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Mobility in an Enlarged European Union

**Report of the Reflection Group on the "Long-Term
Implications of EU Enlargement: the Nature of the New Border"**

Chairman: Giuliano AMATO

Rapporteur: Judy BATT

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Mobility in an Enlarged European Union

Report of the Fourth Meeting of the Reflection Group on the Long-Term Implications of Eastward Enlargement of the European Union: the Nature of the New Border

Chairman: Giuliano AMATO

Rapporteur: Judy BATT

This report is based on the discussions of the Reflection Group on the Long-Term Implications of Eastward Enlargement of the European Union: the Nature of the New Border, set up jointly by the Robert Schuman Centre and the Forward Studies Unit of the European Commission. This report is based in part on two background papers written and presented by Ewa Morawska and Eberhard Bort. The report does not necessarily reflect all individual opinions of the Reflection Group members; nor does it correspond to the position of either the European Commission or the Robert Schuman Centre.

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Summary

The breakdown of the 'Iron Curtain' in Europe has opened the way to increased migration from East to West in Europe, and this has become a sensitive issue in relations between the EU and the Central and East European (CEE) candidates for accession.

Migration flows of CEE citizens into the EU are not large. They will probably remain stable at their present levels and in some respects may decline. The bulk is made up of temporary income seekers, entering the EU on tourist visas and maintaining their home base in CEE.

This movement is 'pushed' mainly by the economic gap between the CEEs and the EU average. This will continue after enlargement, but will diminish to the extent that economic growth in CEE is accelerated by EU accession. In the meantime, important 'pull' factors - demand for cheap and flexible labour in the EU - will continue to operate. Forcing economic migrants into illegal channels by an unsustainably restrictive policy has damaging effects not only on the migrants but on the values and interests of EU societies as well.

Migration into CEE from further east, including from the FSU, Yugoslavia, Africa and Asia, is likely to increase, and to do so in unpredictable surges connected with wars, economic crises and natural disasters. This poses an enormous burden on transitional states and economies in CEE. EU member-states - responses - pressurising the CEEs to toughen up controls on the eastern borders, and *refoulement* of migrants arriving via CEE states - have had negative impacts on a wide range of CEE economic, social, political and international interests.

Efforts on the part of EU member-states to insulate themselves from unwelcome developments beyond their borders seem not only short-sighted, but doomed to ineffectiveness. A more coherent common policy on immigration is needed, which not only wins popular confidence and credibility, but also correlates more consistently with the EU's broader strategic objectives in enlarging to CEE and in its foreign relations with its eastern neighbours.

Introduction

The late twentieth century has seen an enormous increase in transnational population movements in the context of accelerating globalisation. Within Europe, the breakdown of the 'Iron Curtain' has opened the way to a resumption of East-West migration, and this has become a sensitive issue in the negotiations between the EU and the Central and East European candidates seeking accession. The alarm generated in Western Europe by the prospect of huge waves of immigrants flooding the labour market, making heavy demands on public resources and threatening law and order is no doubt exaggerated. In fact, the major migratory flows in Europe are within the West and within the East, rather than between them. In particular, the automatic association often made in the West between migration and rising criminality, especially organised crime, has to be avoided.

Both 'push' and 'pull' factors are at work in generating increased population flows in Europe, and there are benefits as well as costs to both sending and receiving states. New tensions are certainly apparent, and public perceptions will have to be confronted by effective policies that both allay fears and yet promote openness and opportunity in line with the values of the liberal political and economic order on which the 'new Europe' rests.

The first part of this report assesses the scale and nature of current migration flows in Europe, and the second part examines the political and economic implications.

I. The Pattern of Migration Flows

The pattern of migration in Europe can be subdivided into three component parts: migration to Western Europe (WE) from the Central and East European (CEE) associates closest to the EU and likely to become full members early in the twenty-first century; migration to the CEE states from their East European (EE) neighbours and from further afield (from Africa and Asia); and migration from the West (EU or North America) into CEE.

