MIGRATION AND MOBILITY WITHIN THEFRAMEWORK OF THE EUROPEAN NEIGHBOURHOOD POLICYIN EAST

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Abstract:The European Neighbourhood Policy (ENP), is one of the instruments of relation between the EU and its neighbours. Extending safety beyond the EU frontiers, especially in its immediate neighbourhood, by developing privileged relations with the neighbour countries is one of the Union's top priorities. These actions aim at settling a prosperous and friendly space, promoting the Union's values and are characterized by close and peaceful relations, based on co-operation. In the said normative framework, the EU's actions are directed towards several dimensions: a privileged political dialogue, an increase in economical co-operation, as well as financial support, and the regulation of persons' migration. The last dimension, of the persons' mobility, is influenced very much by other factors such as the degree of the person's economic-financial stability, as well as the democracy stage of the emigrants' sending country. In this article, the East - EU persons' mobility issues are studied with a view to reveal the impact of the European regulations on migration within the framework of the ENP. The sample of the considered states corresponds to the countries included by the EU in the Eastern or Oriental partnership (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, and Ukraine).

Key-words*: Migration, Mobility, European Neighbourhood Policy, East, Visa liberalisation.*

Introduction

Most of the relations between the neighbouring countries are built keeping in mind the migration framework too. In Europe, this framework means the persons' mobility especially from the neighbour states towards the European Union states. The other way, although few, the migration flows are greatly diminished.

Generally speaking, the co-operation exceeding a state's frontiers can improve the inhabitants' life conditions in the whole region where the state is located. Co-operation influences the economic (Massey, 1990; Borjas, 1994, 1995, 1999; Isaac, 1998; Sirojudin, 2009), social (Haug, 2008; Van Hear, 2010) and cultural life as well as the societies' infrastructure (Castles, 2010; Bakewell, 2010). Among the states' attributions, and the goal of the international and super-national institutions should be „a permanent tendency to reduce the regional differences and to help the region adapt themselves to new economic environment" (Terem, 2001, p. 312).

Some of the countries from the EU eastern vicinity, being peripheral, have re-oriented their reference tendencies, trying to line up to the western democracy standards, abandoning, at least from the political point of view, the old centre of the USSR. However, the economical needs influence the relationship between these countries, and the commercial relations work as a continuous binder between these states and the centre of the late Soviet empire.

Let us not forget that in spite of some contradictions in the historical, religious and cultural traditions, Europe has numerous common links. The political culture, based on the humanitarian ideals, on human liberties and rights represent a European legacy, and Europe is a protective community for those who promote these values (Dubnička, 2007, p. 309).

The European Neighbourhood Policy (ENP) has appeared within the framework of the European Union's extension since 2004 as a supplement to the strengthening of the Common Foreign and Security Policy. EU's goal to ensure the security and stability in the region can be attained only through a peaceful co-operation and by developing privileged relations with the neighbour states. In this respect the European Commission in its communication to the European Council and Parliament „Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours" proposed that „the EU should aim to develop a zone of prosperity and a friendly neighbourhood – a "ring of friends" – with whom the EU enjoys close, peaceful and co-operative relations" (COM (2003), p. 4).

The European Neighbourhood Policy involves the state on the external land and borders of the enlarged Union which have signed the Partnership and Cooperation Agreements (PCA) and the Association Agreement (AA) with the EU. The countries participating on the ENP in East are as follows: Armenia, Azerbaijan, Belarus, Georgia and Moldova.

The Action Plans constitute the main instrument for settling the neighbourhood policy. They are detailed plans of co-operation in the sector. Among the instruments of promoting further relations to the EU there also are the perspectives for the lawful migration and movement of persons. Thus, the migration management has been an important part of the ENP agenda since the beginning. There is a mutual interest of the both parties, EU and the neighbour states, in co-operation in the migration field, which includes the migration policies, customs procedures, and frontier control so that the legal migration flow was not affected and, on the other hand, illegal migration could be controlled and combated.

