million people living in the EU about 20 millions comes from third world country[7]. Lately western states, in general are characterized by multiculturalism which is continuously growing. Because migration flow in these countries is quite high, they began to adopt various measures for efficient integration of immigrants.

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[5]Antonio Martin Artiles, Oscar Molina, „Crisis, economic uncertainity and union's members attitudes towards immigration in Europe" , Sage Publication (2011): 454, accesed June 3, 2014.

[6] Karsten Xuereb, *European cultural policy and migration: Why shoul cultural policy in the European Union Adress the impact of migration on Identity and Social integration?* (Oxford: Blackwell Publishing, 2009), 29.

[7]Comisia Europeană, "Să înţelegem politicile Uniunii Europene: Migraţie şi azil", Direcţia Generală Comunicaţii (2013): 3.

1.1 MIGRATION IN EUROPE AFTER 1960

History of Europe is marked by migration. Millions of people have crossed the continent to start a new life. Others have gone from Europe to more developed countries in America. In fact, history of Europe is also known by the waves of forced migration: from the expulsion of the Jews from Spain to the refugees who arrived here because of the conflict between Russia, Austro-Hungary or Ottoman Empire. Large-scale immigration is more evident now than in past centuries. Between 1960-1973, immigration of labor force in Europe had grown from 3% to 6% being much higher in countries such as Great Britain or France. The growth of this type of labor migration ceased in 1973 once with the oil crisis. However, the birth rate of the immigrant population has continued to grow, because most states were providing residence permits to family reunification purposes. So, about 80% of the 58 700 people who accepted to settle in Britain were wives and children[8]. EU states offers annually thousands of work permits most of them heading towards seasonal workers. After 1980 the number people seeking asylum began to grow, so in 1990 number of applicants reached 400,000. Obtaining asylum is in fact the main cause of immigration in EU. This increase was caused mainly by the ethnic conflicts that emerged after the Cold War because civil population was the main target of combat troops. In 2013, in a European Union of 28 countries, the number of people seeking asylum has reached about 435,000 with approximately 100.000 more than in the previous year, most of them coming from Siria[9]. Of all EU countries, Germany is the country with the highest number of applicants for asylum. Here, were recorded in 2013 with about 50,000 more applications compare with previous year.

In Italy the main problem is represented by the large number of illegal immigrants already in the country or those who arrive illegally especially from Albania. Also there is a danger that these immigrants are involved in illegal activities with links to mafia structures or use Italy as a gateway to other countries such as Germany and Great Britain. In France or Spain this asylum issue is not so important because actions to deport illegal immigrants decreased their number. To reduce the negative impact of migration, the EU should pay more attention to common foreign policy and security policy and contribute effectively to prevent and resolve conflicts.

1.2 IMPACT OF MIGRATION ON SECURITY

The intensification of globalization has produced a series of negative effects which currently have a major impact on states from the international environment. Migration is causing clashes of civilization and helps on shaping the insecurity feeling of citizens from host states.

The end of the Cold War marks the fall of Iron Curtain and rebuilding a new world order in which USA will play a primary role. To this purpose, Samuel Huntington in his book called "The Clash of Civilizations and restoring world order" consider's that the main cause of future conflicts will not be differences between ideology, but between the ones cultural or religious: "in this new world the most pervasive, important and dangerous conflicts will not be those between social classes, rich and poor or other economically

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[8]Ben Hall, "Immigration in European Union: Problem or Solution?", *OECD Observer,* June, 2000, accesed June 5, 2014, http://www.oecdobserver.org/news/archivestory.php/aid/337/Immigration_in_the_European_Union:_proble m_or_solution_.html.
[9]Alexandrous Bitoulas," Population and social conditions", *Eurostat,* March 2014, accesesd June 5, 2014, http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-14-003/EN/KS-QA-14-003-EN.PDF.

defined as groups, but between peoples belonging to different cultural entities. Tribal wars and ethnic conflicts will occur within civilizations"[10]. So we can observe the impact that immigrant groups can have on society that receives them. To ensure the security of the state and to reduce the impact that immigrants have it, it must be watched the ensuring of an a secure environment according to the existence and development of them. This can be achived through in three major interest[11] that characterizes both states and societies . These interests relate to the sovereignty and territorial integrity, economic interests and not least the national and cultural identity.

2. MEDIA'S ROLE IN FRAMING THE IMMIGRANTS

In the century of globalization, the media is the first source of information about the surrounding reality and the outside world. Perception about the world is heavily influenced by the messages that are transmitted through the media or on the contrary, those which are omitted by it. „Mass media thus provide important information for the shaping of public opinion and influence the awareness of people who construct social reality through their media consumption"[12], therefore we can say that the media goes beyond purely informational role that should have it. If mass-media will present immigrants as a threat, rest of the population will tend to develop negative attitudes towards these groups and support policies to exclude these groups from their society.

Once with the EU enlargement in 2007, with the accession of Romania and Bulgaria, the issue of freedom of movement and migration has become more intense on the EU agenda. In the first place „the UK faced the decision on freedom of movement for work for the new EU members, complicated by the number of Eu workers arriving in the country post-2004 and other immigration related scandals (foreign prisoners, sex for asylum etc.)"[13] and in the second place is noticed that the media is responsible for portrayal of immigrants and minorities because it combines these two categories with security problems, illnesses, drugs, crime and terrorism. The way media transmits information regarding immigrants is very important because it contributes to decisions taken by the EU in shaping its policies on migration. In addition, these decisions have become more important now with the expansion of the European Union than they were years ago "The way the media deals with issues of migration and integration varies from active support and compassion and from occasional and unintentional biases to willful xenophobia[14]". However, mass-media can be encouraged to provide accurate and transparent information about immigrants, but it will not do this unless it will have this interest.

"The combination of economic and physical insecurity and widespread immigration is sufficient to produce a dose of prejudice and hostility against immigrants and people of immigrant origin and also traditional targets of racism, such as Roma and Jews"[15]. This hostility has been often fueled, most of the times by the active involvement of the media. In various parts of Europe this has been focused on demonizing immigrants and minorities by amplifying stereotypes about this groups or by creating new myths, real or imagined. Most of the times, media exaggerates the number of immigrants, refugees or persons who seek

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[10] Samuel Huntington, *Ciocnirea civilizaţiilor şi refacerea ordinii mondiale,* (Oradea, Ed. Antet, 1997): 36.

[11] Adrian Cămărăşan, *Migraţie şi politici europene* (Cluj-Napoca: CA Publishing, 2013), 142.

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[13] Ekaterina Balabanova, Alex Balch, „Sending and receiving: the ethical framing of intra –EU migration in the European Press", *Sage Publication* (2010): 383, accesed June 10, 2014.

[14]Jan Niessen, Thomas Huddlestone, Manual privind integrarea pentru factorii de decizie politică şi practicieni (Luxemburg: Oficiul pentru informaţii al Uniunii Europene, 2010): 28.

[15] Raportul Grupului al Persoanelor Eminente al Consiliului Europei, "Cum să trăim împreună. Diversitate şi libertate în Europa secolului XXI" (Strasbourg, 2011): 32.

asylum. It looks like „31 percent of headlines and 53 percent of text about asylum across all newspapershas negative conotations. Language used to describe immigration is highly ostile across all newspapers types with <illegal> and <bogus> the most commonly used terms to describe immigrants and asylum seekers"[16]. A report realized by the Migration Observatory of Oxford University in 2010-2012 revealed that from 43 million words relating to immigrants in 20 major newspapers in the Great Britain, the most used word to describe immigrants was "illegal". Also for description immigrants there were often used „water based metaphors such as <flood>, <influx> and <wave>"[17]. In additon in 2002, 25% of Daily Mail articles and 24% of Daily Expres articles referred to the people who wanted to obtain asylum.

Images and pictures of immigrants most of the times have a greater impact on public than the articles or the televison programs because these are seen by every reader who can not read the entire text on immigrant and refugee groups. The images often say or create a story: "airport scenes, for example, may signify borders and the infringement of these borders"[18]. Recent studies reveal that images of suspects belonging to immigrant or minority groups are more prevalent in the media, than the residents of the host state. It also adds that the offenses, crimes committed by members of immigrant or minority groups upon the residents/inhabitants have a greater impact in the media than the crimes committed in these groups.

With the evolution of technology, traditional media has been replaced by the Internet. Because it has a huge number of users it is very difficult to control and many of these users abuse it to convey xenophobic or racist ideas and to instigate hatred. „To make situation worse new interactive web 2.0 services allow extremists to use technologies such as blogs and video-sharing services to promote their agenda on social media sites such as Facebook, Twitter, My Space and YouTube. According to the <Hate Digital Report> from 2010 the Internet has become with 20% more <ugly> in 2009, terrorists and racists heading more towards social media sites and one of their main target are childrens"[19].

3. ROMANIAN EMMIGRANTS IMAGE IN EU MEDIA

Great Britain is one of the EU countries where xenophobic feelings against Romanians are very strong. According to online newspaper "The Telegraph", the first stereotype refers to the number of Romanian and Bulgarian immigrants in Great Britain. According to some estimations of some political figures, anti-immigration NGOs and the media, the number of immigrants in the UK is settled somewhere around 29 millions [20]. These data circulating in the media are obviously way too big, it is estimated that the actual number of Romanian immigrants in the UK is approximately 20.000. Another stereotype

[16] Chitra Nagarajan, "How politicians and the media made us hate immigrants" (2010), accesed June 14, 2014, http://www.opendemocracy.net/transformation/chitra-nagarajan/how-politicians-and-media-made-us-hate-immigrants.

[17] Chitra Nagarajan, "We need to change the very language we use to talk about immigrants", The Staggers (2013), accesed June 14, 2014, http://www.newstatesman.com/politics/2013/08/we-need-change-very-language-we-use-talk-about-immigrants.

[18] Sara Buchanan, Bethan Grillo, Terry Threadgold, "What's the story? Results from research into media coverage of refugees and asylum seekers in the UK", *Article 19*, accesed June 14, 2014, http://www.article19.org/data/files/pdfs/publications/refugees-what-s-the-story-.pdf.

[19] Raportul Grupului al Persoanelor Eminente al Consiliului Europei, "Cum să trăim împreună. Diversitate şi libertate în Europa secolului XXI" (Strasbourg, 2011): 33.

[20] Ion Jinga, „Romanians in Britain are just like you", *The Telegraph* (2013), accesed June 14, 2014, http://www.telegraph.co.uk/news/uknews/immigration/10069274/Ion-Jinga-Romanians-in-Britain-are-just-like-you.html.

regarding romanian immigrants refers to the financial benefits offered by the British state, which according to romanian ambassador in the UK, Ion Junga, do not exceed the taxes paid by them to British state. Another stereotype about romanians is linked with crime. Mass-media associates romanian immigrants with stealing or begging. Nevertheless, british prime minister David Cameron said that they „work hard, pay taxes and are valued by their employers"[21]. The fourth stereotype refers to gipsy population (Romany population) Mass-media often associate romanians with gypsies (romanian population with romany population). Even if they were often confused, it seems that from 12 millions gypsies in Europe only 600.000 live in Romania. Finally there is the stereotype that immigrants have a much lower level of education than the host population. A study conducted by the British government shows that about 40% of romanian immigrants in Britain hold a undergraduate degree, the population with the highest degree level of education of all other immigrants. If stereotypes regarding romanian immigrants in the EU are numerous, those on gypsies population are more strange. Some of them refer to the fact that romany population lives in caravans, they make abundant weddings and wear provocative clothes, are lazy and do not want to work or they like to live on social benefits.

France is another country with a high number of immigrants from Romania. According to Daily Mail one of ten felon is a romanian immigrant. This article is also taken by the romanian newspaper "România Liberă" which states the fact that 28% of people involved in criminal cases in Belgium in 2010 are Romanians[22]. These statistics contribute to the development of xenophobic sentiments against Romanians and Roma people in the EU and to the appearance of discrimination and stereotypes. A recent example is found in a story published in the online newspaper "Adevărul"on 17.06.2014, which reports that a 16 year old gipsy boy was beaten by 12 people which suspected him for broking into more houses in the town Pierrefitte-sur-Seine in France. Regarding to this attack, Thorbjorn Jagland, the general secretary of the Council of Europe stated that "This attack against the biggest community in Europe are embarrassing and can not be excused. I am glad to see that french government and so many leaders from France and Europe have adopted a ferm position against discrimination and attacks against roma people"[23].

CONCLUSION

Mass-media has a major responsibility in shaping the images and perceptions about immigrants groups and their families. The question now is why media often uses this responsibility so negatively? One answer would be that journalists are always looking for sensational news which draws the audience, even if they are not truthful or presents these minority groups in an incorrect manner. The way how immigrants are seen, characterized and treated must change. A first step for this purpose may be the change of language in which they are characterized, because a person can never be "illegal". How society characterized immigrants reflects an alarming number of existing stereotypes against them. Print and broadcast media are those that have contributed to the idea that immigrants "draining" the system, from broadcasting news and reports that this abuse of social benefits. The media should promote social diversity, tolerance, differences between cultures and opinions and

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[21] Jinga, „Romanians in Britain are just like you".

[22] Cătălina Felicia Comăneci, „Imaginea imigranților români în presa internațională: mit sau realitate?", *Sfera Politicii*, nr.166, accesed June 15, 2014, http://www.sferapoliticii.ro/sfera/166/art17-Comaneci.php#_ftn32.

[23] Elena Dumitru, „Franța: Un rom de 16 ani din România în comă după ce 12 persoane au vrut să-l linșeze. Președintele și premierul denunţă <actul incalificabil>", Adevărul (2014), accesed June 18, 2014, http://adevarul.ro/news/eveniment/franta-rom-16-ani-romania-coma-fost-linsat-1_53a001ec0d133766a8a6071b/index.html.

contribute to the effective integration of immigrants. This can happen in the case of which is ensured an effective communication between the majority and minority.

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SYRIAN REFUGEES IN ROMANIA: HOSPITALITY VERSUS NATIONAL (IN) SECURITY

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ABSTRACT

A SHADOW WAR APPEARS TO BE TAKING PLACE IN SYRIA, WITH AL-QAIDA-ALIGNED GROUPS (OR NOT SO MUCH ALIGNED!) PLAYING AN IMPORTANT PART IN THE FIGHT AGAINST THE FORCES LOYAL TO BASHAR AL-ASSAD'S REGIME. SYRIAN REBELS WOULD BE POORLY ORGANIZED IF THEY WOULD NOT BE SUPPORTED BY AL-QAIDA OR BY THE INFLUX OF JIHADISTS WHICH ENFORCE DISCIPLINE AMONGST REBELS BY RELIGIOUS FERVOR AND BY THE COMBAT EXPERIENCE THEY HAVE ACQUIRED IN AFGHANISTAN, IRAQ, LIBYA AND EGYPT.
WESTERN COUNTRIES COULD BE FACED WITH A DANGEROUS SITUATION WHEN THOSE WHO SURVIVE THE CONFLICT IN SYRIA COME IN WESTERN COUNTRIES WITH A JIHADIST EXPERIENCE. IN THIS RESPECT, EUROPEAN STATES MUST DEVELOP A VIABLE STRATEGY ON IMMIGRATION CONTROL, MAINLY FOR ITS MEMBERS STATES WHICH HAVE A MUSLIM POPULATION IN THEIR MIDST. ROMANIA, AS OTHER EUROPEAN STATES, HAS A MUSLIM COMMUNITY COMING FROM SYRIA AND FROM ITS NEIGHBORING STATES. UNFORTUNATELY, SOME OF THESE MUSLIMS ARE KNOWN AS BEING SYMPATHIZERS OF AL-QAIDA-ALIGNED GROUPS ACTING IN SYRIA, WHO CONTINUE TO CONDUCT ACTIVITIES ON THEIR BEHALF AFTER THEIR MOVE TO ROMANIA. FOR INSTANCE, IN DECEMBER 2013, AN AL-QAIDA SITE ANNOUNCED THE DEATH OF ABU MOHAMMAD AL RUMANI (FROM ROMANIA) ON THE BATTLEFIELD IN SYRIA.

KEY WORDS: REFUGEES, SECURITY, ILLEGAL MIGRATION, TERRORISM

INTRODUCTORY NOTE

After the terrorist attacks of September 11th, 2001, a "general uncertainty" or "endless threat" is the major challenge that characterize the new world order. How to distinguish friend from foe? How to delimit the theaters of war? How to assess the duration of hostilities? Because when the enemy is terrorist, it seems downright impossible for it to be located or to anticipate its strategy action.

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The most significant mutation is the end of the era of territoriality - a symbolic end finally imprinted in the collective memory. What most telling evidence of the disappearance of the defense capacity of the territory can we find, other than the terrorist attacks of September 11th, 2001? Strength and weakness, threat and security have become "extraterritorial issues that exceed the territorial application solutions."

In this bleak scenario, the internationalization of terrorism in conjunction with the existence of "state-sponsors" or logistical bases of terrorist organizations on the territory of "failed states" are the asymmetric threats to international security.

JIHAD IN SYRIA: AL-QAIDA'S „NEW LIFE"?

Although the common opinion is that „Arab Spring" destroyed the jihadist ideology, in places where muslims perceive their economical, social and political situation as being hard, the disillusion generated by this situation creates recruitment opportunities for jihadists.[3]

For this reason, at the periphery of „Arab Spring" blossomed the buds of radicalization, which can be exploited by jihadist groups. Al-Qaida could exploit the events in Libya, and those more recent from Syria, to acquire „new life".[4]

Thus, developments in Yemen, Egypt, Libya and Syria, placed al-Qaida closer to achieving its objectives of transforming these countries into logistic bases, being possible for jihadist groups to grow and become even more dominant. As such, the West must decide whether to intervene or to adopt a neutral position while al-Qaida-aligned groups are building or expanding bases in North Africa, Iraq and Syria.[5]

According to Philipp Holtmann, a current theme on jihadist forums is the concern that the security services of those countries are too weak, thus they generate the perfect context for the jihadist groups to act. As a result, jihadists have taken advantage of the army and police disorganization, of the civil strife and insurrection, of the access to weapons depots no longer guarded, and of the disillusion of those who had put all their hopes in the regime change, hopes which were dashed.[6]

For instance, in Syria, al-Qaida plays an important role in fighting against forces loyal to Bashar al-Assad's regime. The Syrian rebels would be poorly organized if they wouldn't have al-Qaida in their rank, and if it wouldn't be for the influx of jihadists from Saudi Arabia, Turkey Jordan, Iraq and North Africa which brought discipline, religious fervor, combat experience from Iraq and funding from Sunni supporters of this group.[7]

Al-Qaida operates in the shadow of the Syrian revolution through Jabhat al-Nusra group (Front to Protect Citizens from of Levant), through Abdullah Azzam and Al Baraa ibn Malik brigades and many other jihadist groups.

For a while, al-Nusra and al-Qaida in Irak (known as Islamic State for Irak and Levant – ISIL) fought side by side in Syria. Technically, al-Nusra is an al-Qaida-aligned group, but a rival of al-Qaida in Iraq.

Thus, in early February 2014, al-Qaida's central leadership announced that it had severed ties with the Islamic State of Iraq and al-Sham. Tensions breached in April 2013

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[3] **Stewart, Scott:** Libya After Gadhafi: Transitioning from Rebellion to Rule, August 24, 2011, www.stratfor.com, accessed at 27.02.2014

[4] Perreault, Laura Julie: Qui succédera à Oussama? La Presse, 02 mai 2011, www.cyberpresse.ca, accessed at 18.05.2014

[5] Scheuer, Michael: Why the Mideast revolts will help al-Qaeda, March 4, 2011, www.washingtonpost.com, accessed at 21.02.2014

[6] Ehrhardt, Christoph: Al Qaida in Libyen. Das Chaos als Chance, Frankfurter Allgemeine Zeitung, 25 February 2011

[7] Husain, Ed: Al-Qaeda's Specter in Syria, www.cfr.org, August 6, 2012, accessed at 17.02.2014

when the leader of the ISIS, Abu Bakr al-Baghdadi, declared that the Iraqi and Syrian factions would now operate together under the name ISIS. Abu Muhammad al-Jolani, al-Nusra's leader, denied Baghdadi's claims. Al-Zawahiri was forced to intervene.[8]

Therefore, in September 2013, al-Zawahiri decided to authorize al-Nusra as the only group empowered by al-Qaida to fight in Syria. Al-Baghdadi refused to obey the decision. Amid disagreements within al-Qaida, a new military alliance was formed, the Islamic Army, which joined brigade components from al-Nusra, Syria Liberation Army brigades, and other independent groups.[9]

It is worth mentioning that Bashar al-Assad's troops, with all the help received from Iran, and Hezbollah, can not cope with the large number of rebel groups. On the other hand, the opposition is unable to control the ground reality and paramilitary groups fighting the Syrian army and Hezbollah. There are hundreds of rebel groups that are very difficult to control, forming alliances every day and who do not always communicate with each other. Battles between al-Qaida brigades, the Islamic Army and the remnants of Syria Liberation Army, on one hand and government troops allied with Hezbollah and other paramilitary groups, on the other hand, continue.

As for the U.S. and Western countries, they want to ensure that al-Qaida will not be able to hijack the Syrian uprising. The fall of Bashar al-Assad's regime can lead to a „sanctuary of jihadists" in Syria, as happened in Afghanistan in the 1990s. Therefore they are concerned to avoid the installation of a state of chaos in Syria, as happened in Iraq during 2003-2007, situation in which the jihadist groups would strengthen their position.[10]

In this respect we must quote Matthew Olsen, who said that "Syria has become the preeminent location for al-Qaida-aligned groups to recruit, and to train and outfit what is now a growing number of extremists, some of whom seek to conduct external attacks".[11]

ROMANIA UNDER THE SPECTER OF JIHADIST THREAT IN SYRIA?

Romania is under the attention of foreigners originating from known Muslim countries exporting terrorist threat especially as a place of transit, shelter or logistics, level of threat to national security being influenced by the occurrence or perpetuation of violent events in areas affected by terrorism (Afghanistan, Pakistan, Lebanon, Iraq, Syria, Yemen, Turkey, the Palestinian Autonomous Territories, Somalia, Mali, etc.) and by increased anti-Western messages broadcast in fundamentalist Islamic circles.

One factor that has affected the dynamics of threats to national security is the involvement of terrorist organisations in the national territory, in illegal migration activities westward of people from Middle East, Asia and Africa, some of which are known for terrorist activities in their areas of origin.

In this respect, it is worth mentioning that Romania, as other European states, has a Muslim community coming from Syria and from its neighboring states. Unfortunately, some of these Muslims are known as being sympathizers of al-Qaida-aligned groups acting in Syria, who continue to conduct activities on their behalf after their move to Romania. For

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[8] Mendelsohn, Barak: After Disowning ISIS, al Qaeda is Back On Top, February 13, 2014, www.foreignaffairs.com/articles, accessed at 27.05.2014

[9] Ilie, Ana: Retrospectiva 2013: Siria - un razboi al umbrelor si al aparentelor, 31 Decembrie 2013, Ziare.com, accessed at 27.02.2014

[10] **Kaplan, Robert D:** Syria and the Limits of Comparison, August 28, 2013, www.stratfor.com, accessed at 07.06.2014

[11] Editorial: Syria's forgotten war shouldn't be forgotten, 03/12/14, www.saratogian.com/opinion, accessed at 27.02.2014

instance, in December 2013, an al-Qaida site announced the death of Abu Mohammad al-Rumani (from Romania) on the battlefield in Syria.[12]

In the context of Syrian civil war we must mention that, in 2013, Iraqi citizen Harpah Aldain Nayyef Khalid Salah (aka Salid Harba) and Syrian origin lebanese citizen Zeiab Abdul Rahman (alias Abdul Razak Harba) were expelled and declared undesirable due to their involvement in the promotion of jihadist movements in the Middle East. Those concerned facilitated the illegal entry in Romania of people coming from spaces proliferating terrorist threats and their actions succeeded in religious radicalization (up to an extreme level) of persons who have agreed to combat missions in extremist groups in the Middle East.[13]

SYRIAN REFUGEES: BETWEEN THE HUMANITARIAN CRISIS AND ILLEGAL MIGRATION NETWORKS

The conflict in Syria in March 2011 and has generated one of the most severe humanitarian crises in the world. The international humanitarian response is struggling to keep pace with the rapid developments of the situation in the conflict zone.

On 22 February 2014, the UN Security Council unanimously adopted Resolution RES/2139 (2014)[14], which brings up resolution 2042 (2012), 2043 (2012) and 2118 (2013) and presidential statements of August 3, 2011, 21 March 2012, April 5, 2012 and October 2, 2013. The resolution into question "the unacceptability of violence and their escalation that led to the deaths of more than 100 000 people, including more than 10 000 children, as reported by the Secretary-General and United Nations Secretary General's Special representative for Children and Armed Conflict.[15]"

In addition, there are allegations of human rights violations brought by non-governmental parties to the conflict. Observers claim that hundreds of prisoners and political prisoners have died in detention following torture. The Independent International Commission of Inquiry on the Syrian Arab Republic to the United Nations underlined that "careless manner in which the warring parties out fighting" is the main cause of civilian casualties and the displacement of the population[16].

This requires access to observers and humanitarian organizations, condemns the terrorist acts that have resulted in countless casualties and material damage, performed by individuals associated with terrorist group Al-Qaeda and similar to those involved.

Although the UN resolution opens new horizons for humanitarian aid, conflict observation and documentation of war crimes, the three years of war have left deep wounds in the bodies and minds of the Syrians. The lack of oversight by international institutions, the civilian population, with international volunteers have tried through various ways and means, tried documenting the conflict, gathering and organizing humanitarian aid internally. They resorted to crowdsourcing for achieving their goals.

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[12] Ilie, Ana: Retrospectiva 2013: Siria - un razboi al umbrelor si al aparentelor, 31 Decembrie 2013, Ziare.com, accessed at 27.02.2014

[13] Popescu, Andrei Luca: Un irakian şi un libanez, expulzaţi din România pentru că promovau şi finanţau Jihadul. Ce afaceri aveau cei doi suspecţi de terorism, 24.05.2013, http://www.gandul.info/stiri, accessed at 27.05.2014

[14] http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2139.pdf

[15] http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2139.pdf

[16] Report of Commission of Inquiry on Syria A/HRC/22/59, February 5, 2013

in the bodies and minds of the Syrians. The lack of oversight by international agencies, has left civilian population, along with international volunteers, to try through various ways and means, documenting the conflict, gathering intelligence, and judiciously organizing humanitarian aid internally. They resorted to crowdsourcing for achieving goals.

The events triggered a relentless spiral of repression and protest, and the conflict in Syria has forcibly moved 7 million people from their homes, including 4.5 million internally displaced people and 2.5 million refugees who have fled abroad[17].

As in all crises of refugees, the majority of those who were inside the country were stranded on the other side of the border. Most of the Syrian refugees is housed in four of the five neighbors of Syria: Lebanon as main receiver with more than 900,000 Registered Refugees UNHCR; Turkey and Jordan each with nearly 600,000 refugees; and Iraq with about 220,000 refugees. Israel, so far, has kept its border closed.

Other refugees have traveled on to other destinations, where they had relatives or friends. The 135,000 Syrian refugees are currently hosted by Egypt, and tens of thousands are in Maghreb countries. By contrast, Europe's response to the refugee crisis was limited and uneven. Moreover, it has been consistently exceeded by these events, as shown in the table.

Europe has taken only a small proportion (2.9 percent) of the total population of Syrian refugees. Between March 2011 and December 2013, 28 Member States (MS) of the European Union (EU) received 69 740 asylum applications from citizens of Syria and issued 41 695 positive decisions. These numbers are small in absolute terms, but they represent only a fraction of which is 2301533 Syrian refugees in Lebanon, Jordan, Turkey, Iraq, Egypt during the same period. The European nations have responded to the refugee crisis unevenly. Only two countries took two-thirds of asylum seekers accepted by the 28 Member States: Sweden and Germany, with respectively 23 110 and 20 700 and 11 495 applications received and 16 610 positive decisions. A third state, Bulgaria, is worth a mention because it received 4545 applications from the beginning of the crisis, 70 percent of them came four months between August and November 2013. Other new states received between 1000 and 3500 applications each and in the remaining 16 states less than 1,000, including Lithuania and Austria, which has not received any asylum seeker in Syria.

Before the riots, there was a regular flow of Syrian asylum seekers in Europe. If the refugee crisis grew in the second half of 2011, existing flows were simply magnified, EU28 received almost a third of Syrian refugees in the first year of the crisis. But Europe has opened the door for refugees in proportion to their departure from Syria and share the global refugee flows fell to 4.1 percent in 2012, and to 2.3 percent in 2013.The majority of Syrian asylum seekers are able to submit an application to the EU refugee status or temporary protection (86.7 percent of positive decisions in 2011-13), which is a sign of openness.

A negative aspect is the number of Syrian refugees who turn to smugglers to reach Europe increased at the beginning of the crisis, something which is of course a sign of closure. Reports of Syrians who turned to smuggling by sea in Greece or Italy, compared to those who regularly seek asylum in EU28 increased from 14.7 percent in 2011 to 40.9 percent in 2012 and 44,7 percent in 2013.

These 44.7 percent of those who applied for asylum in Europe last year failed to reach the territory of a Member State. That number has increased from 947 in 2011-8509 to

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[17] Office for the Coordination of Humanitarian Affairs (OCHA) at http:// www.unocha.org/crisis/syria; for refugees in countries neighbouring on Syria by the UN Refugee Agency at http://data.unhcr.org/syrianrefugees/regional. php; and for refugees in the EU by Eurostat at http://epp.eurostat.ec.europa. eu/portal/page/portal/population/data/database.

2012 and 18972 in 2013 should be interpreted as a response to the obstacles set by Greece and Bulgaria to border protection with Turkey - those police patrols or wire fences. Împinşi de disperare, mulţi dintre aceşti oameni îşi încearcă norocul trecând graniŢa, ilegal, în ţări din Uniunea Europeană. Greece is a good example. In the three years since the beginning of the conflict in Syria, Greek police and port authorities arrested Syrian refugees 16211 illegal at sea trying to reach another European destination, because Greece has a reputation of not granting asylum to Syrian (25 cases of positive decision of 1015 applications received).

In the past two years, Romania has become one of their entrance doors to the West. According to Silviu Turza from the Inspectorate General for Immigration, if in 2012 Romania had only 269 asylum applications from Syrian refugees, in 2013 there was a dramatic increase in asylum applications to 1018 by this national group. Most claims are made by Syrians who have legally entered Romania. There are also refugees who risk their lives turning to illegal migration networks. The smuggling problem has acquired a special scale. Recently, prosecutors from the Combating and Investigation Terrorism Directorate removed a network of smugglers specializing in illegal shipments of Syrian refugees. According to DIICOT, Syrian refugees arriving illegally in Romania, are transported through the crossings in Romania, hidden in trucks or sea freight. [18]

INSTEAD OF CONCLUSIONS ...

On the activity of jihadists in Syria stands as eloquent testimony that of Bakri Sabbagh, Syrian refugee in Romania, according to which two boys who stationed in a car listening to radio were decapitated, with cold blood by some young people aged between 20 and 30 years, with witnesses, on the grounds that radio listening is considered a "sin" of by them. [19]

In this context it is worth mentioning that at the end of 2011, an Iraqi citizen named Mohamad Al Dulaimi Asae Ali was indicted in Romania on charges of illegal migration through his network that coordinated the route through Iraq - Bulgaria - Romania - Hungary, Western Europe, which facilitated access to our country of Iraqis wanted in their country of origin for terrorist acts for al Qaeda in Iraq.

We cannot help but wonder how many human traffickers like Ali Mohamad Al Dulaimi Asae facilitate access in Romania of jihadists from Syria who beheads people whose only "sin" is listening to the radio in the car?

It is the duty of intelligence for such a thing not to happen! Because in this era marked by global jihadist insurgency, intelligence can afford few mistakes!

In this sense, the mission of the Romanian Intelligence Service, the national authority in preventing and combating terrorism is to protect the public from terrorist threats through intelligence and cooperation at national and international level in order to identify and eliminate vulnerabilities and threat factors to Romania generated by terrorist organizations and to prevent the importation of terrorism, including from networks of illegal migration from areas of conflict to our country and Europe.

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[18] *** Din interior. Război, traficanţi, durere. Povetile refugiaţilor sirieni din Romnia, http://www.digi24.ro/Stiri/Digi24/Special/Reportaj, accesat la 17.06.2014
[19] *** Din interior. Război, traficanţi, durere. Povetile refugiaţilor sirieni din Romnia, http://www.digi24.ro/Stiri/Digi24/Special/Reportaj, 16

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13. http:// www.unocha.org/crisis/syria
14. Editorial: Syria's forgotten war shouldn't be forgotten, 03/12/14, www.saratogian.com/opinion, accessed at 27.02.2014

MIGRATION AND MODERNITY IN THE EVOLUTION OF THE ARAB SPRING

Mihai SANDU[1]

ABSTRACT:
NOWADAYS, WHEN TALKING ABOUT DEVELOPMENT, STABILITY, WELL-BEING AND PEACE, ONE WOULD ALWAYS REFER TO A SINGLE WORD, DEFINING FOR THE 21ST CENTURY AND FOR THE SO FAR EVOLUTION OF HUMANS, SOCIETIES AND STATES – DEMOCRACY. CONSIDERED A DECISIVE AND ESSENTIAL ELEMENT FOR WELL-BEING AND POWER, DEMOCRACY REPRESENTS A REALITY FOR THE MOST DEVELOPED PARTS OF THE EARTH, AS WELL AS A MUST-BE FOR EVERYONE ELSE. HOWEVER, THE ROAD TO DEMOCRACY HAS TOO OFTEN BEEN UNDERESTIMATED AND THE TRANSITION TO DEMOCRACY PROVED TO BE TRICKY FOR STATE EVOLUTION, BECOMING A WEAKNESS FOR THE STATE AND SOCIETY WHEN THE DEMOCRATIZATION WENT WRONG. AT THE VERY FOUNDATION OF THIS ROAD STANDS MODERNIZATION. IN ORDER TO ACHIEVE THE POSSIBILITY OF DEMOCRACY, THE MAIN ISSUE IN DEBATE IS THE LEVEL OF MODERNIZATION AND THE MODERNITY ACHIEVED. BEING THE MOST IMPORTANT REPRESENTATIVE OF A SOCIETY, THE POPULATION IS BOTH THE FIRST CATEGORY AFFECTED BY CHANGE AND THE MOST IMPORTANT ELEMENT OF IT. THE SPRING AS WELL AS THE SPREAD OF IDEAS IS CARRIED OUT BY PEOPLE; AND WHEN PEOPLE ARE ON THE MOVE, IT IS THE FIRST SIGN THAT ONE IDEA, ONE PHENOMENON OR ONE IDEAL HAVE THE POTENTIAL TO BECOME CHANGE ITSELF.

KEY WORDS: MODERNIZATION, DEMOCRATIZATION, MIGRATION, ARAB SPRING

INTRODUCTION

When talking about democracy we often miss an essential element, consisting on the conditions met by the state and society before moving towards democracy. The fundamental question that should be answered to is not whether the state is ready to go for democracy, but rather if every component of it is able to understand and willing to take part in the evolution of every structure, microsystem and macro system, towards what democracy means. The process of modernization, with its result, modernity, provides state and society with certain elements without which democracy becomes either impossible or skid and evolving slow and cumbersome. Why is that? Simply because democratization, as simple and ebullient as it is at first, becomes exhaustive as the society evolves towards a democracy that is real, stable and well impregnated in every piece of it. At this point, modernization

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becomes a necessity under the shape of a thorough preparation of the process of democratization, which involves a gradual and detailed transformation. This requires a significant amount of patience as well as enough physical and, especially, moral resources from the population, implying a consistent and constant effort from all society components; in short, the existence of modernity comes into question.

"The modernization means that all groups, old and new, are becoming more aware of themselves as groups, of their interests and requirements in relation to other groups. One of the most striking phenomena of modernization is increased awareness, coherence, organization and action, which occur among many social forces that existed at a much lower level of conscious identity and organization in traditional societies"[2]. In his theories, Samuel Huntington speaks of a modernization that occurs in the same time with replacing traditional societies and political systems, without making an immediate switch to the final point, which is to modernity. We are dealing with a type of awareness that is applied gradually, even risking early slips, but that doesn`t evolve abruptly towards the next step in evolution.

For Huntington, the impact of modernization upon the values, attitudes and even hopes, which tend to become common in the modern world, is strictly connected to the phenomenon of social mobilization, which involves the population joining together towards the achievement of a common purpose. Apart from the fact that this kind of join introduces a psychosocial signification to modernization, it can also offer explanations for the changing capacity that popular revolutions have manifested throughout history. Furthermore, Samuel Huntington connects social mobilization to the level of economic development, which provides the resources necessary for social deployments. Population becomes the main carrier of the torch for change. Both modernization and democratization become possible due to the population desire and to its evolution and mobility.[3] And when talking about social mobility, one speaks, first of all, of migration. Whether it is about internal migration, from one region to another inside the same state, or, sharing the same larger region, from one state to another, or about external migration, involving bigger distances and greater discrepancies between the source and the destination, the population migration has always been one of the most important carriers of ideas or trends leading to change. As for modernization, being a process that is strictly connected to society and to the development and feelings of the population, migration becomes one of the main pillars of change.

Beginning with the theories of Huntington and of other personalities in the field, the theory of modernization becomes more explicit and gains more relevance once the practical highlighting of the phenomenon and its components is brought up by the examples offered by the evolution of certain states in certain periods of time.