All the data suggest that CEE to WE flows are not huge. They will probably remain stable at their present levels, and in some respects may decline. Excluding tourism and non-commercial personal shopping trips, about 20-25 mn border crossings are made annually, but because most of these involve the same people making multiple annual crossings, the actual numbers of people involved are much smaller. The bulk of the movement (about 85%) is made up of 'trader-tourists' and 'worker-tourists' taking advantage of visa-free travel to

WE to augment low incomes and acquire extra cash to purchase western consumer durables. Some 600,000-700,000 worker-tourists make several trips each year (averaging 2.5-3.0 months) to take up temporary, undocumented employment, while about 300,000 legally employed contract workers are present in WE at any given time of year. The border crossings of trader-tourists, almost wholly into Germany and Austria, are much more frequent, typically ranging from a few times each month for those supplementing their regular income back home to multiple crossings each day by so-called 'ants' who have made these buying and selling trips their main occupation.

These temporary, short-term, income-seeking migrants are unlikely to pose a financial burden on WE states. Any public welfare provisions they receive, such as medical insurance, unemployment benefits and social security, will be drawn in their home states, not in the West. They leave their families behind during their stay abroad and thus make no demands on social welfare and public education in the receiver-states. However, a small proportion of these migrants do impose costs which figure large in WE concerns: cross-border thieves, mainly young men who operate over longer distances and on a larger financial scale, and organised gangs of international smugglers dealing in contraband merchandise, drugs and, increasingly, people. One could also mention cross-border prostitutes (probably best classed as worker-tourists), young and middle-aged women mainly from border regions, supplementing their earnings at weekends without interrupting their regular employment back home.

The remainder of the migrants comprise highly-skilled, predominantly young, professional managers of successful private businesses, including those owned by East-West joint ventures and multinational companies; and scientists, academics and researchers, including students in receipt of Western fellowships, some of whom subsequently find jobs in the West that offer greater professional opportunities and much higher salaries than those available at present back home.

The driving factors behind CEE-WE migration are many and complex. First of all is the increased ease of travel since 1989: CEE citizens for the first time gained possession of passports, and visa requirements were lifted by WE states. The geopolitical proximity of WE made it a natural destination, and the vast expansion in transport connections has made increased mobility an inevitable, and generally welcomed, feature of modern life, for too long denied to Central and East Europeans by the 'Iron Curtain'.

Economic and demographic factors have exerted both 'push' and 'pull' pressures. The 'push' factors include the economic shock of the transition to the

market from communist central planning, which cut real wages and living standards dramatically and was accompanied by growing unemployment. Although recession has bottomed out and growth has now resumed in CEE, it will take many years before wages and the standard of living in CEE catch up with those in WE, and unemployment will remain a problem despite steadily growing foreign investment and burgeoning small and medium-sized private firms. Of equal importance are the 'pull' factors emanating from WE economies. Rigid, over-regulated labour markets have created a strong demand from WE firms (most notably in the construction industry) for flexible, part-time and low-wage labour. The system of quotas operated by some highly developed EU member states, allowing for contracted foreign labour, at lower rates of pay and on less favourable conditions than native workers, has been a response to this demand, but it by no means satisfies it. Where legal means are foreclosed, WE firms will resort to employing undocumented labour. Complementing this is the willingness of CEE migrants to take such jobs, a product of what can be called the *homo sovieticus* syndrome - patterns of behaviour and attitudes learned in the communist period which can now be turned to advantage in the new economic context. These include deeply ingrained habits of beating-the-system and bending-the-rules in pursuit of one's personal goals, and traditions of relying on patronage and informal networks.

The ageing of the WE population and the corresponding decline in the working-age population contributes to labour market tensions which draw in migrant workers. A period of labour shortage in Western Europe is predicted for some years early in the next century. Moreover, the increasing retired population and the relatively high incidence of full-time employment of women outside the home have generated a strong demand among the West European middle-classes for inexpensive and flexible personal services in caring functions in the home, readily filled by young CEE women and students. The demographic profile of Poland, in particular, with one of the youngest populations in Europe, complements this. Some estimates indicate that about 40 per cent of the total increment of the working-age population of Europe over the next 15 years will be Polish. This helps to explain the markedly greater propensity of Poles than of, say, Czechs and Hungarians, to migrate westwards. But after 2005, this trend will decline sharply as a result of the much lower recent birthrate in Poland.