Social mobility implies an action of movement (movement within or between classes and occupations (*Collins English Dictionary*, 2015)). In the European framework, the term is mainly being used with reference to the EU working citizens who look for work in any of the member states, but also to those who, in a larger environment, cross their non-EU state borders and enter the Union's territory to find work. Persons' mobility involves a recurrent coming back to the country of origin after achieving a temporary (seasonal, yearly etc.) activity. Moreover, in the European legal terminology, mobility refers to the movement of students, researchers, university staff from the academic environment in the EU, between the member states, and, recently, from third countries, outside the EU, towards the university and academic centres in EU.

Migration involves a permanent or semi-permanent change of residence (Lee, 2013, p.105). The persons' movement will be considered or not as migration depending on how long they stay (short trips are sometimes considered as visits and not migration) and how far they go (a trip in the same locality is considered as change of residence and not migration), but what is understood by short stay (a day, a month, half a year) or locality (the same area, town, region) varies greatly from a research to another, which makes permanent confusion in the literature. Numerous empirical studies define migration as the phenomenon that includes a simultaneous change of three major parameters (Williams, 2006; Simmons, 2013, p. 67): (a) a change of residence which mainly involves the crossing of a political or national frontier; (b) a simultaneous change of the workplace, i.e. he/she changes his/her last workplace, even if

he/she practises the same profession; (c) a change in the social relations, he/she enters a community that he/she didn't know before.

In European legal terminology it is noticed that migration and mobility are often used as synonyms. However, in this article, we are going to use these terms distinctly, based on the explanations above, and considering that migration involves a more radical change of status than mobility, which is temporary and less drastic from the social perspective.

Migration flows in the region

We can distinguish between several periods and types, characteristic to the major migration flows towards the EU. Thus, the first one was registered as a result of re-uniting the families of those who had migrated in search of work in the first period after the World War II. The second major tendency was registered during some privileged post-colonial relations. The third form includes the movement of a professional elite, which has been encouraged and even benefited from relaxed conditions from the authority control of the economically attractive countries. The fourth type of migration registered in the European countries includes the refugees who ask for political asylum. The EU restrictive policy has recently limited the migration conditions for those who ask for political asylum, even if a lot of attention has been paid to the integration of the minorities and refugees in Europe lately (SEC(2006) 892, 2006). To these flows we can add a more recent form of migration, that we consider to be the fifth and which comprises the mobility and migration from the East-European countries to the EU countries with a view to work or study temporarily or for a longer period of time. Here we can speak of two categories of persons, the citizens from the ex-communist countries in central and eastern Europe (Favell, 2008), which have already become members of the EU on the one hand, and the ones from other post-soviet countries from the East that have become the new EU's neighbours, on the other. Thus, the mobility and migration of the East-European country citizens comprise several categories of persons: firstly, the ones from the countries that have already become members of the Union (De Tanguy, Wihtol de Wenden, 2010), secondly, those from the EU neighbour states, included in the European neighbourhood policy in the east, and thirdly, those from third states, located further from the EU, and which register migrants to Europe.

When taken separately, such states as the United Kingdom and Ireland have succeeded in managing the migration flows from east efficiently. However, the recent migration flows from east have especially marked such states as Germany (the Polish, Aussiedler in 1989), Greece (the Albans constitute 62% of the foreigners, but also the Bulgarians, Georgians, Russians), Italy is characterized by the presence of the Albans, Polish, Ukrainians and Romanians (Wihtol de Wenden, 2010, pp. 34-35). Emigration to the EU states has continued despite the restrictive policies of these countries.

At present, the new security agenda is considering the international migration as one of its parts (Dannreuther, 2007, p. 100). The increase of the immigrants to the EU states has evidently brought fear of different risks: rising criminality, xenophobia, demographical as well as economic, social and cultural changes. Among the other negative effects of the immigration, the western countries' authorities especially mark its impact on the social

security system. Anyway, the rising number of immigrants from third countries asks for a new approach to their integration in the society of the Union states.