One of the most recent examples in this field is represented by the so-called "Arab Spring" and the evolution it triggered. When thinking about the "Arab Spring", one could just as well refer to an "Arab Decade", or even to a "Muslim Quarter of a Century".[4] The magnitude of the events, the extension of instability in certain areas, even beyond the original borders, are able to transform the concept into a civilizational phenomenon which stands as a symbol of change itself, not only marking the removal from power of some authoritarian leaders whose reigns proved to be obsolete and outdated. Also, it doesn`t represent the singular desire for democratization suddenly lit in the Arab space, but rather the tendency to advance, to modernize, in the context of big social discrepancies. In Egypt, for example, half

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[2] Samuel Huntington, *Ordinea Politică a societăţilor în schimbare* (Iaşi: Polirom, 1999), 41
[3] Huntington, *Ordinea Politică,* 37
[4] Thomas L. Friedman, "The Arab Quarter Century", *New York Times,* April 10, 2013, A23

of the female population cannot read.[5] This general tendency appears as one of the results of a period of stability which had been reached under the leadership of authoritarian leaders and characterized by a stagnation that sometimes degenerated into decline. Therefore, when a society, with an increasingly active young population, gained access to media that allowed them to witness the developing conditions of other people around the world, it reached the conclusion that it was the right time to discover new instruments that would allow them to capitalize their potential.[6] In other words, by wishing for change, they caused the collapse of a stability that left room for a fresh, new road towards modernization, even if this would first cause instability.

TOOLS OF CHANGE IN THE ARAB SPRING

For many researchers, the Arab Spring didn`t start in Tunisia, in December 2010, but rather originates in 1991, in the aftermath of the first Gulf War. Unsatisfied with the harshness of Saddam Hussein`s regime, the Iraqi unleashed a series of public manifestations demanding foreign forces to intervene against their ruler. It was about the same foreigners that had bombed them only a few months earlier. Although they remained unanswered, those social movements represented a signal revealing that the old ideas, based on tradition and on a cultural ideology proper to the Islamic world, can be questioned. Following their example, in 2011, "instead of the illusions the Arab society was based on, the young revolutionaries made a political priority of their fight against dictatorships, just as their fellow Iraqis tried in vain to do 20 years earlier"[7].

The course of events in the countries of the Arab world revealed two major conclusions. First, we can notice the desperate tentative of some of the monarchies in the area, such as Jordan, Lebanon or, in a rather different context, Iran, to support rebellions directed against some of the other countries` leaders in order to impose new governments, found under their influence, that would be inspired by the traditional Arab world, relying on elements that Saddam Hussein offered as negative examples in the past, such as exacerbated nationalism or sectarianism. Secondly, the conclusions reveal that "our species, at least in its modern shape, needs states to begin with, even the imperfect ones"[8]. In order to hope for development and even democratization, a minimum of modernization is essentially necessary. In the Arab world, this thing must be understood first and foremost by the societies that cling to the past, even risking total state destruction, such as Bashar al-Assad`s regime in Syria. "The Syrian crisis is just the most recent episode of a chain reaction unleashed more than 10 years ago with the *war of choice* against Saddam Hussein"[9]. Along with the war started in 2003, the Middle East became a place characterized by transformation and instability, everything culminating with the triggering of the Arab Spring in December 2010.

Coming back to social movements, one of the main tools for this transformation that occurred in the Arab space is the process of urbanization, which could represent an internal model of migration. Throughout Middle East and North Africa, among the key elements of the recent development, urbanization holds one of the top positions, withal being responsible for the breakthrough of the separatist feelings and of the pro-democracy movements among the population. The demographic explosion, doubled by the accelerated raise of the standard of living in the urban environment, has led to further city developments and to an

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[5] Friedman, "The Arab Quarter Century"
[6] Friedman, "The Arab Quarter Century"
[7] Kanan Makiya, "The Arab Spring started in Iraq", *New York Times,* April 7, 2013, SR7
[8] Makiya, "The Arab Spring started in Iraq"
[9] Stefano Stefanini, "Ten years after", *Longitude* 26 (2013), 58

accentuation of the importance that urbanization holds in their societies. Moreover, the upsurge of this process in the last half century has led to the evolution of radical Islamism, enabling this movement to find much more adherents in such an environment rather than in a socially dispersed one. Also, using the same reasoning, we might say that the same coordinates are available for the spread of democratic ideas, favored especially by the fastest access of the population to the international community through the advanced technology present here.[10] On the other hand, it is also the urban environment that creates mutations in the confessional field, giving birth, under the circumstances of a low standard of living and of growing urban structures, to extreme religious forms, which can be combined with forms of exacerbated nationalism met mostly at extremist clusters from the suburbs.[11]

Another advantage that urban areas have is that of the technological advance that is favored in this area. Technology conducts more and more the crowd psychology, equally replacing it and thus determining the amplitude of social phenomena. Through Mass-Media, Internet and, lately, Social Media, the element of cohesion inside the social movements is provided, representing the main reason for which the movement intensifies much faster and becomes more unpredictable than it used to, even if it often doesn`t imply the physical presence of individuals, as it has been highlighted during the panic attack from Wall Street, in 2008, and, especially, during the movements from 2011, the year of the Arab Spring.

The propagation of ideas isn`t only conducted through technology, but also due to the advantages that a country with a high level of urbanization and civic education manifests. Inside the great urban agglomerations with a distinguished tradition in urbanization, the spread of ideas happens fast due to the cramped social arrangement, regardless of their geographical position.[12] Today, we can speak of a new type of migration, determined by Internet – an online migration. In terms of culture and intellectual advance, the experience that in the past had been collected by the population only by physically experimenting life in the advanced societies in the West or elsewhere can simply be accumulated today, up to a certain point, through the connection to internet, if in areas where it is only partially free.

CIVIL SOCIETY AND SOCIAL MEDIA

In the region affected by the events of the Arab Spring we can distinguish an increase in the presence of NGOs militating for democracy, both in the immediate proximity of the movements started in Tunisia, in December 2010, and earlier, in the 2000s, as well as an online activity of remarkable magnitude. Especially inside the countries whence the movements began, Egypt and Tunisia, the young people`s blogs, as well as the social networks, have emphasized a vertiginous raise in the dissatisfaction towards the political system blocked within traditional power structures, towards high unemployment rate or towards reduced involvement of the civil sector into politics.[13]

Beyond the influence of Internet and Social Media, the classical means of Mass Media have a large amount of influence, as well, originating long before the events in 2010-2011. The presence in the region, as a common element, of the independent TV station *Al Jazeera*, has enforced the social cohesion and offered the possibility of immediate connection of the entire region to any important event. Moreover, beginning with the events of the Arab Spring, the television has offered the proper framework for the propagation of

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[10] Robert D. Kaplan, *The Revenge of Geography* (New York: Random House, 2012), 122

[11] Kaplan, *Revenge*, 122

[12] Kaplan, *Revenge*, 123

[13] Courtney C. Radsch, "Blogosphere and Social Media", in *Seismic Shift: Understanding Change in the Middle East,* ed. Ellen Laipson et al. (Washington: Stimson Center, 2011), 80

social movements and for hardening the popular support for them in a way much more relevant than the capacity of Facebook and Twitter. However, such an effect wouldn`t be possible without the Arabian language, common for the entire space, which has represented the best way to develop the ideas and to spread the events started in 2010-2011. [14]

For the entire Middle East and North Africa (MENA), the main element that could have announced the vast social movements started in 2010 was the rapid and surprising emergence of the civil sector, determined by the increased presence of NGOs and by the development of mass media and internet. However, even if renowned international NGOs and western think tanks had begun their activity in the area in the early 2000s, bearing western influences and permanently monitoring the raise of civil society, no one could have really foreseen the amplitude of the events forming the Arab Spring, due to the roots too deep that the regional leaders had, due to the traditional elements that supported their regimes and due to a salient lack of cohesion manifested among the soft oppositions and social movements.[15]

The changing trends, scarce and weak, existed due to the presence of these elements, but have started to matter only after they were hardened by classic forms of migration. By carrying the influences of the NGOs, of Social Media and of Mass Media from areas where the presence of these elements was possible into places where these were either forbidden or granted limited access, migration favored an intercultural change which can definitely be considered as one of the key items of change, whether it is about modernization or democratization.

MIGRATION IN THE ARAB SPRING

If by the end of the 2000s, a constant, but not spectacular raise in the number of emigrants from the MENA states was distinguished, the present reveals a fresh new episode in the increase of migration in the area towards both Europe and the West, and other developed countries in their neighboring region. The main reasons seem to be the economic crisis and the instability created and extended in the area by the Arab Spring and its follow-ups.[16] Based on the history of emigrations towards certain European countries, some EU states have introduced specific regulations and have signed agreements with host-states upon which new conditions of developing legal migration were possible. It is the case of the agreements between Morocco and Spain, or between Egypt, Tunisia and Italy. The Egyptian example implies certain specificities. Having an ideal position for the transit from and to the West, and benefiting from the privileged relationship with EU states in terms of legal migration, Egypt represents a transit point for both emigrants and immigrants from the Arab space. The numerous population and the high unemployment rate have determined many Egyptians to leave their country and head towards western countries, as well as towards other countries in the neighborhood, the best example being Libya. Also, due to the fact that it is considered a safer country in the region, Egypt also represents one of the favorite destinations for refugees, this leading to the amplification of civic sentiments for all the

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[14]Aigerim Zikibayeva, Serge Korepin, Shalini Sharan, *What Does the Arab Spring Mean for Russia, Central Asia and the Caucasus*, (Washington: Center for Strategic & International Studies, 2011), 2

[15] Ellen Laipson, "Understanding Change in the Middle East: An Overview", in *Seismic Shift: Understanding Change in the Middle East,* ed. Ellen Laipson et al. (Washington: Stimson Center, 2011), 4

[16] Philippe Fargues, *Mediterranean Migration 2008-2009 Report* (Fiesole: Robert Schuman Centre for Advanced Studies, European University Institute, 2009), 16, accessed April 21, 2014, http://cadmus.eui.eu/bitstream/handle/1814/11861/CARIM%20Migration_Report%202008-2009%20revised%20Oct09.pdf?sequence=3

immigrants, a trend which was further developed by the presence of international humanitarian NGOs preoccupied with the fate of the refugees.[17]

A particularity of the region is also the raise of emigrants` number following the recent events due to harsh economic instability. However, this more often regards irregular migrations, which are believed to stop once a new economic stability is reached. There is a big chance that the people involved in such migrations will return to their home countries, where they can continue to influence the modernization process by importing western ideas. Starting with the Civil War in Libya, from 2011, the Libyan element has begun to matter more especially in Egypt and Tunisia, who have received hundreds of thousands of Libyans as refugees and who fled back to their country afterwards. Libya is confronted nowadays with an enormous number of immigrants, closing the figure of 8% of the population, fact that can also become beneficial if reported to their contacts with the changes occurred in neighboring countries. Such a consequence can attract an equalization of the modernity achieved in all the countries from the area, inspiring mental, cultural and economic progress through sharing each other`s experience.[18]

The phenomenon is further more important as Libya is a country where emigration was almost non-existent before the crisis in 2011, but which had significantly dealt with immigration. In the context of economic regression due to civil war, a decrease of immigration in Libya also becomes obvious, except on the refugees` return, which could produce o relative stabilization in the state, focusing more on increasing the social and cultural cohesion. The negative side of the Libyan situation is connected to the workers who couldn`t return to their home countries after the crisis had burst in 2011.[19] A similar situation occurred in every country affected by the revolutionary wave in 2011, thus becoming a common feature of the entire region.

In Syria, the situation had been relatively stable previous to the outburst of the violent protests conducted against the regime of Bashar al-Assad. The number of emigrants was maintained at a constant level, never exceeding a few hundreds of thousands, most of which headed to European states such as Germany, who had already had a significant number of Muslims, or to richer countries in the region, such as Saudi Arabia and the United Arab Emirates, who also have a rather permissive policy on migration. One notable exception for this was represented by a constant migration flow to Jordan and Palestine, or even to Libya, caused by ethnic and confessional reasons. Reversely, the restrictive regime in Syria as well as the low level of attractiveness that is has for foreigners has maintained the number of immigrants at an extremely low level. The exception was also represented by the immigrants from Jordan and Palestine, but also by Iraqi refugees, though there is not an official confirmation of this.[20] One positive effect was, like in many other countries in MENA, the

[17] Migration Policy Center Team, *Migration Facts Egypt* (Fiesole: Robert Schuman Centre for Advanced Studies, European University Institute, April 2013), accessed April 21, 2014, http://www.migrationpolicycentre.eu/docs/fact_sheets/Factsheet%20Egypt.pdf

[18] Migration Policy Center Team, *Libya Migration Profile* (Fiesole: Robert Schuman Centre for Advanced Studies, European University Institute, June 2013), accessed April 21, 2014, http://www.migrationpolicycentre.eu/docs/migration_profiles/Libya.pdf

[19] Migration Policy Center Team, *Libya Migration Profile* (Fiesole: Robert Schuman Centre for Advanced Studies, European University Institute, June 2013), accessed April 21, 2014, http://www.migrationpolicycentre.eu/docs/migration_profiles/Libya.pdf

[20] Migration Policy Center Team, *Migration Facts Syria*, (Fiesole: Robert Schuman Centre for Advanced Studies, European University Institute, April 2013), accessed April 21, 2014, http://www.migrationpolicycentre.eu/docs/fact_sheets/Factsheet%20Syria.pdf

free policy applied to all emigrants, sometimes involving the repatriation of them, which led to an increase of external influences brought by the returning population.

The situation changed dramatically with the outbreak of the civil war. The wave of Syrian refugees was dispersed throughout the entire region with the main targets becoming Turkey, Syria and even Libya, besides Jordan and Palestine. The Syrian refugees has become a delicate issue ever since, representing one of the biggest challenges for the entire Arab space, bearing the potential to dramatically affect the economy. For Syria, the evolutionary trend in which all these refugees would return, could have auspicious consequences. In a devastated country like Syria, the eventual reconstruction in the future will equally be conducted by internal factions, regional and international actors and former refugees. The returning refugees would carry with them a certain amount of experience in peaceful transit as well as the memory of modernity and even democratic spirit, which could definitely play an important role for the future of this country.

CONCLUSIONS

The conclusion related to the implications of the migration phenomenon can be vast, but rather incomplete. Regardless of the obsessive fear for a potential massive migration from MENA, triggered by the Arab Spring, Europe didn`t suffer from a significant raise neither of legal migration, nor of illegal transit or refugees. The possible explanation for this could be that the migration wave was stopped by either natural barriers, such as the Mediterranean Sea, or troubled countries, like Syria and even Turkey. The same reason can be available even under the circumstances of the latest increase in the number of Egyptian and Libyan emigrants who have crossed the Mediterranean in fishing boats. The statistics might change in the future, but it would depend on a new destabilizing factor for Europe, that is the Ukraine crisis.

The main reason for which the forecasts referring to the Arab migration wave to Europe didn`t come true is related to the fact that the emigrants have focused especially on their spread throughout the neighborhood region. By moving into stronger and economically developed countries, such as Saudi Arabia, Qatar or the United Arab Emirates, emigrants found a solution more suitable in terms of culture, financial issues and even physically, considering the fact that a movement in the region is much cheaper. This cannot serve as a relaxation for Europe, however. Immigration is still massive in Europe and the Muslim population continues to be dominant in this field. Furthermore, the terrorist threat can become active once more following the security gap that was created and is expanding around Ukraine.

A tougher problem is represented by the groups of immigrants found in the countries still affected by the Arab Spring, who can`t return to their homelands either due to financial shortcomings, or to unsafe travel conditions. As a consequence, a category of so-called "prisoner-emigrants" was created, posing the risk to become a vulnerability both for the destination countries and for their motherlands, which, in some cases, are European countries whose citizens had left to work abroad. In conflictual areas like Syria, Libya or Egypt, the situation is the more severe as violence has the tendency to exacerbate protectionist and resilient feelings against foreigners of any kind, thus making a humanitarian intervention very difficult or even impossible, be it carried by NGOs. Such resistance is also available for Sub-Saharan Africa or for population from other poor and underdeveloped countries, who manifest the tendency to become victims of the persecutions from the hosts, whose anger is spilled on the minority groups, such as the case of the Tuareg in southern Libya. Veritable enclaves have thus been created by minority populations who fight for survival and sometimes turn into terrorist organizations. On the other hand, these populations,

originating from areas characterized by primitive education and weak social, cultural and economic development, manifest negativist feelings on their way back into their homeland. A good example is represented by the same Tuareg when returning to Mali.[21]

A very interesting issue for the next period will be the tendency of the displaced populations from high risk areas, such as Iraq, Libya or Syria. We are facing a new generation of youth with higher culture and education due to globalization and technical developments, who is going to expect more, both from migration and from the West, including Europe. If Turkey, Saudi Arabia and, maybe, Egypt, will most likely remain the principal safety areas for the refugees, it will be very interesting to watch over the evolution of these populations in host countries, as well as to observe their behavior on their way back into their homelands.

As stable or raising economies, or countries who allow a diversified labor markets, like that of the Saudi Arabia, have the tendency to attract the most the displaced population, the flux of immigrants is expected to settle on specific sectors, being able to develop the economy of the destination state in the same extent as they can destabilize it. Another reason for which the three appear to be more attractive is due to less rigorous religious criteria. The rather fragile exception is Saudi Arabia, where religious restrictions apply especially to women and non-Muslim foreigners, but where the developments in the energy sector increase the need for specialists, most of which come from Europe or from countries from the Persian Gulf area, as well as the necessity of cheap workforce. It is expected that the Saudis will prefer Muslim and Arab workers, which can have a spectacular result, leading to the tightening of links in the region. In time, another consequence of this fact can be a reduction of certain economic, cultural and social discrepancies, although, politically speaking, the region will remain a hot spot. Last but not least, we can witness the establishment of settlements inhabited or created by immigrants belonging to the same ethnicity or sharing the same traditions, one of the best examples in this field being the establishment of the city of Camp Ashraf in Iraq by the Iranian mujahedeen.

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[21] Hein de Haas, "The Arab Spring and Migration", *Hein de Haas Blog*, March 21, 2012, http://heindehaas.blogspot.ro/2012/03/arab-spring-and-migration.html

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DISCREPANCIES BETWEEN EUROPEAN AND EU MEMBER STATES' LEGISLATION: THE CASE OF DELEGATION AND DETACHMENT

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ABSTRACT:
THIS ARTICLE DOES NOT SIMPLY SUGGEST A SHORT DESCRIPTION OF THE EUROPEAN LEGISLATION AND THAT OF THE EU MEMBER STATES REGARDING THE RIGHTS OF DELEGATION AND DETACHMENT, BUT IT ALSO TAKES INTO CONSIDERATION AN OVERVIEW OF THESE RIGHTS FOR THE CITIZENS OF THE EUROPEAN UNION IN A GLOBAL CONTEXT. STARTING FROM THE GENERAL LEGISLATIVE FRAMEWORK OF THE EUROPEAN UNION (WHICH FOCUSES MORE ON SOCIAL ASPECTS) AND REFERRING TO PARTICULAR NOTIONS FROM THE SOCIAL AND ESPECIALLY FINANCIAL FIELD FOUND IN THE EU MEMBER STATES' LEGISLATION (STILL NOT HARMONIZED), THE AUTHORS OF THIS ARTICLE AIM TO HIGHLIGHT SOME DYSFUNCTIONALITIES THAT OCCUR IN THIS AREA DURING FISCAL INSPECTIONS. SUCH DISCREPANCIES HAVE AS A NEGATIVE EFFECT CERTAIN FISCAL DISADVANTAGES FOR ECONOMIC SOCIETIES (FROM DIFFERENT EU MEMBER STATES), AND ESPECIALLY FOR THE EMPLOYEE (THE PERSON THAT HOLDS A WORK CONTRACT AND IS DELEGATED/DETACHED FROM ONE EU MEMBER STATE TO ANOTHER). IN THE CASE OF ROMANIAN EMPLOYEES DELEGATED OR DETACHED IN ANOTHER EU MEMBER STATE, THE SOCIAL AND FINANCIAL ASPECTS INCLUDE A SERIES OF DISCREPANCIES THAT AFFECT BOTH THE INDIVIDUAL'S ACTIVITY AND THE FINANCIAL SYSTEM IN ITS ENTIRETY. THE MAJORITY OF THESE DISCREPANCIES RESULT FROM THE MANNER IN WHICH THE NATIONAL (AND EUROPEAN) LEGISLATION IS INTERPRETED BY THOSE WHO CONDUCT AN INTERNAL OR EXTERNAL FISCAL INSPECTION.

KEY WORDS: FISCAL INSPECTION, ACCOUNTING EXPERT, DELEGATION, DETACHMENT, DOUBLE TAXATION.

INTRODUCTION

According to the Romanian Fiscal Procedure Code (published in 2003 and amended in 2007)[3], a fiscal inspection refers on one hand to verifying the legality and compliance of fiscal declarations (tax returns), the correctness and accuracy in complying with the obligations by the tax payers, and one the other to the compliance with the provisions of the fiscal and accounting legislations, checking and determining the tax basis, identifying the

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[3] The Fiscal Procedure Code of Romania (published in 2003 and amended in 2007), 11.

differences in liabilities to be paid and the related accessories. There are various aspects that need to be taken into account when conducting an internal or external fiscal inspection on an economic entity, but a special emphasis must be put, however, on the field of interest and the place where the activity is conducted. This is important as a special situation emerges in the case of commercial entities that deal with a cross border field of activity because at least two legislative systems must be taken into account: that of the state of residence and that of the state where the work is conducted. In such cases, the cross border character of the society's activities implies action of detachment and delegation, and therefore, an accounting investigation (whether internal or external) must refer first to the European legislation applicable overall, and then also to the specific norms applicable within a certain state. In order to avoid the double taxation of an employee or employer in terms of social security contributions and income taxes, some attention must be given to the principle of 'lex loci laboris' (i.e. the legislation of the country where the activity takes place) and the manner in which this is applied and taken into consideration in the fiscal documents of an economic society.

This article suggests an analysis on the phenomenon of detachment and delegation, respectively by referring to a succinct comparison between European legislation and that of the EU member states' in order to point out some dysfunctionalites that occur especially in conducting fiscal audits. Due to the fact that both detachment and delegation are activities that have a cross border character, there are some gaps in what the different legislations provide and how it is interpreted in specific situations by those involved. In our research, we have therefore studied the literature written in this field, as well as the rules governing international detachment and delegation published at the national and international level. We have used a combined approach that involved a qualitative analysis of legal documents, a comparison between findings of fiscal inspection in the case of detachment and delegation, as well as a synthesis in drawing conclusions and presenting some solutions.

DISCREPANCIES BETWEEN EUROPEAN AND EU MEMBER STATES' LEGISLATION. CASE STUDIES: DETACHMENT AND DELEGATION

The free movement of people for work related reasons is part of one of the pillars of the European Communities, and therefore a considerable interest was given at the level of the European Union to the coordination of the national social security systems in order to protect both employees and employers and to avoid grave fiscal issues within companies and member states' economies. In this field, the two important normative documents that apply today and that are used as a basis in regulating the movement of people at the European level are: *Regulation (EC) No. 883/2004 of the European Parliament and the Council on the coordination of social security systems*[4] (drawing on the previous Regulation (EC) No. 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community), and the *Regulation (EC) No. 987/2009 of the European Parliament and of the Council laying down the procedure for Implementing Regulation (EC) No. 883/2004 on the coordination of social security systems*[5] respectively. These documents are used in order to clarify the rights and

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[4] Regulation (EC) No. 883/2004 of the European Parliament and the Council on the coordination of social security systems, *Official Journal of the European Union* 166 (30.4.2004): 1. (corrigendum *Official Journal of the European Union* 200 (7.6.2004): 1).

[5] Regulation (EC) No. 987/2009 of the European Parliament and of the Council laying down the procedure for Implementing Regulation (EC) No. 883/2004 on the coordination of social security systems, *Official Journal of the European Union* 284 (30.10.2009) 1.

duties an employee and employer have in the country of residence and in the country of work detachment.

However, despite the elaboration and implementation of such regulations, there are still certain aspects that require further legislative explanation or leave a narrow space for subjective interpretation in what cross border activities are concerned. There are also some principles that must be respected regardless of the workplace where an employee is posted[6], especially the principles of non-discrimination and equal treatment. In order to avoid double taxation on behalf of a tax payer (individual worker or commercial entity), a good coordination of the national social security systems is recommended, based on four main principles: only one legislation applicable; equality of treatment; aggregation of the insurance, residence, or work periods; and export of work benefits.[7]

In what the EU legislation is concerned, a person conducting a paid work (employed or self-employed) can therefore be subjected to the social security system of only one member state, generally the state where this person concludes a work contract and conducts its main activities (i.e. where the society that employs the person has its headquarters), if not otherwise provided.[8] Regulation (EC) no. 883/2004 provides in Articles 12-13 and Regulation (EC) no. 978/2009 provide in Articles 6 and 14[9], respectively, the clarification to which state's legislation a worker employed in one state and then subsequently posted in another member state, is subjected to. However, the expression 'where the worker conducts a substantial part of his/her activity' leave space to a considerable margin of interpretation as it creates confusion regarding which legislation applies, that of the state of residence of the society's headquarters or that of the state where the employee is posted. In order to solve the problems that occur in such a situation, certain arrangements can be made between employers and use the A1 certificate to clarify to which state the posted employee pays social contributions. Another aspect that creates divergence is that of the transport and accommodation allowances paid by an employer to a worker posted in another state and how are these expenses entered in the accounting documents of the economic entity because they can be interpreted differently during a fiscal inspection.

For a succinct clarification of the terms used in our study, we must present what the national and European legislation understand by the concepts of detachment and delegation. Detachment refers to 'the act by which the workplace is changed temporary, by the disposition of the employer, to another employer, in order to execute some works in his interest'.[10] Delegation represents 'the temporary exercise by an employee, by the disposition of the employer, of certain undertakings or tasks according to his work competences, outside of his workplace'.[11] Both actions concern the field of free movement of persons and involve therefore at least two different states when an employee from one member state of the EU ('posting state') is sent to work in another member state ('state of employment'), and this

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[6] Yves Jorens, Simon Roberts (eds.), *Analysis of selected concepts of the regulatory framework and practical consequences of the social security coordination* (Ghent: Ghent University, 2010), 11.

[7] International Labour Office, *Coordination of Social Security Systems in the European Union. An explanatory report on EC Regulation No. 883/2004 and its Implementing Regulation No. 987/2009 / Coordonarea sistemelor de securitate socială în Uniunea Europeană. Raport explicativ asupra Regulamentului (CE) nr. 883/2004 şi al Regulamentului (CE) său de implementare nr. 987/2009* (Budapest, 2010), 2.

[8] Jan Cremers, *Coordination of national social security in the EU*, AIAS Working Paper 10-89 (Amsterdam: University of Amsterdam, March 2010), 14-15.

[9] Regulation (EC) No. 883/2004; Regulation (EC) No. 987/2009.

[10] Romanian Law no. 53/2003, Art. 45.

[11] Romanian Law no. 53/2003, Art. 43.

person is therefore referred to as a 'posted worker'.[12] From the EU's perspective, this 'posted worker' can be subjected to a single social security system, of the posting state or of the state of employment, depending of the legal documents concluded before.

In order to exemplify some discrepancies that emerge from different interpretations of the same legislation coming from different fiscal agents, we can use some case studies for the situation of detachment and delegation of workers. The examples suggested are based on real situations found in the Romanian fiscal environment, but the details are modified in our research due to the requirements of professional confidentiality. In both case studies, the problems that arise are similar and come from lack of a clear and coherent legislation at the national and European level.

For our analysis on the case of detachment of workers we suggest an economic entity from the field of meat processing, with a fiscal headquarter registered in Romania and that on the basis of a work contract sends employees in Germany for a specific duration of time to fulfil the same activities. In this field, regulations are quite limited and confusing in formulation, leaving space for interpretation and application. The employee sent abroad is paid a monthly base wage in accordance with the Individual Work Contract for which payrolls had been drawn and the afferent fiscal obligations (income tax, social contributions, etc.) were calculated, declared, and paid; and an amount in Euro that covers travel and accommodation expenses, as well as a detachment allowance in accordance with the detachment contract and the collective work contract that applies here. The society involved had also obtained the A1 certificate concerning applicable legislation regarding social security that attests the fact that the personnel sent abroad has no obligation to pay contributions in another state (done in order to avoid double taxation for both the employer and the employee). However, during a fiscal inspection conducted at the respective economic society, the authorized personnel from the Authorities of Fiscal Inspection found it impossible to establish a fiscal situation, creating thus a problem (that it cannot solve) that they name a "Fiscal Issue" and that they submit to the National Agency for Fiscal Administration (ANAF) in order to be solved. But the opinion formulated by fiscal experts (both internal and external) hired by the society to assist with the fiscal inspection based on the right to receive specialised assistance[13] contradicted the findings of the fiscal inspectors. The society had used their right for specialised assistance during a fiscal inspection[14] that can verify or contradict the opinion formulated.

There are some important aspects reported by the fiscal inspection that were clarified and contradicted by the fiscal experts in the case we presented, mostly relating to a different interpretation of the applicable legislation: a rigid reading on the part of the fiscal inspectors as opposed to a flexible and justifiable interpretation from the fiscal experts. The majority of the problems reported are connected to the amounts paid to the employees sent abroad in the virtue of detachment obligations.

Firstly, the fiscal inspectors did not considered that sums paid to the employees sent abroad could be considered detachment allowances since their activity in Germany was the same as that from Romania and therefore it did not fall within the conditions provided by Article 1 of the Government Decision no. 518/1995.[15] The fiscal experts clarified however,

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[12] European Commission, *Practical Guide on the Applicable Legislation in the European Union (EU), the European Economic Area (EEA) and in Switzerland* (Bruxelles: 2013), 7.

[13] Ioana Maria Costea, *Inspecția fiscală: reglementări, doctrină, jurisprudență [Fiscal Inspection: Regulations, Doctrine, Law]* (Bucharest: Ed. C.H. Beck, 2009), 74.

[14] The Fiscal Procedure Code, Art. 106.

[15] Government Decision no. 518/1995 regarding certain rights and duties of the Romanian personnel sent abroad for undertaking temporary missions (with subsequent completions and modifications), Art. 1: The provisions of this decision apply to the personnel sent abroad to carry out temporary missions that can

that the employees are entitled to benefits as provided in the Individual Work Contract and to the Detachment Contract, which comprise a specific monthly wage, allowance for covering accommodation and transportation, and a detachment allowance. They refer also, as legal basis for their argument, to Article 17 from the same Government Decision no. 518/1995[16], which details the conditions and situation of such economic societies in the case of detachment.

Secondly, the fiscal inspectors refer to the articles from the Romanian Law no. 53/2003 concerning the Labour Code which provide the conditions needed for a movement of workers to be considered detachment: the employee can be sent abroad for a maximum period of 120 days; the detachment allowance must cover subsidence, daily expenses, the cost of transportation within the area of work; the monthly wage paid to the worker abroad respects the norms and pay grade of the German state (i.e. amount/hour of work). In this sense, the fiscal inspectors considered that the economic society did not fulfil these conditions in the detachment of workers to Germany, as the duration of detachment abroad surpassed 120 days and the employees were paid besides the detachment allowance an amount for covering transportation and accommodation. The fiscal experts, however, referred to the same Law no. 53/2003 in order to clarify that the conditions for detachment are fulfilled and that the national legislation provides for the payment of all those benefits. Articles 46[17] and 47[18] of the above mentioned law clarifies the conditions under which the duration of detachment can be prolonged, the financial benefits to which a detached employee is entitled for the duration of his/her stay abroad ('paid transport and accommodation expenses', 'a detachment allowance'), the employee's right to choose the most favourable conditions whether they are provided by the employer who sends him or the employer who receives him. In addition, the fiscal experts use the Romanian Law no.

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represent: a) official visits, negotiations, consultations, or the conclusion of conventions, agreements, and other such understandings; b) participation in fairs and expositions; market prospecting; economic and technical-scientific cooperation; contracting and other actions derived from executing trade agreements; etc.

[16] Government Decision no. 518/1995, Art. 17: (1) It is recommended that economic agents, other than the ones mentioned in Art. 16, Par. (1), as well as philanthropic institutions, associations, and others, apply the provisions of this decision accordingly. (2) in the situation in which the legal businesses mentioned in Par. (1) give supplementary benefits, the expenses made in this sense, that are taken into account when calculating the deductible returns, cannot surpass the ones entitled to the personnel, in the limits and conditions established by this decision.

[17] Romanian Law no. 53/2003, Art. 46: (1) The detachment can be disposed on a time period of maximum a year. (2) Exceptionally, the detachment period can be extended from objective reasons that impose the presence of the employee at the employer where the detachment was disposed, with the written agreement of both parts, every six months. (3) The employee can refuse the detachment disposed by his employer only exceptionally and for strong personal reasons. (4) The detached employee has the right to be paid transport and accommodation expenses, as well as a detachment allowance, in the conditions provided by the law or the collective work contract applicable.

[18] Romanian Law no. 53/2003, Art. 47: (1) The rights entitled to the detached employee are granted by the employer where the detachment was disposed. (2) On the duration of the detachment, the employee benefits from the rights that are most favourable to him, either the rights granted by the employer who disposed the detachment, or the rights granted by the employer where he is detached. (3) The employer that disposes the detachment has the obligation to take all the necessary measures so that the employer where the detachment was disposed completely and timely fulfils all of his obligations towards the detached employee. (4) If the employer where the detachment was disposed does not completely and timely fulfil all of his obligations towards the detached employee, these are to be fulfilled by the employer who disposed the detachment. (5) In the case when there is a divergence between the two employers or none of the two fulfils their obligations according to Par. (1) and (2), the detached employee has the right to return to his workplace at the employer that had detached him, to sue any of the two employers, and request the enforcement of the unfulfilled obligations.

571/2003 concerning the Fiscal Code[19] (and its subsequent amendments) in order to corroborate the economic society's right to offer to the workers sent abroad all the financial benefits of detachment. Not only these aspects are provided by the national legislation, but they were subsequently discussed in the specialised literature[20] that upheld the right for an employer to pay amount relating to transportation, accommodation, or subsidence, alongside a detachment allowance.

Thirdly, the fiscal inspectors concluded that on the duration of the staff's detachment in Germany with the purpose of supplying service, the amounts paid to the staff could not be treated as detachment allowances according to the Collective Work Contract concluded by the employees because it stated that if the detachment is longer than 30 consecutive days, an allowance equal to 50% of the daily base wage is paid instead of the daily allowance. However, the fiscal experts hired by the economic society used the same Collective Work Contract to demonstrate that it was only partially used in the argumentation, as there are articles that detail the fact that detached employees retain their financial rights during their deployment abroad. Also, what the fiscal inspectors did not mention, but the fiscal experts highlighted is that there is no collective contract in the economic domain to regulate the activity in the field of meat processing.

All the above mentioned problems encountered during a fiscal inspection emerged from a rigid, abridged, and one-sided interpretation of the national legislation. The fiscal experts referred to the same national legislation but considered it as a whole, taking into account all articles that dealt with the situation of detachment. These two different opinions in the same matter proved that there still is confusion and variety in interpretation of the legal basis and the results are disadvantageous for the economic entities and the economy as a whole.

In the case of the delegation of persons for economic activities, the problems found during fiscal inspections are similar, as they relate also to the manner in which the applicable legislation is interpreted and to the manner in which financial benefits given to the employee are seen. For a short comparison, we suggest an economic society in the field of constructions, with a fiscal headquarter registered in Romania and that on the basis of a work contract sends workers in Germany for a specific duration of time to fulfil the same type of activities as those for which they were contracted at home. The worker sent abroad is paid a monthly base wage in accordance with the Individual Work Contract for which payrolls had been drawn and the afferent fiscal obligations (income tax, social contributions, etc.) were calculated, declared, and paid; and an amount in Euro that covers travel and accommodation expenses, as well as a delegation allowance in accordance with the delegation contract and the collective work contract that applies here. The economic society had also obtained the A1 certificate concerning applicable legislation regarding social security proving that the personnel sent abroad has no obligation to pay contributions in another state. During a fiscal

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[19] Romanian Law no. 571/2003 concerning the Fiscal Code, Art. 55, Par. 4, Letter g: 4) The following sums are not included in the wages and are not taxable in the sense of income tax: […] g) the sums received by the employees for covering transport and accommodation expenses, the subsistence received on the duration of delegation and detachment in another place, in the country or abroad, in the interest of their work. Are exempted from this provisions the sums granted by legal persons without a patrimonial purpose and by other entities that do not pay return taxes over the limit of 2.5 times the subsistence granted to the employees from public institutions.

[20] Gabriel Biriş, *Despre fiscalitate şi competitivitate principii, probleme, soluţii [On Fiscality and Competitiveness: Principles, Problems, Solutions]* (Bucharest: Ed. Universul Juridic, 2012), 95-96; Gabriel Biriş, Dragoş Pătroi, *Controverse actuale în fiscalitate. Comentarii şi soluţii [The Financial Audit. National Normative Remarks]* (Bucharest: Ed. C.H. Beck, 2011), 23-24.

inspection, there were some problems pointed out, stemming from an abridged and one-sided interpretations of the regulations and conditions.

Firstly, like in the case of detachment presented above, one of the main issues the fiscal inspectors found regarded the monthly wage paid to the posted worker while in Germany, as they considered it did not correspond with the provisions of the Individual Work Contract concluded in Romania. However, the fiscal experts hired by the economic society argued that the workers are entitled to the financial benefits they received as monthly wage referring to the national legislation (Article 17 from the Government Decision no. 518/1995[21]).

Secondly, an important issued considered by the fiscal inspectors was that of the benefits paid during delegation abroad: an amount covering transportation and accommodation, as well as a delegation allowance. As in the case of detachment above, the fiscal inspectors considered that the economic society did not respect the legal provisions by paying its posted workers all these delegation benefits. The main problems pointed here by the fiscal inspectors were that the activity performed by the posted workers was the same as in Romania and that the duration of posting surpasses that provided in the national legislation (i.e. 60 calendar days) in Article 44 of Law No. 53/2003.[22] However, the fiscal experts argued on the basis of the same Article 44, Paragraphs (1) and (2)[23] that the economic society did not infringe the legal provisions relating to the delegation of workers in Germany, as they respected the conditions provided: the delegation was prolonged for a period over the initial 60 calendar days with the agreement of both employees and employer and the financial benefits paid to the employee while abroad are those specified.