Assessment of future trends in CEE-WE migration flows have to take into account not only likely continuities and changes in the 'push' and 'pull' factors listed above, but also the constraints on further increases. The sudden surge of cross-border movements in the first post-communist years has not been sustained. After the dramatic period when the borders were first opened, the flow has stabilised and is likely to remain stable even after accession to full EU

membership. The major economic factors - transition and 'catching up' in CEE, global competitive pressures and the demand for more flexible and cheaper labour in WE - will continue. The key question will not be the size of the flow of migrant workers, but the extent to which it is forced into illegal channels. This is largely determined by the reluctance of WE states to increase quotas for contract workers.

CEE-WE trader-tourists will, however, soon become an endangered species. Several projects are already under way along Polish-German, Czech-German, Czech-Austrian and Hungarian-Austrian borderlands to turn these underdeveloped areas into micro-regions with dense commercial and service infrastructures serving the populations on both sides of the border, undercutting the business of individual trader-tourists. These developments will generate jobs and thus produce an increase in the currently small numbers of cross-border commuters, and stimulate further cross-border shopping trips in both directions. Some types of informal cross-border trade seem likely to continue, however, particularly in second-hand goods and especially cars. Intra-regional migration among the CEE states will grow from its present rather low level.

The constraints on further increases in CEE-WE migration have to be taken into account. Migration is rarely undertaken gladly - it imposes enormous personal physical and psychological strains on the individual and his or her family. The pain of separation from family, friends and the familiar home environment will always act as a countervailing pressure, and only a minority are sufficiently courageous and/or desperate to take the risk of searching for work abroad, in an often far from welcoming environment. In fact, surveys of potential migrants in CEE have shown that as many as 50-60 per cent cite 'lack of respect' for foreigners in West European countries as the main reason for staying at home (or for preferring North America to Western Europe as a destination). Fear of exploitative working conditions and tales of the 'bad experience of others' are also powerful deterrents to many respondents.

The lack of foreign language skills will prove a formidable obstacle for many in CEE (as in WE too). Moreover, CEE migrants will increasingly encounter competition from third world migrants, prepared to accept even lower wages and worse conditions. As wage levels in CEE rise and begin to approximate more closely those in the West, the balance of the costs and benefits of emigration will change in favour of staying home. The rigidities in the housing market will continue to dissuade many would-be migrants: the differential in rents and property prices between West and East far outstrips the differential in wages.

Rather more problematic than CEE-WE migration is the migration into CEE from further afield. Traditionally countries of emigration, the CEE states are ill equipped, in terms of both legal provisions and material resources, to cope with their new role as recipients of large numbers of refugees displaced by the conflicts in the former Yugoslavia, in Africa and Asia (and potentially in Russia and the FSU). They have recently become the destination of significant numbers of illegal 'transit' migrants *en route* for WE. About 25-30,000 such migrants are detained annually at the borders of Poland, Hungary and the Czech Republic, which probably represents only about 25-30 per cent of the total number involved. Of these, between 15 and 30 per cent arrive in organised convoys, part of the burgeoning and highly profitable business of trafficking in human beings. When detained at the border, transit migrants usually request asylum, and then disappear in CEE to await an opportunity for clandestine passage to the West. This has become a major concern of the EU, which has exerted strong pressure on the CEE applicants to tighten up controls. While this is likely to decrease the numbers of individual transit migrants, the well-organised and resourceful illegal convoys of migrants will no doubt prove more resistant. Given the large pool of people worldwide desperate to move, tighter border controls will likely only drive up the price, and thus the profits, of this criminal trade. The widespread corruption of state officials on some of the CEE-EE borders (and, albeit on a lesser scale, on the CEE side) is a further problem. Even with increased controls, loopholes will remain, and the influx of refugees and asylum-seekers from increasingly remote regions of the world is not likely to diminish and will probably continue to grow.

