

The paradox of Europe's borders

An analysis of Romania's state of play in
the Schengen accession process

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Abstract:

One of the most serious challenges to the European unity is represented by the increased structural, political and implementation diversity brought up by the new EU members. The prospects of enlarging the continent's borders by fully integrating Romania and Bulgaria in the Schengen area ignited controversial debates that questioned the practicability of EU's motto "Unity in diversity". This paper analyses the unique political dynamics that accompanied Romania in the Schengen accession process. Since 2011 Romania has been caught in an indeterminate state between having fulfilled the technical requirements and becoming a fully-fledged Schengen member. The contradictory behaviour of the Council combined with the vague explanations given by the EU officials regarding the decision to delay Romania's accession signal an urgent need to overcome the internal mistrust in the EU's institutions. Therefore, the aim of this thesis was to analyse the legal grounds of the reasons invoked for denying Romania's accession to the Schengen zone. I concluded the paper with essential recommendations for both the Romanian and the European administration that could be used to find a solution to this political deadlock.

Keywords:

Schengen, borders, technical criteria, corruption, identity, populism, Roma's malintegration, migration, coupled accession, mistrust, securitization, structural reforms, development

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List of Abbreviations

AFSJ – Area of Freedom, Security and Justice

CEE – Central and Eastern Europe

CVM – Cooperation and Verification Mechanism

EC – European Commission

EP – European Parliament

EU – European Union

OECD – Organisation for Economic Cooperation and Development

SIS – Schengen Information System

SIS II – Schengen Information System Second Generation

Introduction

“Freedom loses much of its meaning if it cannot be enjoyed in a secure environment and with the full backing of a system of justice in which all Union citizens and residents can have confidence”¹

Mobility and adaptability are carved in the human nature. The defining capacity of our species to purposefully shape our surroundings and creatively improve our circumstances is intrinsically connected to our fundamental freedom of movement. Nonetheless, this freedom is hampered by a plethora of artificial barriers – territorial, organizational or conceptual – deliberately created by humans in order to securitize their political power and to protect their social machinations.

Hence the *national borders* came into existence, delimitating the territory cohabitated by certain groups of people and shaping what later was consecrated through the Westphalian scales of justice. The nationalist approach to justice enshrined the concept of “us” as opposed to the “others”, highlighting the need to create a common national identity and to socially exclude the unwanted actors. Portraying the transnational mobility specifically as an action of ‘*border crossing*’ led to the appearance of the *migration* phenomenon. The bounded discourses of the modern states produced the codes, practices and institutions that shaped migratory experiences and policies over a wide geographical span and social scales. A primary concern of the methodological nationalism was the economic and social integration of the migrants, creating thus a merely *subjective filtering system* of the transnational mobility. Sorting the human mobility based on whether the incomers are necessary, qualified enough or simply wanted in the new state is a way of skimming the social market, which further engraves the benefits of having a specific citizenship. Thus, borders became a handy instrument not only to define the ‘outsiders’ of a polity but also the ‘insiders’, the own citizens.

¹ Commission of the European Communities (1998): Towards an Area of Freedom, Security and Justice, Communication from the Commission, COM (1998) 459 final, Brussels, 14 July 1998

The essence of the “citizenship” is now fundamentally configured as the belonging to a larger polity constituted by the relationship between its borders and its juridical political framework. In the European case, the nationalist approach is expected to gradually fade away, leaving space for the enforcement of a common European identity and belonging. Since a juridical political space with no borders has no specific citizens, I would be tempted to say that the dissolution of the member states’ national borders by creating the Schengen area was the cornerstone of the federalist Europe that is yet to be completed. Furthermore, the common external borders create a spatial affiliation and reinforce the appropriation of the benefits of being a *European citizen*.

The Schengen zone has been purposefully created to enhance the internal freedom of movement and to protect the European internal market from the potential predators that would attempt to take advantage of the common market’s benefits. Increased worries of terrorism, internationally organized crime, arms smuggling as well as illegal immigrants have led to high levels of border security and controls, not only in Europe but also all over the world.