Taking the two cases presented above, concerning the detachment and delegation of workers from one state (Romania) to another (Germany) within the space of the European Union, several dysfunctionalities of the financial systems emerge. Most of these issues are related to the different perspectives formulated by fiscal inspectors, on one hand, and the internal or external fiscal experts, on the other hand, when interpreting the same national and European legislation.

CONCLUSION

Taking into account the data presented in the two case studies, some conclusions can be formulated about the functionality of the Romanian fiscal system when analysing situation involving the cross border movement of workers. Such situations are however a considerable part of the economy as a whole by the financial input and output they generate, but also due to the normative issues they create as the applicable social security legislation must clarify to which state a posted employee must pay contributions.

One observation that can be made starting from the two cases presented above is that during the fiscal inspections, the relevant applicable European legislation is overlooked, although dealing with a cross border situation of worker mobility. Since both Regulation (EC) no. 883/2004 and Regulation (EC) no. 978/2009 specify the status of a posted worker and that the workers are subjected to the social security legislation of only one member state,

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[21] See note 16.

[22] Romanian Law no. 53/2003, Art. 44: (1) The delegation can be disposed for a period of maximum 60 calendar days in 12 months and it can be prolonged for successive periods of maximum 60 calendar days, only with the agreement of the employee. The employee's refusal to prolong the delegation cannot represent a reason for his/her disciplinary sanction.

[23] Romanian Law no. 53/2003, Art. 44: (2) The delegated employee has the right to be paid transport and accommodation expenses, as well as a delegation allowance, in the conditions provided by the law or the collective work contract applicable.

therefore providing the conditions of posting and the financial benefits they are entitled to during the duration of it, the national fiscal inspectors refer only to the Romanian legislation and do not reference the European norms applicable.

Another important observation to be made concerns the manner in which the national legislation is interpreted during a fiscal inspection. The abridged, and quite rigid, manner in which the fiscal inspectors interpret the appropriate national regulations in the field leave space to debate, whereas the internal and external fiscal experts refer to the entire legislation as a whole, clarifying how some provisions were translated in practice. Also the latter refer also to the European regulation in existence in order to confirm their findings and the manner in which they have understood the national provisions.

A last observation concerns the need for clarifications and completions in the national legislative system in order to avoid and eliminate the different interpretations that are possible in the present when conducting an internal or external audit. Such clarifications will avoid the occurrence of several interpretations for the same fiscal issue and will allow for more fluency of the fiscal system. Also, they will not leave space for the possibility of double taxation or double payment for an employee or an employer. Since today the cross border mobility of persons is an important aspect of the socio-human environment, the requirements for a coherent and clearly defined legislation in all field have increased considerable.

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ASPECTS OF THE MIGRATION IMPACT ON SECURITY DIMENSIONS

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ABSTRACT

MIGRATION GATHERS AROUND A BROAD SET OF SOCIAL PHENOMENA AND BETWEEN MIGRATION AND SECURITY THERE ARE INTER CAUSAL RELATIONSHIPS. MIGRATION CAN BE SEEN BOTH AS CAUSE AND CONSEQUENCE OF THE SECURITY PROBLEMS.
MIGRATION CAN APPEAR AS THE RESULT OF DIFFERENT THREATS TO THE SECURITY OF THE HUMAN RACE SUCH AS HUMAN RIGHTS' VIOLATIONS, INTERETHNIC CONFLICTS, CIVIL WAR, ETC. WHEN IT'S UNCONTROLLED, MIGRATION ITSELF CAN REPRESENT A SOURCE OF RISKS, DANGERS AND THREATS, HAVING AS A RESULT THE INCREASE OF ORGANIZED CRIME, XENOPHOBE AND RACIAL VIOLENCE, ETC. IN THE SAME TIME, MIGRATION HAS IMPACT OVER ALL THE SECURITY STATE' DIMENSIONS: POLITICS, ECONOMICS, SOCIAL, MILITARY, AND ENVIRONMENTAL ISSUES.

KEY WORDS: INTERNATIONAL RELATIONS, SECURITY, MIGRATION, REFUGEES, ASYLUM SEEKERS.

INTRODUCTION

Population exodus is a permanent reality in the human history. How does migration flows influence security? The states represent the main security pillar, which means that, in order to understand how the migration flow affects the regional and international security, we need to analyze the way this flows affects the host states and the states of destination.

Migration represents "the voluntary movement of individuals, populations, from one country to another or from one region to another, due to economic, social, political, cultural or natural factors"[3].

The twentieth century and the beginning of the twenty-first century faced a continuous population exodus[4]:

• between 1871-1915 Europeans exodus towards other continents, especially America;

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[3] Marcel D. Popa et. al, *Encyclopedic dictionary* (Bucuresti: Enciclopedica, 1993-2009)

[4] Valentin Baluţoiu, Lucia Copoeru, Aurel Constantin Soare, Ecaterina Stănescu, Constantin Vitanos, *The history of the twentieth century and education for democratic citizenship,* (Bucureşti, Educaţia 2000+, 2006), 15, 19.

• between 1918-1920 movements provoked by the border drawing as a result of the unraveling of the Russian, Austro Hungarian, Turkish and German empires and the establishment of the national states;

• between 1922-1933 the migration of the opponents of the extremist regimes, as well as those individuals targeted by the dictatorial regimes: Italian and German antifascists, and Jewish;

• in 1940 the Romanians refugees from the territories seized by Russia, Hungary, and Bulgaria;

• between 1939-1945 the removal of several communities living in the war areas-during the war time;

• between 1960-1970 inhabitants of the former colonies migrate towards their host countries;

• between 1991-1993 economic or political migration of the inhabitants of the ex-communist countries;

• refugees from the interethnic, religious and military conflict areas: 1991 from Croatia, 1992-1996 from Bosnia Herzegovina, 1998-1999 from Kosovo. Approximately 4.6 million people moved either to the neighboring countries or to other European countries where they acquired the refugee status.

Currently, the international migration takes place in multiple forms: "minorities' migration towards the host countries, labor force migration, family migration (previous workers migrant families' migration), and migration forced by natural disasters, politic or religious persecutions, wars, etc"[5].

MIGRATION IMPACT ON SECURITY DIMENSIONS

Migration has impact on security in all its dimensions, political, economic, social and psychosocial, military, and environmental.

The political dimension of security is influenced and influences - positively or negatively-international migration through the ideologies and policies pursued by governments and rulers. There are two specific terms: refugees and asylum seekers who generated including a political status for the people who migrate.

Refugees are people who leave their country of origin because of persecution or fear that they will be persecuted on grounds of race, religion, nationality, or membership of a particular social group or political[6]. Refugee status is granted on request, proving that in the alien's country of origin he/she has justified fears of being persecuted for reasons of race, nationality, religion, membership of a particular social group, or political opinion[7].

Asylum seekers are people who have left their home country, have applied for recognition as refugees in another country and expect a decision in this regard. Political asylum - a status that a foreign citizen can receive in case that in his country he/she risks a discriminatory or even an inhuman treatment due to their political beliefs[8].

The countries of origin for refugees and asylum seekers are those with oppressive political regimes or with social and economic problems that affect the security of individuals. According to UNHCR (United Nations High Commissioner for Refugees), in the entire

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[5] Alexandra Sarcinschi, *Migration and security,* (Bucureşti: National Defense University, 2008), 9.
[6] According to *UN convention regarding the refugees' status* (1951) and *The Protocol regarding the refugees' status* (1967) apud. Alexandra Sarcinschi, *Migration and security,* 10.
[7] *Law no. 15 from 2 April 1996*, regarding *the refugees' status and arrangements in Romania* art.1.
[8] http://legeaz.net/dictionar-juridic/azil-politic accessed on 24.04.2014

world, there are approximately 10.5 million refugees and half of them are children[9]. The High United Nations Commissioner for Refugees estimates that "in 2013, more than 2 million people had to refugee, far from their home. In this way, an alarming record that has not been touched for almost 20 years was reached"[10].

An asylum seeker is a person who says is a refugee and is seeking international protection because of persecution or serious hazards in his own country. Each refugee is initially an asylum seeker, but not every asylum seeker will be recognized, eventually, as a refugee. While waiting for their applications to be accepted or rejected, these people are called asylum seekers.

A UNHCR report shows a sharp increase in asylum applications during 2013, mainly driven by the Syrian crisis in the industrialized countries (fig.no.1)[11].
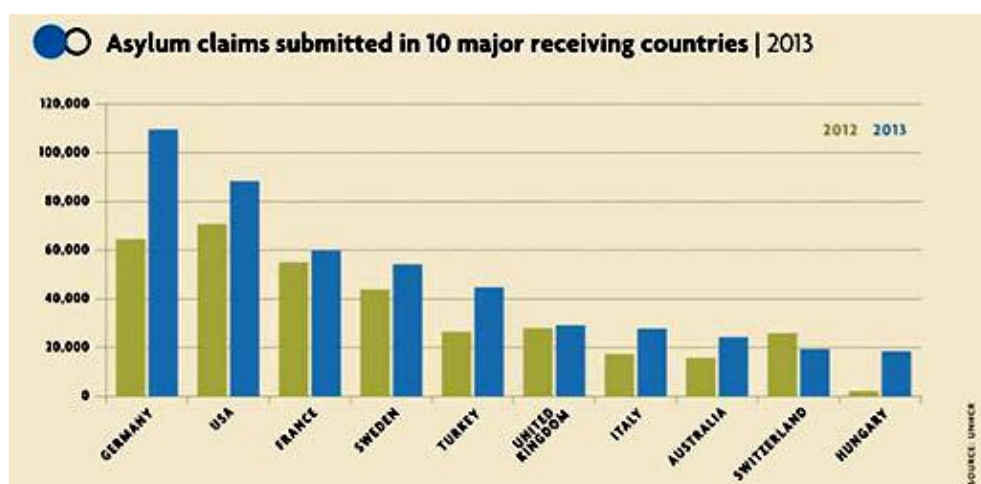
Fig. no. 1 Number of asylum applications in the main 10 destination countries. Source UNHCR

The "Asylum Trends 2013" report states that 612.700 people sought asylum in 2013 in North America, Europe, East Asia and Pacific - representing a record number of figures evidenced for this type of request since 2001 to current date[12].

In Romania, the number of people who submitted asylum requests in 2013 was 1.499 (mostly from Syria) representing 60% of all applications registered in 2012 (2.511).

Analyzing the phenomenon of migration in the context of the political dimension of security, we can identify a bivalent dimension of the interaction between the political conflict and the refugees. This is because the political conflicts can represent both the cause and the effect in relation with the refugees.

On one side, by recognizing the refugee status for individuals, the destination country admits that the origin country has a political regime that allows persecution and oppression, having as a result, tensions between the two actors. On the other side, in the destination

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[9]   http://www.unhcr-centraleurope.org/ro/stiri/2014/compania-ikea-i-unhcr-aduc-lumina-in,   accessed   on 24.04.2014

[10] António Guterres, *The High United Nations Commissioner for Refugees*, according to http://www.unhcr-centraleurope.org/ro/stiri/2014/compania-ikea-i-unhcr-aduc-lumina-in-taberele-de-refugiai.html accessed on 24.04.2014.

[11] UNHCR *Asylum Trends 2013,* available at http://www.unhcr.org/5329b15a9.html, accessed on 05.05.2014.

[12] Report released by the Office of The High United Nations Commissioner for Refugees, on 21 March, Geneva,   available   at   http://www.unhcr-centraleurope.org/ro/stiri/2014/raport-unhcr-a-crescut-numarul-cererilor-de-azil-in-tarile-industrializate.html accessed on 05.05.2014.

countries, the refugees can cause problems by joining opposition movements against the government of the origin countries or even transnational terrorist networks.

There is another category of people, those who for reasons similar to refugees (armed conflict, generalized violence, violations of human rights), moves internally, without passing an international border, to find shelter and remain in their countries of origin.

UNHCR and UNICEF estimates illustrate that more than 2 million children have been internally displaced across Syria. Uprooting, fear, stress and trauma experienced by a great number of children forms only a small part of the humanitarian crisis. Both agencies reported other dangers to children refugees, such as the use of child labor, the possibility of sexual exploitation and human trafficking[13].

Political threats undermine the stability of the state, the organizational ideologies and the institutions that represent the state. From the political point of view, the state can be threatened from the inside or from outside. From the inside, the state may be threatened by the actions of groups who feel disadvantaged by government policy. From the outside, the state may be threatened by the ideology of another state, nationalism, chauvinism, fundamentalism, liberal democracy or communism. In this respect, when between the origin and the destination country of the immigrants there are ideological differences, which can be accompanied or not by geopolitical rivalry, the immigrants can be used by the host state against the country of origin. Reverse situation is also possible, for example when immigrants have a different ideology than the host country, they can represent a threat to that state (if they are involved in anti-regime activities in the host country).

An external political threat can relatively easy become an internal one. In response to the actions of immigrants against the political regime of the country of origin, the latter can track the activities of immigrants in the country of residence. The authorities in the country of origin of immigrants can seek to attract diaspora elements to cooperate in support of their policies. This equals with the internationalization of the conflict, meaning that a conflict between political groups belonging to the same state that would normally be performed in that state, is taken in another state (as it happened between the Iranian state and the terrorist group called "People's Mujahedin", whose members, residents in Iraq, were used by the Iraqi government against Iran).

From the economic perspective, migration issues mainly refer to the exodus of qualified and overqualified occupational categories with direct repercussions over the performance of some economic sectors and ministries essential to the functioning of the state. Here also, we talk about a double impact of migration both in the origin and the destination country:

- in the origin country:

- negative impacts: over the country development, such as "drain brain" (highly qualified occupational categories' migration- see the Romanian doctors' situation) and the lack of labor force in certain sectors belonging to the national economy, which leads to the decreasing of the productivity and incomes, but also a decrease of the life quality;

-positive impacts: over the same economy, capital flows entering the country increasing to a certain extent the gross domestic product, but also increasing the living standards of migrant families and communities to which they belong.

- in the destination country:

-negative impacts: immigrants are seen as an economic burden on the housing sector and the social security system, creating economic problems for the country as well as for its communities and citizens;

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[13]UNHCR/UNICEF, available at http://www.rador.ro/doc/661/2013-08/news-347805-comunicat_presa_unhcr unicef_1mill_sirian_children.pdf, accessed on 23.04.2014.

-positive impacts: immigrants are welcomed as being cheaper and, in some cases, highly qualified labor. In this context there are economic benefits for the country (increasing labor productivity and gross domestic product).

Economical threats relate to the pressures that migration induces over the general development plans of the countries of destination.

The most important component of the economical threats targets the financial constraints that migration is inducing on the governments of the receiving states. In the destination countries of international migration, immigrants often induce significant pressures on the health system or the transport facilities, boosting consumption[14].

In order to cope with this additional consumption, host states can increase the taxes on their citizens. Such measures may attract negative sentiments from the natives, towards the presence of immigrants. Further on, the hostility can undermine the socio-political cohesion of the state, affecting its security.

Regarding the social dimension, migration can be seen throughout the fact that immigrants are perceived as a threat to cultural, religious or national identity of the society.

Research[15] revealed that 76 % of Europeans consider that a large number of immigrants arriving in their country constitute an important or very important threat to their states. This perception is rooted in the increased pressure on social services, such as cheaper housing demand and the need for good schools in areas with pronounced ethnic diversity. These concerns stem from feelings of uncertainty and anxiety about the future, spread across Europe and, although erroneously, are associated among others with migration. This is highlighted by the fact that following some surveys in the United Kingdom, "47% of those who responded to the survey said that Romanians and Bulgarians should not get the right to come to Britain to work and to establish here"[16].

In the long term, the most obvious effect of migration is the creation of the ethnic minorities that can turn a homogeneous society into a multiethnic and multicultural one. Migration is an important challenge to the traditional values of nationality and citizenship. Immigrants could constitute a threat to the social, cultural and religious norms and values of the host society. In their attempt to defend these values, the host societies may be tempted to emphasize the differences between the dominant culture and the minority cultures existing within the host society.

For the citizens of the country of origin, the immigrants began to represent not only a source of income but also a vulnerability in the technological competition between states; the developed countries increasingly attract more highly qualified workforce from the countries which cannot provide the same high standards of living.

The relationship between international migration and psychosocial dimension of security can be reduced to a single phrase: psychosocial representation of the other (meaning different). These representations determine attitudes, which, in turn, not only configures state policies and strategies vis-à-vis migration but also the events that trigger tensions, crises and conflicts, affecting all security' dimensions and, therefore, all areas of social life.

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[14] Martin O. Heisler, Layton-Henry Zig, *Migration and the Links Between Social and Societal Security,* in Ole Weaver, Barry Buzan, Morten Kelstrup; Pierre Lemaitre (eds.), *Identity, Migration and the New Security Agenda in Europe,* New York, St. Martin's Press, 1993

[15] Marcel Canoy, Ricklef Beutin, Anna Horvath, Agnes Hubert, Frederic Lerais, Peter Smith, Myriam Sochacki, *Migration and public perception,* Bureau of European Policy Advisers (BEPA) European Commission, available at http://ec.europa.eu/dgs/policy_advisers/publications/docs/bepa_migration_final_09_10_006_en.pdf., accessed on 24.04.2014

[16] Daily Mail, *Romanian immigrants split UK in two-survey,* 25 November 2013, available at http://www.ziare.com/diaspora/romani-marea-britanie/imigrantii-romani-impart-marea-britanie-in-doua-sondaj-1269744 , accessed on 24.04.2014.

Another issue concerning the interconnection migration-security is related to the public health of the natives. A 2006 report from the Health Protection Agency in the UK shows that most immigrants are young healthy individuals, but they are more vulnerable in relation to the European natives in terms of infectious diseases; about 70% of new cases of tuberculosis, HIV and malaria were recorded in patients born in Britain. Many immigrants develop the infection as a consequence of their socio-economic status in the host countries[17]. Regarding the military dimension of security, we can say that immigrants can affect a state military security in several ways.

A first method consists in the possibility to use the territory of the host state to initiate military activities against the state of origin (mainly for political reasons). Such a scenario may generate tensions and even conflicts between the home state and the destination state of immigrants, regardless of whether the last offered or not support to immigrants in the preparation and organization of those activities.

Another way in which immigrants can threaten the military security of a state is related to the possibility of refugees (and immigrants) to "persuade" the State that give them shelter to take direct action against their country of origin, with the stated goal of changing the politic regime in that country. A third way in which immigrants can affect the security of the state or may be perceived as so, is related to be host state's interest to provoke the political regime of the country of origin of the immigrants.

The environmental dimension of security impacts and, in the same time is influenced by the international migration. On one hand, forced migration may be the result of massive degradation of the living environment; the degradation can be caused by natural disasters (desertification, floods, earthquakes, etc.) or by the humans. On the other hand, massive flows of immigrants and especially refugees can cause damage to the environment by the built of camps lacking the necessary health infrastructure.

In the first case, the internal migration is predominant and not the international one, in 2007 over 25 million people were forced to leave their homes due to a natural disaster (earthquake, hurricane or flood)[18].

In the second case, the refugees are those who cause damage to the environment. Klaus Toepfer, the coordinator of the Report of the United Nations Environment Programme in 2005, said that environmental resources are affected by the presence of refugees by deforestation, soil erosion, destruction of wildlife, biodiversity depletion, water contamination, excessive cultivation of the land, etc[19]. For example, Rwandan refugees caused, in 1994 in the Democratic Republic of Congo, the loss of over 3,750 hectares of forest[20] and, in Tanzania - soil erosion in areas where their cattle were grazing in excess[21].

Millions of other civilians may be classified as internally displaced people who were left homeless by natural disasters: the Indian Ocean tsunami in 2004; Cyclone Nargis in Myanmar in 2008, the floods in Pakistan in 2010 etc.

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[17] Antonio Ponticiello, Miriam C. Sturkenboom, Andreea Simonetti, Rosanna Ortolani, Mărio Malerba, Alessandro Sanduzzi, *Deprivation, immigration and tuberculosis incidence in Naples, 1996-2000,* in European Journal of Epidemiology, vol. 20, 2005, 729-734.

[18] Baird, Rachel (coord.), *Human Tide: the Real Migration Crisis*, Christian Aid, 2007, 5.

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[20] Klaus, *The Impact of Refugees and Internally Displaced Persons on Local Environmental Resources*, 2

[21] Klaus, *The Impact of Refugees and Internally Displaced Persons on Local Environmental Resources*, 3

CONCLUSIONS

All security dimensions are interrelated and, therefore, the impact of international migration on them, and their influence on the above mentioned phenomena cannot be analyzed separately, but in conjunction.

Migration is at the same time a source of insecurity and a source of security for both countries of origin and their citizens and the countries of destination and their inhabitants.

The states that are vulnerable due to some related situations such as underperforming economy, weak social cohesion, dysfunctional/ ineffective public institutions, or immature political system are more exposed to security risks related to migration than the strong ones, economically and politically well-organized.

Security challenges are rooted especially in the ethnic and religious differences between the population of the destination country and immigrant population, but also in the low living standards of the latter, caused by difficult access to jobs in the country. In the same time, the unfavorable image that nationals have about the new arrivals, those who "invade" and "are threatening" the communities, is often a source of tension between them. We subscribe to the statement „lastly, contrary to the widespread public opinion that immigration is a threat to public security, there is little to no correlation between immigration and criminality. The act of labeling immigration as a security threat does more to harm society than it does to protect it. It often results in xenophobic and racist attitudes, the exclusion of immigrant groups, and the perception of the immigrant as the undeserving other or enemy"[22]. However, we should not underestimate the role of immigrants as security factors, especially in the economic field. There are several European countries, which following legal or illegal employment of foreigners in various sectors of the economy registered a substantial increase in gross domestic product and, therefore, a significant increase in the living standards of their citizens.

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CULTURAL IDENTITY CHALLENGED BY EUROPEAN CITIZENSHIP?

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ABSTRACT:
THE EU CONTEXT PROVIDES THE FRAMEWORK THAT SUPPORTS THE CULTURAL EXCHANGE AND COMMUNICATION, AND ENABLES THE INTRODUCTION OF NEW TYPES OF CULTURAL DEVELOPMENT AT LOCAL/REGIONAL LEVELS. IDEAS ABOUT CULTURAL DIVERSITY AND MULTICULTURALITY HAVE BEEN GENERALLY ACCEPTED AS A BASIS FOR THE EUROPEAN TYPE OF INTEGRATION. IS IT POSSIBLE TO REMAIN OPEN, TOLERANT, INVOLVED BUT STILL APPRECIATED AND RECOGNIZED AT THE SAME TIME IN ORDER TO KEEP YOURSELF DIFFERENT? LARGELY ENABLED BY THE NEW TECHNOLOGIES AND CULTURAL PRACTICES OF THE EU, IT SEEMS THAT THIS PARTICULAR CULTURAL SPACE, EAST EUROPEAN COUNTRIES, HAVE ENTERED IN A PROCESS OF STABILIZATION THROUGH THEIR EUROPEAN INTEGRATION. THUS, BEING IN THIS TRANSITION PROCESS, HOW CAN WE PREVENT THIS NEW OPEN COMMUNICATION IN DILUTING THE NATIONAL CULTURAL VALUES? EUROPEAN CULTURAL POLICIES SHOULD CREATE THE SOCIAL AND CULTURAL OPPORTUNITIES FOR THE EUROPEAN CITIZENS, WHILE USING EUROPEAN CITIZENSHIP AS AN INSTRUMENT TO PROTECT PLURALITY AND DIFFERENTIATION, BUT STILL ENCOURAGING THE DEVELOPMENT OF A TRANSNATIONAL CULTURAL IDENTITY, BY INCREASING INTERCONNECTIVITY AND BLURRING THE BOUNDARIES. IS THIS THE RIGHT PATH IN ENSURING THE ENVIRONMENT OF A EUROPEAN MULTICULTURALISM AND DIVERSITY, WHILE PRESERVING NATIONAL VALUES AND CULTURE?

KEY WORDS: MULTCULTURALISM, CULTURAL SPACE, EUROPEAN CITIZENSHIP, CULTURAL IDENTITY

INTRODUCTION

Ideas about cultural diversity and multiculturality have been generally accepted as a basis for the European type of integration. The concept of culture and cultural communication within the EU has been the driving force of its integration .The European integration model has not been reduced to the common market only, and the discussions on the maintenance and encouragement of cultural diversity have been a part of all European integrative ideas and practices. [1]

Linked to the exercise of rights in the single market, the European Union is presenting this bounded form of supranational membership, the EU citizenship, a right derived from the

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[1] Leonce Beckemans, *Culture: The Building-Stone of Europe* (Brussels: Presses Interuniversitaires, 1994), 15

nationality, priorly possesed, of a member state. In the EU, there are around 11 milion legally resident third country nationals, plus an unestimated number of illegal immigrants. These migrants origins are from asylum seekers, labour migrants, clandestine migrats, family members, refugees to ethnic returnees. The Amsterdam Treaty of anti-discremination provisions (Article 13)[2] and the subsiquent anti-discrimination legislation, produces changes within the EU. The EU's core market-making purposes created Europeanised forms of inclusion, by removing and establishing some barriers, with the effect of exlusion of legally resident third country nationals from rights of EU citizsenship and a tighter control at the external frontiers of the EU towards the „unwanted migration". All this produced changes in the EU-15 and the sorrounding states and regions, by focusing on the migration inclusion agenda and on the ways in which it shaped by the sources of material and symbolic power associated with European integration, creating a unique form of supranational integration with implications for politics and society [3]

According to the Euroenthusiasts, the united Europe was supposed to create a common European identity[4]. Euroenthusiasts argue that what is happening in Europe is the creation of a pan- European identity, others call it a transnational identity, and others still refer to it as a common identity.[5] It is true that integration and the European Union have made a deep and binding impact in the lives of Europeans, but the implications for states and for identities is still unclear.[6] Whether a transnational identity or pan-European identity (terms that are interchangeable) has developed in Europe? Scholars and practitioners such as Ernst Haas, Jean Monnet, and David Mitrany, starting in the 1950s advocated a new European super-state that deemphasized separate national identities in favor of a larger transnational identity.

National identity is an important element in explaining attitudes towards the European Union. A model of support for European integration is developed that suggests that feelings of national identity are highly important in an individual's choice to support the EU. The impacts of three alternative conceptualizations of national identity are involved. These relate to national identity as an intensity of feelings towards one's country, the level of attachment to the nation and other territorial entities, and the fear of other identities and cultures encroaching on the dominant national culture. The results of ordered legit analyses confirm that stronger feelings of national identity lead to lower levels of support for the EU.

Extracting some data from the latest Eurobarometer surveys, we can have a broader picture of how citizens of EU member states fell about the community and their attitudes towards their national and cultural identity. Six out of ten Europeans see themselves as citizens of the European Union, more or less unchanged since the spring 2011 (EB75) and the spring 2010 (EB73) surveys. Conversely, 38% of respondents do not feel that they are European citizens (+2 percentage points since the spring 2011 survey and +1 since spring

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[2] The Treaty of Amsterdam (1997) amended th Treaty of Rome (1957), inserting the Articloe 13, which empowered the EU to take action to combat discrimination on a number of grounds.
[3] Andrew Geddes, "Integrating immigrants and minorities in a wider and deeper Europe" in *Europeanisation, National Identities and Migration Changes in boundary constructions between Western and Eastern Europe*, ed. Willfried Spohn and Anna Triandafyllidou, (London: Routledge, 2003), 84
[4] Ernst B. Haas, *The Uniting of Europe: Political, Social and Economic Forces, 1950 – 1957*, (South Bend: University of Notre Dame Press, New Edition 2004)
[5] Reid T.R., *The United States of Europe: The New Superpower and the end of America Supremacy*,(New York: Penguin Press, 2004)
[6] Clifford Carruba, "*Courts and Compliance in International Regulatory Regimes"*, in the Journal of Politics (Vol 67, No.3,Aaugust 2005), 669 - 689

2010). The sense of European citizenship is shared equally by EU15 respondents (60%) and NMS12 respondents (61%). However, it is more widespread in the Eurozone countries (63%) than in the non-Eurozone countries (55%).[7]

Understanding just how identities are formed and how political and economic integration might change, shape, or create new identities has been the subject of both academic inquiry and policy-making efforts.[8] The extent to which Europeans are attached to their national or regional identities might go a long way in determining how well integration would work. Finally understanding how the different components of integration either appealed to national identities or threatened them would inform policy makers about the specific steps that should be taken should proceed.[9]

In the early days, pro-European politicians and technocrats like Robert Schumann, hinted that the process of integration and the creation of the new Europe would take a step by step approach saying that "[t]he single Europe will not be made all at once, or according to a single comprehensive plan. Rather, it will be built through a series of concrete achievements, each of which will create a de facto solidarity."18 This strategy would serve to create inertia and diffuse support for institutions when these institutions could not provide immediate results.[10] Common identities provide mass support when large institutions make decisions that require sacrifice by its members. The politicians of the day based much of their policies and actions on the belief that the identity component

From the 1970s to mid-1990s, there was a clear trend across Western democracies toward the increased recognition and accommodation of diversity through a range of multiculturalism policies (MCPs) and minority rights. These policies were endorsed both at the domestic level in some states and by international organizations, and involved a rejection of earlier ideas of unitary and homogeneous nationhood. Since the mid-1990s, however, we have seen a backlash and retreat from multiculturalism, and a reassertion of ideas of nation building, common values and identity, and unitary citizenship — even a call for the "return of assimilation."

In much of the post-multiculturalist literature, multiculturalism is characterized as a feel-good celebration of ethnocultural diversity, encouraging citizens to acknowledge and embrace the panoply of customs, traditions, music, and cuisine that exist in a multiethnic society.

Multiculturalism takes these familiar cultural markers of ethnic groups — clothing, cuisine, and music — and treats them as authentic practices to be preserved by their members and safely consumed by others. Under the banner of multiculturalism they are taught in school, performed in festivals, displayed in media and museums, and so on. This celebratory model of multiculturalism has been the focus of many critiques.

The unintended consequence happened in western Europe of strengthening national senses of community, of 'belonging' to a specific nation-state, and thus strengthening the impediments for achieving subjective citizenship on a pan-national scale. Promoting 'bringing together', has create a growing problem of 'holding together'. The policy of multiculturalism in Europe is experiencing a crisis.

Over the past decade the opponents of multiculturalism have multiplied. Leading politicians such as Angela Merkel, David Cameron and Nicolas Sarkozy have all condemned

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[7] European Commission, Standard Eurobarometer 77– TNS Opinion & Social, „European Citizenship", Spring 2012

[8] Rick Kosterman, Feshbach Seymour, *"Toward a Measure of Patriotic and Nationalistic Attitudes",* in Political Psychology, vol.10, no.2, 1989, 257-273

[9] Lauren M.McLaren, *"Public Support for the European Union: Cost/Benefit Analysis or Perceived Cultural Threat?"* in the Journal of Politics, Vol.64, No.2, May 2002, 551-566

[10] Reid, United States of Europe, 43

this Left wing strategy of integration that equates the ideals of other cultures with European traditional values. Chancellor Angela Merkel declared that multiculturalism has "utterly failed". Thus, Germany's approach was not actually implemented; its national official policy has been hostile to institutionalized populations. This critique towards multiculturalism might have a political purpose, as Karen Schonwalder says: "By creating an imaginary picture of a multicultural past" conservative political leaders "can present their own policies as innovative". [11]

When pride in one's own traditional values is continuously suppressed and spurned, the result may be that Europeans feel discriminated against in their own culture. This becomes a "racism against whites" which in turn creates a growing environment of displeasure with "non-Western foreigners". The unintended consequence happened in western Europe of strengthening national senses of community, of 'belonging' to a specific nation-state, and thus strengthening the impediments for achieving subjective citizenship on a pan-national scale. Promoting 'bringing together', has create a growing problem of 'holding together'.

CONCLUSION

In this paper it is argued that the European Union (EU) cultural policies promoted and undertaken until now have difficulties and limitations as much as having successful multicultural integration. To help address these challenges, we have to take into consideration the nature of the issues at stake of the particular countries in which multiculturalism has failed. Variations have to be identified and analyzed in order to define a new and more sustainable model that will provide the diversity. Policymakers, scholars and even journalists are trying to explain the evolution of diversity and their work is revealing the need of creating an alternative framework for the so-called post-multiculturalism era, which we are starting to face.

Furthermore, it is necessary to analyse the relationship between nationality and identification with Europe. Is there a European identity, and does national identity stand in contrast to European identity? Does nationalism have destructive effects on the acceptance of European integration and on support for European ideals like democracy and freedom? We also have to ask the question the other way around. Is identification with Europe an important precondition for the acceptance of democracy, market economy, and other Western ideals? Does it have any impact on these values at all? Last but not least, what are the variables that influence national and European identity?

The founders of the European Union went out of their way to avoid the issue of identity, in the belief that European integration was best hitched to pragmatic, mainly economic, concerns and to the unassailable argument that efficient public decision-making demanded larger jurisdictions than existed in even the largest West European states (Hooghe and Marks forthcoming). They hoped to deepen European identity as a by-product of integration that could be led by elites with the implicit consent of publics. However, the European Union has become far more than a means to reduce barriers to trade, or even, more broadly, a means to produce certain public goods for citizens in member states. It conveys European citizenship; it prints its own money; it holds elections across its entire territory for a directly elected legislature with the power to veto most legislation. In short, the European Union is a polity—a self-governing community with authority over those who live in its

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[11] Karen Schonwalder, *Germany: Integration Policy and Pluralism in a Self-Conscious Country of Immigration. In The Multiculturalism Backlash: European Discourses, Policies and Practices*, trans. Steven Vertovec and Susanne Wessendorf, (London: Routledge, 2010), 162

territory. As such it engages the territorial identities of citizens. It is no longer possible to conceive of identity as an inert outcome of integration. As European integration has moved along a broad policy front, and as one national competence after the other has come to be shared with EU institutions, so territorial identity has become an obvious constraint on support for the European Union. I am fundamentally interested in testing the causal claims made that economic and political integration ultimately leads to a shift in loyalties and changes in identity. Scholars and practitioners such as Ernst Haas, Jean Monnet, and David Mitrany, starting in the 1950s advocated a new European super-state that deemphasized separate national identities in favor of a larger transnational identity.

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THE WAR WHICH BRINGS IN THE COLD – UKRAINE AND CRIMEA – MASKIROVKA AND DISINFORMATSIA

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ABSTRACT

FACTS: AT PRESENT RUSSIAN ARMED FORCES OBVIOUSLY COMMAND AND HAVE FULL CONTROL OF ALL KEY POSITIONS IN CRIMEA: ACCESS AND MOVEMENT, NEWSPAPERS, BANKING, FOOD SUPPLIES AND LOCAL AUTHORITIES. IN MILITARY TERMS THE RUSSIAN MILITARY INDUSTRIAL COMPLEX IS OBVIOUSLY CARING OUT A WELL KNOWN TYPE OPERATION OF RECONNAISSANCE THROUGH COMBAT, IN THE TRADITIONAL RUSSIAN MILITARY DOCTRINE EVERY MOVE MUST BE POWERFUL, SUDDEN, WITHOUT WARNING INVOLVING ALL BRANCHES OF MILITARY SERVICE AND THE GOAL IS TO REACH AS FAR INTO THE ENEMY TERRITORY SWIFTLY AND BY SURPRISE. THE CRIMEA AND UKRAINE OPERATION SHOW THE CAPABILITIES OF THE RUSSIAN ARMY TO CARRY OUT MISSIONS OF ATTACK AND OCCUPATION WHICH DENOTE CAREFUL PLANNING. THIS FACT SHOWS THAT THE MILITARY HAD LONG TIME AGO CONCEIVED WAR PLANS FOR THIS ZONE. THE MISSION WAS FULLY ACCOMPLISHED AND IT IS VERY SIMILAR WITH THE CAPTURE OF KABUL WHICH INVOLVED SPECIAL FORCES TROOPS WEARING A VARIETY OF UNIFORMS, AND LIKE IN KABUL IT WAS CARRIED OUT WITH A PERFECT TIMING AND PRECISION, IN A VERY SHORT TIME. THE WHOLE OPERATION WAS EXECUTED ACCORDING TO THE CLASSICAL RUSSIAN MILITARY DOCTRINE OF "MASKIROVKA" AND "DISINFORMATSIA".
SHORT TERM GOALS: A TOP PRIORITY IS THE SWIFT ACQUISITION OF ALL UKRAINIAN MILITARY ASSETS INCLUDING THE LAND BASES, THE NAVAL VESSELS AND ALL THE OTHER MILITARY CAPACITIES. IN DOING SO THEY DESTROY THE MORALE AND REDUCE ANY POSSIBLE MILITARY OPPOSITION.
NEXT STEPS: A CLEAR IMAGE OF RUSSIA'S NEXT STEPS WOULD BE THE ARRIVAL IN CRIMEA OF PERSONNEL OF THE FEDERAL AGENCY OF GOVERNMENT COMMUNICATIONS AND INFORMATION TO CARRY FORWARD THE SITUATION. FAPSI'S FUNCTIONS ARE DIVIDED BETWEEN SECTIONS OF THE FEDERAL SECURITY SERVICE, THE FOREIGN INTELLIGENCE SERVICE AND SPECIAL SECTIONS OF THE FEDERAL PROTECTION SERVICE OF THE RUSSIAN FEDERATION. IN THE REST OF UKRAINE, OCCUPATION FORCES WILL BE SEEKING EVIDENCE OF VIOLENCE AGAINST ETHNIC RUSSIAN POPULATION TO JUSTIFY FURTHER ACTION. SUCH ACTIVITIES WOULD ALSO HAVE THE VITAL PROPAGANDA PURPOSE OF DISCREDITING THE NEW UKRAINIAN GOVERNMENT INTERNATIONALLY.