The perspective of the emigration third states is that main causes of the migration from East to West are: combating poverty, unemployment, corrupted government, „frozen" conflicts, that are threatening not only the directly involved EU neighbour countries, but also the EU member states. Thus, the reforms made in the EU partner countries could contribute not only to the increase in their security, but also, indirectly, to the EU satisfaction of interest.

The European Neighbourhood Policy – An instrument for regulating the persons' mobility and migration?

At the beginning, from 2002 to 2004 the ENP was elaborated as an instrument of the EU destined for its neighbourhood in the South and in the East, with no differentiation (Patten & Solana, 2007). During the following decade, a series of successive redefinitions and amendments led to differentiating the policies for the two regions and even in each of them, based on the diversity of the situations in every neighbour country. Thus, the „European neighbours" from the south have been approached differently than the „European neighbours" from the east. While to the first ones the matter of integration has never been raised, because of their geographical location outside Europe, some European high civil servants in their speeches have shown a certain degree of openness, still very reserved, to the integration of their partners from the East (Chaufour, 2005). However, the ENP cannot be included in the pre-integration policy category, being rather a form of EU's privileged co-operation to the countries in its immediate neighbourhood.

The policy on migration has major political weight in all of the EU member states; moreover it is of fundamental importance in their territorial suzerainty, that is why a common approach from the member states is being delayed (Gautier, 2014, pp. 240-241). The ENP has appeared, among others, in order to prevent a new cleavage between the extended European Union and the European neighbour countries. In this respect, an important place in this policy has been attributed to the issues on trans-frontier co-operation, in order to resist to challenges due to the new EU's configuration (immigration and combating criminality and traffics control issues) (Courtois, 2006, p 19). The migration and persons' mobility supervision and regulation have become a top priority in the ENP within the framework of some inner revolution movements in the neighbour countries from the South (the Arabic spring, Syria, Mali, Libya) or from the East (Ukraine) on the one hand, and when being threatened by terrorists, which materialized in the Jihadist attacks in some of the European countries, on the other. The EU Check presidency in 2009 under the motto „a Europe without barriers" promoted a full openness for trade and mobility. And, at the same time, the idea that closing the EU's frontiers in the globalization era might be real, is not but an illusion (Wihtol de Wenden, 2011). Europe goes on receiving more than half a million of legal migrants yearly, more than the ensemble of the immigration countries (USA, Canada, Australia, New Zeeland), and this reality calls for the making of a common European migration policy.

Two major political weak-points, the anti-migration nationalists and the Euro-sceptics, which after the European elections in May 2014 penetrated the EU institutional structures, may determine the lack of cohesion and solidarity between the EU countries in approaching

the migration matters. The project of appointing a new European Commissioner for migration that would co-ordinate a close collaboration between Frontex and the European Foreign Action Service and the EP representatives, could join together several approaches of migration: humanitarian, diplomatic, and of security. According to some authors, the ability of settling a new long-term European migration policy for controlling and regulating persons' mobility represents one of the major stakes of the next century (Védrine, 2011).

At the European Commission level, which is the body that represents and protects the EU's interests, two of the Commissioners have prerogatives in the field of persons' mobility and migration in the Union's vicinity, the Commissioner for Migration, Home Affairs and Citizenship (Dimitris Avramopoulos) and Commissioner for European Neighbourhood Policy & Enlargement Negotiations (Johannes Hahn). Among the prerogatives and responsibilities of the Commissioner for Migration, Home Affairs and Citizenship there are: improving border control by boosting the effectiveness of the border agency Frontex and by pooling resources from EU countries, while facilitating access for those who have a legitimate interest in entering the EU, dealing with irregular migration, including by ensuring smooth return, in cooperation with non-EU Member States, making sure the common European asylum system is fully implemented, while developing a strategy to improve the response to emergency situations, with a focus on solidarity and cooperation with non-EU countries. The Commissioner for European Neighbourhood Policy & Enlargement Negotiations has among his responsibilities coordinating the EU's offer of closer cooperation in areas like trade, mobility, energy, and education to create tailor-made partnerships to develop relations with each neighbour. With a view to a uniform approach of the migration issues it is important that the two high magistrates co-ordinate their actions in this field.