Consequently, the ‘fortress Europe’ has been gradually created, turning the former Iron curtain into a *paper* curtain: the fear of the Soviet threat has been replaced by a fear of cross border crime and eastern uncontrolled migration towards the Western countries. The meaning of borders has therefore changed as well, being seen not only as something to overcome – through international cooperation – but also as a discriminatory measure to distinct between the peoples. From the Schengen members’ perspective, the candidate countries are seen simultaneously as a new ally and as a potential source of danger for the EU’s security at a micro-level. The countries that want to be under the Schengen protectionist umbrella must not only be *willing* to eliminate the common borders, but fore-mostly must be *able* to securitize the external borders of the internal market.

Due to the nationalistic sensitivity of the issue, the Schengen agreement was initially signed outside of the European Community framework and only later was assimilated in the EU's legislation. Nonetheless, the EU members are not intrinsically members of the Schengen area, having to prove their capacity to defend the EU's external borders in order to be accepted in the Schengen club.

Extending the Schengen borders to the Central and Eastern European (CEE) countries was a crucial step towards completing the highly envisaged "whole and free" Europe, but it also triggered increased concerns of migratory waves, leading to new dividing lines and discriminatory behaviours. The Western European countries have experienced ever increasing levels of international migration in the past twenty years. Consequently, the public sphere from these countries became more and more preoccupied with issues like immigration, citizenship and ethnical or religious diversity. In their quest to overcome the economic crisis, the national conservative parties had to distract the attention of their citizens from the inefficiency of the administrative system, transferring the guilt to the immigrants that come and swamp the labour market. Therefore a number of Western electoral discourses have been shaped so as to intensify the securitization of the migration policies, encouraging a restrictive practice rather than a permissive one. Scaremongering media news contributed as well to a negative public perception of the immigrants, leading to increased stigmatizing and xenophobic behaviours.

These practices were significantly detrimental to the image of the Eastern European countries. In the case of the Big Bang enlargement², the westerners were worried that an invasion of "Polish plumbers" or "lazy Latvian" construction workers was going to take place³. The same happened when the EU opened its borders to the Romanian

² The "Big Bang" enlargement of the EU took place in 2004 and consisted in the simultaneous accession of the following 10 countries: Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia.

³ Ilves, Thomas Hendrik (2012) – "I'll Gladly Pay You Tuesday", Policy review, No. 172, Hoover Institution, pp. 29-38

and Bulgarian workforce on the 1st of January 2014, when the western media raised alerts of migratory waves of Roma people trying to abuse the Western European welfare systems. In both cases the expectations failed to materialize as the estimations proved to be false and misleading⁴.

The issue of Romania joining the zone of free, uncontrolled movement has been highly controversial ever since its accession to the EU in 2007. Severe measures and requirements have been imposed both on Romania and Bulgaria in order to be accepted in the Schengen Area. In this sense, the two countries have been put under a higher scrutiny than any other country before and without precedent in the history of the Schengen enlargement. Despite receiving official recognition for the compliance with the accession criteria, Romania and Bulgaria are the only EU members that have systematically tried to become members of the Schengen area and have systematically been refused.

This is a setback not only for the acceding countries, but also for the EU's institutions, as numerous Council presidencies failed to proceed with the promised accession. Now it is for the Greek presidency to try to finalize this highly controversial process. Yet, although constant reassurances are given to the Romanian and Bulgarian citizens, the probability to reach a closure is still uncertain, as the decision lies solely in the hands of the members of the Council. The latest rejection was initially made public during an *unofficial declaration* of the European Commission's president, José Manuel Barroso, for a French TV station:

“Romania and Bulgaria will not enter the Schengen Area because there are countries that are against”⁵.

⁴ “Bulgarian and Romanian immigration - what are the figures?”, 14/05/2014
<http://www.bbc.com/news/uk-politics-21523319>

⁵ “EC President: Bulgaria, Romania Will Not Join Schengen in Jan 2014”, 12/11/2013
<http://www.novinite.com/articles/155474/EC+President%3A+Bulgaria,+Romania+Will+Not+Join+Schengen+in+Jan+2014>

With the Euroscepticism rocketing in some of the EU's member states, the probability of reaching a consensus among the 28 members of the Council is increasingly doubtful. As the legality of the rejection cannot be checked, Romania is still caught in this indeterminate state between having fulfilled the technical requirements and becoming a fully-fledged Schengen member.