KEYWORDS: UKRAINE, MASKIROVKA, DISINFORMATSIA, KNOUT, SPETSNATZ

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It's very obvious that the newly emerged authorities in Kiev do not have control over Ukraine, to say nothing about Crimea which *de facto* has joined Russia despite international legislation and political agreements.

Russia has planted firmly its boots on the ground and wields the knout once again over a long-time disputed territory which finally has come to the bosom of its mother.

It is the return of a long lost child: what has happened? Why did it happen? How?

If we resort to recent history we can see how in the dissolution of the USSR a new free state emerged. Nevertheless it inherited all the problems of the Soviet era, instead of passing through a period of transition peacefully orchestrated by democratic regimes it was torn apart by political ambitions, manipulated from the EAST or from the West (see the Orange Revolution). The last straw was the decision of the pro-Russian Ianukovici regime to turn its back towards Europe at Vilnius. This really broke the camel's, back.

The popular revolt was successful because the regime could not offer any plausible option to the masses of people driven to despair by corruption, terror and manipulation.

The model of the Ukrainian State based on corruption and totalitarianism could only lead sooner or later to social explosions. The Euro – Maidan is such an example and it is not a new fenomen in the recent history of Ukraine. What is new is the fact that the EU and the USA behaved differently. Somebody/ nobody in Washington and Brussels realized the mistake they had made in Vilnius, may be, they realized the mistake they made at the Bucharest NATO Summit[3] and it was time to act.

Suddenly the world leaders came awake, level after level of formerly dormant bureaucracies was activated, decisions were made up and an enormous response was given which suddenly mobilized public opinion.

The Budapest Memorandum[4] was invoked and completely ignored by Moscow. But the issue is the fact that U.S.A. and Great Britain had given their word guaranteeing independence and security to Ukraine.

Would Russia have embarked on such an action – invasion and annexation if Ukraine had kept its nuclear arsenal?[5]

There is also another side to this problem – global security arrangements made by the USA and its allies have been ignored – practically Ukraine becomes a test for the credibility of USA and NATO.

The Ukrainian crises could overthrow global balance, and point out the fact that international agreements and facts do not really count.

On the other hand it brings to light the importance of NATO and questions its capacity to defend it's members.

So far NATO did not project a very credible image after Afghanistan and especially now when its Secretary General Rasmussen is replaced by the former Norwegian Prime Minister – Stoltesem[6] and when the commanding General of NATO forces Fillip Breedlove instead of saying something more meaningful is quoted to have said that. "Russia has the military capability and has the intent" – it is practically a recognition of the fact that Russian has the superiority in the field which in civilian language means that the Russian military has the initiative and is capable to implement its purposes which in fact the invasion and

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[3] Ukraine and Georgia were not give the green light to join NATO

[4] America, Great Britain, Russia guaranteed Ukraine's independence and security

[5] Ian Bremmer, "It's time to Look Beyond Crimea", in Revista Time, Vol.183, No. II/march24,2014. London

[6] NATO did not clearly say that, there were hints only that this was Rasmussen's last visit as NATO Secretary General living a grey zone as far as supreme command of NATO is concerned, which is a very confusing situation in military strategy

later the annexation showed clearly. Russian's military leaders have carried out successfully a master plan which belongs to a much more complicated scheme. It may be the restoration of USSR.

At present armed forces obviously have full control positions in Crimea: access and movement, newspapers TV channels, banking, food supplies and cooperation of the local authorities.

In military terms the troops have carried out successfully a type of operation known as reconnaissance through combat, in the traditional Russian military doctrine – every move must be powerful, sudden without warning, involving all kind of troops in the military service and the final goal is to reach as far into the enemy territory as possible, swiftly and decisively.

The Ukraine and Crimea operation show the capabilities of the Russian army to carry out missions of attack and occupation which denote faultless planning and strategy.

In fact it has become clear that military plans have been conceived long time before the occupation of Crimea. The rehearsal for this plan was carried out partially in Georgia. It may remind to the analyst a similar plan of taking over of Kabul, a successful operation carried out by troopes wearing a variety of uniforms, masks and types of armament. They are the elite troops of thr Russian army known as SPETSNATZ (special forces). This display of large contingents in strange uniforms is meant to disorient the enemy which may disconsider and dismiss the attacks as lacking importance. While the operation is underway the troops are being concentrated on specific target - city halls radio, military bases and little by little everything is in Russian hands.

The Crimean takeover relies heavily on two basic military principles camouflage and disinformation (maskirovka and disinformatsia).

The top priority of Russians actions is the swift acquisition of all Ukrainian military assets, and the land and sea bases, vessels and all the other military capacities. It includes the capture of military personnel which later can be either indoctrinated and turned or let to go home in shame and public disgrace. In doing so they undermined Ukrainian moral and boost up the situation of the pro Russian paramilitary troops. This also reduced drastically any possible military position.

All these goals were successfully achieved with the involuntary help of the new Ukrainian military authorities which did not issue in real time specific instructions for its soldiers and officers leaving them in a very vulnerable and helpless situation in front of a much superior enemy. A clear image of Russia's next steps before and after the takeover would be the arrival in Crimea of The Federal Agency of Government Communications and Information to carry on forward and stabilize the situation. Its well - known acronym is FAPSI. FAPSI's functions are divided between sections of Federal Security Service, for Intelligence Service and Special Sections of the Federal Protection Service of the Russian Federation.[7]

In the rest of Ukraine special forces of occupation will be looking for and preparing evidence of violence against the ethnic Russian population to justify forward action.

Political and military analysts unanimously agree that Ukraine and especially Crimea are territories of strategic importance indispensible to the strategic defense of the Russian Federation, just think in a pro - western Ukraine Moscow would be at a distance of 480 km of NATO. Putin clearly expressed in his discourse in front of the DUMA, that NATO is already too close and closing in on Russians borders. "I just cannot imagine he said, to go

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[7] http://www.janes.com/article/34790/analysis-russians-holding-whip-hand-in-crimea.

on a visit to Sevastopol and to be met there by smiling NATO's soldiers."[8] It becomes clear that the battle for Ukraine remains a political confrontation backed by the military power of the Russian Federation. At the moment nothing can stand against an aggressive Russian army which could overran any opposition (IE Romania can be overran in 8 hours, according to senator Norica Nicolai in speech given in Suceava 31.3.2014).[9]

However nationalistic were the regimes of Iuscenko and Timosenko as long as Ukraine remained fairly neutral with slight leanings the towards Europe but not clearly pro European, everything was under control while Ianukovici was in power Russia was not worried either because UE and NATO did not really pose as a real threat. Their position was ambiguous and that suited perfectly to Russia and its economic and military interest. But when things got out of control and Ukraine exploded, a new government replaced the Ianukovici administration, Russia decided that the time was ripe to act and recuperated Crimea which Hrusciov gave away so foolishly to Ukraine in 1954.

A brief look into the past shows us how important Crimea and Ukraine were to Russia. From the Crimean war 1856 till 1991 when the Soviet regime crumbled, Russia and its leaders were extremely concerned about the plight of these territories. In the last 150 years there was several cycles of development and events which demonstrated the importance of these strategically placed lands. Nowadays Putin's Russia is within a new favorable historical cycle enjoying a relative affluence economically and takes advantage of a favorable, historical context. The top priority project of Putin's administration is the creation of Eurasian Union in fact a kind of reconstituted Soviet Union led of course by Moscow, and this is where Ukraine comes in and fits perfectly, without it there is no Eurasian Union.

Ukraine was an agricultural, industrial area during the USSR and at the same time a vital strategic territory. It's area today is larger than that of any member of EU. Thus Moscow's imperious need to get it back to its former status is imperative. Therefore Putin is not afraid of European and NATO sanctions at least not for the short term. His greater worry is that he could become the Russian leader who lost Ukraine, but so far he did his best to avoid that. From a military point of view the annexation was a great success and inside the Russian Federation it gained an enormous prestige for Putin. But hopefully the military chapter of the operation comes to an end at least for the time being. Now it is very interesting to see how will Russia manage the project politically. At present it is facing rather moral and political sanctions, NATO and the EU are not seeming to put up a serious plan of sanctions. Finally last week 27.03.2014 America came to the high table represented at the top level by President Obama. The Secretary General of NATO delivered a message of the utmost importance and also significantly increased its presence in the Baltic states and Poland bringing a lot of sophisticated military hardware. On one hand we have the rigid Russian roulette position – "we shall not change our position regarding Ukraine"[10] – Serghei Lavrov, and on the other we have an increased significant activity carried out by NATO in the region. The new G7 summit meeting in the Hague already decided to expel Russia from the organization so the next G8 meeting in Sochi will simply not take place. The organization will meet in the new format in Brussels and from there on we can expect a more coherent position of the US, EU and NATO. It is supposed that after the European elections with a

[8] http://www.dailymail.co.uk/news/article-2570335/Former-British-Ambassador-Moscow-warns-Russia-invaded-Ukraine-difficult-avoid-going-war.html

[9] http://www.obiectiv.info/norica-nicolai-cel-mai-iresponsabil-om-politic-roman_37046.html / Or less than 30' in Russian's Voice opinion

[10] http://voiceofrussia.com/news/2014_06_11/Attempts-to-replace-OSCE-roadmap-on-Ukrainian-settlement-with-other-plans-counter-productive-Lavrov-7187/

new parliament, with a new European leadership and a more aggressive NATO, the next steps of action will be far more drastic.

At the moment Russia seems to ignore all the short terms sanctions and its playing a dangerous game of Russian roulette but apparently it is not prepared to go to full time scale war, it is keeping open its options and will eventually little by little, unhurriedly go to the negotiation table.

As a conclusion Russia momentarily accomplished her plans of restoring its territories to former Soviet dimensions through a well organized military diplomatic plan of action. So far US, EU and NATO reactions have been slow, uncoordinated and not at all convincing for the Russians, but it is our hope that the response will be stern and will deeply affect the new world order.

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FLEXICURITY - A SOLUTION FOR THE EUROPEAN UNION FINANCIAL CRISIS?

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ABSTRACT:
IN THE CONTEXT OF THE GLOBAL FINANCIAL CRISIS, CREATING NEW JOBS BECOMES EXTREMELY IMPORTANT FOR EVERY COUNTRY. IN THE MEMBER STATES OF THE EUROPEAN UNION THE PROBLEM OF EMPLOYMENT IS MORE AND MORE SIGNIFICANT, AS WE FACE CONSIDERABLE CHALLENGES REGARDING THE AGING POPULATION, THE CONTINUOUS MIGRATION OF LABOR FORCE, THE DECLINE IN HOUSEHOLD CONSUMPTION AND THE GLOBAL FINANCIAL CRISIS.
THE EXISTING POLICIES IN THE AREA OF EMPLOYMENT ARE DESIGNED TO COUNTERACT THE UNDESIRED EFFECTS OF THE ACTUAL EVENTS AND FOCUS MAINLY ON THE CURRENT SITUATION WITHOUT TAKING INTO CONSIDERATION THE POSSIBILITY OF DEVELOPING A LONG-TERM STRATEGY. INSPIRED BY THE EXPERIENCE OF THE NORDIC COUNTRIES (NETHERLANDS AND DENMARK), THE EUROPEAN UNION INSISTENTLY SUGGESTED THE CONCEPT OF FLEXICURITY AS A VIABLE SOLUTION FOR SOLVING THE ISSUES CREATED BY GLOBALIZATION, AND ALSO AS A RECOVERY MEASURE OF THE EFFECTS ISSUED BY THE FINANCIAL CRISIS.

KEY WORDS: LABOR MARKET, FLEXICURITY, UNEMPLOYMENT SECURITY, DANISH MODEL

INTRODUCTION

In a metaphorical sense, the condition in which Romania is at the moment can be described as a state of „awakening and numbness": the country achieved the objective of signing and entering into force of the Treaty of Accession, whereupon intervened the state of relaxation which established a total chaos in the public programs and policies that should have provided with dynamism and stability, including the adjustment to new risks, *„Without leaving this condition, governance will be precarious, the economic growth and the institutional change will be postponed, and the chances for development increasingly undermined"*[2]

Throughout its existence, the European Union focused on building a strong system of employment and, by default, a system of social protection for its citizens. This contributed substantially to the economic and social advances of the European Community space, having

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[2] Vlăsceanu, Lazăr, *"Policy and development. Where is Romania heading?",* (Three Publishing House, Bucharest, 2000), 118.

as an objective within the Strategy "Europe 2020 – A European strategy for smart, ecological and inclusive growth" that 75% of population aged between 20 and 64 to have a job in 2020.[3]

1. FLEXICURITY – INTRODUCTORY PRELIMINARIES

With the establishment of the financial crisis in 2008 in the United States of America, the European Community's employment system began to deteriorate (the situation gets worse in 2009), becoming the period with the highest rate of unemployment. Prior to the outbreak of the economic crisis, the number of unemployed in the European Union was declining, as it can be observed in the chart below:

CHART1. THE NUMBER OF UNEMPLOYED IN THE EUROPEAN UNION BEFORE THE OUTBREAK OF THE 2009 CRISIS
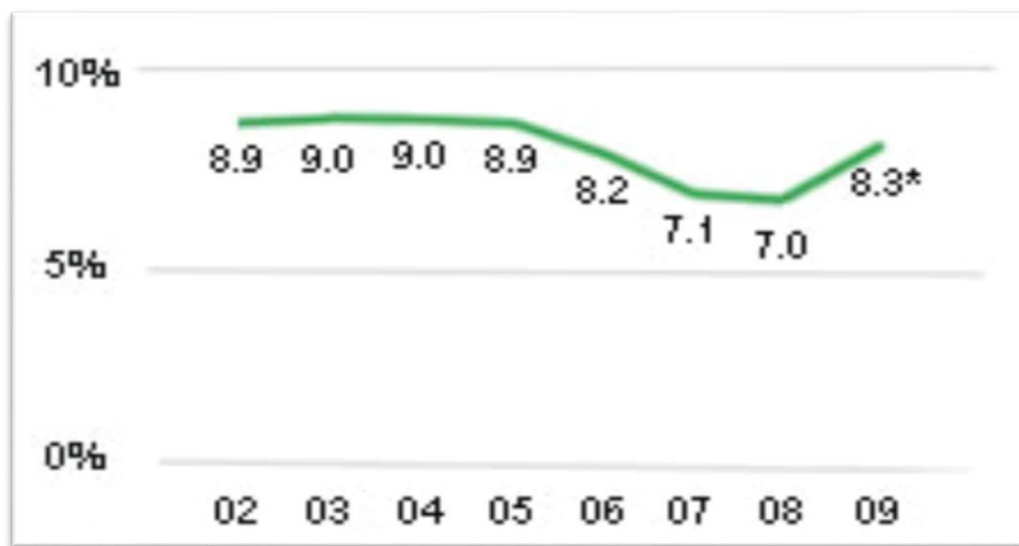
Source: European Commission, Unemployment rate in UE 27

The European Union reached the unemployment rate of 9.5%, its highest level from the last ten years, millions of people losing their jobs, as the President of the European Commission said in a speech: *„Many years from now we will have to bear the burden of debt crisis, as it made new pressures on our social cohesion. The crisis also revealed certain basic facts regarding the challenges that the European economy is facing. Meanwhile, the global economy evolves, and our future will hang on how Europe responds"[4].*

Hence, the concern of implementing new solutions and maintain the employment system more active.

Inspired by the experience of the Nordic countries (Netherlands and Denmark), the European Union insistently suggested the concept of *flexicurity* as a viable solution for solving the issues created by globalization, and also as a recovery measure of the effects issued by the financial crisis. *"Security provides a balance between the rights and responsibilities of companies and workers, as well as those of the public authorities: all factors have a duty to contribute to employment, the development of society and sustainable growth. Flexicurity does not mean a reduction of the security level of a specific group in favor of increased security to another group, but rather creates positive interactions between*

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[3] Europe Strategy 2020- " A *European strategy for smart, ecological and inclusive growth"*

[4] European Commissioner speeach Jose Manuel Barroso*, Com (2010) 2020 - Europe 2020 A strategy for smart, sustainable and inclusive growth [COM(2010) 2020 final"*, (Bruxelles, *March 3, 2010) .*

flexibility and security. Currently, positive factors are needed in order to work together towards ensuring the success of this principle for all workers and European economies." [5]

Flexicurity, although present in the structure of the employment policies in certain countries, lead to further efforts of the European Commission, which focus on establishing a set of principles to be applied and approved by national governments depending on their needs, starting from the principle that these can achieve precise analysis of the present, as well as the fact that they are aware of what is best and which are their needs in the field of employment.

"Flexicurity provides a balance between the rights and responsibilities of companies and workers, as well as those of the public authorities: all factors have a duty to contribute to employment, the development of society and sustainable growth. Flexicurity does not mean a reduction of the security level of a specific group in favor of increased security to another group, but rather creates positive interactions between flexibility and security. Currently, positive factors are needed in order to work together towards ensuring the success of this principle for all workers and European economies." [6]

In terms of keeping a high level of employment and social welfare, the European Commission proposed a number of strategies, such as "EU 2020", which replaces the Lisbon Strategy and reforms the European Employment Strategy. It introduces new concepts designed to help the recovery and maintaining the segment occupied at the highest level.

The main effects of the crisis, besides that it affects the individuals psychologically, has contributed to social division and lead to inactivity, which has affected and diminished the essential role of the European space in terms of economic and social cohesion.

Less than two years after Romania joined the European Community space, the financial crisis set up, a fact that did not allow the country to continue on stabilizing the European principles in a planned and coherent way as it was stipulated in the Accession Treaty signed in 2005 and entered into force in 2007.

Many of the European principles remain in the time frame 2008-2011 in the state of reflection, attempting to apply them not in a logical and well defined cycle, but in a partially and collateral way.

2. FLEXICURITY - A SOLUTION FOR THE EUROPEAN UNION FINANCIAL CRISIS?

2.1 Definition of flexicurity

The not so varied literature mentions a wide range of definitions for this concept, based on its common characteristics. Although, a universally accepted and well defined definition for flexicurity does not exist. The reason is that it manifests differently within different fields of a society. It is often perceived as a phenomenon, an ideology, a strategy, or all of these accounted. For this reason, I am going to present a brief selection of the most representative of the definitions used, considering the approach I propose in this paper.

The etymology of "flexicurity" comes from English and resulted by combining two terms *"reflecting the fundamental needs of labor market, namely flexibility and security"* [7]

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[5] Communication of the European Commission IP/07/919, *"Flexicurity: appropriate jobs for more people"*, (Bruxelles, June 27, 2007).

[6] Communication of the European Commission IP/07/919, *"Flexicurity: appropriate jobs for more people"*, (Bruxelles, June 27, 2007).

[7] Vasilica Ciuca, Daniela Pasnicu, "*Defining flexicurity from the strategic perspective of the European Union and the harmonizationwith the views of social partners"* (Agora Publishing House), 2.

Therefore, flexicurity can be defined as *"an integrated strategy to simultaneously enhance flexibility and security on the labor market"*[8].

On one hand, flexibility reflects the changes ("transitions") of achievements throughout the life: from school to the workplace, from one job to another, between unemployment or inactivity and the job, or from work to retirement. This does not limit to a greater freedom of the society to employ or dismiss and does not involve the inefficiency of the open-ended contracts. It must highlight the progress of workers to better jobs, towards an upward mobility. Although, it must contribute to an optimum development of workers' latent professional capabilities and to emphasize their potential. [9]

Flexibility refers to the flexible organization of work, capable to answer quickly and efficiently to the new productivity requirements and competences and to facilitate the reconciliation of professional life with the private life' s responsibilities.

On the other hand, security represents more than keeping a job: it refers to the mediation of the competences that allow the progress in the professional life and the support in finding a new job, and receiving proper unemployment benefits when workers are subject to transitions. Another important element which is facilitated by flexicurity is represented by the opportunities of professional training for all workers, especially for those with low level of qualification and for aging workers belonging to vulnerable groups.[10]

The Organization for Economic Co-operation and Development characterizes flexicurity globally, as follows:
- *"moderate legislation in protecting the workplaces*
- *high level of participation in long term learning*
- *increased spending for policies in the employment field (active and passive)*
- *generous unemployment benefit systems that balance the rights and obligations*
- *broad coverage of social security systems; large coverage area of trade unions"*[11].

Professor Ton Wilthagen defined flexicurity as follows:
"Flexicurity represents a level of security concerning work, employment, income, a mix of these and other factors that facilitates the carrier and professional development of participants with relatively unfavorable position in the labor market, and that allows a lasting participation and with a high quality level, while simultaneously achieving social inclusion, providing at the same time a high level of functional flexibility of wages (both internal and external) that allows appropriate and desirable adjustment of labor markets (

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[8] Commission Communication to the Council, European Parliament, Economic and Social Committee and the Committee of RegionsCOM(2007) 359 final Towards Common Principles of Flexicurity Moreand better jobs through flexibility and security, adopted on June 27, 2007, Bruxelles, 27.06.2007

[9] Commission Communication to the Council, European Parliament, Economic and Social Committee and the Committee of RegionsCOM(2007) 359 final Towards Common Principles of Flexicurity Moreand better jobs through flexibility and security, adopted on June 27, 2007, Bruxelles, 27.06.2007

[10] Commission Communication to the Council, European Parliament, Economic and Social Committee and the Committee of RegionsCOM(2007) 359 final Towards Common Principles of Flexicurity Moreand better jobs through flexibility and security, adopted on June 27, 2007, Bruxelles, 27.06.2007

[11] Commission Communication to the Council, European Parliament, Economic and Social Committee and the Committee of RegionsCOM(2007) 359 final Towards Common Principles of Flexicurity Moreand better jobs through flexibility and security, adopted on June 27, 2007, Bruxelles, 27.06.2007

and individual companies) during constantly changing conditions which they must cope with in order to increase their productivity and enhance competitiveness." [12]

2.2 HISTORICAL EVOLUTION OF THE TERM "FLEXICURITY"

The term flexicurity appeared during the last decade of the twentieth century, in the context of searching for solutions to improve the functioning of labor market, its promotion being reflected in the need of defending the values of the European Union, and also to protect the European social model from the impacts generated by the economic downturn.[13]

The term "flexicurity" is frequently used for describing the reforms related to the labor market, within the European Union and other countries or groups of countries (USA, Japan or states from Latin America). Even if most of the times it is related to the Danish model of labor market (which will be described afterwards), the term "flexicurity" does not originate from Danish. It was used for the first time in Netherlands, in 1995 by Hans Adriaansens, sociologist and member of the Scientific Committee for Governmental Policy.

The context in which it arose was that of preparing the Dutch Treaty of Flexibility and Security and the Treaty regarding the allocation of workers with the help of intermediation agencies.

Adriaansens defined the concept as a passing from "security within a workplace" towards "the security of the individual's capacity to get employed or keep his job", basically from the protection of the job to the protection of the workers, making reference to a political reform of increasing the security of the flexible employee.

During the last decade of the twentieth century, an economic improvement was registered in the member countries of the European Union, but without a consistent process of creating new jobs, situation that caused keeping the unemployment rate at high levels. As a remedy of the increasing lack of balance between the labor demand and supply, was tested the implementation of the concept of "active labor market policies".

In this sense, the best results were drawn in Denmark, where the rate of unemployment decreased from over 14% in the mid-90s, to 3,3% in 2008. In fact, the reform measures of labor in this country in 1994-1996 did not represent just a field of activity, but also a starting point in the theoretical definition and testing the concept of "flexicurity", that starting with the mid-2000s the European Commission proposed by implement in the member states in order to achieve the objectives of the Lisbon Strategy and The European Strategy for Employment.[14]

2.3 FLEXICURITY MODELS IN THE EUROPEAN UNION

Perhaps in the European Union the Danish employment system is considered a model for the member states, if there exists, beyond the European social model, a large variety of models of approaching the labor market and, by default, an agreement that there must not be set a general model of flexicurity.

Next are going to be presented some of the most popular types or models of flexicurity.

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[12]   http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1118725&rec=1&srcabs=1133932   accessed   on 08.02.2014.

[13] European Institute of Romanian, "Flexicurity and social dialogue in Romania -perspectives on the implementation of flexicurity principles in Romanian companies" (Bucharest, 2009), 15.

[14] European Institute of Romanian, "Flexicurity and social dialogue in Romania -perspectives on the implementation of flexicurity principles in Romanian companies" (Bucharest, 2009), 15..

THE DANISH MODEL

The Danish model of flexicurity is known in the analysis of flexicurity as a result of remarkably positive macroeconomic evolutions, recorded at the end of the last century. In the 90's, unemployment in Denmark has shown a substantial reduction, from 12,4% in 1993 to 5,2% in 2001, being the lowest level since 1976. Previously, there has been a considerable increase in the employment rate, which reached 76,2% in 2002. In this respect, of the OECD countries, Denmark was exceeded only by Norway and Switzerland.

In recent years, the Danish employment system has been characterized by an improvement in employment, both in the private and public sectors. In addition, these results were achieved without a shortage in the balance of payments, without a significant increase in inflation induced by wage growth, and even without noticing clear changes in the distribution of income or wages.

The employment system that has gained popularity in recent years, took the form of the so-called "Danish golden triangle" that focuses on three elements of the Danish labor market:

- A flexible labor market with a high level of external numerical flexibility indicated by the high flow of workers into the system of employment and unemployment

- A generous support scheme for the unemployed;

- Active labor market policies meant to improve the knowledge of the unemployed which is not capable to return directly from unemployment to a work place.

The Danish model of flexicurity is described as a "golden triangle" because of the three elements capable of creating an employment system that is able to support rapid changes in the economy and labor market, as shown in the diagram below:

FIGURE NO. 1. The Danish model of flexicurity
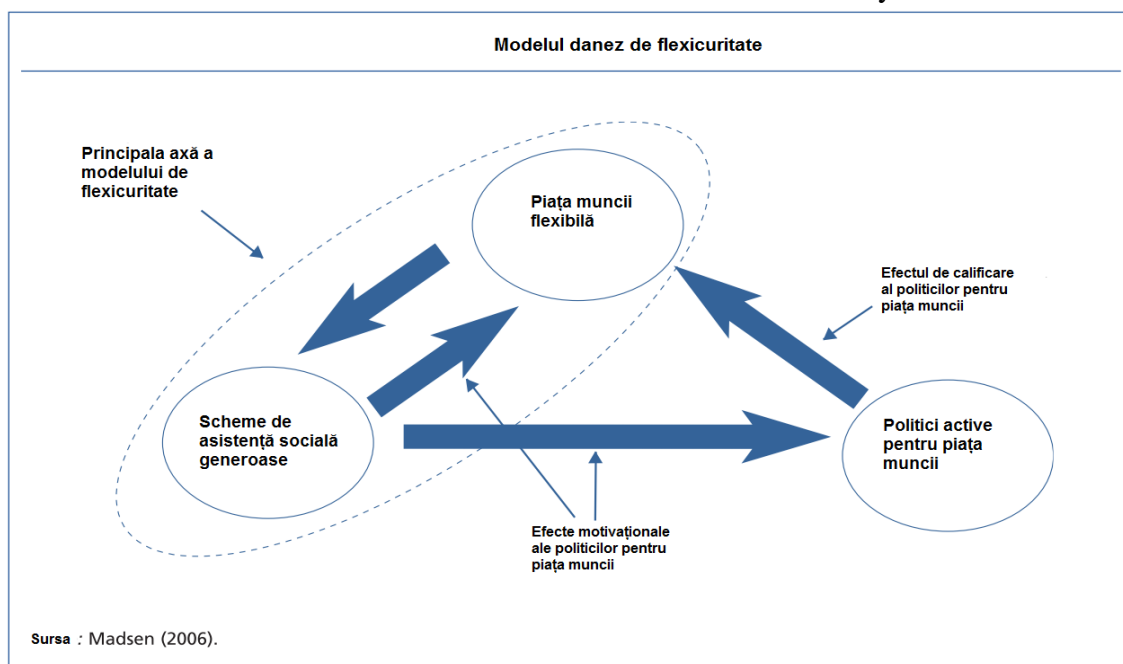
Source: Per Kongshøj Madsen, 2006

The Danish golden triangle or the Danish labor market holds the two elements of flexicurity, namely the flexibility and security. The legal framework provides flexible work laws, with a low level of job protection, which is supported by active labor market policies and by a substantial social security system.

Regarding professional training of adults throughout the life, Denmark has an active and consistent framework. All elements of the Danish golden triangle are a positive outcome of the measures implemented by the "September Agreement" from 1899. Under this agreement were stipulated and negotiated the right to recruit and provide with the development of a system of public benefits in employment.

In 1960 was founded the "Public employment service", whereby the state takes much of the risk of unemployment, but the concern for the employment system has went on, and un 1980 were introduced the active labor market policies, focused on motivating the unemployed to identify jobs and get employed. The innovative element of the Danish golden triangle is given by the development of professional skills, through the job rotation system, so that the unemployed persons temporarily replace the inactive ones, while the latter can attend professional trainings to improve and develop new skills.

TYPES OF FLEXICURITY IN THE EU

At European Union level, a few models that can help member countries in defining their own strategies of flexicurity, depending on the type of labor market, as it follows:

TYPE 1: SEGREGATION OF THE LABOR MARKET

This scenario can be applied to countries where a highly segregated labor market was emphasised, namely countries that protect the workers in the labor market, but excludes those who are outside of the labor market.

In these circumstances, in order to establish a balance between flexibility and security, is desirable to facilitate the access for newcomers, and to improve the working conditions and contracts. This model can be applied in specific countries such as Germany, Austria, France or Belgium, where a stagnation of the labor force market is recorded. For

this kind of market is required larger investment to foster the development and professional transition of workers.

Austrian redundancy pay system is based on enhancing the dialogue and social partnership and a high level of flexibility of labor, with an average level of social benefits, while the system of severance pay has been modified.

The old system of redundancy provided that for fired persons, redundancy payments should depend on the period of activity, and for those who wanted to end the employment relationship, they lost their rights acquired to that point. The element of responsibility of workers within the Austrian system was represented by the obligation to open a savings account, where each worker should deposit a fixed sum of money per month, which they can use only at the time of redundancy.

Regarding the intervention of the tertiary sector, it makes its presence felt through foundations for employment which are considered successful examples in alleviating the consequences of redundancies, through the application of early interventions and negotiating with the involved participants, as they are considered transition agencies that serve to support workers in the event of mass redundancy.

The French model of flexicurity emphasizes the development of the professional training for workers and a deep modernization of the labor market. Public employment services have been reformed and adapted.

TYPE2: COUNTRIES WITH HIGH EMPLOYMENT RATES
This scenario can be applied to specific states such the United Kingdom and The Netherlands, where the employment rates are relatively high, but certain groups are excluded, which could turn into a situation where these groups receive permanent unemployment benefits. In these circumstances, upward mobility should be promoted, because workers do not have the necessary skills.

The greatest challenges faced by these countries are represented by investments in the development of the qualifications required on the market and the implementation of high performance working methods. For such labor markets is recommended to be taken measures for helping the less skilled workers stay in the labor market and thus, to increase productivity.

ANALYSIS GRID OF MODELS OF FLEXICURITY
A grid for analyzing the models of flexicurity above mentioned was created, starting from The European Commission Communication "Towards Common Principles of Flexicurity: More and better jobs through flexibility and security", namely:
- Flexible and reliable contractual arrangements;
- Comprehensive strategies for lifelong learning;
- Active and efficient market policies;
- Modern social security systems
- A flexible labor market with a high level of external numerical flexibility indicated by the high flow of workers into the system of employment and unemployment

TABLE NO. 1 ANALYSIS GRID

Model	Flexible and reliable contractual arrangements	Comprehensive strategies for lifelong learning	Active and efficient market policies	Modern social security systems
Danish	A flexible labor market with a high level of external numerical flexibility indicated by the high flow of workers into the system of employment and unemployment	Strong system of adult professional training. Focused on the development of professional skills, through the job rotation system, so that the unemployed persons temporarily replace the inactive ones, while the latter can attend professional trainings to improve and develop new skills.	Active labor market policies meant to improve the knowledge of the unemployed which is not capable to return directly from unemployment to a work place.	Generous support scheme for the unemployed;
Based on market segmentation (Austria, France, Germany, Belgium)	Highly segregated labor market. Protects the workers in the labor market, but excludes those who are outside of the labor market Is desirable to facilitate the acces for newcomers	Civil society intervention in alleviating the consequences of redundancy, transition agencies that serve to support workers in the event of mass redundancy.	Example, Austria: for fired persons, redundancy payments should depend on the period of activity, and for those who wanted to end the employment relationship, they lost their rights acquired to that point.	Dialog intens între partenerii sociali pentru asigurarea compensațiilor de disponibilizare Strong dialogue between social partners in order to provide redundancy payment. .
High employment rates **(United Kingdom, Ireland, the Netherlands)**	High employment rates	The need of upward mobility, because workers do not have the required skills. The need of investment for developing the required skills on the labor market.	Measures for helping the less skilled workers stay in the labor market and thus, to increase productivity.	The existence of groups excluded from the labor market, and the likelihood to permanently assist them socially
Major economic transitions (specific of new EU Member States)	**No data available**		The need for active employment policies	Substantial number of people receiving unemployment benefits, but of low value.

American	High numerical flexibility. Redundancy tax – through which collected amounts are used to cover at least some of the cost of unemployment insurance for fired persons.	Flexible stipulations for employment and resignation. To receive financial support, the unemployed should actively look for a job and accept the jobs offered.	All employees who worked for at least one year and have lost their jobs have the right to a maximum of 26 weeks of unemployment benefits.

THE CASE OF ROMANIA

From a European comparative perspective, in Romania, the concept of flexicurity is in its early stages, the actual field of study being established recently, more accurately, once with the entry of the European Social Fund. Currently, it is particularly important due to its ability of responding to the new needs that society as a whole faces in the field of employment.

`Although the concept is considered relatively new, it is not fully appropriated by the Romanian society, and large part of the values and the impact that it should produce is diminished due to the incomplete legislation and the lack of appropriate mechanisms for applying it.

Social protection schemes are widely used and have not demonstrated long-term sustainability. Unemployment benefits provide insufficient social security for nuclear families with several children. The research known as *The efficiency of social security policies in Romania* coordinated by Prof. Liviu Voinea in collaboration with experts from the National Institute of Statistics conducted for the National Trade Union Bloc in 2011 revealed that Romania has the smallest social protection expenditures (in absolute values) per capita from EU, 339 Euro annually, 20 times less than the Euro area average. Despite the fact that in the time frame 2004-2011 these expenditures doubled, figures show that their level is still the lowest in Europe. Moreover, the research also provides information that compared to the Euro zone, Romania, in terms of the unemployment benefits spending, the share of total social protection spending is five times lower than the EU average.[15].

Regarding the active labor policies, the Romanian Government was shook by the financial crisis. "A consistent political framework should be evaluated not only by the reactions in good times, but rather depending on the resistance demonstrated in times of turbulence, both financially, economically and politically"[16]. Unemployment indicators since 2009 and until now proved the inefficiency of using these kind of active labor policies extensively. Another considerable element is their budget allocation, which was spent rather on passive social schemes, such as unemployment benefits.

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[15] Voinea, Liviu, „*Effectiveness of social security policies in Romania*", (BNS Publishing House, Bucharest, 2011).

[16] Jean Pisani-Ferry, Director Bruegel Institute, 2008, during the presentation online "European Economic Recovery Plan or high risk of lack of coordination and reform in the EU", made by Ph.D. Professor. Gabriela Dragan, Director IER.

1.4 FLEXIBILITY VERSUS SECURITY COMPROMISE

The analysis of the concept of flexicurity, defined as *an integrated strategy to simultaneously enhance flexibility and security on the labor market*[17], allows us to have a better understanding of the way the two components combine to generate various combinations on which governmental policy makers, unions or employers' organization or other players can take action on.

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Wilthagen, Tros si Lieshout identified four types of security[18]:

- **Job security**: refers to sheltering the employers against redundancies and major changes occurring in the labor market;
- **Employment security:** relates to job security, which is not conditioned by getting employed for the same employer and providing equivalent jobs corresponding with the previously considered individual qualifications and working conditions;
- **Income security:** is related to the income insurance in the case of ceasing the remunerated employment relationship.
- **Combined Security:** is characterized by the reconciliation of professional life with the private life (balance between work time and free time, balance work and family, etc.).

Also, we can consider four types of flexibility in employment: external numerical flexibility, internal numerical flexibility, functional flexibility, flexibility of labor cost or of the employee.

Putting together the types of security and flexibility above, Wilthagen forms a matrix that reflects the different dimensions of flexibility and security, creating an overview of the flexicurity models that can be adopted.

TABLE NO 2 CONNECTION BETWEEN FLEXIBILITY AND SECURITY

Flexibility security	Job security	Employment security	Income security	Combined Security
External numerical flexibility	- Types of employment contracts - Employment protection legislation - Early retirement	- Employment services / active labor market policies -Vocational training / learning	- Unemployment benefits -Other social benefits -Minimum Wages	Protection against redundancies
Internal numerical flexibility	- Reduced working weeks / part-time contracts	- Employment protection legislation	- Part-time Additional aid -Grants for education	- Different types of redundancy schemes

[17] Commission Communication to the Council, European Parliament, Economic and Social Committee and the Committee of Regions, *„Towards Common Principles of Flexicurity Moreand better jobs through flexibility and security"*, adopted on June 27, 2007, Bruxelles, 27.06.2007

[18] Vasilica Ciuca, Daniela Pasnicu, Definition of flexicurity from the EU perspective and the social partners, "Flexibility and Security", I.N.C.S.M.P.S., Communication session – 2008.

		-Vocational training / learning	-Disease-Aids	-Part-time pension
Functional flexibility	-Attractive jobs Professional Training -Labor leasing -Subcontracting-Outsourcing	- Training / learning -Rotation job system -Teamwork -Versatility	- Remuneration schemes based on performance	Agreements regarding volunteering activities
Flexibility of labor cost or of the employee.	- Adjustments of local labor costs Reduction / cut social security payments	- Changes in the system of social security payments -Subsidies for employment -Working rewards	- The collective labor agreement -Reduced payments on reduced working week	Agreements regarding volunteering activities

Source: Wilthagen, Tros and Lieshout

Through this matrix certain types of relationships between flexibility and security in the structure of national models of the labor market formation can be identified. Certainly, the choices of different countries will be based on economic, political, historical and cultural factors, but also geographical and religious ones.