The Effects of the European Neighbourhood Policy in the East within the framework of persons' mobility

According to the EU partner countries in the east, the most important obstacles in simplifying their citizens' movement is the duration of the visa procedures, the fees for a short-term visit visa (for business, studies or tourist). „Long queues in front of EU consulates are a highly visible sign of the barriers to the entry into the Union" (COM (2006)726, 2006, p. 5). Naturally, a step ahead in enhancing the ENP in the migration field implied simplifying the procedures of border crossing to the EU.

Since its inauguration in 2003 to present, the ENP has registered many major changes that influenced the EU's relations to its neighbours and that should redefine this policy. Beside the economical-financial crisis in 2007-2008, which caused a north/south cleavage even in the EU, two other major events have registered in the EU's immediate neighbourhood. Firstly, the „Arabic spring" (2011-1012) changed the Union's main political actors from the South, and secondly, the Ukrainian crisis (2013-2014) determined considerable changes in the attitude of the new or old leaders in the Union's East. These events have triggered some major challenges for the security and stability in EU's immediate vicinity.

One of the most important moments in the relations between the EU and its eastern partners was the signing of the Association Agreements (AA) with Moldova, Georgia and

Ukraine on the 27th June 2014 in spite of the pressures exercised by Russia in this respect. These agreements aim at strengthening the political association and the economical integration of the two signing parties. From the economical point of view, the AA set a profound and full open exchange regime. Prior to the signing of the agreements, one of the instruments of approaching the eastern neighbours within the framework of the ENP was the Eastern Partnership, inaugurated at Prague in April 2009. In this partnership were included the ex-soviet countries situated at the current EU frontiers: the Republic of Moldova, Ukraine, Belarus, and three countries from the Caucasus: Georgia, Armenia and Azerbaijan. An axis, comprised in the partnership refers to facilitating the persons' mobility by progressively liberalizing the visa policy. In order to establish how the relation EU-Eastern Partnership countries has evolved in the field of persons' mobility and to see what the situation is at present we are going to evoke hereafter the Annual Communication for implementing the ENP in 2014 (COM, 2014), published on 25th of March 2015 by the European Commission and the High Representative for foreign affairs and security policy, Federica Mogherini. The report comprises several parts, one of which is on interpersonal contracts, migration and mobility. In this respect, one can notice the continual increase in the flow of the travellers and legal migrants' between the EU and its Eastern neighbourhood. Programmes like Tempus, Erasmus Mundus have been extended beyond the EU frontiers, in order to develop the relation with the neighbours in the field of education, on the students' mobility axis.

Partnerships for mobility have been established with Armenia, Azerbaijan, Georgia. Negotiations for a readmission and visa facilitating agreements have started with Belarus. Since April 2014, Moldovan citizens have benefitted from a visa-free regime for the EU, and from then on almost half a million citizens of the Republic of Moldova have benefitted from the visa liberalisation regime[1]. But, according to the Foreign Ministry statistics, over two thousand Moldovans have surpassed the allowed period of staying within the Schengen space, and other 1300 citizens were not permitted to access the EU. This was, mainly, the case when the Moldovan citizens could not provide an explanation of their travel goal at border crossing.

According to the Regional Migration Report: Eastern Europe (CARIM-East, 2013, p. 9) Ukraine and Moldova still tend to be countries of emigration rather than immigration. Inhabitants of Western Ukraine follow the route to the European Union; while those from its Eastern part choose the Russian Federation. This results in an almost equal distribution of flows. Ukrainians also have a higher propensity to circulate and be mobile than other Eastern Europeans. Moldovan migratory movements are very specific. They are directed towards the Russian Federation (for the Russian-speaking population), Romania (for speakers of Romanian and people qualifying for Romanian citizenship), and Italy (particularly for Romanian-speakers). Moldovan migration to the EU tends to be more permanent and to include a higher proportion of women.