To what extent does this behaviour point to an ever increased European nationalism and isolationism? Were the politicians compelled to veto because of the growing bodies of exclusive-nationalists who are strongly against liberal immigration reforms? Or was it just a matter of political games played by the European politicians in order to gain domestic support before the elections for the European Parliament?

The fact that the discussion on the two states' accession has been denominated as the "*state of play*" in the Council's agenda tells a lot about the attitude face to this topic; it became a "boring" issue for which no particular member state has any motivation to put forward. The contradictory behaviour of the Council combined with the vague explanations given by the EU officials with regards to the decision to delay Romania's accession made the domestic public opinion to see it as a discriminatory measure against the Romanian citizens.

What are indeed the **real** reasons for delaying Romania's accession to the Schengen zone? Is this decision groundless and discriminatory, as Romania's president, Traian Băsescu, also declared? Is it because of the rampant corruption from Romania? If so, how come the country was accepted to join the European Union, seven years ago? Did the Romanian governance improve after the country became a member of the European Union?

What is the role played in this case by the Romanian immigrants and the media propaganda against them? Is Romania's momentum of accession tied to the accession of its neighbour, Bulgaria? To what extent does this decision depend on the international critical events e.g. the migratory influx from the Arab countries or the unstable situation from the neighbouring countries?

There are many questions left unanswered and which leave place for many interpretations. Nonetheless, the goal of my research is to find valid answers to the questions rose above, aiming in the end to identify the true reasons behind postponing Romania's accession to the Schengen area.

Therefore this paper consists in a comprehensive analysis of Romania's state of play in the process of joining the Schengen zone, focusing on both the internal and external context. The first chapter introduces the reader into the Schengen topic by providing a short history of the evolution of the European borders regime, the institutional framework and the conditions to be fulfilled by the candidate states in order to join the Schengen area. In the second part of this chapter I analysed the official perspective over Romania's efforts and readiness to become the guardian of the European borders. The second chapter comprises the analysis of the main explanations given for the country's delayed accession to Schengen, as it follows: corruption, Romania's image in the EU, Roma's malintegration, Romanian migration trends, the interconnected accession with Bulgaria, and finally, the influence of international evolutions on the EU's securitization. After unfolding the weak points that undermined the enlargement of the Schengen area, the third chapter provides potential policies that could be undertaken in order to guarantee and to smooth Romania's entrance in Schengen.

Being a recent debate, the methodology of this thesis is mainly based on the analysis of legislative documents, Commission and Council reports or publications regarding Romania's state of play in the Schengen accession process. A key role in identifying the reasons for delaying Romania's accession have had the official declarations of the high political elites with regards to this issue, as well as interviews and articles found in the online media sources. I have also consulted annual fact-books and reports in order to derive the migratory trends across the European territory.

Chapter 1: The European borders' paradox

“Europe’s borders have multiplied and reduced, thinned out and doubled”⁶

What are borders nowadays? The classical view of the frontiers has changed significantly under the influence of globalization, now encompassing a broader span of meanings and a multi-dimensional importance. The focus on multi-levelness points to the complex paradox of Europe’s borders: the removal of some borders is offset by a relocation or enactment of new borders. Hence, Europe came to be defined by a myriad of overlapping borders and frontiers: talking from a top-down perspective, the membership of the Eurozone is different from the one of the Schengen area, which is different from the Social Europe (see Appendix 1). These frameworks are highly dependent on the relationship between economy, politics and power. In the process of deepening the European integration, the national borders have been gradually dissolved in order to leave space for the highly envisaged freedom of movement across the European continent. In the subsequent pages I will introduce you to the “*pièce de résistance*” that made possible the European dream of unification: the Schengen Area.