CONCLUSION

The concept of flexicurity is theoretically known by institutions involved in the development and implementation of labor laws, but it is considered that the case of Nordic countries cannot be applied and followed, the main cause being the current legislation and the understanding of Government.

The new amendments of legislation in the field of employment did not accomplish and materialize, which resulted in social discontent, one cause of that is due to the fact that in Romania did not exist dissemination and promotion regarding the benefits of applying the concept of flexicurity and basically, among the population was no debate and information regarding the applicability of the concept of flexicurity.

At European level there is no such thing as a single model assumed for the application of the concept of flexicurity, so the European Commission chose to leave to the countries the identification of a flexicurity model that would be applied depending on their needs and the socioeconomic development.

One of the challenges of the Romanian labor market is the labor market segmentation which currently is segmented as well, by entering into force of new provisions in the new Labor Code that only target the employer.

The Romanian social security system is not prepared to support the transition of workers from one job to another or to support the application of the concept of flexicurity.

Romania sought to follow the directives of the European Commission through legislative amendments, but violated one of the principles of the "Towards Common Principles of Flexicurity: More and better jobs through flexibility and security"

Communication (which is intended to guide member countries to apply and identify a model of flexicurity). The model identified by flexicurity does not follow the principle of number 7 which states that the model of flexicurity "provides an environment of trust between public authorities and social partners, all being ready to take responsibility for changes and initiate balanced sets of policies.

The main syndicates and employers in Romania consider that the model taken up by flexibility does not hold the two components, namely flexibility and security. Through legislative amendments was addressed only the flexibility component which was not addressed in a constructive manner because it was not balanced and the amendments brought to the new Labor Code did not consider a series of elements that were related to the protection of workers.

Being well known that globalization reshapes all in its power, by its penetration in the components of the socioeconomic life takes shape the idea of profound transformations recorded globally, primarily due to people (workers, unemployed, parents, grandparents, youth), involved in one way or another, being more or less prepared to get through this globalization wave.

Coming down from the global level to the areas with strong common interest in the welfare of the individual is easy to identify the European Union entity, with strong social meanings and concerns of employment of the domestic workers (thus to help raising the standard of living). As the existence of the Strategy for Employment (in the European Union) and the presence of the European Social Fund (which serves to improve and facilitate the employment of labor and to reinforce the institutional structures of the state) are not are not sufficient, the problem of the individual to ensure a certain standard of living is of major importance in the reconciliation of professional and personal life.

In Romania also exist certain public entities with concerns in providing support to unemployed people looking for work- which however, do not comprise the entire range of factors that make up the set of services specific to the developed labor market and often they are unable to assimilate and apply new concepts designed to improve and support the labor market in times of turbulence.

In Romania there is no coherent and consistent policy adapted to the current needs of the labor market (it is in its early stages as well) - with the connection to key players in the register of employment.

Institutionally, in Romania there is no harmonization and unity in the actions undertaken to reach the same objective, for example:

National Observatory of Employment and Training (H. G 381/2007) is not institutionally correlated with the National Agency for Employment or County Agencies for Employment.

The National Agency for Employment is an institution that subordinates 42 county agencies, that does not have the capacity of ensuring a sustainable and valid system for all the key players on the labor market, with strong issues and difficult to support financially.

In Romania, the institutional ability to develop and implement public employment policies and also to develop a coherent model of the concept of flexicurity, is diminished, on the labor market, it amplifies risk factors, dissolves flexibility and security, by removing vital connection with employers' representatives (unions or employers' organization, that by their real behavior may successfully apply the concept of flexicurity)

RECOMMENDATIONS

1. At the level of the country should be created information and dissemination campaigns regarding the application of the concept of flexicurity

2. Creating protection and security systems for individuals linked with flexible types of work, by establishing international public entities as a response to the globalization and pronounced financial crisis which affects the individual deprived of the opportunity of defending in an unfair battle between the human and the system

3. It is absolutely necessary to adjust the policies for employment, adapted to the current situation, with consistent measures of promoting the active policies of formal, qualified and adapted employment, and also with a labor market capable to respond quickly to economic change.

4. The reforms of the concept of employment within the Ministry of Labor, Family and Equal Opportunities and introducing the concept of flexicurity as a basic philosophy in public policy development specific to the current labor market.

5. The concept of flexicurity must be the base of institutional development in terms of employment, such that each modern or restructured entity would develop the strategy and implement the specific plan based on the same values undertaken and agreed in the short, medium and long term, without allowing the economic turbulences to produce major changes, but only the adjustments / corrections, according to current reality.

6. Activate the Economic and Social Council, unions or national employers' organizations, such that the formal social meetings offer actual solutions to develop the philosophy of flexicurity, as well as proper feedback of the public policies that are centrally implemented with no connection with the contemporary reality.

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BACKGROUND ON MIGRATION

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ABSTRACT:
 SINCE MIGRATION IS A DYNAMIC PHENOMENON THAT REACT IN TIME TO VARIOUS FACTORS CONSTANTLY FEELS THE NEED TO ADAPT THE LEGAL FRAMEWORK TO THE NEW REQUIREMENTS IN THE INTERESTS OF THE ROMANIAN STATE. AN EXAMPLE OF THIS IS THE NEED TO ADJUST THE INTEREST OF THE STATE LAW REGARDING FOREIGNERS SECONDED BY MULTINATIONALS

KEY WORDS: MIGRATION, BORDER, ASYLUM, TRAFFICKERS, FREE MOVEMENT

INTRODUCTION

According to the National Strategy on Migration[2], the goals the Romanian state has in regard to the admission of foreigners are attracting real investors in the national economy, facilitating access to education for certain categories of people and establishing modern and efficient procedures on family reunification.

Since 2002, legislation has been modernized and annually updated to match the needs of the Romanian authorities to manage the admission of foreigners on its national territory and removing those who do not conform to the legal regime applicable to them.

Building a more humane and a straighter European nation has been a main goal of for the European countries, their leaders, political scientists, sociologists, psychologists, economists, teachers, lawyers and researchers in all areas of social and economic life of the continent.

Throughout history, attempts to unify firstly materialized as a degrading event by using force and the weapons, by religious wars of conquest.

A United Europe energizes into a visionary and generous project of the founding states born of war and animated by the desire to create the conditions for a lasting peace among European peoples. This dynamic activity is renewed incessantly fueled by deficits faced by countries in a Universe which is in constant motion, sometimes subject to rapid and criminal actions.

Progress made by uniting the European states, today, got as far as the Europeans do not have boundaries between them, share the same currency and endorse their trade and

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[2] Decision No. 616 of 21.04.2004, National Strategy on Migration, Published in Monitorul Oficial, Part I no. 406 of 06/05/2004;

economic interests in the common institutions guided by common laws thus raising living standards considerably. To this benefit aspired and then joined the Romanians, and in considerable time the other states in South-East Europe will have to introduce the common legislation, in a relatively short time, the entire *Community Acquis.*

MAIN TEXT
Inside the Community's territory citizens have the fundamental right to move freely, while respecting *the Schengen Acquis,* to choose where they want to work or live without restrictions from any Member State. This right seems simple to formulate, but there are numerous obstacles that must be corrected for Europeans to take full advantage of it gained after the events that shook the European continent. The most important impediment in progress is creating an *European area of security, freedom and justice.* Inside this area, Europeans should enjoy total freedom of movement, protection against international organized crime, equal access to the judicial system and be guaranteed fundamental rights in whichever Member State of the European Union they are.

Exercising the right to free movement condition requires each person to be able to reside and live self-financed, by labor or personal funds (thus not dependent on social assistance in the host country). This right to free movement, in some cases, may be restricted for reasons of public safety or public order, or public health, but only when there is a serious danger that threatens the fundamental interests of the state.

We will briefly describe the contents of the fundamental right to move and reside on Community's territory of Member States by legally approaching the right to free movement and residence of EU citizens and their family members as stated in the European Parliament and Council Directive EU No. 38 of 29 April 2004, which entered into force on 30 April 2006 modifying article 10 and 11 of the old Council Regulation No. 1612/68 of 10.15.1968 on freedom of movement for workers within the Community. To present day, Member States have adopted laws, regulations and administrative provisions necessary to align with this Directive.

This directive shall apply to any EU citizen traveling or residing in a Member State other than that of his nationality and his family who accompany or join them. Without limiting any right to free movement and residence the people concerned have already obtained, the host Member State, in accordance with national legislation, facilitates entry and residence for the following categories:

- Any other family members, regardless of their nationality, not falling within the definition given and that, in the country they came from, are dependents of the EU citizen concerned or members of his household, or serious health issues that strictly require the personal care of the EU citizen family member;

- The partner with whom the EU citizen has a durable relationship, duly attested.

Directive 2004/38/EC lays down the conditions governing: the right of EU citizens and their family members to move and reside freely within the Member States; the right of EU citizens and their family members to establish a permanent residence in the territories of the Community; restriction of the two categories of rights provided for reasons of public order, public security or public health.

The host Member State shall examine carefully their personal situations and thoroughly justify any denial of entry or residence to these people.

For the European territory, people's and workforce movement is of particular importance, EU enlargement in successive waves, demographic aging of the population in

(Western) Europe in an accelerated rhythm and economic reasons being the main incentives for increased movement of people and workforce.

Migration has become a global phenomenon which all the states from all regions of the world face, internal and international migration being directly proportional to the complexity of development of the local political, social, financial, economic, ecological and humanitarian fields, at a micro or macro geographical level. The states reply to this challenge conditioned by their ability to quickly adapt to the new realities. The degree of concern for identifying viable solutions is manifesting a decrease when analyzed going from destination countries to transit ones and finally to the countries where migrants come from.

Countries previously seen only as "sources" of refugees, among which also was Romania shortly became countries receiving migrants, including refugees, thus increasing considerably the group of European countries where people in need of international protection may apply and seek asylum. Given the outlook is not very reassuring for the coming years, Romanian authorities are making efforts to ensure that the protection the state offers asylum seekers is real, justified, taking action against attempts to abuse of the asylum procedure by some people - illegal migrants that might use this procedure only as a possible "loophole" refuge for continuing migration to the Member States.

Romanian authorities have the permanent concern of migration management development closely related to elements such as the geographical position of Romania, the trends of migration in South-Eastern Europe, the quality of our country's membership of the European Union, the evolution of the Community's acquis in the field.

If in the past our country only mainly had a role as a transit country for migration flows from the Eastern states on their way to Western countries with a high level of economic development, at present day Romania becomes a country of destination given its membership to the European Union and national economic stabilization. In this context, the Romanian authorities with responsibilities in the field of migration have taken measures to streamline the management of the phenomenon at similar institutions in EU Member States, the importance of these measures is greater as Romania is a country on the Eastern border of the Union European.

But the Romanian State was and still is a passive actor in the migration of Romanians, indifferent in regard of Romanian migration: Romanian institutions have not taken any measures to help Romanians abroad or their relatives to in the country. This passivity, indifference and lack of professionalism in addressing migration is at least questionable. The perverse effect is that although Romania is an EU member, will probably get a positive light on the medium term, effects of migration will be the same as in the case of countries that are in an immeasurably worse structural situation. Given Romanian migration relative to its population numbers, it seems to be at least a questionable approach.

The main reasons for which foreigners obtain a temporary residence permit are: trading activities, education and marrying Romanian citizens. Lately, it has been recorded an increase in the percentage of foreigners who acquire temporary residence right for family reunification, mainly due to the fact that it is much easier to obtain it this way than for other purposes. This trend, however, is valid in most of the Member States.

We also observe a "specialization" of citizens from various countries in order to obtain the right of residence for certain purposes. Thus, taking into account the operational situation, it appears that Moldovans and Ukrainians mainly request the right to reside for studies, while Chinese people demand it for commercial activities.

Regarding cross-border crime, the percentage of organized criminal groups in international networks is over 70%. All this clearly shows that major offense consistently uses social mobility. Alike companies, organized crime today has in turn a multinational

character, at a European or even global level. This process can begin with the production of illegal goods or purchase of illegal goods, continuing with transportation and ending with their sale in the destination countries. Things come to analyze sales opportunities, risks of being caught and size of existing criminal penalties and these elements can lead to migration movements or concentration of border-crime in some areas.

This development threatens the internal stability of a country, increases criminal activity, leading to harming both individuals and the economy. It is the responsibility of the political class, especially the police and border police to prevent these events with effective and targeted measures. What you need to watch is not only to keep pace with development, but being constantly one step ahead of the commission of these crimes on the basis of strategies.

Investigating cases of trafficking of migrants is a process that involves a phased approach by the police and also of the probation, given the sequentially way this offense is committed: recruitment, mentoring and guidance to migrants, and organizing these activities. It is very important to make a clear distinction between this crime and the trafficking, the difference being that, although both situations involve trafficking in persons, migrants are active participants in the commission of the crime, while victims of trafficking are subject of exploitation in all its forms by members of criminal groups trafficking.

Every year foreigners were identified attempting to cross the state border illegally, over the ground border and also the border points with forged or falsified documents. Increased detection of unauthorized entry is explained by increasing border police staff training, equipping and its proper training.

A steady migration phenomenon remains foreigners legally entering the country and then staying illegally after the visa right of residence expires. The foreigners from countries with high migration (Indians, Iraqis, Afghans, etc..) still use the next routes to reach the *West*:

§ Afghanistan - Iran - Iraq - Turkey - Bulgaria - Romania

§ Afghanistan - Iran - Iraq - Turkey - Bulgaria - Serbia – Croatia while the eastern routes remain active as well.

It was emphasized concealed illegal migration, meaning that:

1. Turkish citizens after legally entering Romania using national passports, use passports issued by the authorities in Greece, Austria, France, Sweden, Spain, Slovenia and Bulgaria, or Italian residence permits, which they falsify trying to leave the country illegally through the western border.

2. Moldovans after entering Romania legally, use the following methods to reach to countries of Western Europe:

- Trying, through intermediaries - Romanian or Moldovan citizens, illegally exiting from the country through the use of Romanian, Belgian, Lithuanian, Polish, Czech, Slovak or Bulgarian falsified passports, by replacing the photo, or residence permits in Italy, Germany, Greece and Spain forged (obtained in the country of origin);

- There were cases where Moldovans shown in airport border crossing points with the intention to travel in a country that does not need a visa (Morocco and Tunisia) with layover in Germany, were discovered with Greek residence permits totally false. Once in Germany they intended to remain there;

- Moldovans shown in airport border crossing points with the intention of traveling to a country that does not need a visa - Turkey, were discovered carrying Romanian forged passports. Once in Turkey they intended to use these passports with the intention of reaching the Schengen countries.

3. Romanian citizens, which restricted the right to travel abroad due to committing illegal acts in the country, using forged Romanian passports by replacing the photography, passports belonging to other people (identity substitution), Irish passports, Hungarian and Georgian or residence permits abroad - forged, in order to reach the Schengen states.

4. Citizens from Singapore trying to enter Romania using Japan and Singapore passport which did not belong to them;

5. Citizens from Cameroon attempted entry into Romania by using forged French passports;

6. Serbian citizens sought entry into Romania by using forged Slovenian passports;

7. Ukrainian citizens tried entering Romania using forged Slovak passports;

By analyzing the operational situation, there were outlined the following phenomena:

- At the green border, groups of Moldovan and Romanian citizens were detected in attempting to illegally exit the country to Hungary and Serbia with the intention to reach Western European countries;

-At the border crossing points, groups of Romanians and Moldovans were discovered hidden in trucks or trains with the intention to illegally get to Schengen countries;

- Asylum seekers in Romania are further found in attempting illegal border crossings on the border with Serbia and Hungary, but their number decreased significantly, mainly due to the decrease in number of people illegally crossing the state border and then calling refugee status in our country (currently, these people enter legally in Romania and subsequently apply for asylum). Asylum seekers who were caught in attempted illegal exit from the country in the period under review were from Somalia, Bangladesh, Nigeria, Liberia, Venezuela and India.

The main countries from where people who have acted illegally in the Romanian border-crossing (both entry and exit) are: India, Bangladesh, Iraq, Pakistan, Turkey, Georgia, Moldova, Liberia, Morocco, Algeria, Cote d Ivoire, Russian Federation, China, Sudan, Congo, Nigeria, Chechnya, Venezuela, Serbia, etc..

Following specific activities, General Directorate for Combating Organized Crime from the General Inspectorate for Border Police (GIBP) found that some foreigners come to Romania after obtaining scholarships as a result of cultural agreements between our country and other countries, not infrequently using false or forged documents. From the student status, they pursue visas at embassies and consulates in Romania and then head to Western countries.

Border police, in the work they carry out to prevent and combat illegal migration, face, among others, the following issues:

a.   Entering Romanian Territory. Entering denial.

b.   According to the GIBP there were foreigners not allowed to enter Romania, for different legal reasons such as:

- irregularities in their travelling documents;
- did not have any means to self-support;
- customs matters;
- refusal to pay legal fees;
- false or forged passports / visas;
- criminals discovered in the area of responsibility;
- falsified official documents;
- other legal reasons.

The significant decrease in the number of foreign citizens who were not allowed to enter the country is due to the introduction of the visa regime for citizens from Turkey, Serbia, Ukraine and Russian Federation, which involves checking the conditions required

by law for entering Romania during the visa-obtaining process, and also required by the EU legislation regarding foreigners.

b) Leaving Romania. Leaving denial.

There were people not allowed to leave the country, for various legal reasons, such as:

- irregularities in their travelling documents;
- false or forged visa / passports;
- disobeyed customs rules;
- falsified official documents;
- criminals discovered in area of responsibility;
- hidden in transportation vehicles;
- other legal grounds;

Restrictive measures taken on grounds of public order or public security shall be consistent with the principle of proportionality and shall be based exclusively on the personal behavior of the individual concerned. Previous criminal convictions shall not constitute grounds for taking such measures. Personal behavior of the individual concerned must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society. Justifications that are isolated from the particularities of the case or that rely on considerations of general prevention shall not be accepted.

In this context, Romania will support any European initiative which aims to improve safety in the Member States by strengthening police cooperation and the exchange of information on cross-border crime.

If in previous years Romania was mainly only a transit point for foreign citizens from countries with migration potential in the last years it shows out that our country gets, with every day passing, a destination for this category.

Currently, the main supplier countries of migrants who remain in Romania for different purposes are Moldova, Turkey and China, citizens of these countries accounting for about 40% of all foreigners with a residence permit.

CONCLUSION

Existing legal provisions and procedures for the admission of foreigners is demanding and Romanian authorities provide the necessary tools to achieve adequate management admission conditions since the time of application for entry visa to Romania's diplomatic missions. The procedure has been simplified and streamlined by implementing Visa Online system.

The legal and institutional framework for controlling migration of foreigners, both at the borders and within the country, is aligned with European standards so that the phenomenon of illegal residence remains at an acceptable and controllable state, a significant increase being in the area of foreigners apprehended trying to cross the border illegally, due in particular to secure the border.

Through the work and results of the competent institutions, there can be seen an increase in interagency cooperation to combat illegal migration and illegal employment.

Since migration is a dynamic phenomenon that reacts in time to various factors, there is constantly the feel of need to adapt the legal framework to the new requirements in the

interests of the Romanian state. An example of this is the need to adjust the interest of the state law regarding foreigners seconded by multinationals.[3]

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[3] Case no 616 of 21.04.2004; the National Strategy on Migration Published in Monitoul Oficial Part I no.406 of 06/05/2004

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CONSTRUCTIVIST EUROPE - DIVERSITY
AND SOCI(ET)AL MANAGEMENT

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ABSTRACT:
THIS ARTICLE AIMS AT HIGHLIGHTING THE EUROPEAN CONCEPT OF DIVERSITY AND PLACING IT WITHIN THE CONTEXT OF SOCI(ET)AL MANAGEMENT, DIRECTED TOWARDS CONSOLIDATING THE IDENTITIES AND VALUES OF A EUROPEAN COMMUNITY BASED ON RESPECT FOR DIFFERENCE, ACCEPTANCE AND INCLUSION. WITHIN THIS FRAMEWORK, THE EUROPEAN SOCIAL MODEL OF THE 21ST CENTURY IS EVALUATED AND, TO A CERTAIN EXTENT, QUESTIONED. FURTHERMORE, THE MAIN CHALLENGES TO MANAGING EUROPEAN SOCI(ET)AL DIVERSITY ARE PRESENTED.

KEY WORDS: DIVERSITY, SOCI(ET)AL MANAGEMENT, EUROPEAN SOCIAL MODEL, IDENTITY

INTRODUCTION

"To talk of differences, even radical and incommensurable ones, in economic, political and cultural terms, and of their embodiment in ethnicity, gender and sexuality, is to talk of an understanding of the making of identities in movement, under, and in, processes."[3]

Often regarded as a cliché in the analysis of international relations, diversity is a term capable of multiple meanings and perceptions. The simple definition offered by the dictionary explains diversity as "a range of different people, things, or ideas". Etymologically, diversity implies the attribute of being different but, at the same time, it means acceptance, tolerance and, further on, inclusion, ideas that are acknowledged as such in a second definition of the concept under discussion. Hence, diversity is also explained as "the fact of including many different types of people or things", syntagm which should – we argue- rather be associated to the management of diversity.

Above all, managing diversity involves, to great extent, the awareness of difference and its implicit benefits in terms of alterity, exchange of ideas and the construction of common socio-cultural value systems. The evaluation of the implications of diversity upon society is done by means of a multiplication of intercultural exchanges and meetings, as well

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[3] Iain Chambers, *Migrancy, Culture, Identity*, (London: Routledge, 1994), 82.

as by underlining the necessity of improving intercommunity relations. Still, an exhaustive taxonomy of diversity is not the aim of this article. "While there are potentially endless points of diversity, not all of them are necessarily implicated in forms of collective political mobilization or in the way power and resources are divided at any given moment"[4].

CONSTRUCTIVIST EUROPE

It has been more than half a decade since the European construction started its development from a union oriented mainly towards ensuring and maintaining the continent's security to a real, complex and dynamic model of diversity. This otherness is permanently (re)constructed.

According to the first principle of constructivism, as stated by Alexander Wendt, "the structures of human association are mainly determined by shared ideas rather than material forces"[5]. And the shared idea of a European project can be traced back to Antiquity and has lasted ever since, being "the expression of a European consciousness existent, at least at the elite level, throughout the known and written history of the continent"[6].

Wendt's second constructivist principle states that the identities and interests of international actors are rather constructed by these shared ideas than given by nature[7]. The feeling of belonging to a European mosaic, of sharing a European identity makes this "unity in diversity" possible to a great extent.

MANAGING EUROPEAN DIVERSITY

As the European motto adopted in May 2000 states, there is (or should be) "unity in diversity", aspect indisputable in terms of diversity. This diversity is essentially a multidimensional one and the values expressed in a certain system are relative and rather conventional. It is the individuals, communities and societies that should be aware of them and, further on, understand them in various ways[8].

Under these circumstances, managing soci(et)al diversity implies the creation, implementation and evaluation of related public policies, as well as aspects associated with equity and efficiency of resource allocation. We argue that in a classical cost-benefit analysis the costs of managing diversity prove to be significantly smaller than the benefits of an effective multicultural community.

Without aiming at a diachronic analysis of the European diversity, some fundamental aspects need to be mentioned. A first hotly debated issue was that of minority protection within the League of Nations in 1919. "The projection of the members attending the Paris Peace Conference in 1919-1920 to work out a compromise between an overhauled Europe along the guidelines of voluntary allegiances and the existence of populations differing from national majorities produced the controversy over national minorities. Statistics revealed that the territorial decisions from 1919-1920 massively reduced the number of nationalities from approximately 60 million to about 20-25 million."[9] Even if the League of Nations established a legal and diplomatic system that "allowed minorities to protect their rights, […] a tensioned

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[4] Yasmeen Abu-Laban, Christina Gabriel, *Selling Diversity: immigration, multiculturalism, employment equity and globalization*, (Ontario: Broadview Press LTD, 2002), 13.

[5] Alexander Wendt, *Teoria socială a politicii internaţionale*, (Iaşi: Polirom, 2011), 33.

[6] Adrian Liviu Ivan, *Sub zodia Statelor Unite ale Europei. De la ideea europeană la Comunităţile Economice Europene*, (Cluj-Napoca: CA Publishing, 2009), 354.

[7] See Alexander Wendt, *Teoria socială a politicii internaţionale*, 33.

[8] Ferreol Gilles, Jucquois Guy, *Dicţionarul alterităţii şi al relaţiilor interculturale*, (Iaşi: Polirom, 2005), 219.

[9] Pablo Azcarate, apud Adrian Liviu Ivan, *Stat, majoritate şi minoritate naţională în România*, (Cluj-Napoca: CA Publishing, 2011), 95-96.

atmosphere prevailed within the states under discussion, which was augmented by some administrative imperfections of the new administrative systems, on one hand, and by the revisionist policy of the host states, on the other."[10]

The failure of some policies questioned the implementation of an efficient management of diversity, leading to the proliferation of racist ideologies and culminating with World War II. The end of the war portrayed a ruined Europe that, before being reconstructed, had to reconcile with itself, to delete all those traces left not only by war, but also by intolerance, racism and discrimination which had been part of many state policies for more than a decade.

In conjunction with the failure of supranational cooperation initiatives, new regional and international projects were designed, so as to contribute to the creation of an inclusive social framework, based on respect for diversity, tolerance and integration, on combatting discrimination and inequity. It was within this framework that the UN, the Council of Europe and other supranational entities had to ensure the appropriate reconstruction of the League of Nations.

Given the context sketched above, the creation of the European communities was initially perceived as a construct with prevailing economic and security dimensions, especially since the European political and economic stability depended on steel production and the exploitation of coal and iron[11]. Considering these aspects, it can be stated that the first European community- ECSC- was a real act of trust among old rival states, of eliminating mistakes from the past and an act of faith in a common future[12].

The creation of ECSC and the further development of the European construction laid the basis of a prominent social dimension within this project by establishing the free movement of persons (Article 48 of the Treaty of Rome), but also by combatting discrimination on nationality criteria (Article 6). However, the development of the social dimension in the Treaty of Rome was impeded due to the divergent opinions on the concept and on the mechanisms of the Common Market concerning the social costs and the harmonization of national systems[13]. Hence, at institutional level, the European social dimension stagnated, being placed behind economic priorities. Practically, the situation was different at the level of the member states, since they proved a continuous need for workers, which had further consequences on the management of the migratory flows. Progressively, the various phases of migration imposed regulatory measures. These were initially complementary to the macroeconomic policies, and then led to the reconsideration of the social dimension and to the supranationalization of migration and its social implications[14].

Even if the issues of diversity, tolerance and social inclusion continued through international or pan-European institutions, it was the enlargement process and the migratory flows that imposed the social dimension on the European communities' agenda.

These aspects can be integrated within the theory of sociological institutionalism. This theory mentions that it is the norms and principles that influence the negotiations among member states and candidate ones, among states and the EU's institutions. Hence, the actor's

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[10] Adrian Liviu Ivan, *Stat, majoritate şi minoritate naţională în România*, 98.

[11] Ivan Adrian Liviu , *Sub zodia Statelor Unite ale Europei. De la ideea europeană la Comunităţile Economice Europene*, (Cluj-Napoca: CA Publishing, 2009), 243.

[12] Tănăsescu Dorina, Dumitru Felicia, Petrescu Marius, Cucui Ion, *Politici publice în spaţiul Euroatlantic*, (Cluj Napoca: CA Publishing, 2011) , 35.

[13] Silaşi Grigore, Rollet Philippe, Trandafir Nicu, Vădăsan Ioana, *Economia Uniunii Europene: o poveste de succes?*, (Timişoara: Editura Universităţii de Vest, 2005), 88.

[14] Cămărăşan Vasile Adrian , *Migraţie şi politici europene*, (Cluj-Napoca: CA Publishing, 2013), p. 194.

rationality is rather contextual than instrumental, deriving from the identity of the community these actors belong to[15].

SOCIAL EUROPE

The creation of the Common Market, the European Single Market and the adoption of the Single European Act were key moments in placing the social issue again among the priorities of the European construction.

The first important moment in creating the European Social Model was on December 9th 1989, when the Community Charter of the Fundamental Social Rights for Workers was adopted in Strasbourg by almost all member states, the sole exception being the United Kingdom.

The European labor model is primarily based on the principles of this Charter[16]. The Council has thereafter adopted various directives for the improvement concerning work security, social protection of immigrant workers, mutual recognition of degrees and diplomas, equal chances for men and women[17].

A further step towards creating a social Europe can be considered the Treaty of Maastricht which, beside having the great merit of instituting the European citizenship, has promoted employment and social dialogue and, hence, consolidated the basis laid by the above-mentioned Charter. Still, due to the continuing opposition of the UK, the post-Maastricht social Europe remains rather an almost unanimous agreement annexed to the Treaty on European Union, the implementation of its provisions being postponed.

In a context favorable to its implementation, the Treaty of Amsterdam incorporates a more strengthened social agreement. This is done by means of three strategic dimensions: a first dimension is the Labor Government's plead for ending UK's opt-out concerning the social model[18] and, hence, the consensus of all member states on adopting the Social Agreement annexed to the Social Protocol. A second strategic aspect is that of promoting the social policy as community policy and one of the main issues of the European Union, according to the European Social Model. Finally, the third aspect is the change of perception concerning the development of the European construction. The Treaty of Amsterdam marks a shift towards programmatic development based on adopting some strategic documents for community growth and consolidation represented by the Lisbon Strategy and Strategy Europe 2020.

The essence of the social dimension of the European construction is the European Social Model (ESM) that represents more than a framework for social convergence that governs European strategies, being grounded on the principles of diversity, inclusion and on combatting discrimination. ESM represents the sum of good practices of all member states so as to ensure European institutional support and to consolidate EU's role of political and economic power.

Another dimension of the ESM, a paradoxical one, is the social and liberal foundation of this construct. An apparent ideological contradiction can be noticed in a Europe more

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[15] Adrian Liviu Ivan, "Constructivismul şi integrarea europeană: contribuţii şi limite" in: Claudiu Marian, Corneliu Nicolescu, Contemporaneitate şi provocările globalizării, (Cluj-Napoca: CA Publishing, 2014), 145.

[16] *The Community Charter of the Fundamental Social Rights for Workers*, http://www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/communitycharterofthefundamentalsocialrightsofworkers.htm, accessed January 30, 2014.

[18]"Social Policy Protocol" in *Eurofound*, http://www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/socialpolicyprotocol.htm, accessed May 7, 2014.

and more right-oriented in terms of policies, but which permanently develops and consolidates its social system. The reasons for this apparent contradiction are omnifarious. One the one hand, a strong argument in this respect is the great degree of variation in terms of the economic integration of the member states. This does not allow the adoption and further implementation of tougher measures that would definitely have a negative impact on the beliefs and attitudes of the European society, already affected by the economic crisis. On the other hand, the North-South cultural gap is still strong enough, the migration between these areas and the cooperation in various projects being insufficient in homogenizing this process of economic integration. Finally, the pessimistic demographic trends lead to the necessity of encouraging migratory flows for maintaining economic performance and the sustainability of social mechanisms. Moreover, migratory flows, among the catalysts of diversity, are carriers of various cultures and different social principles, often originating from less developed areas, which make the intolerance towards exclusive measures even stronger.

As stated in the World Development Report 2014, "for problems whose solution eludes markets and governments, a cohesive community could be the missing piece of the puzzle"[19]. This aspect could be useful applied on the local, regional and, extended, on the national level (where "community" should replace "nation"), proves insufficient in such a wide, heterogeneous European and, further on, in a global context of interdependencies. "Communities need connections to other communities and markets; without them communities remain insular, lack political influence and are unable to accomplish anything at scale"[20].

CHALLENGES TO MANAGING EUROPEAN SOCI(ET)AL DIVERSITY

One cannot ignore the existence of a certain inherent degree of reluctance to diversity, to otherness: "We are usually only willing to recognize differences so long as they remain within the domain of our language, our knowledge, our control"[21]. In this respect, diversity denotes two antithetical components, it being simultaneously confrontational and threatened. Therefore, the interactions among communities are intense and their management is a real challenge for all actors involved in regulating intercultural exchanges, especially since economic, political and social forces might lead to the erosion of diversity in its objective dimension. On the other hand, the subjective recognition of diversity tends to increase, due to the high frequency of intercultural exchanges in this global age and to the reaffirming identities of minority groups[22].

In this wide European context of indisputable diversity, where the multifaceted impact of the economic crisis is still perceivable, various challenges arise, both from within and from the outside. Perpetuated in the context of the Arab spring and, more recently, in that of the conflict in Ukraine, irregular migratory flows represent a serious challenge to the management of the European diversity, which has almost overnight become even more 'diverse', due to many paths of access to the European Union, from the Western African Route to the Eastern Borders Route.[23] And the fact that, "between December 2010 and April 2011, more than twenty thousand migrants (mostly Tunisians) arrived on the small Italian

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[19] World Bank, *World Development Report 2014*, *Risk and Opportunity. Managing Risk for Development,* 140.
[20] *World Development Report 2014*, 148.
[21] See Iain Chambers, *Migrancy, Culture, Identity,* 30.
[22] See Cămărăşan Vasile Adrian, *Migraţie şi politici europene*, 103.
[23] For further details, please consult FRONTEX- Migratory routes map, http://frontex.europa.eu/trends-and-routes/migratory-routes-map, accessed January 30, 2014.

island of Lampedusa"[24] is a relevant example in this respect and, at the same time, an obvious challenge that requires international collaboration.

Another challenge is posed by the incontestable phenomenon of demographic aging, acknowledged as a "major concern" in 55% of the governments worldwide[25]. Not only is Europe getting old, but it also receives immigrants that are young, aspect which might lead to perceiving immigrants as a threat. In Germany, for instance, the richest and oldest country of the European Union, considering the median age of its citizens, the elderly outnumber the youth with more than 15 %[26]. Furthermore, the share of the youth in Turkey, where approximately a quarter of immigrants to Germany origin, is double as compared to the one in Germany.

A further issue is that immigrants, especially unskilled workers, are being scapegoated and the intercultural clashes are present, sometimes leading to extreme, xenophobic measures. The massive expulsion of Roma, as well as the interdiction applied for Romanian and Bulgarian citizens to receive work permits in Western countries are examples widely debated that question to a certain extent the

"Not since World War II have extremist and populist forces had so much influence on national parliaments as they have today', said EU commissioner for Home Affairs Cecilia Malmstrom"[27]. And the results of the MPE elections have reconfirmed this statement at European level, where euroskeptic and far-right parties have proved a great success through the achievement of Nigel Farage's UK Independence Party, elected with 27.5 percent[28] in the detriment of the mainstream parties, corroborated with that of Marine Le Pen's National Front, who received almost 25 percent of the overall vote in France, as well as the votes for Jobbik in Hungary and Golden Dawn in Greece. The results of the votes for MEPs in Austria, Denmark, Finland, Germany and Sweden also show euroskepticism and reluctance, even intolerance to diversity. French Prime Minister Manuel Valls has called this result "more than a warning", it being for Socialist Valls and not only "a shock, an earthquake"[29]. Worth mentioning is Robert D. Kaplan's analysis on this victory and the parallel he draws between the supporters of these parties and those of Putin: "while traditionally anti-immigrant, these parties have lately become in many cases pro-Russian. It is not that they like Russia per se; rather, it is that they see a kindred spirit in Russian President Vladimir Putin, who is a reactionary and Revanchist nationalist, embittered by the power balance of the post-Cold War, who thinks in terms of ethnic nations instead of post-national states."[30] Of course, one could argue that "thinking in terms of ethnic nations instead of post-national states" is just a reaction to globalization and should not necessarily be associated with a certain degree of sympathy towards Russia.

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[24] Martin A. Schain, The Challenge of Illegal Immigration in Europe, http://www.e-ir.info/2013/12/14/the-challenge-of-illegal-immigration-in-europe/, accessed January 30, 2014.

[25] United Nations Department of Economic and Social Affairs ׀ Population Division, *World Population Policies 2013*, 5.

[26] Calculated on the basis of the information offered by *Europe in Figure- Eurostat Yearbook 2012*, 111.

[27] Cecilia Malmstrom in: "Political extremism on the rise ahead of 2014 elections, EC says", *Euractiv*, http://www.euractiv.de/video/political-extremism-rise-ahead-2014-elections-ec-says-8838, accessed January 30, 2014.

[28] Vote 2014 in: BBC News, http://www.bbc.com/news/events/vote2014, accessed May 28, 2014.

[29] Catherine E. Shoichet, Jim Boulden, "The 'earthquake' in Europe? It's far-right gains in Parliament elections" in: *BBC*, http://edition.cnn.com/2014/05/25/world/europe/eu-elections/#index , accessed May 26, 2014.

[30] Robert D. Kaplan, *Europe's Deep Right-Wing Logic*, Stratfor, http://www.forbes.com/sites/stratfor/2014/06/04/europes-deep-right-wing-logic/, accessed June 4, 2014.

CONCLUSION

As stated in *Europe 2020, A European strategy for smart, sustainable and inclusive growth*, in this age of interdependence collaboration is no more an option, but a must, since "Europe can succeed if it acts collectively- as a Union"[31]. This Union requires an efficient management of its soci(et)al mosaic and this can be achieved within the framework of multi-level governance, where voices of all actors should be considered. A permanent process of structural consolidation is required in this Europe of the 28, where omnifarious challenges should be successfully managed. Much has been done so far, but much has yet to be done, from the Schengen file to implementing the principles of belonging to the European Union, to a citizenship that surpasses national borders, being supranational.

The simultaneously confrontational and threatened diversity depicted throughout this article should be paid special attention to and a living proof in this respect represent the results of the MPE elections in May 2014, which reveal rather euroskepticism than inclusion or a sense of belonging to the European Union.