CEE has also experienced major flows of worker-tourists and trader-tourists from Russia, Belarus, Ukraine and Lithuania, driven by economic problems at home. It is estimated that 10-14 mn crossings of the CEE-EE borders occurred in 1996. As with analogous CEE-WE movements, this figure in fact refers to multiple annual crossings by a smaller number of individuals. In contrast to their CEE counterparts, these EE temporary migrants tend to be better educated, with a rather high proportion of college graduates. The largest number of the worker-tourists, about 700-800,000, come to Poland each year, working for about half the wages paid to natives and in unprotected conditions.

Unofficial cross-border trade has been very sizeable: for example, it was estimated in 1996 to account for more than 25 per cent of Poland's entire trade with its eastern neighbours, and nearly 50 per cent of the value of Poland's official exports to Ukraine. EU pressure on Poland to restrict these flows in preparation for adoption of the Schengen acquis has caused substantial economic losses to both Poland and its eastern neighbours.

In order to complete the picture on migration flows in Europe we should not neglect the growing movement from the West into CEE. By 1996, officially-registered Western residents in CEE had risen to some 120,000. About half of these are returning communist-era emigres from CEE, whether permanently settling or shuttling back and forth between their home and their adopted country. The rest are non-CEE expatriates. The great majority are college-educated with professional skills, employed in multinational companies and other foreign production and service firms, international organisations and EU agencies, consultants, lawyers and academics. The numbers of such migrants can be expected to grow apace with the CEE states' integration into the EU and the global economy. 'Push' factors in migration from the West to CEE include the structure of unemployment in the West, where considerable numbers of highly skilled workers have been laid off. Their expertise is, nevertheless, still much in demand in the transitional economies of CEE. Interestingly, a growing number of Western migrants into CEE are undocumented - recent Polish and Czech estimates put their numbers at 50,000 and 40,000 respectively.

II. The Implications

Increased migratory flows are a global phenomenon, made possible by the spread of transport and communications, and spurred on by both 'push' and 'pull' factors: economic disparities between regions, economic crises, war, civil strife and the breakdown of states, the spread of knowledge via the modern communications media about the possibilities of a better life elsewhere, demographic change, increasing economic interdependence and the emergence of a global market. In this context, efforts on the part of the EU to insulate itself from these pressures by postponing enlargement to the East and/or building fortress-like barriers at its external borders seem not only short-sighted but doomed to ineffectiveness. Migration flows are likely to continue with or without enlargement. The key question is not so much how large these flows will be, but the extent to which restrictive measures on the part of the EU force these flows into illicit channels, with associated high costs in political, economic, social and individual human terms.

The vast proportion of CEE-WE and EE-CEE population movement is made up of short-term income-seeking migrants. These flows are driven by the complementary economic interests of individuals seeking to supplement low incomes and firms seeking new sources of flexible labour. There is little economic justification for suppressing this. A more appropriate response would be to promote overdue reforms of excessively rigid Western labour markets. The EU needs a common immigration policy, signally lacking at present: what

we have is a set of non-legally-binding instruments and an *ad hoc* summation of fifteen national policies, all dominated by the domestic political imperative to stop immigration. The Schengen Agreement's original aim of promoting freedom of movement has become overshadowed by the overriding concern of the member-states with securing tighter controls at the external border. As a result, it has turned into an instrument of an unstated, *de facto* policy of restricting immigration, to the detriment of mutual relations and beneficial economic exchange across Europe. A rigid insistence on the adoption in full of the Schengen *acquis* has clear detrimental consequences for most of the CEE candidates: the restriction of cross border economic and cultural links between the CEEs and their eastern neighbours inhibits economic development in the border regions, disrupts long-established links between societies and creates new and unnecessary tensions between their governments. In this respect, the EU's approach is driven by a narrowly-defined 'JHA' agenda for border control which is inconsistent with its own broader, strategic foreign policy goals.