1.1. The evolution of Europe’s border policies

The origins of the common European border policies date back in the beginning of the 1980’s. Their conception has been triggered by the pressing need of overcoming the obstacles to the free circulation of people, goods and services. At that time, the asylum and immigration policies were under the national authorities of the member states, while the European level was dealing with the intergovernmental cooperation in order to foster the development of the European single market through economic integration. As the countries were having increasingly tight economic cooperation and were also connected geographically, the removal of the borders between

⁶ Balibar, E. (1998) – “The borders of Europe”, University of Minnesota Press, P. 216 – 233

countries came as an ineluctable necessity. Although Europe was shaped by one of its most guarded borders in history – the Iron Wall – the European elites further pursued their vision of a united Europe. Therefore, on the 14th of June 1985, an agreement to abolish the internal border checks was signed outside the European Community's framework⁷ in Schengen, a city from Luxembourg, by five countries – France, Germany, Belgium, the Netherlands and Luxembourg. This agreement was supplemented by the Schengen Convention which was thoroughly elaborated and implemented by the original signatories in 1990. In 1995 the Convention entered into force, removing the internal border controls between the participant states and creating a single external border, with a clear set of rules and visa regimes. As other countries decided to sign as well the Schengen Convention, in 1995 the borders were abolished between seven member states: the original five plus Spain and Portugal.

The Schengen club has grown rapidly, today covering over 400 million people from 26 countries (see Appendix 2) that abolished any type of border controls at the internal borders and strengthened the external border controls with the non-member countries, having common visa policy and security measures⁸.

Four of the Schengen states are not members of the European Union: Island, Norway, Switzerland and Liechtenstein. The Schengen Area also includes de facto three European micro-states: Monaco, the Vatican City and San Marino, which maintain open or semi-open frontiers with other Schengen member states. On the other side, two EU member states – Ireland and the United Kingdom – have opted out from some of the Schengen articles, deciding to keep the border controls for the other EU members. There are four EU member states which still have to join the Schengen area, as agreed in their accession treaty to EU: Bulgaria, Croatia, Cyprus and Romania. Cyprus is not yet a member of the Schengen area due to its internal

⁷ The Schengen Area was created outside of the then European Community because consensus could not be reached among all the member states on the abolition of the border controls.

⁸ “Schengen, borders and visas”, Last updated on 19/11/2013 http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen/index_en.htm

disputes, Croatia is a new member of the EU (since July 2013) and is expected to join in a couple of years, whereas in the case of Romania and Bulgaria the accession has been blocked by the opposition of a few member states.

1.2. Institutional framework

Initially, the Schengen agreement and rules were entirely separated from the EU framework. Nevertheless, as more countries became members of both the European Union and the Schengen Area, an agreement was reached to absorb the Schengen acquis in the mainstream EU law. This was agreed upon in 1997 through the Amsterdam Treaty, which came into effect in 1999. Thus, a protocol attached to the Amsterdam Treaty incorporated the Schengen acquis in the legal and institutional framework of the EU.

This integration brought significant changes in the way the members of the Schengen Area cooperated, as they were under the vigilant scrutiny of the European Court of Justice and the European Parliament (EP). Visas, border controls, asylum, immigration and cooperation on civil law have been put under the responsibility of the Community's institutions. On the other side, this meant as well that the non-EU members could not participate any longer to any amendment or regulation made, as the Agreement became part of the EU law. Therefore continuing difficulties were encountered when defining the common European interests and objectives for the policies applied at the EU's borders. As years passed, fundamental disagreements persisted with regards to the degree of legal harmonisation of the migration policies, the burden-sharing in dealing with the refugees as well as the efforts made by the EU to reduce the immigration pressures.⁹ Thus, the Schengen acquis is considered to be one of the most dynamic fields of the European law, as it is a unique blend of legal interaction between the direct applicable EU regulations, the intergovernmental conventions and the national states' legislation.

⁹ Monar, Jörg (1999) – “Flexibility and closer cooperation in an emerging European migration policy: opportunities and risks”, Laboratorio CeSPI, n 01, Rome: CeSPI

The enforcement of the Treaty of Lisbon in December 2009 brought some important changes to the Schengen Acquis, facilitating the action at the European level in the area of justice, security and freedom by giving more implementation powers to the Commission¹⁰ and increasing the decisional power of the Parliament. Nonetheless, as to what concerns the enlargement of the Schengen Area, the Council of the European Union still takes this decision *unanimously* after thoroughly analysing the Schengen Evaluation Reports. If the Parliament passes the decision with a qualified majority and the Council comes to an agreement, then the Schengen Acquis candidate country officially becomes a Schengen member and the border controls on persons are lifted.