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[31] European Commission, *Europe 2020, A European strategy for smart, sustainable and inclusive growth*, 7.

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ECONOMIC SECURITY IN ROMA COMMUNITIES THROUGH SOCIAL ECONOMY

Eugen Cassius MOLDOVAN [1]

ABSTRACT:
ECONOMIC SECURITY IN ROMA COMMUNITIES, TODAY, WOULD MEAN SOLVING, AT LIST AT THE BASE LEVEL, THE LABOR MARKET ACCESS PROBLEM OF ROMA PEOPLE , THUS ENSURING ACCESS TO OTHER AREAS OF DAILY LIFE : HEALTH, HOUSING , EDUCATION, AND SO ON. IN A WAY THIS IS QUITE TRUE , WHEREAS IT IS WELL-KNOWN THAT THE BASIC PILLAR OF ANY COMMUNITY WHICH IS ASPIRING TO PROGRESS, IS THE LABOR MARKET , IN OTHER WORDS , BUDGET TO CREATE JOBS.
HOWEVER , THE SOCIAL ECONOMY AND ITS PATTERNS/MODELS CAN BE AN OPTION IN ENSURING ECONOMIC SECURITY OF THE ROMA COMMUNITY BECAUSE IT CAN CREATE MECHANISMS TO ENSURE ACCESS TO THE LABOR MARKET , ESPECIALLY THAT IN THE NEAR FUTURE IS EXPECTED A NUMBER OF TAX AND BUSSINESS BENEFITS AND NOT ONLY, FOR THE SOCIAL ECONOMY ENTITIES/STRUCTURES.

KEY WORDS: SOCIAL ECONOMY , THE ROMA COMMUNITY , ECONOMIC SECURITY.

INTRODUCTION

We start this paper the motivation and construction of that title is one suggestive Economic Security through Social Economy in Roma communities, wishing to exhibit mainly the idea that economic security in Roma communities could have a chance to become a positive field from the point of view of the individual, with the social economy which seems to be a choice in response to the economic situation of Romania today.

If one accepts the idea that the development of human security engine within a national space is primarily the economic security, in other words the existence of a positive and sustainable economic development, we must agree that the most important interest domain should be the access on the employment market. In this context, we believe that the social economy can be the solution for the economic security in Roma communities in a country as Romania, with 17 minorities, nearly 20 vulnerable groups, 18 religious cults under Article 46 of Law 489/2006.

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MAIN TEXT
1. THE SOCIAL ECONOMY
The purpose of this title, is to try and give a small definition to social economy, or actually trying to formulate a definition to a nonexistent field in terms of success practice in Romania and almost invisible in theory, except that the definition is given in a strong connection with the economic security or how she could be influenced through the social economy.

"The social economy is a reality present in various forms in most human communities which experienced a natural development from the early eighteenth century in the development context of industrial capitalism"[2]. Thus, the cooperatives of the eighteenth century, coming up with different forms of employment or joint ventures are among the first people association in which members share the profits in order to answer the problems of the labour market, in other words, they were pursuing also a "social profit" like the social economy does today.

Turning our look at the practical side of social economy and better comprehension of its various structures and how it is seen by European institutions, we must mention the definition provided by CIRIEC (International Centre of Research and Information on the Public, Social and Co -operative Economy): *"The set of private, formally-organised enterprises, with autonomy of decision and freedom of membership, created to meet their members' needs through the market by producing goods and providing services, insurance and finance, where decision-making and any distribution of profits or surpluses among the members are not directly linked to the capital or fees contributed by each member, each of whom has one vote"[3].* Most definitions are formulated in accordance with the seven principles of social economy as they were written in the "Charter of Principles of Social Economy" by Social Economy Europe, the social economy's representative institution in the European Union. By following the seven principles in the framework of a social economy, it makes the difference between it and a simple economic or commercial business. The principles are:

"-the individual and social aspects outweigh the capital
-voluntary and open participation
-all members must have control of activities in the social economy
-solidarity and responsibility should be present in such activities
-members' interests are good to consider also the public interest
-created in the spirit of social economy, entities will be autonomous and independent from public authorities
-economic activities, financial gain is used to benefit members but also for the sustainable development of the community"[4].

The social economy is a bunch of concepts that promote business structure legally established, based on a value system where in the first place, is very important solidarity among members and democratic decision-making, but also the priority to the people's needs before the profit distribution. Social economy encourages citizens to fight and wake up from

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[2] Asiminei Romeo, *Social Economy A Conceptual Framework,* Journal of Social Economy No.1 , 23-39,January 2009, 23, accessed may 10-th 2014, http://profitpentruoameni.ro/wp-content/uploads/2013/05/01-Social-economy-a-conceptual-framework.pdf
[3] Sorin Cace et all, *„Social Economy and Vulnerable Groups"* study presented at the meeting for Vulnerable Groups in Social Economy Project, Bucharest , 16-18 September , 2009, 7.
[4] Adam Gabor, *Economie Socială în Comunităţi Multietnice ,*(Cluj Napoca, Idea Design&Print 2011), 5.

passive to active modellers status of their own destinies. Therefore we can say that through social economy its individuals construct their own motor starter for the economic security.

The social economy is recognized throughout Europe the same. If experienced countries named it generally the third sector, there are countries such as the *"group containing mainly Germanic countries and those that have joined the EU in the 2004 enlargement, such as Austria, Estonia, Germany, Lithuania, the Netherlands, Czech Republic, Slovenia and Hungary are the countries where the concept of social economy is less known, or can be found in an early stage or even unknown. Related terms, like the the non-profit sector, voluntary sector and nongovernmental organizations, are enjoying a relative recognition*".[5]

We can say very briefly that the social economy is translated into practice by setting up a structure type, where the basic rule is that the birth of a social profit, meaning to reinvest a portion of the profit in activities, services or goods that benefit the community (more or less vulnerable) for a better integration.

All this process we will closely connect with economic security, and finally to demonstrate that the social economy can be an important driver of economic security in Roma communities.

2. ROMA ISSUES

In order to discuss this subject we must decide whether we have a problem with the Roma communities. I mean the Roma community can be seen as a vulnerable group as a group with special problems. In other words, the question is whether or not to help the Roma community more than other communities or vulnerable groups? We could argue an affirmative answer by citing history studies (from which we could emphasize slavery, holocaust, the marginalization for a few hundred years), unpractical social policies, national or European indifference of public authorities, or through a couple of examples of Roma poverty families, or "touching" examples of social stagnation or almost "ostentatious" regress in the development of these Roma Community. No, we won't do these things today, to demonstrate that Roma are a vulnerable group, and they have special problems. We will put the problem much simpler. It is true that in recent years have appeared all sorts of problems with the Roma community in big European newspapers, in countries such as France, England, Italy and recently in German.? It is true that they say about the Roma community that are on the periphery of cities and live in tents. It is true that almost everywhere the Roma people are accused of small crimes like stealing or begging. Then ladies and gentlemen, dear readers, I rest my case. We admit it or not, Yes we have a problem with Roma communities, Yes they need social integration.

In Romania, Roma issue, not necessarily its solutions, it is quite well reflected in the Strategy for Roma Inclusion, HG 1221/2011, where the majority of Roma social inclusion issues were divided into education, employment, health, housing and small infrastructure, culture, social infrastructure. These domains are closely related to social economy and are of great importance in the life of the Roma community. In theory we could probably find alternatives, where the labour market is not the main importance in the progress of a community, because there would be a few who rightly would support such as education is the greatest importance in the development of a community. On a practical level however, without access to the labour market all other areas are more difficult to access by the ordinary individuals. In order to ensure an integration process, a sustainable development, labour market access of Roma communities is of course the priority domain that this community

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[5] Jose Luis Monzon Campos, Rafael Chaves Avila, *The Social Economy on the European Union ,* (Bruxelles, Groupe Editorial Peter Lang, 2007), 36.

needs. Motivation is simple. Existing access to the labour market, that means the possibility of access to health, housing and education. Simply put, if there is a job, there is medical insurance, there are at least possibilities to pay the rent even it is a modest one, it is possible to send children to school.

3. ECONOMIC SECURITY IN ROMA COMMUNITIES THROUGH SOCIAL ECONOMY

Before talking about this title, we feel compelled to say a few words about economic security, and what could this mean. To keep things simple we choose a definition as simple and accessible as follows:

"It can be seen both at the individual and state level. In the first case, the essential economic security implies the absence of poverty, but it often transcends this state to include possession of sufficient resources to participate with dignity in society, but also a degree of protection in the face of uncertainty and risk. ...At the state level economic security involves maximizing the relative economic power of the state on the grounds that economic power is desirable and national power, including military power, ultimately depends on economic power"[6]. The dictionary of international security quoted above, highlights two ways of defining economic security. First one is in terms of the individual reflected by the absence of poverty and its ability to participate in everyday life with dignity in the society which he lives. In other words, the economic security of the state is reflected by the prosperity of the ordinary individuals. A second option is to define economic security in terms of state's point of view. This would mean, taking into account the economic power of the state as the main index to define the state of economic security and also considering the economic power as a basic pillar of national strength. In this variation look, on the economic security, it stresses that economic progress, economic security is the centre gravity of national security. Economic security can mean to each of us something different, but at a certain level or at a minimum level, this should mean access to a decent life, the ability to always make another "step forward". I do not think I exaggerate if I say that the ultimate goal of a positive economic security is the welfare of the individual. Of course, talking about the economic security of a community as the Roma community is, we are primarily interested in the economic security of the individual so that references to this term, written here from now on, will be not referring to   the state economic security point of view.

If we consider the ultimate goal of economic security and welfare of the individual, the social inclusion represent itself a goal of economic security, especially since the poverty is the way that social exclusion is often born. The main pillar or national domain who should be developed, in order not to reach social exclusion, if socially excluded means to be poor, not to have a family doctor, impossibility to attend school, not to have access to minimal resources such as heat or light, not to take part in ordinary social life, then the answer is the domain of labour market access. Thus, the mirror of a normal individual possibilities (opportunities), represents the condition but also the measure scale of the economic security of that individual. Social economy, we believe is the answer to the problems of access to the labour market, especially for Roma communities, so that now the picture is much clearer on this paper: elimination of social exclusion as a result of improved access to the labour market through the social economy, thus helping the main purpose of economic security, that of a minimum implementation degree of comfort for the ordinary individual.

Let's see some statistics. In 2013 we have a total of 731 000 registered unemployed according to the National Statistics Institute. Ministry of Labour shows a figure of 692.340

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[6] Paul Robinson, *Dicționar de securitate Internațională*, (Cluj Napoca, Ca Publishing, 2010), 200

people with disabilities in 2012 (17.285-instituţionalized), www. manager.ro a website specialized in various statistics and analysis and www.ziare.com website says that there are 30,000 detainees in Romania where one inmate cost per month is 2,500 lei while the same sources say costs of 1867 lei / month for a student and the Institute of Statistics shows the number of 600,000 Roma citizens in Romania. If we make a small calculation and we notice that I gather a number of 2.05334 million people included in only four categories of vulnerable groups. Note that the result is a sum of the official data, which means that the real figures are much higher. If the social economy has as main target the vulnerable groups, this would mean that in Romania would have a target of at least 2 million people.

Ultimately the problem is that the Romanian state should be ready to promote the social economy and more, to provide other tax benefits to its development. In this sense the state, the policy makers, have to make a calculation so they can decide what variant is optimal for national economic security: either they further increase fees and taxes (because foreign investment in Romania doesn't quite look to happen in the near horizon) so they will get money for annual budgets but with the risk that in time, more and more segments of the population (especially the 2 million I mentioned above) to no longer be able to afford their payments resulting in widespread poverty; either they accept less taxes promoting social economy mechanisms, by creating jobs, resulting in at least two positive effects: stable annual budget, reviving of the labour market. The two effects combined creates a third: positive economic security for ordinary individuals through social economy. Since we are here it may be the time to mention that Romania spend 23 millions Euros on 1 highway km (according to http://www.antena3.ro/ one of the biggest national news channel). Instead of throwing money on a 10 highway km (230 millions Euros) we could promote the social economy and give birth to about 10.000 jobs.

Even without legislation, implementing the seven principles of social economy, economic security especially in Roma communities would still have a chance, but with an adequate legislative framework with policy makers who really want to implement mechanisms like social economy, so an economic security might reflect on a minimum of 1 million people in Romania where the Roma weight would probably be at least 200 000. That 1 million people that we talk about can account for our calculations, the group of 18 vulnerable types of people which are mostly, socially assisted in one way or another. This is one of the reason why it is said in the national press about Romania that has turned into a state of social assisted people. Through social economy, by introducing people on the labour market, Romania could begin the transformation of an assisted social state in an active state, resulting the inevitable effect : starting the achievement of a positive economic security.

During this panel of promoting the social economy through the development of labour market access with a direct effect on the economic security, the Roma community together with the majority, benefits from another positive aspect, societal security. In this sense we can exemplify a real situation in 2012 that happened in a Roma community, let's call it X village, to which the undersigned writing those lines has witnessed:

X village Police Department for example, was extremely interested in the success of the social economy association founded in the same year, which had the main activity the collection of plants and berries in a collecting centre. The interest of Police reason was simple: the Roma community members were involved most of the time in collecting and than selling scrap iron, but quite often they commit petty small crimes to complete this activity. In such situation the village police had dozens of complaints from various citizens, victims of burglary, public scandal, etc. From the moment the social economy activities started, many members of the Roma communities left every day at berry and plants picking in the nearby woods area, and in the evening they were coming back to the collection centre

to sell what they have collected on that day. In order to illustrate an example, one berry picker after a day of collecting activity could get between 100-200 lei (25-50 Euros), money brought home to his family. Per week, this means a minimum of 600 lei (about 140 Euros). Thus, the local police helped as much as their resources allowed them, to the social economy project implementation, because they anticipated that giving labour occupation and remuneration to the Roma community in the area, this will bring a double effect:

1. Improving economic security and local development through labour market access of the Roma community and other members of vulnerable groups such as long-term unemployed.
2. Overall improvement of security environment in declining local offenses or small crimes but also a better understanding and cooperation between Roma and majority community life, meaning an improved societal security.

The example above is proof of what I was trying to show over these few pages, namely that the social economy is the glue to the economic security of the Roma, but even more, it may have positive effects on societal security.

CONCLUSION

The main conclusion that we can draw from this paper is that, in general, at least theoretically, Romania is trying for the first time to align with European theories to implement social economy business, trying deliberately or not the development of economic security.

Also as a conclusion it should be noted that once established social enterprises, there is a risk that the goods or their products to be labelled as equivalent to " poor or bad" on the grounds that they were made by people belonging to vulnerable groups such as people as the Roma or former prisoners.

In Romania, the concept of social economy addresses to vulnerable groups. The common denominator of the concept of social economy in Romania at the European level is the very purpose of this concept, that of creating new jobs, qualification, requalification for the people looking for a job.

Addressing to vulnerable groups, the concept of social economy in Romania can be hit by old barriers that would not accept anything different, new, or by discrimination where, intentionally or unconsciously, are subject to vulnerable groups.

We believe that one thing is certain, Roma communities can develop through social economy by reviving the labour market, moreover ensuring a positive effect on societal security.

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THE INVOLVEMENT OF THE NORWEGIAN STATE IN THE SOCIAL AND CULTURAL INTEGRATION OF MINORITIES

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ABSTRACT:
SINCE ITS FORMATION AS A STATE, THE MAIN CHARACTERISTIC OF NORWAY HAS BEEN ITS HOMOGENEITY. NORWAY HAS ALWAYS BEEN ECONOMICALLY STABLE, THEREFORE THE FINANCIAL CRISIS DID NOT AFFECT THE COUNTRY THAT MUCH. MOREOVER, NOT BEING A MEMBER OF THE EUROPEAN UNION HELPED NORWAY ESCAPE THE PROBLEMS THAT CAUSED THE DISRUPTION OF THE ECONOMIC COURSE AT CONTINENTAL AND GLOBAL LEVEL. THIS STABILITY ALONG WITH THE BENEFITS, SECURITY AND WELFARE HAVE MADE NORWAY A POPULAR DESTINATION FOR IMMIGRANTS, WHO DECIDED TO FIND OPPORTUNITIES AND START A NEW LIFE, IGNORING THE UNFAVORABLE LOCATION AND CLIMATE. WITH THIS RAPID GROWTH OF THE MINORITY POPULATION, THE STATE FACED NEW ISSUES SUCH AS INTEGRATION, CULTURAL DIVERSITY AND IMMIGRATION, THAT HAVE BECOME CENTRAL TOPICS OF DISCUSSION. NORWAY HAD TO FIND SOLUTIONS AND SHAPE POLICIES IN ORDER TO PREVENT DISCRIMINATION AND GUARANTEE EQUAL RIGHTS, FREEDOMS AND OPPORTUNITIES FOR ITS DIVERSE POPULATION.
THE PRESENT STUDY INTENDS TO ANALYZE THE INVOLVEMENT OF THE NORWEGIAN STATE IN THE SOCIAL AND CULTURAL INTEGRATION OF MINORITIES, TAKING INTO CONSIDERATION THEIR RIGHTS AND FREEDOMS, AS WELL AS THE PRINCIPLE OF NON-DISCRIMINATION, HIGHLIGHTING THE IMPORTANCE OF THEIR CONTRIBUTION TO THE ECONOMIC, SOCIAL AND CULTURAL DEVELOPMENT OF THE COUNTRY.

KEYWORDS: MINORITIES, INTEGRATION, CULTURAL DIVERSITY, NON-DISCRIMINATION, IMMIGRATION POLICY

INTRODUCTION

It is well known that Norway has always been a stable and homogenous state, based on economic, political, social and cultural development, following the principle of nationalism. It was a society with a small number of people, inoculated with the idea of unity and the feeling of an entity. Moreover, being under foreign occupation for a long period of time, it developed a sense of fear and rejection towards a possible new invasion.

Before the First World War an important part of the Norwegians decided to emigrate. Later on, this trend has changed and Norway has started to receive immigrants. However,

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when this phenomenon started to spread, the government restricted immigration, the only ways to enter the country were as a family reunion or as refugees.[2] Norway is not an EU member state, however it signed the Schengen agreement on free movement, and thus, the number of immigrants has increased considerably with the EU enlargement in 2004. Currently most immigrants are Poles (60,000) Swedes (34,000) and Muslims (180,000).[3]

THE NORWEGIAN STATE AND ITS MINORITIES

Between 1995 and 2011, the number of immigrants in Norway tripled to 600,000 in a population of 5 million.[4] Thus, the state had to face new challenges, such as the integration of immigrants and a coherent policy to regulate this process, a difficult thing to achieve for a society which has always been consistent. However, the Norwegian state sought to create a framework to ensure equal opportunities for all citizens without any discrimination. To achieve solidarity and cohesion among its inhabitants, several measures were required:

• Strengthening unity and citizenship: government should ensure equal treatment for all members of society

• Promoting diversity in a Norwegian framework of values: national identity that is not based on ethnic identity must be credible to all citizens; cultural and religious diversity should support and not undermine the fundamental values associated with the Norwegian society

• Representing diversity: the state must ensure minority representation in important positions in politics, bureaucracy, media, academia, healthcare, education etc. Also, immigrants should be encouraged to participate actively in public life through volunteering, sport activities or employment

• Prevention of discrimination: ethnic segregation trends in the labor market must be prevented, and anti-discrimination legislation should be implemented.[5]

In the case of Norway, national minorities include Kvens, Jews, Romani and Roma, who have become minorities after the migration phenomenon. Regarding ethnic minorities, they are few, the only representative being the Sami minority recognized also as indigenous people. There are about 15,000 Kvens, 1,500-2,000 Jews, 2,000-3,000 Romani and 400 Roma. The number of the Sami is uncertain, but is believed to be around 50,000.[6]

The Sami people is the only indigenous people of Norway, and at the same time, an ethnic minority. It lives on the territory of four countries: Norway, Sweden, Finland and Russia, the largest number being in Norway. The Sami speak their own language with many dialects, have traditions and specific values. Currently, the Sami language is recognized as an official language alongside Norwegian, with the Sami minority benefitting from a number of rights and freedoms, but things were not always like this.

Since the 16th century, there was a strong rivalry between Denmark-Norway, Sweden and Russia for the territory occupied by the Sami. In 1848, the Norwegian Parliament decided to introduce the Norwegianization process, urging the government to consider an integration system for the Sami.

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[2] Thomas Hylland Eriksen, *Immmigration and National Identity in Norway* (Washington DC: Migration Policy Institute, 2013), 4.

[3] Eriksen, *Immmigration and National Identity in Norway*, 4-5.

[4] Eriksen, *Immmigration and National Identity in Norway*, 1.

[5] Eriksen, *Immmigration and National Identity in Norway*, 1.

[6] Eriksen, *Immmigration and National Identity in Norway*, 3.

The Norwegianization period began in 1851, with the introduction of the fund for the promotion of the Norwegian language in the Sami region.[7] By 1880, we can speak of a transition period, in which the Sami language was still used in education. However, the tendency to restrict the Sami language was obvious. In 1880, the hard Norwegianization period began. This was confirmed by the Law of 1889 on primary education, which stated that the language of instruction is Norwegian.[8]

Also, this policy was extended to other areas such as: communication, media, agriculture, etc. An example would be the famous Land Act (1902)[9], which stipulates that the only persons eligible to receive land are the Norwegian citizens, and only those who speak, read and write in Norwegian. The Sami language was forbidden in schools, and children were taught and supervised by teachers who only spoke Norwegian.

In the late 1930s, the minority policy has become more permissive regarding the Sami. The Sami language was introduced in schools, initially as a second language.[10]

However, only in the '50s, the policy towards the Sami has been revised. Two committees were created, one for cultural issues and other for legal issues. Thus, in 1987, the Sami Act was passed and in 1992 the Law on the Sami language entered into force, ensuring the equal status with the Norwegian language.

The Norwegian Government established a framework for the Sami to preserve and develop their language, culture, customs and values, reflected in art. 110 of the Norwegian Constitution (1988) and the provisions of the Sami Act (1987): "It is the responsibility of the state to create the conditions for the Sami people to preserve and develop its language, culture and way of life."[11]

The Sami Act provides special rights for the Sami, such as:

• the Sami population has a parliament called the Sami Parliament, elected by and among the Sami;

 • the Sami people have the right to choose the activity field of the Parliament;

 • the Sami and Norwegian languages have equal status in Norway;

 • the Sami people have special rights on reindeer herding.[12]

Norway has also committed itself to protect the rights of the Sami with the ratification of various international agreements, especially art. 27 of the UN Covenant on Civil and Political Rights, which states that "in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language"[13] and the ILO Convention no. 169 on indigenous peoples, which states that indigenous peoples should have the right to determine their own economic, social and cultural development, to preserve their identity, to benefit from confessional freedom and to have access to their land and resources.

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[7] Oystein Steinlien, *The Sami Law:A Change of Norwegian Government Policy toward the Sami Minority?*, Tromsø University, 2.

[8] Steinlien, *The Sami Law:A Change of Norwegian Government Policy toward the Sami Minority?*, 3.

[9] Steinlien, *The Sami Law:A Change of Norwegian Government Policy toward the Sami Minority?*, 3.

[10] Jon Todal, "Minorities with a Minority: Language and the School in the Sami Areas of Norway", in *Indigenous Community- Based Education*, Stephen May, (UK: Short Run Press, 1999), 128.

[11] "Constitution of Norway, Article 110 a", available at: https://www.stortinget.no/en/In-English/About-the-Storting/The-Constitution/The-Constitution/, accessed June 14, 2014.

[12] "The Sami Act", available at: http://www.regjeringen.no/en/doc/laws/acts/the-sami-act-.html?id=449701, accessed June 14, 2014.

[13] "International Covenant on Civil and Political Rights, Article 27", available at: http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx, accessed June 15, 2014.

Moreover, the Sami people benefit from the support of a Sami Parliament dealing with the Sami social, cultural and economic issues.

However, the fight for rights was not easy. The event that intensified the Sami ethnic struggle was the conflict regarding the construction of a hydroelectric plant on the Sami traditional territory, known as the Alta Controversy. The Norwegian authorities decided to build a hydroelectric plant in the Finnmark region. The local community saw this as a threat, destroying important parts of their territory. Consequently, they organized a protest movement. The reindeer herders sued the Norwegian state in order to stop the project, have blocked the access and organized numerous demonstrations and protests, leading to a hunger strike in front of the Parliament.[14] The Sami chained themselves at the construction site, but the protesters were removed by force. They also used explosives to sabotage the construction, but the hydroelectric plant was built. However, the Sami intelligent step was the translation of the problem at a global level by establishing a link with the World Council of Indigenous Peoples.[15] Because of the international publicity given to this case, the Norwegian State had to recognize the Sami rights to preserve their traditional territory and their cultural, linguistic and religious heritage.

Another significant minority of Norway is represented by the Kvens, descendants of Finnish immigrants. Their immigration to Norway took place in two periods: 1720-1820, when the Finns moved in the basins and fjords of Finmark and Tromsø and 1820-1890, when they occupied the coastal areas of Finmark due to the development of the fishing industry.[16]

Initially, the immigrants were welcomed by the Norwegian state, only to be later included together with the Sami people in the Norwegianization process, being considered a risk to national security. The Kvens benefited from the development of the Sami consciousness, their struggle for recognition and fight against assimilation, organizing themselves in order to obtain the status of national minority and the protection of language and culture.

Another significant minority are the Jews, who were banned by the Constitution of 1814.[17] Later on, the ban was lifted and the Jews were integrated in the Norwegian society as citizens until the Second World War, when during the Nazi occupation the majority were deported. Currently, the Jews in Norway are integrated in the society, working in different areas and enjoying rights and freedoms. Also, the Norwegian state decided to grant compensations for the Jews persecuted during the war. However, some Norwegian Muslims lead anti-Semitic practices, as evidenced by the attack on the synagogue of Oslo, in 2006.[18]

The Romani, a minority group different from the Roma, are descendants of interracial marriages between Roma and the poor. They speak their own language, Romani, a Norwegian mixed with Romanes (the language of the Roma), work as artisans and were quite numerous until 1930 when they began to be persecuted by the Norwegian state.[19] In order to educate and civilize them, they were taken to camps, using even the though method

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[14] Robert Paine, *Dam a River, Damn a People? Saami (Lapp) Livelihood and the Alta/Kautokeino Hydro-Electric Project and the Norwegian Parliament*, (Copenhagen: International Work Group for Indigenous Affairs, 1982), 20.

[15] David Turton, Julia Gonzalez, *Cultural Identities and Ethnic Minorities in Europe*, (Bilbao: Universidad de Deusto, 1999), 44.

[16] Einar Niemi, *Den finske kolonisasjon av Nordkalotten- forløp og årsaker*, 1978, 49-70.

[17] Eriksen, *Immmigration and National Identity in Norway*, 3.

[18]"Oslo Synagogue Shooting", http://www.worldjewishcongress.org/en/news/6343/men_charged_with_terrorism_after_oslo_synagogue_shooting, accessed June 16, 2014.

[19] Turton, Gonzalez, *Cultural Identities and Ethnic Minorities in Europe*, 45.

of forced sterilization to eradicate the race. Currently, the Romani consider themselves Norwegians, but are seeking to obtain compensations for past mistreatment.[20]

The Roma, one of the most controversial minorities of Europe, is a relatively new minority in Norway. The main problem of this group is the high degree of illiteracy and poverty, many of them living from social assistance. The Norwegian state tries to avoid discrimination, to ensure equal opportunities for all members of the society, to find a place for the Roma in the Norwegian system, by initiating a program for Roma inclusion through education, employment and health care, but this is a difficult thing to do since the Roma is a minority that usually opposes integration.

However, the recent debates are oriented towards another group that has caused so many controversies, namely the Muslims, especially after the 9/11 events in the USA and those of 22 July 2011, when the extremist Anders Breivik killed 77 people and injured many others in a terrorist attack for the protection and cleansing of Norway from Islamism.[21] Moreover, even the leader of the party that had Breivik as a member, the Progress Party, said in 2007 that "not all Muslims are terrorists, but all terrorists are Muslims."[22]

The minority issues faced by the Norwegian state due to this rapid growth of the population have become a central concern for the Norwegian policy system, ensuring equality and diversity at the same time being a challenge. One step was the employment of minorities, causing reactions and complaints from the Norwegian population, threatened by unemployment and lower wages, leading to discrimination issues. Often, the media intensifies this resentment among Norwegians, the majority of crimes being associated with the immigrants.

CONCLUSIONS

As we can observe from the above-mentioned examples, Norway has successful models, but also failed integration projects. Currently, the main focus are the Muslims, but this might change. The growing number of the Roma could cause new problems, challenges and controversies in a country based on homogeneity. The Roma is a minority that usually refuses and resists integration, which is obvious in the past Norwegian policies that have failed. In other words, old Norway founded on the principle of unity and homogeneity must learn to adapt to the conditions and realities of new Norway, based on increasing diversity.

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[20] Turton, Gonzalez, *Cultural Identities and Ethnic Minorities in Europe*, 45-46.
[21] "Norway massacre: A timeline of the attacks that horrified a nation" http://www.telegraph.co.uk/news/worldnews/europe/norway/9495025/Norway-massacre-A-timeline-of-the-attacks-that-horrified-a-nation.html, accessed June 16, 2014.
[22] Eriksen, *Immmigration and National Identity in Norway*, 11.

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SOME ASPECTS ABOUT DEMOCRATIC REGIMES

Flavius-Cristian MĂRCĂU[1]

ABSTRACT:

MODERN DEMOCRACY CONCEIVED IN THE XVIIITH CENTURY, VERY PARTIALLY APPLIED IN VERY FEW COUNTRIES IN THE XIXTH CENTURY, WOULD HAVE TO PERISH ASSASSINATED IN THE XXTH CENTURY. SAVED AT THE LAST MINUTE FROM THE BLOWS OF NAZISM, AND DEFENDED HARD AGAINST COMMUNISM, SHE CONTINUED TO BE, AFTER 1945, LESS VULNERABLE AND DESPISED. THEN, SUDDENLY, BY THE MID-80S, THINGS HAVE TURNED IN THEIR FAVOR, BOTH IN IDEA AND IN FACT, IN TERMS OF SENSITIVITY AND POPULAR AS THEORISTS VIEWS AND INTENTIONS OF POLITICAL LEADERS DISPLAYED.[2]

IN OUR APPROACH WE TRY TO SHOW THE BENEFITS OF SCIENTIFIC DEMOCRACY AND ITS EFFECTS ON THE CITIZENS OF A STATE STARTING FROM SEVERAL CRITERIA EVNUMERATE ROBERT DAHL THAT HAVE DEVELOPED THROUGHOUT THE ARTICLE.

KEY WORDS: DEMOCRACY, DEMOCRATIZATION, MODERN DEMOCRACY, TOTALITARIANISM

Fundamental definition of democracy is found in the following phrase: "*government by and for the people*" and, according to Robert Dahl, provides opportunities for: 1) Effective participation; 2) Equality to vote; 3) Acquiring an enlightened understanding ; 4) Exercising final control over the agenda; 5) Inclusion of the adults.[3]

On the five criteria listed above, Dahl offered an explanation for their choice by reference to the establishment of a democratic association[4]. The example was based on direct democracy (participative) given that all its members participate in decision making, agenda setting, etc. Can we support the direct participation can be implemented in the management of a state? Yes, we support this. Democracy can be implemented by the state, but it might not be functional. Take the example of Romania from 1990. There is no democratic constitution , laws from communist period were vague , and for certain sectors totally lacking. Legislative reform is required so that the state can work outside the totalitarian regime. At the exit from communism, Romania had about 23 million inhabitants. If you would be considered to be the direct participation generates fundamental law of the state,

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[2] Jean-Francois Revel, *Revival of Democracy*, (Bucharest: Humanitas, 1995), 9;

[3] Robert Dahl, *Despre Democratie, (Iasi: institutul europea, 2003)*, 40

[4] See Dahl, *Despre democratie*,. 40-45

probably at the moment we have learned from the debate on items that were to be introduced in the new democratic constitution.

The process would be very difficult and would inevitably lead to blockage followed by a civil war. Considering the large number of inhabitants and the impossibility of applying direct participation, representative democracy is the most affordable way. This is a limited and indirect form of democracy. We say that is limited because participation in government of the people is periodic and of short duration (the elections) and indirect given that exercise is manifested by the population and representatives. But this form of leadership is one democratically? Just able to create bonds of trust between those who govern (elected by the people through the electoral vote) and the governed (the people).

Demokratia is a term originated in the late sixth century BC and was linked to a century ago, in politics. Giovanni Sartori describes the association of democracy with the policy as a political democracy. Thus, today we talk about democracy without this strict revolve around policy, namely: social democracy, industrial and economic development. The first concept of *social democracy* is not new. This can be traced back to the period of Tocqueville, when democracy was regarded by him as a social structure and not a political one, all starting in 1831 when he visited the United States - during this visit, attention was drawn to the social prerequisites of America especially social equality. The second concept of *industrial democracy* was launched in the late XIXth century by Sidney and Beatrice Webb and does not represent anything other than democracy within industrial platforms. Even though this concept was based on the economic model was adapted from wrong and was placed in the industrial societies. Members of the political community (after the Greek model) was replaced by economic community member - workers. Last concept namely *economic democracy* can be easily confused with *industrial democracy*. Giovanni Sartori's definition can be considered complete: *"the term denotes a democracy whose political goal is wealth redistribution and equalization of opportunities and economic conditions. The concept of economic democracy can be considered an extension of political democracy, being used also and in one of the meanings of the concept of industrial democracy. "*[5]

Concluding, social democracy and the industrial part of the complex non-political (not related to the political regime) since it refers to some identifiable structure when economic democracy has his basis in the political line - *"At one extreme tooth, it means just a policy - of course, a policy implemented by a political democracy within its structures and the specific processes. At the other extreme, economic democracy is supposed to remove and replace political democracy - a concept that does not support making identifications. "*[6]

We have shown previously, in large , which is the meaning of democracy in terms of a state policy. I understand that this is manifested by the will of the people or by their elected representatives. The latter have a moral duty to represent voters. The last statement generates a question: *"Who made the government and whose interests it must respond when people are in disagreement and have divergent preferences?".*[7] Given the significance of the term democracy above, the answer is quite simple: most people starting from the fact that a majority response fits into the democratic ideal. Some person to put the question: "*Why would not take account of a minority?".* Because , first, the minority tends to achieve their own goals and to pursue their interests. We make these statements with the common example. A minority there during that period. We're talking about the minority favoritazata by leaders and formed them, their families and relatives who acted strictly only for personal and not in the interest of the state population.

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[5] Giovanni Sartori, *Teoria democratiei reinterpretata, (Iasi: Polirom, 1999)*, 35-37;

[6] Sartori, *Teoria democratiei reinterpretata,* 37;

[7] Aron Liphart, *Modele ale democratiei, (Iasi:Polirom, 2000)*, 25;

Does a democratic government can not disfavor a minority? The answer is as simple as it is hard to argue. People are in general tend to be dissatisfied with certain laws or public policies implemented. Requirement to create a perfect bill that pleases everyone is framed in the ideal sphere. No government that has ever existed and will exist in the future will not be able to cope with such requirements: to create the ideal law. It means that every citizen be consulted in part and certainly it would appear an unhappy.

Why we prefer democracy? Why to support democratic governance? Winston Churchill said about democracy as *"a political system is stupid, at best, but, of those that mankind has invented yet."* We previously described the totalitarian regimes, authoritarian and Sultanic and noticed the devastating effect they have produced over the years. Democracy, however, says a contrario desirable consequences undemocratic regimes: avoiding tyranny essential rights, general freedom, self-determination, autonomy moral, human development, protect essential personal interests, gender politics, favorable attitude of peace, prosperity[8]. Some of these consequences listed above we submit to continue.

Robert Dahl tells us that democracy helps to prevent the government from autocrats. Communist regimes, Nazi and Fascism were made responsible for bringing the management of state leaders in thinking that limit human costs we have caused indescribable. Such casualties were also found only during plagues , war, hunger. History has shown that these leaders tapped to serve their purposes, the ability of the criminal state coercion. Examples are found in the person of Stalin who was guilty of the death of over 20 million people (deportations, political prisoners, compulsory work, etc.). Hitler is directly responsible for the deaths of 6 million jews in concentration camps and millions of deaths during the Second World War.

Fundamental problem of politics is to avoid leadershiping a state by autocrats.

Democracy guarantees basic rights to citizens of the state . Democracy should not be viewed strictly as a system of government but as a generator and protector of rights. Totalitarian regimes have not been shown to be interested in the rights and freedoms of citizens. Were used strictly for the right to reach the desired result regardless of the methods chosen, relying on *"the end justifies the means."*

Democracy is a social status that transcends any individual and, by nature, is political dogma of the sovereignty of the people. Manent talks about the compatibility of the two definitions of democracy that arise in the analysis of Alexis de Tocqueville: definition of social and political definition. *"To say that social condition is democratic, is to say that no citizen should obey another citizen - unless, of course, the latter is an agent of the" sovereignty of the people "- and that no citizen "dependent" of other citizens; to say that there reigns sovereignty of the people is to say that each listens only to himself or his representative. Negative social mood defines the moment of democracy, popular sovereignty positive time. "[9]*

Regarding the standards offered by democracy, citizens need: the right to vote and to be elected, the right to fair elections, the right to alternative, etc. *Democracy ensure freedom of its citizens*. The communist regime did not offer free citizens nor those in government. The leader was the one who had the last word on all matters of the country. Democracy offers freedom both citizens and those who govern. Tocqueville considered democracy as a social organization that eliminates aristocratic rank and privileges and provides opportunities for ordinary people, but drew attention to the danger that is

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[8] Dahl, *Despre democratie*, p.47;

[9] P. Manent, *Istoria intelectuală a liberalismului,* (Bucureşti: Humanitas, 1992), 160; See Adrian Gorun, *Introducere in stiinta politica*, (Cluj-Napoca: Cluj University Press, 2003), 130-140

created by emphasizing equality to democracy: threat of mediocrity and despotism. Mediocrity comes from passion exerted on each to comply; each be avoided for fear of being accused of vanity, to express opinion different from that of others.[10]

Democracy helps to protect the interests

Every citizen wants some essential things: survival, food, shelter, health, love, respect, safety, family, friends, service satisfaction, leisure and more. Democracy protects the freedom and opportunities better than any other political system, namely freedom of choice.[11]

Democracy insure the peace. One thing is certain: between 1945-1989 there were 34 international expansion wars but none of them took place between countries with democracy. Dahl argues that there was not even training in them. Generator is likely to be found friendship between countries in international trade. It was found, probably the most valuable is friendship (due to imports and exports) than war (which would close any communication between states).