Ukraine and Moldova have had a more EU-focused agenda in migration terms, both being among the first wave to sign and implement the bilateral and EU readmission

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[1] The statistics were presented during a press conference held by the Foreign Affairs and European Integration Minister, Natalia Gherman, and the European Ambassador at Chişinău Pirkka Tapiola, on the eve of the first year anniversary of visa-free travelling within the Schengen space.

agreements and visa facilitation agreements. In both countries, migration and asylum legislation has undergone considerable changes as a consequence of implementing the EU Visa Liberalisation Action Plans. However, in all three cases, Belarus, Moldova and Ukraine, border management, the fight against irregular migration, trafficking in human beings as well as asylum policies have been at the top of the agenda, while considerations on migration and development and diaspora policies have emerged as a political priority only in Moldova. Moldova is the only Eastern European country that signed the EU Mobility Partnership and, in fact, Moldova has developed a rich policy portfolio of initiatives in the domain of migration and development. It is also the only country with a specialized legal framework on integration (CARIM-East, 2013, p. 10).

As to the South Caucasus countries, Armenia, Azerbaijan and Georgia, have had negative migration balances since 1991, and they still tend to be countries of emigration rather than immigration (CARIM-East, 2013, p. 3). The bulk of migrants from all three countries are circular and temporary male workers, who go predominantly to the Russian Federation. The flow direction is related not only to cultural and linguistic affinities from the Soviet era, but most importantly, to the relatively low cost of such mobility: a visa-free regime (albeit only for Armenia and Azerbaijan); geographic distance; and easy access to jobs in the shadow economy. Another emerging destination is Turkey, for similar reasons. It must be noted, however, that the political and legal situation can swiftly change matters, as has been the case since late 2008. Since then fewer Georgians have moved towards Russia and more have chosen Turkey, instead. The European Union is not an important recipient of flows in the region (CARIM-East, 2013, p. 3).

Since the collapse of the URSS, Armenia and Georgia have dynamically developed their migration legislation. This includes not only accession to the main international instruments governing human rights in the specific context of mobility, but also investing in policy learning through cooperation with external actors, such as the European Union and its member States, the US and Canada. Cooperation with the EU on migration has evolved after the Armenian and Georgian governments announced European integration as the economic and political goal of the countries. The main focus has been on border management issues, the fight against people smuggling and human trafficking, as well as on managing return and readmission. Diaspora policies are also slowly gaining momentum, in the context of international migration and the development agenda. Cooperation with the EU has been strengthened through the establishment of the EU Mobility partnerships in these countries, as well as the signing of readmission and visa facilitation agreements. Azerbaijan is a clear exception to this rule. The country is party to several international instruments, but Azerbaijan has not prioritised migration for a long time and has been developing its own approach in this field (CARIM-East, 2013, p. 4).

Conclusions

Based on the above stated observations, and agreeing with some of the authors (Matera, 2011, p. 214), we can conclude that, generally speaking, the ENP aims to a strong and stable co-operation with the EU neighbour countries, codifying an alternative to integration. And even if the ENP can influence the migration processes in Europe's

neighbourhood, it mainly provides a sort of political-strategic umbrella under which there are several forms of foreign policies that aim at specific goals with a view to establishing a partnership between the third countries and the EU, rather than constituting a uniform foreign policy. Consequently, the ENP is a sort of framework-policy that leaves it to the multiple forms of co-operation the settlement of the relation between the EU and its neighbours.

As to the Eastern partners, and, in the relations to the other neighbour countries as well, a new proactive EU approach on the immigration would be necessary which could take into account the interests of sending and receiving countries and regions but also the interests of migrants themselves. The construction of such approach will be one of the most important challenges of the next decade of the EU representatives agenda.

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