1.3. Schengen accession conditionality

Having to satisfy such a wide variety of national norms and cultures, the Schengen “laboratory” has been continuously developed and updated in order to assure the highest level of security for its citizens. The new institutional framework and control bodies were supplemented with new security mechanisms and measures destined to protect the interior and to divert pressure from the exterior borders.

The EU has taken numerous and diverse approaches to the frontier issue, especially with regards to the CEE enlargement. The chequered evolution of the European integration made the EU border policies quite fragmented and differential, as they had to fulfil various concerns regarding the external security, the European single market as well as the social cohesion. It is therefore justified the fact that Schengen is considered to be “*the backbone for differential integration in the Area of Freedom, Security and Justice*”¹¹. The applicants willing to join this area have been misled by the rapid changes in the “*acquis frontalier*” and the change in the policy-making

¹⁰ Pascouau, Yves (2012) – The Schengen evaluation mechanism and the legal basis problem: breaking the deadlock”, European Policy Center

¹¹ Tekin, Funda (2011) – “Differentiated Integration at work: The Institutionalisation and Implementation of Opt-outs from European Integration in the Area of Freedom, Security and Justice”, Nomos, Volume 6, pp. 153

infrastructure following the Amsterdam Treaty¹² and the Lisbon Treaty¹³. The plethora of policy-making bodies gained overlapping responsibilities and further complicated the Schengen accession picture. Therefore the EU became a constantly moving target for the CEE states, the legal uncertainty making the accession procedure unclear and difficult to comply with.

The major change brought up by the absorption of the Schengen provisions in the EU law in 1999 consisted in the fact that the candidate states did not have any longer the opportunity to negotiate flexible arrangements, as it was the case with Denmark, Ireland and the United Kingdom. This was clearly expressed by the Council in the Article 8 of the Protocol for integrating the Schengen Acquis in the framework of the European Union:

“For the purposes of the negotiations for the admission of new Member States into the European Union, the Schengen acquis and further measures taken by the institutions within its scope shall be regarded as an acquis which must be accepted in full by all States candidates for admission.”

This played a crucial role during the accession negotiations with the new member states, as the only flexibility tool they obtained was a 5 years transitory period starting from the date of joining the EU, instead of a differentiated integration in the Area of Freedom, Security and Justice (AFSJ)¹⁴. Therefore, the applicants have to accept the full Schengen acquis, which means that they must be able to create the necessary institutions and policies for its successful implementation.

¹² Grabbe, Heather (2000) – “The sharp edges of Europe: Security implications of extending EU border policies eastwards”, The Institute for Security Studies Western European Union, Paris

¹³ Pascouau, Yves (2012) – “The Schengen evaluation mechanism and the legal basis problem: breaking the deadlock”, European Policy Center

¹⁴ Tekin, Funda (2011) – “Differentiated Integration at work: The Institutionalisation and Implementation of Opt-outs from European Integration in the Area of Freedom, Security and Justice”, Nomos, Volume 6, pp. 58

There are two main categories of provisions of the Schengen acquis that must be accomplished by the candidate countries, as it follows:

- Class I – the pre-EU accession provisions, which are not related to the lifting of the internal border controls
- Class II – the post-EU accession provisions, which are directly related to the lifting of the internal border controls

The second category of provisions is subject to the Schengen Evaluation process and should be fully implemented and applied when the lifting of border controls takes place.

The European Commission comes in the help of the candidate countries by providing several policy papers which include specific measures as well as general exhortations on how to improve the border security. The main border policies are regulated by the Regulation (EC) No 562/2006 which establishes a Community Code on the rules that govern the movement of persons across borders, while the Commission's biannual "Regular Reports" evaluate the applicants' progress and readiness for membership.