Only a democratic government can give people the maximum opportunity to exercise freedom of self-determination - to choose the laws by which to live.[12]

If previously we discuss about people and claimed that no matter how good a law it is , will still find someone to be unhappy, now the problem is in the group: how to set up rules that group bound to respect? In a democracy, laws are drafted in favor and not against their citizens (whether arising dissatisfied). Assuming that the laws are not respected by the citizens, we conclude that in this case freedoms of others are violated. It is possible that by following the law, a person's freedom is not violated. JS Mill argued that "freedom of people stretches where the freedom of another is broken" and in this case in violation of the law arrive inevitably at violating freedoms. Who is responsible? State. If the democratic process is broken and laws are adopted without taking into account certain criteria, citizens tend to rebel against the decisions of policymakers. For such scenarios do not exist, we try to *create "a process to reach decisions on rules and laws that satisfy certain reasonable criteria: 1) the process will ensure that advance approval of a law, all citizens have the opportunity to make their views known; 2) you will ensure opportunities for discussions, deliberations, negotiations and compromises in the best conditions, lead to a law that everyone consider it satisfactory; 3) If they frequently will not get unanimously adopted the law will be the largest number of supporters. "[13]*

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[10] Gorun, *Introducere In stiinta politica*, 149

[11] Dahl, *Despre democratie*, 53

[12] Dahl, *Despre democratie*, 54

[13] Dahl, *Despre democratie, 55;*

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CONSIDERATIONS ON TERRITORIAL INTEGRITY AND UNILATERRAL SEPARATION

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ABSTRACT:
THE LAST DECADE OF THE XXTH CENTURY WAS WITNESS AND BENEFICIARY OF A NEW INTERNATIONAL ENVIRONMENT REGARDING HUMAN RIGHTS AND FREEDOMS PROMOTION. THE FRAME WITHIN THE OBSERVATION OF HUMAN RIGHTS AND FREEDOMS EXTENDED WAS LARGER THAN EVER BEFORE, BECOMING A STATE POLICY TOGETHER WITH JURIDICAL GUARANTEES. THE MOST IMPORTANT CHANGE WAS IN THE EAST OF THE SPACE OF THE CONFERENCE FOR SECURITY AND COOPERATION IN EUROPE. THE RECOMMENDATION 1201 (1993) WAS A REFERENCE MOMENT AT THAT TIME IN THE EFFORTS OF THOSE TRYING TO OBTAIN THE RECOGNITION OF THE COLLECTIVE RIGHTS FOR THE NATIONAL MINORITIES, WITH CONSEQUENCES SUCH AS THE RECOGNITION OF THE STATE LOCAL AUTONOMY ON ETHNICAL CRITERIA.
EVEN FOR THE COLONIES THE UNILATERAL SECESSION WAS AN EXCEPTION. THE SELF-DETERMINATION WAS FIRSTLY A MATTER OF COLONIAL AUTHORITY TO APPLY OR NOT; SUPPORTING UNILATERAL SELF-DETERMINATION BY THE UN TOOK PLACE ONLY IF IT WAS BLOCKED BY THE COLONIAL AUTHORITY. OUTSIDE THIS FRAME, THE UN WAS VERY RESERVED IN APPROVING THE SEPARATION OF AN ENTITY FROM THE STATE OF WHICH IT BELONGS AGAINST THE WILL OF THE RESPECTIVE GOVERNMENT.

KEY WORDS: COLLECTIVE RIGHTS, SECCESION, TERRITORIAL INTEGRITY

The principle of states' territorial integrity is largely affirmed and accept territorial integrity and as general practice, being a firm provision of the International Law. Although is an old legal provision concerning the nation-state itself, it has been reaffirmed repeatedly during the last years. It is considered that the Unilateral Independence Proclamation in Kosovo on 17th of February 2008 issued by The Self-Governing Interim Institutions does not respect the norms and principles of The International Law.[2]

The principle of states' territorial integrity is protected by laws forbidding the interference with the internal laws, as stipulated in Article 2(7) of The U. N. Charter[3] and by

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[1] Romanian Diplomatic Institute, ppduta@yahoo.com.

[2] See Resolution A/RES/63/3 from 8th of October 2008.

[3] Article 2(4) of The UN Charter reffers to one of the UN principles forbidding the use of violence fin internatinal relations; the same principle being stipulated in The Declaration Regarding The Relations of Friendship and Cooperation Between States, according to the UN Charter, which is considered one of the basic elements of the principle of sovereign equality. See: *Declaration on Principles of International Law*

The Final Act from Helsinki[4] and The Charter for a New Europe from Paris, 21th of November 1990.

The viral and detrimental interethnic and inter-confessional conflicts freed from the control of the authoritarian regimes busted out violently. Great problems regarding these aspects appeared in many European multinational states as well in some Euro-Asian states. Czechoslovakia divided into two states, Czechia and Slovakia, following a constitutional way, without affecting its stability and security climate and with respect for the democratical orientation of its institutions. The ex-soviet states managed a peaceful transition to their new status. The Russian-Chechen conflict; the one in The republic of Moldavia, regarding Transnistria; the conflict between Armenia and Azerbaijan regarding The Nagorno-Karabakh region; the conflicts in Georgia, caused by the separatist movements in Abkhazia and South Ossetia were difficult to solve, caused victims and instability but did not reach in effects and consequences the amplitude of a local war. In Eastern Europe, the inter-ethnical tensions appeared even in some Unitarian national states. The totalitarian states used to be anti-democratic and oppressive towards all people, and apart from this, sometimes the minorities to be subject to discrimination and persecution on ethnical criteria. Getting rid of these regimes and enlisting to democracy created a political and legal frame as well as a social environment favorable to observing human rights and freedoms established by The UN Charter, The Universal Declaration of Human Rights, The Final Act of The OSECE for all human beings regardless sex, race, language and ethnicity, social status and education level.

This has been without a doubt, a major step forward to consolidate democratic life, even though there were difficulties, some of these created by the states having ethnical minorities historically set on the respective territory, as there is the case of Hungary. But in Europe these ethnical, religious or developmental conflicts and tensions were not proper to East only; the North of Italy also experienced a recurrence of separatist tendencies. In Tirol, the German and the Italian communities came very close to an armed conflict. The same happened in Spain, with the Basques and the Northern Ireland.[5]

Other continents experienced the same problems, caused by ethnical, religious or even tribal conflicts. In Africa the worst conflicts happened in Rwanda, in 1994, between the Hutus (majority) and the Tutsis (minority). In three months, about 800 thousand people-Tutsi mainly- out of a total of de 7.9 million were massacred while other 2 million took refuge in the neighbor countries and another 2 million took refuge in areas less exposed in their own country.[6]

Concerning Friendly Relations and Co-operation Among States on Accordance With the Charter of the United Nations, GA Res 2625, UN GAOR, 25th sess., Suppl. No. 8, UN Doc. A/8028 (1970), 121 at 122.

[4] The Final Act from Helsinki adopted on August the 1st, 1975 at The Confrence for Security and Cooperation in Europe stipulates: "The states takimg part will respect the territorial intergity of state participating.Therefor, they will restrain from any action contravining to the aims and principles contained in The UN Charter, regarding the territorial intergity and political liberty of any of the states participant, and especially from any action regarded as a threat or any use of force.The member states will not take military actions against any other member state and will not engage in actions forbbiden by The International Law.None such actions will be accepted as legal." See: *Final Act of the Conference on Security and Co-operation in Europe*, (1975) 14 I.L.M. 1292, at 1295; UN General Assembly, Vienna Declaration and Programme of Action, 12 July 1993, A/CONF.157/23, p. 2, para. 2, http://www.unhcr.org/refworld /docid/3ae6b39ec.

[5] See A. Buchanan, *Justice Legitimacy and Self-Determination: Moral Foundations for International Law* (New York: OUP, 2004), 229–30.

[6] See J. Duursma, *Fragmentation and the International Relations of Micro-States* (Cambridge: Cambridge University Press, 1996), 9.

The right to separation is not stipulated in The International Law.[7] Creating a new state within a colonial frame does not mean separation. The right to self-determination in the post-colonial frame doesn't necessarily mean the right to independence.

The unilateral separation doesn't guarantee the exercise of any of the rights stipulated by The International Law. Out of the colonial frame, the self-determination principle is not validated as the principle from which the right to unilateral separation from an independent state raises. In this context, the self-determination is in the first place the process by which the populations of different states determine their future by constitutional processes without the external interferences. It is the responsibility of the govern of the country confronting to the desire of a part of its population to pronounce separation and manage the situation, for example, to insist that any change should be a constitutional action. The International Law has always been favorable to states' territorial integrity and governs of the respective countries are encouraged to oppose to unilateral separations by any legal means possible. The third parties should remain neutral regarding separation issues during such a conflict; otherwise their support could be qualified as involvement into the internal affairs of the respective state. The reluctance manifested by the international community in accepting unilateral separation can be illustrated by referring to the so-called "Protection Clause" stipulated in The Declaration of Friendship Relations.[8] The World UN Conference on Human Rights held in Vienna in 1993 reaffirmed the "Protection Clause" using a slightly different language.[9]

THE PRINCIPLE OF SOVEREIGNTY AND TERRITORIAL INTEGRITY

According to this clause, a state who's govern represents the entire people on the entire territory , without distinctions of one kind or another, that is a state asked on equality of rights, regarding race, sex, religion, respects the self-determination principle for all its citizens and is to protect its territorial integrity. In such a state, citizens exercise their right to self-determination by participating in the governing system on equal bases. The position adopted by the Juridical Commission named by The Nation's League to examine the Case of The Aaland Islands in 1920 remains valid despite the later alterations on the self-determination principle.[10]

The principle of sovereignty and territorial integrity established by The Final Act from Helsinki should be interpreted observing the key-principles stipulated in the Act, including the principle of equality in rights and that of peoples' self-determination. Moreover, according to the declaration on the Principles of The International Rights regarding the Friendship and Cooperation Relations between the States from 24th of October 1970, the principle of the

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[7] The answer of The Slavic Republic to The Justice International Court in consultations for the question send by The UN General Assembly (Resolution A/RES/63/3 8th of October 2008), "Does The Unilateral Independence Declaration of The Kosovo Temporary Govern respect the international law?"

[8] The Declaration of the Friendship Relations specifies this in the elaboration of self-determination principles: "None of the above mentioned paragraphs should not be interpreted as authorizing or encouraging any action meant to destroy or affect, totally or partially the territorial integrity or the political unity of independent states, led according to the principles of equality in rights and self-determination, and are led by a govern that represents the majority of people and makes no discriminations." See: *Declaration on Friendly Relations, Principle* (VII), 123.

[9] The Declaration states: "According to the International Law and the Friendship Relations between states mentioned in the UN Charter, the right to self-etermination does not mean to authorise or encourage any affecting actions that could dismantle or affect, totally or in part the territorial integrity of an independent state led by a govern representing the majority, with no discriminations." See: *Declaration on Friendly Relations, Principle* (VII), 125.

[10] "The International Law does not validate the right of ethnical groups to separate from the state of which they are part, by simply saying so." See: *Report of the Committee of Rapporteurs* (Beyens, Colander, Elkens), 16 April 1921, LN Council Doc. B7/2I/68/106 [VIII], 27–8.

Self-determination right shouldn't be interpreted as „a principle that legitimates or encourages any action that might dismantle or affect, totally or partially, the territorial integrity or the political unity of the independent or sovereign states, led according to the principles of equality and self-determination of people."[11]

Thus, the principle of territorial integrity is considered a basic of The International Law on which the international community was founded and keeps functioning. This principle must be taken under serious consideration when considering any unilateral Independence Declaration.[12]

After 1985, the process of OSECE ascended, though difficulties were encountered during the first years, due to the results obtained at The Conference for Thrust and Security Measures and for Disarmament (Stockholm, 1984-1986), as well as the changing East-West political climate. Two essential moments especially marked the OSCE process: The Reunion of the States Part of OSCE in Vienna from 4th of November l986-19th of January 1989 and The Summit of OSCE from Paris on 19th-21th of November 1990.[13]

The Vienna Reunion, like the ones preceding it from Madrid and Belgrade was to examine the way the stipulations of The Final Act and of the other OSCE acts were observed. After more than two years of deliberations - some controversed - especially on human rights and basic liberties, The Reunion concluded with a Final Document containing the results of the debated issues and the future objectives assumed by the participant states.[14]

The Vienna Reunion underlined the agreement of the participant states that the observing of the principles in The Final Act from Helsinki-under every aspect - was vital to the improvement of mutual relations, thrust and security. In a vision anticipating the changes of 1989, the participants reaffirmed the will to respect the mutual right to choose and develop political, social, economical and cultural systems, as long as these reglementations were in conformity with The Declaration observing the principles in The Final Act from Helsinki and other legal provisions of The OSCE. In conformity to the results at the Stockholm Conference previously mentioned, the Vienna Reunion approved the beginning of negotiations on means to increase thrust and security as well as negotiation on conventional security forces in Europe. Both forums were to begin on March, 6th, 1989 within The OSCE Process.[15]

The Final Act guarantees the fundamental human rights and insists upon the rights of people belonging to different minorities, the freedom of movement and the right to live in any state. The novelty in this respect was the right to leave from and return into one's own country. The other important moment, namely The Reunion at high level in November 1990, in Paris was something new in the history of The OSCE, since the chiefs of states or governs were

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[11] See *Final Act of the Conference on Security and Co-operation in Europe*, (1975) 14 I.L.M. 1292, at 1295; UN General Assembly, Vienna Declaration and Programme of Action, 12 July 1993, A/CONF.157/23, p. 3, para. 2, http://www.unhcr .org/refworld/docid/3ae6b39ec.

[12] Resolution A/RES/63/3 on 8 Octobre 2008.

[13] See ”Declaration on the Guidelines for the Recognition of New States in Eastern Europe and the Soviet Union,” Extraordinary EPC Ministerial Meeting, Brussels, 16 December 1991, *EC Bulletin 12-1992*, 119.

[14] The final document shows that „Member states saluted the favorable development in the international situation past the Madrid Reunion in 1983 and expressed satisfaction that the OSCE process was a vector in it. Considering the intensity of the political dialog between them and the progresses made in discussing military security and disarmament. They agreed to new efforts to consolidate the progress and for further improvements of the mutual relations."

[15] See, Paul Dănuţ Duţă, Teodor Frunzeti, Ion Panait, *Operaţiuni şi misiuni OSCE. Studiu de caz: Moldova*, Sibiu: Tehno Media Publishing House, 2008, pp.35.

reunited for the first time after the moment of signing the Final Act in 1975. They now adopted the "The Paris Charter for a New Europe. A new era of democracy, peace and unity."[16]

The participants reassured that the cultural, ethnical, religious identity of minorities was to be protected, and guaranteed the right to free speech and maintaining cultural identity for the minoritarians, without discrimination. The Charter underlined it was the duty of every democratically elected govern to promote human rights and fundamental freedom.

The last decade of the XXth century was witness and beneficiary of a new international environment regarding human rights and freedoms promotion. The frame within the observation of human rights and freedoms extended was larger than ever before, becoming a state policy together with juridical guarantees. The most important change was in the East of the space of The Conference for Security and Cooperation in Europe.

The European Council has many juridical instruments to promote democracy and respect for human rights.[17]

THE RIGHT TO SELF-DETERMINATION

On 3rd of February 1993, The UN General Assembly adopted the „Declaration on the rights of the people belonging to national, ethnical, religious and linguistic minorities"[18] which guaranteed the states were to respect the rights of people falling into one or more categories of the ones above mentioned.[19]

The OSCE and European Council were to systematically deal the protection of the people belonging to national minorities, at a regional level.[20].

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[16] At the beginning the Charter declared: „*We, the chiefs of states or governs of the states part in The Conference for security and cooperation in Europe, have gathered in Paris in a time of profound changes and historical hopes. The time of confrontation and dividing has ended in Europe. We declare that from now on our relation will promote cooperation and respect. Europe frees herself from the legacy of the past. People's courage and will and the force of the ideas contained in The Final Act from Helsinki have opened a new democratically era bringing peace and unity in Europe. Now we are to fulfill the hopes and dreams that nourished our people for decades: to fight for a democracy based on the respect of human rights and fundamental freedom; prosperity by economical freedom and social equity; equal security for our countries. The ten principles of the Final Act will led us to this future, to better relations as they did during the last 15 years. To fulfill all these is the base of our initiatives adopted today, for our nations should live according to their aspirations. "*.

[17] The European Convention for defending human rights and fundamental freedom (1950); The European Court for Human Rights (1959); The frame - convention to protect national minorities (1995), The European Comitee for rightfull democracy (Venice Comitee) (1990).

[18] See Paul Dănuț Duță, Teodor Frunzeti, Ion Panait, *Op.cit,* pp. 32-36.

[19] Minority members have the right to enjoy their own culture, to work and practice their religion, to use their own aternal language, both in private and publicly, free of any discrimination. The Declaration admitted the right of the minorities to have organisations, to take active part in cultural, religious, social, economical and public life of the community, to have and maitain free relations with other members of their group and with persons from other minorities or other states based on their ethnical, religious, cultural or linguistical appurtenence. See: *Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, UN GAOR, 68th sess., Suppl. No. 12, UN Doc. A/61/L.67 (2007).

[20] Chiefs of states and goernes declared in The Paris Charter for a new Europe (Paris, 1990): „Decided to encourage the precious contribution of the national minorities to our life we enage to improve further on their life.We declare that friendly relations between our people, the peace, justice, stability and democracy call for the protection of ethnical, cultural, linguistical and religious national minorities and for the building of the conditions to promote this identity.Human rights of the minorities should be respected in full. See: M. Sellers, *The New World Order: Sovereignty Human Rights and the Self-Determination of Peoples* (Oxford: Berg, 1996), 22.

In April 1991a serious analysis concerning these issues is made, showing up the diversity of the problems from the juridical, historical, political and economical points of view.[21]

The experts rapport underlined that people belonging to a national minority would have the same rights and would have the same obligations as the rest of the population; some states reported positive results by creating special legislative bodies for minorities to manage their problems, even bodies elected democratically to exercise self administration in the cases when the territorial autonomy was not involved.[22]

The experts' Report didn't make recommendations regarding such experiences and showed the participant states „noted with interest" their existence[23]. But the idea of collective rights for minorities-issued in the Recommendation No. 1201 (1993) of The Parliamentary Gathering of the UE Council - suggested a protocol for the rights of the national minorities.[24]

The Recommendation 1201 (1993) was a reference moment at that time in the efforts of those trying to obtain the recognition of the collective rights for the national minorities, with consequences such as the recognition of the state local autonomy on ethnical criteria. These provisions didn't get support from the decisional factors in The UE Council, whose Ministers Committee adopted at Strasbourg on 10th of November 1994 „The Frame-Convention for the protection of the National Minorities", to regulate an number of juridical norms meant to protect national minorities, to help maintain their national identity, considering the rights of the persons belonging to the respective minority. This became a fundamental juridical document allowing for the approach of the problems raised by the national minorities within the general context of assertion and protection of human rights, so as to encourage the living together of different minorities and of the majority of population, to stimulate togetherness and cooperation of all people within a democratically frame, with no discriminations The same idea appeared in the so-called „Balladur Plan "or „ The pact for Stability in Europe". Edouard Balladur, the French Prime-Minister launched this plan at the beginning of 1993, to „promote good vicinity relations and encourage countries to consolidate their frontiers and solve the problems of the national minorities ".[25]

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[21] Te Experts' Reunion Rapport underlined the national minorities are part of the society in which they live, being an enrichment factor for each of these states and societies.Minorities rights should be respected and they should be given the rights to function as citizens.The memer countries consider they should find constructive ways to solve the problems by negociations and consultations, to improve the situation of minorities. They admit that promoting the dialogue between states and between states and the people elonging to national minoroties will be very successful in the climate of a free change of information and ideas. See: L. Chen, 'Self-Determination and World Public Order', *Notre Dame Law Review 66* (1991): 1287-1290.

[22] See: P. Clark, 'Taking Self-Determination Seriously: When Can Political and Cultural Minorities Control Their Own Fate?', *Chicago Journal of International Law 5* (2004): 737.

[23] This was not random. Different formulas for self-administration and local administration and territorial autonomy on ethnical criteria call for the recognition of the collective rights for the minorities. But all international documents regarding these issues refer to the members of the minorities, not to the groups, that is they treat people as individuals, according to the Universal Declaration of Human Rights. See: M. Shaw, 'Peoples, Territorialism and Boundaries', *European Journal of International Law 3* (1997): 478-494.

[24] The Recomandation (art. 11): „in regions where they held majority, the persons belonging to a national minority have the right to have local or autonomous authorities of their own or to have a special status in accordance with the historical and territorial specific situation, respecting the state's legislation." Article 12 mentioned that none of the provisions in the protocol is to be interpreted as a limitation or restriction of any individual right of the persons belonging to a national minority. See: R. Muharremi, 'Kosovo's Declaration of Independence: Self-Determination and Sovereignty Revisited', *Review of Central and East European Law 33* (2008): 401, 406.

[25] This general formulation doesn't express the essence of the plan proposed by the French Prime-Minister namely the recognition of the collective rights for the minorities, and admitted that solving the minority

In the expression "all people are entitled to self-determination", there is no universally accepted definition of the word "people", or of the notion of self-determination. For some specialists the right to self-determination always includes the right to form a state, even in the case when the people that might benefit from this right would be pleased with other stately forms of organization. Others consider this right has a larger domain of applicability, implying that every human collectivity defining itself as such has the right to be recognized, to choose its own future and to democratically exercise its political will. Either of these arguments excludes the right to secession.

„What is very important in all relevant instruments and in stately practice regarding the importance of territorial integrity is the fact that by "people" one should understand all people in the given territory. All members of some distinct minority groups are part of the population within the territory; yet, minorities are not entitled to self-determination, that is they are not entitled to secession, independence, or to join similar groups from other countries.

The minorities must be protected by guaranteeing them the respect of human rights for every individual according to art. 27 of the International Pact for Civil and Political Rights from 1966.[26]

In the non-colonial context there is a common model for the answers of the international community to the unilateral secession and to threaten with such a thing, a model with normative significance.[27]

The international community is reticent towards supporting the unilateral secession or separation and there is no admittance of the unilateral right to separate based on the vote of the majority of population from a sub-division or territorial unit. Basically, the right to self-determination for a group or ethnical minority can only be reached by participating in the constitutional system and by respecting the territorial integrity.[28]

In most cases, the referendum held in the territories willing to separate turned out in favor of the majority. But even in those areas where there is a strong and continuous appeal to independence, that is an issue for the respective government to solve in a democratically way.[29]

Even for the colonies the unilateral secession was an exception. The self-determination was firstly a matter of colonial authority to apply or not; supporting unilateral self-determination by The UN took place only if it was blocked by the colonial authority. Outside this frame, The Un was very reserved in approving the separation of an entity from the state of which it belongs against the will of the respective government.[30]

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problems could involve „minor alterations" at the borders and came with the solution that a state that was candidate to the UE should embrace the French solution in return for the UE membership qt   and
became   an initiative of the European Council, functioning as „preventive diplomacy" as a model for the Eastern Europe.

[26] "In the states where there are ethnical, religious or linguistically minorities, persons belonging to those minorities would not be refused the right to enjoy their own culture, religion, language, together with other members of their communities."

[27] See H. Quane, 'The United Nations and the Evolving Right to Self-Determination', *International and Comparative Law Quarterly 47*, no. 3 (1998) 537.

[28] See A. Cassese, *Self-Determination of Peoples: A Legal Appraisal* (Cambridge: Cambridge University Press, 1995).

[29] See D. Orentlicher, 'Separation Anxiety: International Responses to Ethno-Separatist Claims', *Yale Journal of International Law 23*, no. 1 (1998): 49–50.

[30] Vezi, *Declaration on the Granting of Independence to Colonial Countries and Peoples*, GA Res. 1514, UN GAOR, 15th sess., Suppl. No. 16, UN Doc. A/4884 (1960) 66.

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LOBBYING FOR MIGRATION POLICIES IN THE AREA OF LIBERTY, SECURITY AND JUSTICE

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ABSTRACT:
ONE OF THE MOST IMPORTANT TOPICS NOWDAYS ON THE EUROPEAN AGENDA IS THE MIGRATION. WITH THE NEW DEVELOPMENTS IN THE EUROPEAN UNION, THE ADDITION OF ITS 28th MEMBER AND THE FURTHER DEVELOPMENT OF THE SINGLE MARKET, THIS TOPIC IS NOW PRESENT NOT ONLY IN THE NEW DIRECTIVES, BUT ALSO IN THE PUBLIC OPINION` DEBATES. LOBBYING FOR MIGRATION HAS BECOME A COMMON PRACTICE IN BRUSSELS AND IN THE MEMBER STATES AND THUS THIS ARTICLE EXAMINES THIS PRACTICE EMPHASIZING ITS IMPORTANCE.

KEY WORDS: LOBBY, ADVOCACY, MIGRATION POLICY, SCHENGEN AREA.

INTRODUCTION

The end of Cold War brought forward a new dynamics in dealing with immigration flows. States saw their role as a management force for the migratory fluxes maninly through serving their national economic benefit. Whereas national approaches towards immigration changed after the decay of communism in Europe the whole puzzle switched to how this phenomenon can be addressed by liberal democracies, at least at a general level.

There is a need for a solid bridge between the aims and objectives laid forward by the immigration policy research and the expected outcome of the state` s policy dealing with those proposals. The nation-state, as we know it, has its limits when dealing with such sensitive problems, so its internal capacity of controlling the movement of persons seems to be an ever pressing issue.[3] Another issue arises when we address the question why the policymakers persue a certain immigration policy instead of another? The effects are then distributed upon the social welfare and of course upon the immigrants.

LOBBYING FOR MIGRATION POLICIES IN THE EU - A PRELIMINARY ASSESSMENT

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One cannot define the lobby for immigration policies without operating with cencepts such as network, think-tank groups or advocacy coalitions. When dealing with the European immigration policy it is highly important to analyze every step of this process. That involves making drafts for a project, building support for an initiative, finding the best solutions to build confidence among the EU institutions regarding the proposal, convincing the policy makers that this is the path to follow, building a support coalition, validating the proposal and then implementing it with the right partners and agents.

When we refer to migration we tend to address first of all labour movement which is normally the avangarde of this phenomenon. This category is not so internationally regulated like refugees migration or the right to seek asylum. The political and international relations science has focused mainly upon using rational choice theories or behavioural theories in order to address migration issues.[4]

In order to have a correct approach to projects concerning the need of regulation migration fluxes we need to be sensitive to social networks, to the position of the actors and stakeholders within the policymaking system, and of course their credibility.[5] The role of technical expertise in bringing forward better immigration policies is crucial. Haas uses a dialectics process in order to explain policy change, but replaces the classic phases with another trinom called uncertainty-interpretation-institutionalism.

CIVIL SOCIETY AND ITS IMPACT UPON MIGRATION ISSUES IN EUROPE

As a means to address the problem of EU`s democractic deficit the academic community, as well as the political environment, have started to use NGO`s lobby in order to make their policies much more reliable. Although it is hard to consider that the NGO`s are a democracy force many scientist saw their potential in rising democratic legitimacy.[6]

The European Union migration policy still needs to take extra steps in order to consolidate an integrated program for the most deeply affected by policy decisions, third country nationals. Many issues concering with the migration porcess were addressed by the Tampere Programme (1999-2004). Unfortunately this programm followed an intergovernmental logic oferring the decision only to the Council and not to the Parliament. The last had only a consultation role. This situation was offering just an indirect path for citizens to provide support to correct deficient choices.

It is widely assumed that efficient policy towards regulating migration fluxes can only come from a direct implication of the European civil society. At this level an intesified lobby and advocacy campaign could impartially address the most sensitive issues on the agenda setting. The participation of lobby groups, advocacy groups and of all civil society groups is encouraged also by the Treaty of Lisbon.[7]

In order to find the right balance between freedom and mobility EU institutions need to protect their citizens through a more integrated cooperation between security and justice both as independent, as well as supranational.

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[4] A. Balch, *Managing Labour Migration in Europe: Ideas, Knowledge and Policy Change (* Manchester, Manchester University Press, 2010), 5-7.

[5] P. Haas, "Knowledge, power and international policy coordination" *International Organization* 46 (1992): 1-35.

[6] T. Hüller, & B. Kohler-Koch, ``Assessing the Democratic Value of Civil Society Engagement in the European Union``in *Opening EU-Governance to Civil Society: Gains and Challenges,* ed. B. Kohler-Koch, D. De Bièvre & W. Maloney (CONNEX Report Series No 5, Mannheim, 2008) (http://www.connex-network.org/series), 145-181.

[7] C. Lord, *A Democratic Audit of the European Union* (Basingstoke: Palgrave Macmillan, 2004), 219.

The nation-state should also develop a wider consensus towards the type of regulation regarding migratory fluxes, as well as bringing forward an efficient set of skills and competences that should govern the securization of the citizens and of their human rights in the years to come.

SHAPING THE LEGAL FRAMEWORK ON IMMIGRATION

The harmonization of Member States` immigration policy is achieved through EU legislation and assessed by counting the number of binding and non-binding provisions in the directives. When we have a large number of non-binding provisions it is a sign that this aspect reduces the extent of harmonization between the Member States` policies. The fact that a lot of freedom is given to the Member States when it comes to implement an immigration directive, has led some of the legal experts[8] to conclude that the directives in this area are only partially binding and their implementation depends mainly on the national bodies. According to Barbou des Places and Oger[9] the member states attempt to hold their power in the field of immigration by jogging between the national and European level of regulation. Thus, they hope to maintain their prevalence within the European Strategy.[10]

The binding provisions in the EU directives mean that the goal of member states` actions is limited within the boundaries set by EU legislation. The European Court of Justice and the European Commission have the authority to ensure that the member states` actions are in line and according to the agreed EU legislation. Even a small aspect of the EU legislation cannot be easily modified and thus to a certain extent it binds member states in their immigration policy. Moreover, if the member states did not have rules/ legislation before adopting the directives, the EU legislation shapes their immigration policy to a great extent. Approaching the EU level means that the members states lower their standards permitting at the same time that the EU directives shape their core line for internal policies.

Generally speaking, policies are assessed in terms of their restrictiveness and expansiveness. Immigration policies determine the condition for entering and ability to stay. An institutional multi-level framework stands for various actor preferences and their interaction process in shaping EU immigration policies.

INTEREST OF THE MEMBER STATE IN EU IMMIGRATION POLICIES

The integration process within European Union framework was initiated by states who shared the belief in and benefits of economic liberalism- which pervades the founding treaty of the EU. The role of member states in relation to this process is ambivalent because their interest in common policies is neither exclusively driven by the idea of completing the single market, nor forced by spill-over from the market. As Moravcsik states, the EU integration is a process mainly shaped by member states` individual economic interests.[11] Regarding immigration, it must be said that harmonized EU policies offer opportunities to either expand or restrict freedoms and rights of the immigrants.

As a general rule, a state`s interest in regulating immigration is motivated by concerns regarding its sovereignty and national identity. Control over cross-border mobility and immigration is highly important to a states` power over its population and territory and thus the state cannot afford to lose authority over immigration control because this will

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[8] We refer to Brabou des Places and Oger (2004), Groenendijk (2004), De Bruycker (2007).

[9] Barbou des Places and H. Oger, *Making the European Mition Regime: Decoding Member States` Legal Strategies, European Journal for Migration and Law(2004), 361-362.*

[10] des Places and Oger, *Making the European Mition Regime…, 361-362.*

[11] Andrew Moravcsik, *The Choices for Europe. Social Purpose and State Power from Messina to Maastricht, (*Routledge, 2003), 28-29.

impose a serious threat to its very existence.[12] This is why a restrictive attitude towards immigration serves the state`s own sovereignty and security interests. Still, if member states were only concerned about security and sovereignty, no cooperation on immigration issues in the EU would have been possible simply because any EU involvement in this sensitive field would be objected to.[13]

THE SCHENGEN AREA AND ITS IMMIGRATIONAL LAYOUT

Although the Schengen area was expanded, there are still issues regarding visas for countries in Central and Eastern Europe. Important measures have been taken to make this space more fluid. Starting with the abolition of identity checks at the internal frontiers of the EU and continuing with extensive controls at the extrenal borders of this Area. Schengen Information System helps coordinating all these different administrations and rules. In terms of having a uniform visa policy there has been an intensive lobby which made the policy much more coherent after Lisabon due to the codecision procedure.[14]

The Schengen visa regime covers 4 types of visas: for airport transit, for general transit, for short stay (available to third country nationals) and long-term visa.[15] The need for a secured visa policy has been forged by the domestic debates in several European states that previously had problems with immigrants and asylum seekers. Lobby activities on behalf of the civil society groups have proved successful taking into considerations the fact that many consulates of the member states with fewer barriers become much popular to obtain visas than others. An efficient policy for this situaton would imply: a much shorter processing time, online registration for interviews, an extensive information in the applicant`s language, solid requirements in terms of sufficient funds and so forth.

Despite the fact that legislation has become much more clear in the last years, there are still lots of obstacles for those that advocate a visa free movement.[16] The new acceded states in the EU had such a proposal but there is not enough political will on behalf of Western EU member states. Their restrictive policies are a firm response to the issues caused by opening borders arrangements. Many issues concern also the Neighborhood Policy of the EU and now the recently formed Eurasian Customs Union, that face even higher challenges.

Another important step to provide consistency to civil society in supporting the actions of central and local administrations should take into consideration the regulation of lobby and advocacy activities. A regulation of this kind would be mostly efficent in offering legal inputs to the projects runned by the European institutions. The legal framework in terms of who has the right to influence the European decision makers still needs proper arrangements. At this point, the logic of access, the points of access and the rules that facilitate the entrance must be clearly defined so that the policymaking process keeps up with the new trends that stimulate progress.[17]

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[12]Myron Weiner and Michael Teitelbaum, *Political Demography, Demographic Engineering (* Berghauhn Books, 2001), 9.

[13] Cristof Roos, *The EU and Immigration Policies: Cracks in the Walls of Fortress Europe*?, (Palgrave Macmillan: Lonn, 2013), p. 30.

[14] Joanna Parkin*, The Schengen Information System and the EU Rule of Law*, INEX Policy Brief, Nr 13(June 2011): 1-2.

[15] Henk van Houtum, ``Human Blacklisting: the global apartheit of the EU`S external border regime``, *Environment and Planning D:Society and Space* (2010): 959-963.

[16] Jennifer Gordon, *Free movement and equal right for low-wage workers? What the United States can learn from the New EU migration to Britain*, (Barkeley Law, University of California,Issue Brief, May 2011):7-8.

[17] Sean D. Ehrlich, *Access Points: An Institutional Theory of Policy Bias and Policy Complexity*, (Oxford University Press, 2011), 40.

EU INSTITUTIONAL INFRASTRUCTURE MEETING THE IMMIGRATION COMPLEX

In the fields where local and national authorities are competent, the EU tried to establish a minimum of standards in order that the member states should not put further pressure on people beyond the lines among the EU acts.[18]

It is common knowledge that the member states exercise their authority on a various number of levels. First of all, their head of states or government comprise the European Council where they approve during summit meetings the main directions of EU policies and set the top priorities for action, or shape the Agenda of the EU institutions such as the Commission or the Council of the European Union.[19]

The Council of European Union has around 200 working groups and 19 of those deal with the of Justice and Home Affairs issues which include integration and migration, visas, asylum, frontiers, terrorism, customs cooperation, civil law matters, co-operation in criminal matters, civil protection, etc[20].

The most important of these 19 groups is the Strategic Committee of Immigration, Frontiers and Asylum (SCIFA), a preparatory body responsible for migration policy among other things, which prepares on a monthly basis the Agenda for the Council. SCIFA submits the Agenda to the COREPER where all the items are discussed and eventually approved.

The issues covering visa facilitation to visa liberalization are first discussed within the framework of Working Party on Visa and the corresponding working party from the field of external relations. The working parties are defined geographically according to the regions.

The advocacy groups must establish contacts with members of the working parties from the EU member states that share the group`s aims[21]. They can further provide civil society organizations with information and alert them to new developments in connection to their interests.

Since July 2010 the Directorate-General for Home Affairs focuses on migration related issues among other things and coordinates also the EU activities aimed at strengthening the capacity of third countries to manage the migration flows.

With a few exceptions, the Commission has the right of legislative initiative, however, following the Treaty of Lisbon, one-quarter of the member states can initiate a proposal in the areas of judicial co-operation in criminal matters, police co-operation, and administrative co-operation[22].

For civil society activists to be effective in providing input into legislative proposals, they are required to properly identify the unit responsible for drafting a certain proposal and thus try to influence its purpose or direction.

Not being able to launch legislative proposals is one of the limitations when speaking about the European Parliament power. Another limitation is its controlling function- its

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[18] We are referring to EU Visa and Border Codes and other sets of directives which guarantee access to fundamental freedoms- including freedom of movement.

[19] For further details on this subject please refer to the extended version of the Treaty of Lisbon, available at http://europa.eu/lisbon_treaty/full_text/index_en.htm

[20] Piotr Kozmierkiewicz, *The Road to an open Europe. An Advocacy Handbook for Civil Society: Understanding and Influencing the EU Policy Making in the Area of Migration and Visa Policies.,* PASOS, (Praha, 2012), 34.