The effect of driving income-seeking migrants into illegal channels is to erect another type of border in the midst of our own societies - between the included and the excluded. The enhanced global competitiveness of EU firms will be achieved at the cost of creating a marginalised, insecure, and transient migratory labour force, unintegrated into Western society and with little stake in its fundamental values and rules of operation. The impact on these migrants' home societies, and in particular on families and children left behind, should not be neglected either.

In Western Europe immigration is widely perceived as a major problem, and a considerable amount of panic and hysteria is readily whipped up over this issue by unscrupulous populist politicians and the media. These reactions pose a far greater problem to policy-makers than is warranted by the actual size of the migratory movements. Reasonable public debate on the issue has become very difficult, leading governments to retreat into short-sighted restrictive policies. The situation could to some extent be improved by a determined public education campaign, although this cannot be relied on by itself to dispel the widespread fears and misperceptions that surround the issue. These are generated by the increasing sense of uncertainty, insecurity and Angst in societies confronting the new challenges posed by globalisation and the post-communist transition in neighbouring states. It is not enough to preach openness and toleration towards immigrants, and to make purely verbal gestures recognising the important contributions they are making to the host economies and societies. To be convincing, this rhetoric has to be matched by effective measures against abuses and institutions that are seen to work unfairly. In other words, a coherent and explicit policy for immigration has to be formulated, and has to be 'sold' energetically to western public opinion.

A key area of concern is criminality. This has to be kept separate in the minds of both publics and policy-makers from the issue of immigration. The association of migrants with criminality is offensive and humiliating to them. But the ways in which WE states deal with migration can in themselves foster undesirable, if not criminal tendencies. Lack of opportunity for full integration of migrants into the host society, and especially, the exploitative conditions under which 'black' labour is employed, inevitably increase the temptation to engage in petty crime. The growth in the much more serious offence of organised trafficking of human beings is directly related to the increasingly restrictive nature of western states' migration policies.

The restricted legal opportunities to work in WE readily call forth the *homo sovieticus* response on the part of migrants from the post-communist world, with the associated disregard for the rule of law and the institutions of the host state. This inevitably deepens mistrust and resentment against immigrants within the host society. Moreover, when such migrants return home, they take with them a confirmed cynicism about the purported values and practices of western liberal democracy. This must have a corrosive effect on political culture in CEE, to say nothing of its impact on public perceptions of the EU, which is in danger of confirming its image as a hypocritical institution mainly designed to promote the narrow self-interest of the existing member-states. This is no way to prepare the societies of CEE for their place as future equal members of the EU and partners in the search for mutually-acceptable solutions to the common problem of migration. Lack of opportunity for full integration of migrants into the host society, and especially, the exploitative conditions under which 'black' labour is employed, inevitably increase the temptation to engage in petty crime. The growth in the much more serious offence of organised trafficking of human beings is directly related to the increasingly restrictive nature of western states' migration policies.

CEE states are increasingly taking on the role of a 'buffer zone' in the East-West migration and refugee flows. They face far greater problems in handling these than do WE states. The numbers involved far outstrip the resources and capacities of these states and economies in the throes of post-communist transformation. Readmission agreements for the return to CEE countries of migrants who have passed to WE via CEE are widely regarded in CEE as an unwelcome imposition, which they have accepted only under pressure in order not to damage their chances of securing EU membership in future. Once again, the perception is reinforced that the existing member-states are exploiting the CEE's urgent interest in EU membership in order to put their own interests first, and to shuffle off the unwanted burden of migrants and refugees onto their weaker CEE partners. This has an obvious negative impact on CEE public estimation of the EU. Moreover, it is likely to provoke in CEE

societies the same sorts of xenophobic, anti-immigrant and anti-refugee responses long evident in many WE countries. The implications of such attitudes for the development of these fledgling democracies are potentially highly damaging.