The categories of elements controlled by the Evaluation Committee are:

- Infrastructure and equipment
- Staff and training
- Control and procedures
- Border Surveillance

As part of the general conditions, the candidates must be part of the relevant international agreements, must have a governance based on the rule of law, must have stable administrative and judicial institutions, as well as proven capability to ensure data protection. More precise are the asylum procedures and laws, the adoption of strict measures on immigration and the rigorous protection of the borders. To be named here are the particularly tight visa regimes and admission systems as well as the regulations for the enforcement of the deportation procedures. The Schengen Information Systems – SIS I and SIS II – have been purposefully created to facilitate

the international cooperation of the police, and the candidates must be able to connect and to use them efficiently.

Nonetheless, for the successful implementation of these measures the candidate countries receive substantial financial aid and technical support from the EU as well as from other member states. This is crucial, as the candidates need help to develop the necessary sophisticated infrastructure and legal apparatus that would ensure the protection of the EU's borders. For the CEE countries this is increasingly difficult as they become a buffer zone between the EU and difficult neighbours like Ukraine or the Middle-East countries.

Therefore the decision to lift the borders' control is not based only on the state's capacity to successfully implement the Schengen acquis, but it is also influenced by *macro-security factors*, such as the political relations with the neighbouring countries and the extent of the land and sea borders. These are complemented by *micro-security concerns* which are mainly perceived to emerge from behind the former Iron Curtain, changing thus the status of the candidates from allies to potential enemies at a micro level. For the Western Europe, after the end of the Cold War the fear of missiles has been replaced with the anxiety of rampant immigration from the poor Eastern neighbours.

This myriad of conditions led to inconsistencies in the messages sent by the EU to the CEE applicants, as it was the case with Romania and Bulgaria. Therefore, in the following pages I will introduce you to the case of Romania and its long way towards becoming a Schengen member.

1.4. Romania's efforts to join the Schengen area

*“Whatever depends on us for Schengen we did. We no longer wait to be given a date.
When they will finish their national elections,
when they will sort out all their problems, they will find us ready”¹⁵*

Being an EU member state for more than seven years implicitly means that Romania fulfilled already the pre-EU class of the Schengen provisions, which are not directly linked to the lifting of the borders, but are comprised in the Copenhagen accession criteria. These cover three main areas: the ability to incorporate the “acquis communautaire”¹⁶, a functioning market economy as well as stable institutions, based on democratic principles that can guarantee the rule of law, the respect of human rights as well as the protection of minorities.

Falling under the provisions of the Article 8 of the Schengen Protocol, in the Accession Treaty from 2005 was clearly specified that Romania must take the responsibility and obligation to implement in full the Schengen acquis¹⁷. This engagement was and continues to be a significant challenge for Romania, as protecting the external borders of the EU is of utmost importance for the internal safety of the union.

¹⁵ Declaration of the Prime Minister of Romania, Victor Ponta, during a government meeting from the 4th of December 2013, in “Romania tells EU: 'We are ready for Schengen when you are'” <http://www.euractiv.com/justice/romania-older-members-ready-sche-news-532132>, 05/12/13

¹⁶ The Community acquis, generally referred to as the “acquis communautaire”, is the body of common rights and obligations which bind all the Member States together within the European Union. For more details, see Glossary – The community acquis - http://europa.eu/legislation_summaries/glossary/community_acquis_en.htm

¹⁷ Papadimitriou, Dimitris; Phinnemore, David (2008) – “Romania and the European Union: From marginalisation to membership”, Routledge, pp. 124 - 143

Therefore, Romania's role in guaranteeing the security of the EU cannot be underestimated. Once Romania becomes a Schengen member, the border controls with Hungary would be lifted, but on the other side Europe's borders with Serbia and Ukraine will be extended, while the borders with Moldova, Bulgaria¹⁸ and the Black Sea coast would be the new external borders of the common area (see Appendix 3). Therefore Romania plays an extensive role, here including the responsibility to prevent the entrance of illegal migrants and to stop cross-border criminality and trafficking of people, arms, drugs or other illegal goods.

This is not an easy job to do, especially when we talk about a country like Romania with limited financial resources and a weak post-communist administration. Nonetheless, Romania made significant progress in the past decades in the field of justice and home affairs, mainly with the assistance, conditionality and financial support received from the EU.