[21] Roos, *The EU and Immigration Policies…*, 42-44.

[22] Kassim Hussein (et al.). *The European Commission of the twenty-first century*. (Oxford: Oxford University Press, 2013), 82.

approval is required for the EU budget and its refusal would force the Commission to resign[23].

Still, it is widely accepted that the parliamentary bodies represent a strong entry point for advocacy for civil society organizations. Being compared to other European institutions, the European Parliament- but also national parliaments- are more transparent and opened to various inputs from external actors.

The European Parliament has several committees which represent the entry point for advocacy efforts as they formulate amendments to the Commission`s proposals which are then submitted to a plenary vote. Plenary debates are much more politicized, and they involve bargaining and formation of informal voting coalitions[24].

The advocacy groups should approach first of all the rapporteur of the proposal of interest, but it is also useful and advisable to contact the members of the political parties that share their opinions and goals[25].

ADVOCACY FOR BETTER IMMIGRATION POLICIES IN THE EU OR IS THIS THE ROAD TO FOLLOW?

There are many interpretations on how lobby and advocacy activities should be taken into consideration. Consequently we would like to establish the difference between lobby and advocacy activities directed to a more adequate migration policy in the Area Freedom, Security and Justice. Advocacy groups tend to reach policy makers with an interest in a public policy mainly to determine a change of course.

The European civil society groups cover a very extensive policy agenda. Their activities can refer to raising awarness to a certain issue, to function as a primary alerting system for the decision-makers, to advacing policy proposals and to provide eficcient solutions. Lobby groups represent mainly private interests, and the main function here is to help a certain group to achieve its objective following the legal path. Both of them seek to provide alternatives to policy-makers in order to make their outcomes much more transparent and faithful to the civil society.

Visa policies have entered only recently on the administration of the EU institutions but there are still many chapters were the nation state holds the final word.

CONCLUSION

There are issues related to immigration more sensitive to the national governments as well as strong human rights norms, such as asylum or non-discrimination where the legal international framework bares the final decision.

Lobby and advocacy groups are focused on establishing and maintaining a position, based on a set of values and representing the needs of a certain group. Another strategy that can provide useful tool in dealing with immigration policies is to acknowledge the concerns of the opponents of your cause, mainly to establish a common ground. Another key to obtain good result in your lobby or advocacy activity is to know the legal framework and to relate mainly to the right stakeholders. Choosing the right chanel and finding the proper timing is fundamental to achieving your goals.

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[23] Nicholas Mousis, *Access to the European Union. Law, Economics, Policies, 20th Edition, (*Rixensart, 2011), 168-170.

[24] Mousis, *Access to the European Union…,* 171.

[25]Kleine Mareike. *Informal governance in the European Union: how governments make international organizations work*. (Ithaca: Cornell University Press, 2013) 95.

At a governmental level it is highly indicated to benefit from a good management of borders and from a well- established neighborhood policy. If we attach the economic benefits that come from the cross-border movement to a good relation with the public opinion the results can only show a wider consensus with gains on all sides.

In order to have efficient imigration policies that could imply even to change the actual ones, one must consider to engage the stakeholders by providing a transparent persuit of the objectives combined with a thorough analysis of the context and implications of the policy reform.

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HYPOSTASIS OF NATURALISM

Ana-Maria DUDĂU[1]

ABSTRACT:
NATURALISM CORRESPONDS TO A PHILOSOPHICAL CONCEPT, ACCORDING TO WHICH THE REAL BOILS DOWN TO WHAT IT IS TODAY, THAT IS WHAT IS VISIBLE, PALPABLE, MEASURABLE. WHILE SUBJECTIVITY ROMANTIC AND REALISTIC THINKING WERE IN THE CENTRE OF THE WORLD AND SUSTAINS IT, NOW THINKING SUBJECTIVITY WITHDRAW FROM REALITY, WHICH NO LONGER HAVING INTERNAL BINDER IS DECOMPOSED INTO A PLURALITY OF FRAGMENTS. DETACHED, THINKING OBSERVED REIFIED WORLD-READY TO FALL APART, OR BROKEN DOWN INTO BITS. NATURALISTIC METHOD HAS BEEN CRITICIZED, SAYING IT LACKED THE DEPTH THAT WOULD BE ALLOWED TO DISCOVER, AS HE HAD REALISM LAWS OF SOCIAL REALITY. ON THE CONTRARY, IT CAN BE SEEN AS NATURALISTIC LITERARY STRUCTURE REVEALS, BY ANALOGY, A REAL WELL-DEFINED STRUCTURE. REPORTED TO THE COMPANY, THE DOCTRINE OF REVOLUTIONARY, BECOMES NATURALISTIC AS IT DOES IN THE CASE OF JEAN JACQUES ROUSSEAU, WHOSE WORK EVIDENCED A DESIRE FOR EACH BELIEVER'S LITERARY INDEPENDENCE, WHICH LED TO A TREND OF RADICALISM

KEY WORDS: NATURALISM, CONCEPT, THE ELEMENTS OF REALITY, REALIST PROSE.

1. INTRODUCTION

Naturalism corresponds to a philosophical concept, according to which the real boils down to what it is today, that is what is visible, palpable, measurable. While subjectivity romantic and realistic thinking were in the centre of the world and sustains it, now thinking subjectivity withdraw from reality, which no longer having internal binder is decomposed into a plurality of fragments. Detached, thinking observed reified world-ready to fall apart, or broken down into bits.

Naturalistic method was criticized, saying that it lacked the depth that would have allowed him to discover, as he had done the realism of the laws of social reality. On the contrary, it can be seen how the literary naturalist reveals structure, by analogy, a real well-defined structure. In England, becoming national was equivalent to becoming a naturalist, as in Germany meant to be romantic or in old nordic Denmark. William Wordsworth was the English writer who liked to expound ideas them with perfect it in grandiose, pictures in a picture perfect the entire population of England in the North, the mountains and Lakes of exceptional beauty. The most profound trend that represent weather naturalism-rendered as "Don Juan", whose author is Lord Byron, or "The Cenci", written by Percy Bysshe Shelly. "In England the doctrine of naturalist is so strong that crosses the romantic supernaturalism

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promoted by Samuel Coleridge, as much as the belief in revelation of the Anglican Church in artistic creation of William Wordsworth and revolutionary liberalism of Lord Byron or historical interest to Walter Scott." Within the above mentioned writers works, naturalism is not dominant within their personal beliefs, and in their artistic guidelines. Here's what he said about the critic George Brands English realism: realism, This "rich force based on different English qualities such as love of country or the sea. Most poets that appear during this period are from either country or sailors. English Muse is always friendly and the estates of castles ". Another feature of English naturalism is their interest for the animal world, with predilection towards domestic animals, as a result of their English home. An old English tradition said that England would be the Queen of the seas, presented as symbols of freedom. You can notice the abundance of paintings with marine or aquatic .

2. PERSPECTIVES OF THE NATURALIST

Reported to the company, the doctrine of revolutionary, becomes naturalistic as it does in the case of Jean Jacques Rousseau, whose work evidenced a desire for each believer's literary independence, which led to a trend of radicalism. As a result of love and admiration towards nature, children, peasants and animals, William Wordsworth, initiates naturalism, as love towards nature. When we talk about Samuel Coleridge, however, the situation changes because its naturalism is intertwined with contemporary German romanticism, which follows in the legends and superstitions, but without being caught in his foolish excesses, due to the naturalistic treatment and its responsiveness towards the Earth and the sea-in fact, versus the reality.

In terms of realistic prose, it made itself felt through writers such as Charles Dickens, William Thackeray, the Bronte sisters, and last but not least: George Eliot (Mary Ann Evens in reality). Charles Dickens was one of the writers whose autobiography is found in cold and small and chilly world it portrays in his work. He was a realist par excellence and a keen observer of life, taking attitudes on facts humanity, always having regard to the social misery, the obsession with wickedness his fellowmen and the injustices that are. The conception and its realistic vision have been fuelled by hatred of capitalism and the manifest sympathy for the bourgeoisie which belonged to and that you see it as a model of virtue. The logical outgrowth of literary Realism was the point of view known as Naturalism. This literary movement, like its predecessor, found expression almost exclusively within the novel. Naturalism also found its greatest number of practitioners in America shortly before and after the turn of the twentieth century. Naturalism sought to go further and be more explanatory than Realism by identifying the underlying causes for a person's actions or beliefs. The thinking was that certain factors, such as heredity and social conditions, were unavoidable determinants in one's life. A poor immigrant could not escape their life of poverty because their preconditions were the only formative aspects in his or her existence that mattered. Naturalism almost entirely dispensed with the notion of free will, or at least a free will capable of enacting real change in life's circumstances. The theories of Charles Darwin are often identified as playing a role in the development of literary Naturalism; however, such a relationship does not stand up to investigative rigor. Darwin never applied his theories to human social behavior, and in doing so many authors seriously abused the actual science. There was in the late nineteenth century a fashion in sociology to apply evolutionary theory to human social woes. This line of thinking came to be knows as Social Darwinism, and today is recognized as the systematized, scientific racism that it is. More than a few atrocities in world history were perpetrated by those who misguidedly applied Darwinism to the social realm. One could make the case that Naturalism merely a specialized

variety of Realism. In fact, many authors of the period are identified as both Naturalist and Realist. Edith Wharton for one is frequently identified as perfectly representative of both aesthetic frameworks. However, Naturalism displayed some very specific characteristics that delimit it from the contemporary literature that was merely realistic. The environment, especially the social environment, played a large part in how the narrative developed. The locale essentially becomes its own character, guiding the human characters in ways they do not fully realize. Plot structure as such was secondary to the inner workings of character, which superficially resembles how the Realists approached characterization. The work of Emile Zola provided inspiration for many of the Naturalist authors, as well as the work of many Russian novelists. It would be fairer to assert that all Naturalist fiction is Realist, but not all Realist fiction is Naturalist.

3. SPEECH OF CHARLES DICKENS

In his novels, Charles Dickens plays exclusively black part of society and of its time, made up of judges, lawyers crooks and corrupt Presidents in vain illusions, sellers with absurd provisions of laws, with delayed premeditated and processes with tough prison regime, as can be seen in the novel, "Pickwick Poppers", in which realism appears used as a stylistic technique evidenced by the miserable conditions in which diseases, poor food and infect it produce physical and psychological trauma. The whole work from which you can quote the best known novels: "Oliver Twist", "great expectations", "Carranza", bring to the fore the man's simple, uncomplicated deep, philosophical and existential order, furnished with kindness leads to weaknesses that make him sympathetic, a man burdened with a hard life, presented with a critical high realism and expressiveness.

Also the characters that we have outlined in their work, the Bronte sisters lived in a medium gravy and stiff in an unhappy family, experience which it has printed a bleak vision of life. The three Bronte sisters represented a pivotal moment in British realism. Their works are individualized by slightly poetized of suffering, of patience, of reconciliation with fate, common, and Charles Dickens. Charlotte Bronte, a very introverted and a sentimental abandoned by fate in utilitarian and hypocritical society, will live a lifetime in poverty and sadness, would eventually come to a large extent with its characters. The novel which gave him fame was "Jane Eyre"-true protest against many aspects of life time, slope of the aristocracy, of hypocrisy and fanaticism. Note the originality of the novel is seen as a strong aspiration to freedom from social prejudices and to equality between women and men.

Realism and stronger it is, the author of Kayak's novel "Wuthering Heights". This novel is mostly a love story, but not one in the romantic manner, but in the most realistic manner possible, with typical characters of the 19th century.

Catherine and Heathcliff live a love impossible due to the very different personalities, but also of the environment which greatly influence the personality of people. Cathy will marry with a man, but the feelings for Heathcliff did not leave a will never be happy. This love will dramatically mark the existence and will destroy the soul. But all these are minor since the novel combines both love and malice in an emotionally unbalanced passion always remain chaste, and sensuality is missing entirely. Less popular than her sisters, Anne Bronte is noted for literary criticism by novel "Agnes Grey", considered a autobiography of the five years in which he lived the sad experience working as a governess in more bourgeois houses. Worthy of note and very impressive is the scene in which he is forbidden to attend the funeral of their father, with a cynicism and an almost naturalistic malice. As with his sister Charlotte roman, "Jane Eyre", it tells the suffering and abuse endured by a young woman condemned to live in a small and chilly world, a world of men.

William Makepeace Thackeray is certainly a realist critique, but is also tied to the best traditions of English literature, the great descriptions of 18th-century opera that brought him fame-"vanities millennial fair", it is a false criticism of England's social values at the beginning of the 19th century, the title has the inspiration of John Bunyan "The pilgrims Progress", in which the Christians and the evangelists had to pass on their way to heaven through a town called "Vanity". Here satirist damascened atmosphere reaches its peak the year 1848, which meant both for England and for the whole continent a moment of affirmation of democratic forces.

With a remarkable realism, William Thackeray creates a whole array of human folks and wicked, petty or benevolent. In spite of virtue and honour Saint Petersburg, it will bring you happiness. To the contrary, despite the exemplary morality, will discover that the man she loves was planning to leave for Becky, who is seeking a place in high society by any means. Striving since childhood at a lavish lifestyle far superior to her social level it will use all the strengths and will manage to impose itself in the world of the aristocracy. The words with which the novel ends: "vanity of vanities, Ah! Who is happy in this world? Who fulfils desires or is satisfied with his success? ", remained famous in world literature, through their ability to contain the essence of reason of being of man.

Broad, realistic fresco of society, "millennial fair vanities" impresses with its message full of sarcasm. Instead of model heroes, brings to the fore antiheroes, individuals of wickedness, immoral, people will go out on a stage whose interpret strings only puppeteer he seen. Mary Anne Evans debuts in English literature under the pseudonym George Eliot. Due to misogamy society in which he lived, he preferred to take a manly name under which to protect the writings, which would probably have been ignored and doomed to anonymity if he knew at the outset that I belong to a woman. "Realism in his novels is the socialist type, making comments on taste" Victorian era", by cultivating the melodramatic and the concept of suffering, a purifying some puritan rigorous and moralizing tendency too obvious."

The novel that made her famous and which do not and could not hide the identity was "Adam Bede"-the story of a young man who loved an aristocrat, having been deserted by him and then convicted of infanticide. In her opera can deduce a deep exploitation of human character. His artistic credo was that human destiny is influenced equally by each character and external conditions.

CONCLUSIONS

Promoting pessimism and suffering, as the supreme form of human feeling, naturalism, the desire to reflect as accurately as the truth, exaggerate the negativism of his sometimes excessive, by reducing human beings to purely biological side, where everything was linked to temperament and instinct, by promoting the idea that human existence not changed than meanness or misery, psychic imbalance.

Evidenced by the existence of positive characters in the novels of naturalistic invoice, even if, because of circumstances and the evolution of the action shall be dehumanized gradually because of money (most often) or at the level of unconscious feelings manifest change radically and the moral and spiritual degrades. The dominant theme of Naturalist literature is that persons are fated to whatever station in life their heredity, environment, and social conditions prepare them for. The power of primitive emotions to negate human reason was also a recurring element. Writers like Zola and Frank Norris conceived of their work as experiments in which characters were subjected to various stimuli in order to gauge reactions. Adverse social conditions are taken as a matter of fact. The documentary style of narrative makes no comment on the situation, and there is no sense of advocating for change.

The Naturalist simply takes the world as it is, for good or ill. The Naturalist novel is then a sort of laboratory of fiction, with studies underway that ethically could not be performed in the real world.

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MIGRANT WAVE: DEMYSTIFYING ROMANIAN AND BULGARIAN IMMIGRANTS IN THE BRITISH PRESS: DAILY MAIL AND THE GUARDIAN (2013-2014)

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ABSTRACT:
IN RECENT YEARS, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND HAS BEEN CONFRONTED WITH MASSIVE IMMIGRATION FROM FORMER COMMUNIST COUNTRIES, WHICH HAVE RECENTLY ASCENDED INTO THE EUROPEAN UNION. THE REACTION OF THE PRESS HAS BIRTHED THE IDEA OF A WAVE OF ROMANIANS AND BULGARIANS, WHOSE ARRIVAL WOULD HAVE BEEN DETERMINED BY THE LIFTING OF WORK RESTRICTIONS. THIS STUDY AIMS AT ANALYSING THE REACTION OF TWO OF THE MOST IMPORTANT BRITISH NEWSPAPERS, DAILY MAIL AND THE GUARDIAN. THE FIRST'S ATTITUDE WAS MOSTLY HOSTILE, FREQUENTLY BEING CHARACTERIZED AS SOMEWHAT XENOPHOBIC. THE SECOND ONE'S APPROACH WAS MORE BALANCED, TRYING TO UNDERSTAND THE PHENOMENON THROUGH ITS CAUSES AND EFFECTS. BETWEEN 2013 AND 2014 THE DEBATE TENDED TO HEAT UP, LEADING TO SOME INTERESTING IDEAS.

KEY WORDS: IMMIGRANT, ROMANIAN, BULGARIAN, XENOPHOBIC, NEWSPAPER

INTRODUCTION:

In recent years Great Britain has been confronted with massive immigration from former Communist countries, recently turned members of the European Union. The idea of a new wave, this time comprised of Romanians and Bulgarians, as a result of lifting work restrictions, is the creation of the press. *Daily Mail* and *The Guardian* have been at the heart of the debate. The first one, has shown a primarily hostile attitude, often border-line xenophobic. The second, has adopted a more balanced stance, trying to understand the phenomenon. The situation degenerated between 2013 and the beginning of 2014.

The debate is grounded in three major fears. Firstly, a human wave, which would put an enormous strain on the existing system, this in relation to what happened in 2004, when the Polish "invaded" Britain.[2] Secondly, the belief that immigrants will most likely abuse welfare benefits (housing, and health services), guaranteed by the state. Lastly, the issue of Romanian racism against ethnic Roma is also overly present in the press.

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[2] "The Polish paradox", , *The Economist*, accessed 17.01.2014, http://www.economist.com/news/britain/21591588-britons-loathe-immigration-principle-quite-immigrants-practice-bulgarians.

SOURCES:

Some articles and reports dating from the 2000s focus on migration from the European Union to the United Kingdom. In *The Fiscal Effects of Immigration to the UK*, Christian Dustmann and Tommaso Frattini[3] attempt to prove that immigration has positive economical effects. On the other side there is Robert Rowthorn, who wrote an opposite opinion in his article, *The Economic Impact of Immigration*.[4] Both sides make solid arguments, but second seems to avoid making a clear distinction between permanent and temporary migration, as each has different consequences for the economy and society.

Arthur Marwick's book, *A British History of the Modern British Isles, 1914-1999: Circumstances, Events and Outcomes*[5] offers a wide perspective of British society as a whole, including the issue of multiculturalism and race in 20th Century Great Britain. It helps the placing current attitudes and behaviours in the context of historical inheritance.

Daily Mail and *The Guardian*, both are influenced by their political affiliations. The first one, has mostly been a firm supporter of the Conservatives, even though in 2001 it supported Tony Blair and his New Labour policies. The other one has always promoted Liberalism or Labour, depending on their readership.[6] As Marwick aptly points out the Conservatives have mostly been opponents of the European Project (even though integration took place in 1973, when Edward Heath was Prime-Minister), in its present form, while Labour and the Liberals have shown themselves to be far more open towards the continent.[7]

MIGRANT TSUNAMI:

One of the most pressing issues has been that of the number of people who are about to go and work in the United Kingdom, after lifting work restrictions for Romanians and Bulgarians. *Daily Mail* over-emphasized comparing what happened in 2004 and what could happen in 2014, arguing that this analogy was valid.[8] In support of such allegations, they tended insisting on the large number of people already working abroad, and linking this to Romania's shrinking population.[9] They took interviews with disadvantaged people, who expressed their wish of moving to Britain in the hopes of finding a better life for them and their families. It has been suggested that they will not migrate alone, and that they would shortly be joined by relatives, putting an enormous strain on welfare resources.[10]

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[3] Christian Dustmann, Tommaso Frattini, "The Fiscal Effects of Immigration to the UK", *Discussion Paper Series*, No. 22 (November 2013), Centre for Research and Analysis of Migration.

[4] Robert Rowthorn, "The Economic Impact of Immigration", *A Civitas Online Report*, April 2004.

[5] Arthur Marwick, *A British History of the Modern British Isles, 1914-1999: Circumstances, Events and Outcomes*, 2nd Edition, Oxford: Blackwell Publishers, 2006.

[6] David Lancaster, "Which political parties do the newspapers support?", *Supanet*, accessed 17.01.2014, http://www.supanet.com/business--money/which-political-parties-do-the-newspapers-support--25923p1.html.

[7] Arthur Marwick, *A British History of the Modern Isles*.

[8] Matt Chorley, Gerri Peev, "Government has a figure for how many people will come to the UK from Bulgaria and Romania but won't tell the rest of us", *Daily Mail*, accessed 10.01.2014, http://www.dailymail.co.uk/news/article-2261705/Government-figure-people-come-UK-Bulgaria-Romania-wont-tell-rest-us.html.

[9] Jaymi McCann, Steve Doughty, "How 1.5MILLION Romanians have left their homeland in a decade as immigrants head west in droves", *Daily Mail*, accessed 13.01.2014, http://www.dailymail.co.uk/news/article-2356171/How-1-5MILLION-Romanians-left-homeland-decade-immigrants-head-west-droves.html.

[10] Guy Adams, "'We want to get into your country before someone locks the door': Shocking investigation into the coming wave of immigration from Romania and Bulgaria", *Daily Mail*, accessed on 10.01.2014, http://www.dailymail.co.uk/news/article-2279419/We-want-country-locks-door-Shocking-investigation-coming-wave-immigration-Romania-Bulgaria.html.

Daily Mail expressed its dissatisfaction with authorities, which hesitated to make estimates of the number of people expected to arrive after 1st January 2014.[11] In a similar manner, on the 4th of March 2013, it implied the existence of a secret agreement between the British and Romanian governments, allowing immigrants access to social benefits, thus contradicting the official position of the Conservative-Liberal cabinet.[12] In fact, *Daily Mail* said that so-called measures are nothing else but smoke and mirrors, very little being done to limit the access of foreigners to jobs and welfare.[13] They also accused the authorities of being incapable of solving the problem, for which they called down upon a so-called official study, which failed offer conclusive results regarding the number of future immigrants.[14]

On the other hand, *The Guardian* has a much more balanced and analytical perspective, attempting to help the reader understand what is happening. They emphasized the fact that migration hysteria is sponsored, and popularized by the far right. Writting after the lifting of work restrictions, they point out that the so-called human wave has yet to make an appearance.[15] The topic came up again when two British MPs went to Luton Airport on 1st of January to welcome Romanian immigrants, but the plane was only partially boarded.[16]

In an article from April, *The Guardian* argues that the migratory tendencies of Romanians are not aimed at the UK, and that there is a tradition tying them to Spain, Italy or Germany.[17] According to an Italian demographic report, around one million of the population are Romanians, making them the most numerous minority.[18] The situation in Spain is similar, with no less than 868,635 living and working there.[19] The Guardian compared 2004 and 2014, arguing that ten year ago the UK was one of only three countries to open their borders
to East European workers, turning it into their target. Now there will be eight countries doing this, which means that any migratory tsunami would dissipate amongst them.[20]

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[11] Matt Chorley, Gerri Peev, "Government has a figure for how many people will come to the UK from Bulgaria and Romania but won't tell the rest of us".

[12] Matt Chorley, Daniel Martin, "Romania says British ministers have agreed secret deal to ensure migrants receive benefits despite coalition claims of a crackdown", *Daily Mail*, accessed 10.01.2014, http://www.dailymail.co.uk/news/article-2287903/Romania-boasts-secret-deal-UK-benefits-migrants-ministers-plan-ID-cards-free-NHS-care-curb-welfare-tourism.html.

[13] Jason Groves, "Migration crackdown 'is smoke and mirrors and will do little to curbe expected influx of migrants from Romania and Bulgaria'", *Daily Mail*, accessed 10.01.2014, http://www.dailymail.co.uk/news/article-2298561/Migration-crackdown-smoke-mirrors-little-curb-expected-influx-migrants-Romania-Bulgaria.html.

[14] Jack Doyle, "'Whitewash' on influx of Romania migrants: Official study fails to reveal how many will arrive next year", *Daily Mail*, accessed 10.01.2014, http://www.dailymail.co.uk/news/article-2304226/Whitewash-influx-Romania-migrants-Official-study-fails-reveal-arrive-year.html.

[15] "Bulgarian and Romanian immigration hysteria 'fanned by far-right'", *The Guardian*, accessed 13.01.2014, http://www.theguardian.com/uk-news/2014/jan/03/romanian-bulglarian-uk-immigration-hysteria-far-right.

[16] Caroline Davies, Shiv Malik, "Welcome to Luton: Romanian arrival greeted by two MPs and a media scrum", *The Guardian*, accessed 13.01.2014, http://www.theguardian.com/uk-news/2014/jan/01/luton-romanian-arrival-mps-media.

[17] Alan Travis, "Romanian and Bulgarian migrants 'unlikely to head for UK' – report", *The Guardian*, accessed on 13.01.2014, http://www.theguardian.com/uk/2013/apr/05/eastern-european-migrants-report.

[18] *Indicatori demografici Anno 2010*, accessed 17.01.2014, http://www3.istat.it/salastampa/comunicati/in_calendario/inddemo/20110124_00/testointegrale20110124.pdf.

[19] "Mai puţini români în Spania", *Ziare*, accessed 17.01.2014, http://www.ziare.com/diaspora/romani-spania/mai-putini-romani-in-spania-1235139.

[20] Alan Travis, "David Cameron's migration plans are impractical, inequitable or illegal", *The Guardian*, accessed 13.01.2014, http://www.theguardian.com/uk-news/2013/nov/27/david-cameron-migration-plan-bulgaria-romania.

Daily Mail opted for a more offensive attitude towards Romanians and Bulgarians, and their own government, which they portrayed as being part of a conspiracy. On the other hand, *The Guardian* made use of reports and cultural analysis, trying to understand those who they wrote about.

INVASION OF ABUSES:

One of the greatest fears of the British public is that the newcomers will abuse social benefits, putting pressure on the job market. These concerns are not new or unfounded, they are based on a certain type of rationality. There are two sides, those who believe that immigrants contribute and those who see them as having a negative effect on welfare.

The roots of the British medical system can be dated back to 1946, when the National Health Service Act was voted and adopted in 1948. It works on the principle of universality, all citizens are entitled to it, regardless of their social status.[21] In 1986 the Social Security Act is adopted with the aim of simplifying the list of subsidies and benefits, which also brought a shrinkage of the medical system.[22] Despite this, it remains very well financed and covers the entire population. In this context, accusations of abuse by immigrants is not that far fetched.

One mechanism for helping the destitute is *The Big Issue*, by selling it the poor are ensured a minimum income. *Daily Mail* presented how Romanian immigrants have abused it so they can access services and get rich. One in three newspaper sellers are from Romania, and the majority of them are ethnic Roma. In the same article, it is said that approximately one million pounds leave Britain every year for 40,000 children who do not live there.[23]

In January 2014, *Daily Mail* attempted to prove that Bulgarians and Romanians migrate in order to have access to the medical system, citing the person who asserts this.[24] To emphasize the negative aspects they recourse to presenting the example of Germany, where there have been certain concerns regarding potential abuses of their social system.[25]

The housing issue is also very pressing, and the *Daily Mail* has not forgotten it. They explained the method through which immigrants could, quite easily, have access to cheap homes. Still they do admit that the criteria for applying are harsh, and thus the abuse could not be inordinate.[26]

These pressures are recognized by *The Guardian*, but there is a difference of approach and tone. They emphasize that Armageddon was not coming, and that coherent, firm, and pragmatic policies could change the terms of the issue, thus avoiding considerable

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[21] Arthur Marwick, *A British History of the Modern British Isles*, 179.

[22] Arthur Marwick, *A British History of the Modern British Isles*, 319.

[23] Guy Adams, "'We want to get into your country before someone locks the door'".

[24] Francesca Infante, "'I'm from Romania, I came to Britain for the hospital': Beggars sleeping rough around Marble Arch are arrested by UK Border police just a day after immigration laws are relaxed", *Daily Mail*, accessed 10.01.2014, http://www.dailymail.co.uk/news/article-2532613/Beggars-sleeping-rough-Marble-Arch-arrested-UK-Border-police-just-day-British-immigration-laws-relaxed.html.

[25] Alan Hall, "Germany rejects Romania and Bulgaria's bid to roam Europe without passport amid fears of 'immigrant invasion'", *Daily Mail*, accessed 10.01.2014, http://www.dailymail.co.uk/news/article-2287852/Romania-Bulgaria-WONT-join-EU-passport-free-zone-Germany-vows-veto-Schengen-bid-corruption-fears.html.

[26] Daily Mail Reporter, "Even EU immigrants can use Help to Buy: Government is powerless to stop migrants from using scheme to get on housing ladder", *Daily Mail*, accessed 13.01.2014, http://www.dailymail.co.uk/news/article-2375699/EU-immigrants-use-Help-Buy-Government-powerless-stop-migrants-using-housing-scheme.html.

losses.[27] Even thought this view is balanced, it does not make them supporters of immigration. They talked about the problem of children felt behind by their parents who went abroad to work. *The Guardian* criticized the Romanian state's inability to find solutions for these cases, even though this life-style had very negative consequences for the development of the children.[28]

The Guardian seems to have the warmest of positions regarding the European Union, at least when compared to *Daily Mail*, in an article from November 2013 they launched an attack against David Cameron, who wanted to make it harder the access of foreign nationals to social benefits. The newspaper characterizes the prime-minister's ideas as lacking practicality, or being inequitable or even worse, illegal.[29]

Both *The Guardian* and *Daily Mail* are against the abuse of the medical system by immigrants, but the difference is in the manner they express it. The tabloid has more of an alarmist tone, while the berliner attempts to explain its ideas and find a middle-way. Obviously, there is a concern of the public regarding this issue, which is indeed real for British citizens.

Robert Rowthorn asserts that the impact of modern migration is a negative one. He argues that in the fiscal year 1999/2000, profit brought by immigrants was of just 0.4 billion dollars, and costs of keeping the programs dedicated to them operational where far greater, which would mean that Britain loses.[30] On the other hand, Christian Dustmann and Tommaso Frattini believe that immigrants contribute to national income through the taxes they pay, as the expenses they require are in fact quite low. Those who are only temporary residents of Great Britain do not require education, and show a very limited interest in welfare. The ones who have moved permanently become citizens, as their goal was to change their residency. Education offers the best example of how this works, as an immigrant's child will be educated in Britain, but the costs will amortized because in their turn they will enter the work market and they will pay taxes.[31] Thus the debates from the press are also reflected in academic work, as the source inspiration material is the worries of the population. As people are very different in their opinions, so are the reactions one can find in the press.

ROMANIAN RACISM VS. BRITISH DISCRIMINATION:

The Romanian press has put an emphasis on British discrimination of Romanian and Bulgarian citizens or of a confusion with ethnic Roma. A close read of foreign newspapers and tabloids, that they have a tendency of racism accusations brought to Romanians, for their mistreatment of Roma citizens. The distinction is clear and they even stress out this point, at least in the British press, even going as far as presenting the situation similar to that of the World War II Jewish ghettos.

In February 2013, *Daily Mail* sent a reporter to the Bucharest neighbourhood Ferentari, and the image he described was one similar to a war-zone. According to his view, Roma are running from Romania so as to escape their terrible life-conditions and to attempt and build a better life. Thus the possible migration wave would be caused by racism and

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[27] Hugh Muir, "Immigration from Romania and Bulgaria will lead to new pressures - but not Armaggedon", *The Guardian*, accessed 13.01.2014, http://www.theguardian.com/uk-news/2014/jan/01/immigration-romania-bulgaria-britain-migrants.

[28] Kit Gillet, "Thousands of Romanian children stay at home while parents work abroad", *The Guardian*, accessed 13.01.2014, http://www.theguardian.com/world/2013/dec/30/romanian-children-home-parents-work-abroad-eu.

[29] Alan Travis, "David Cameron's migration plans are impractical, inequitable or illegal".

[30] Robert Rowthorn, "The Economic Impact of Immigration", 8-9.

[31] Christian Dustmann, Tommaso Frattini, "The Fiscal Effects of Immigration to the UK", 4, 6-7.

discrimination.[32] The idea had already been furthered at the end of the previous year, when a team travelled to Ponorota, an isolated settlement where no less than 500 Roma live. Conditions there were compared to those of the Middle Ages. They have brought into focus on marginalization, arguing that there are frequent conflicts with neighbouring Romanian villages who look at them with suspicious eyes. Also they harshly criticize the crude indeference of local and national authorities who could not care less of these people's destiny.[33]

A video coverage of recent events in Baia Mare, has shown the British public, how the mayor has built a wall around an area inhabited by ethnic Roma. This is where the first comparison with the Nazi ghettos made its appearance.[34] In February 2013, the rising popularity of Chereches, after the enclosing action, came under scrutiny from foreign press. Thus it was suggested that racism is deeply rooted in Romanian culture, but *Daily Mail* argues that this phenomenon cannot be restricted to just one country, but rather it is common to this part of the continent.[35]

In a report done by Delia-Luiza Niţă, it comes to light that the most frequent victims of racism in Romania are the ethnic Roma. She argues that they are the captives of a vicious circle of poverty, enforced by discrimination and social exclusion. The blame is put on authorities for ignoring or just for being just plain incapable of finding viable solutions.[36] Thus as painful as these accusations are, they are based in the cruel reality of the facts.

CONCLUSION:

Concerns caused by the perspective of a migratory wave, starting from 1st January 2014, generating a lot of types of reactions from British society. On one side, *Daily Mail* has been the flagship for euroskpeticism and isolationism. On the other, *The Guardian*, has mostly looked forward towards a more open world, and opted for a more balanced and even slightly academic perspective. There was nothing in the lines of a media war between the two, but the tabloid has attempted to inflame and agitate the population, while the newspaper has been more responsible and has attempted to explain reality to the readers.

The three issues were: a human tsunami putting pressure on society, the abuse of benefits (NHS and housing), and Romanian racism, which puts Roma on the move, in search of a better life. Each of them is rooted in reality and even though some traits have been exaggerated, they are not the result of pure fiction. In 2004, the Polish flooded Great Britain, becoming a sizeable minority. Cases of people taking advantage of loop-holes in the social system are real and sometimes quite visible. And lastly, racism is indeed a big problem in contemporary Romania. All of these, presented in the press seem to receive a certain aura, which can positively or negatively influence public opinion. *Daily Mail* writes for those who look at the European Union and foreigners with suspicion. *The Guardian*, being more liberal,

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[32] Guy Adams, "'We want to get into your country before someone locks the door'".

[33] Damien Gayle, "At home with the Roma: Barefoot but still beaming, the poverty-stricken families who eke an existence in remote villages of Romania" , *Daily Mail*, accessed 10.01.2014, http://www.dailymail.co.uk/news/article-2424296/At-home-Roma-Remote-villages-people-struggle-terrible-poverty-continue-traditional-way-life.html.

[34] "This is what it's like for Roma gypsies forced to live in ghettos in Romania, *Daily Mail*, accessed 10.01.2014, http://www.dailymail.co.uk/video/news/this-is-what-its-like-for-roma-gypsies-forced-to-live-in-ghettos-in-romania/video-1051720/index.html.

[35] Keith Gladdis, "Life inside the Romanian gypsy ghetto that is so grim the town mayor sealed it off behind a wall", *Daily Mail*, accessed 10.01.2014, http://www.dailymail.co.uk/news/article-2285796/Romanian-gypsies-living-condemned-ghetto-mayor-built-wall-around.html.

[36] Delia-Luiza Niţă, *Racism in Romania*, ENAR Shadow Report, Center for Legal Resources, 2008.

writes for a more educated readership, the middle class, and thus it must be more neutral, leaving it up to the reader to interpret the information.

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INFORMATION ABOUT RESEARCH AND SCIENCE TODAY JOURNAL

AIMS AND SCOPE OF THE CONTENT

Research and Science Today Journal is a publication founded in 2011 and it is dedicated to the students of all levels (license, master and doctoral), professors and researchers of faculties in the country and abroad. We want to offer the participants the opportunity to present their scientific works in the following areas: Social Sciences, Economic Sciences, Legal Sciences, Humanities, Education Sciences, Engineering, Medicine and Sport.

This journal provides students the opportunity to create and / or to improve their abilities to write scientific papers. So each appearance (two appearances per year at which we can add supplements) contains a number of papers written by students, masters and doctoral from the faculties from the country or / and abroad. The journal promotes original studies contributing to the progress of knowledge and it is motivated by the need to address issues of theory and practice in the areas mentioned above.

The Journal is a training means of the factors involved in the conceptualization, development, implementation and evaluation, aiming the formation of creative personalities who could be able to adapt through the changing conditions of life.

Journal wants to be a forum for debates disciplinaries and interdisciplinaries theoretical topics, to become a research support, to leverage this work at regional, national and international levels.

We believe that this gathering will enjoy the support from both parts of the researchers and of the practitioners, and will provide appropriate training sources held professional through the current problems.

Frequency of publication: 2 number per year (March and November) and supplement numbers (if it necessary)

Peer-review process: All submitted manuscripts are peer-reviewed by members of the Editorial Board. Papers that fit to the topic of the journal are evaluated by two independent scientific reviewers who accepted to review papers and sent to the Editor in Chief the Reviewer Invitation Response Form. Reviewers' identity is undisclosed to the authors.

Reviewers give to the Editor in Chief their Form for Reviewer, with the comments on the scientific content of the paper and on the opportunity of publishing it. Editor in Chief summarizes reviewers' observations in order to be communicated to the corresponding author. Taking into account the opinions of all referees, the Editor in Chief decides on the acceptance/revision/rejection of the paper. Upon reviewers' recommendations, the manuscript can be accepted, sent back to author for minor revisions, or rejected.

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