Illegal migration and refugees have to be recognised as problems of common, pan-European concern for which common strategies have to be found. This means close consultation between the EU, the ECE associates, and their neighbours to the east, rather than the EU dictating terms largely to suit itself. In any case, the current lack of a clear common EU acquis in the field of migration policy is a source of confusion and ineffectiveness. The demands of the EU on applicant states are contradictory. On the one hand, the EU - quite rightly - demands high standards in the field of human rights and the treatment of refugees as part of the general political conditions for accession. On the other hand, material support to help the CEE states cope with the burden of refugees has been far from adequate. Most importantly, the pressures to toughen up controls and policing on the CEE candidates' eastern borders are hard to reconcile with the EU's declared aim of promoting democratic and liberal administrative practices in CEE. Such pressures are much more likely to revive bad habits from the communist past in the behaviour of the police and administrative authorities. Moreover, these pressures fly in the face of the recognised need for the CEE countries to maintain good relations with their eastern neighbours. The various forms of 'special relationship' between the CEE candidates of the first and second accession waves, and between them and their eastern neighbours, are potentially a valuable asset in the development of the EU's foreign policy strategy and should be nurtured rather than undermined.

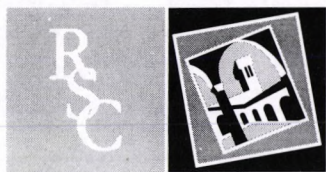
Organised transnational criminality - the trade in drugs, weapons, counterfeit products, etc - has nothing to do with migration per se, and requires quite separate handling. The two issues often become linked together when questions of border management are under discussion. But solutions to the problem of contemporary transnational organised crime will not be found in tighter and tougher policing of the borders. Professional criminals will always find ways round border controls. The problem poses a deeper and more far-reaching challenge to the administrative, judicial and policing capacities of states, and to their ability to co-operate among themselves. Thus the most effective responses will focus on building up these capacities in the new democracies, and on deepening cooperation among all European states in these fields. These areas are notoriously sensitive for all states, and there is a clearly-discernable resistance among existing EU member-states to closer co-operation, while at the same time imposing stringent conditions on the CEE candidates which go beyond what they would consider acceptable for themselves.

Managing migration, on the other hand, does call for new approaches to border management. Promising developments on a bilateral basis have been taking place, for example, between Germany and Poland, where joint patrols each side of the border and common training have been established. Such an approach could be applied more widely, including for example on Poland's eastern borders. However, successful bilateral cooperation presupposes both political will and a certain institutional capacity. Where one side is a failing state (such as Albania), or a state whose border police are undisciplined, corrupt and even themselves involved in organised criminal networks (as may be the case in Ukraine), effective cooperation at the border can only developed within the framework of a more far-reaching, and multilateral, programme of support for state-building. This implies for the EU the development of policies of active engagement with the eastern neighbours of the CEE candidates, rather than retreating into defensive attempts at self-isolation from the problems beyond its borders.

Conclusions

The problems posed by rising levels of transnational migration highlight the increasing difficulty of maintaining a clear-cut distinction between the fields of foreign and security policy, economic cooperation, and the internal affairs of states. Immigration raises issues in all these fields, and policies designed to meet the needs of one field taken in isolation too often backfire at the expense of the aims and needs of other fields. The EU needs a more coherent, explicit immigration policy, but one that is consistent with, and set firmly in the context of, a wide-ranging and well thought-out 'neighbourhood policy', coordinating the many different and inter-related aspects of eastward enlargement.

Immigration poses problems that transcend the borders of nation-states, and of the EU itself. It touches on sensitive issues related to the idea of sovereignty, which continues to excite deep feelings among member-states no less than among the CEE candidates. The precondition of progress towards the necessary, workable and effective common policies is the development of capacities for mutual trust among states, above all among EU member-states themselves, as well as between them and the prospective new members in CEE. Building trust is less a matter of leadership and imposition 'from above' than a process of regular interaction and inclusive consultation on the assumption of equality and reciprocity, leading to growing mutual knowledge and understanding. In the past, the EU has proved a markedly successful framework for building trust that now needs some recalibration in order to meet the challenges of the future.



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