The results did not wait to come: in 2001, Romania left the EU's "Black list" and on the 1st of January 2002 obtained visa-free access in the Schengen area¹⁹. After the accession to the EU in 2007, the next important step towards joining the Schengen zone was to send a "Declaration of readiness" proposing to initiate the Schengen evaluation process from the second half of 2008²⁰. The Ministry of Administration and Interior was delegated to coordinate the Schengen accession process, becoming thus responsible for the development and implementation of the National Strategy for Accession to the Schengen Area.

Having targeted the 30th of March 2011 as the official accession date, Romania made all the necessary reforms to pass the evaluation process which consisted in several

¹⁸ If we consider that the two countries will not join the Schengen area at the same time

¹⁹ Papadimitriou, Dimitris; Phinnemore, David (2008) – "Romania and the European Union: From marginalisation to membership", Routledge, pp. 139

²⁰ Schengen Romania – Steps of the evaluation process, latest accessed on 07/05/2014
<http://www.schengen.mira.gov.ro/English/index07.htm>

stages. The country had to fulfil and submit the Schengen Evaluation Questionnaire, which was then followed by several evaluation visits intended to examine directly the implementation of the Schengen acquis. During 2009 – 2010 Romania had been evaluated in the following main domains: land borders, sea borders, air borders, police cooperation, the Schengen Information System and personal data protection. The evaluation group consisted in experts from the Schengen member states, as well as from the European Commission and from the General Secretariat of the Council.

The resulting technical reports were *positive* with regards to all the inspected subjects, highlighting the fact that *Romania has rightfully and homogeneously implemented all the provisions of the Schengen acquis*²¹. Finally, after a complete implementation of the Schengen acquis and a precise coordination of efforts and resources of all the institutions involved in this process, Romania managed to achieve its target and met all the accession requirements by March 2011.

The successful finality of the technical evaluation process was acknowledged by the EP, which on the 8th of June 2011 approved with a qualified majority the accession of Romania and Bulgaria to the Schengen zone²². Furthermore, the Interior Ministers of the Member States also recognised the positive results of the reports during an official meeting of the Justice and Home Affairs Council held on the 9th of June 2011²³. Therefore, all it was missing from this accession puzzle was the unanimous approval of the Council to spare the Romanian and Bulgarian citizens from the

²¹ See, in particular, the report by the European deputy Carlos Coelho in which the following is indicated: “*At this moment, both Romania and Bulgaria have proved that they are sufficiently prepared to apply all the provisions of the Schengen acquis in a satisfactory manner*”, ‘Report on the draft Council decision on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania’, A7-0185/2011, 04/05/2011

²² “The European Parliament, for the accession of Romania and Bulgaria to the Schengen area”, Schengen Romania Informative Journal , 08/06/2011
<http://www.schengen.mira.gov.ro/English/index09.htm>

²³ “The approval of the Council conclusions on completion of the process of evaluation of the state of preparedness of Romania to implement all provisions of the Schengen acquis”, Schengen Romania Informative Journal , 09/06/2011 <http://www.schengen.mira.gov.ro/English/index09.htm>

internal border checks and to award them the role of ‘guardians’ of the European external borders.

Unfortunately, this failed to come, as a few member states refused to lift the border controls with Romania and Bulgaria. Three years have passed and there is still no clear information with regards to the real accession date, neither for Romania nor for Bulgaria. Meanwhile, both countries kept raising their security standards by participating in Frontex²⁴ activities, combating identity theft and documents fraud, as well as preventing illegal traffic activities.

Therefore, the European Commission openly and repeatedly affirmed its support and efforts to integrate Romania and Bulgaria in the Schengen zone²⁵. In the Fourth bi-annual report released by the European Commission on the functioning of the Schengen area for the period 1 May – 31 October 2013, the section regarding the lifting of controls at the internal borders with Bulgaria and Romania stated the subsequent:

“Following the Council conclusion in June 2011 that both Bulgaria and Romania fulfil the criteria to apply in full the Schengen acquis, further measures were implemented which would contribute to their accession. Still, the Council has not yet been able to decide on the lifting of control at the internal borders to these countries, but intends to revisit this topic in its meeting on 7-8 December 2013. The Commission continues to fully support Bulgaria's and Romania's accession to the Schengen area.”²⁶

²⁴ FRONTEX is the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, established by Council Regulation (EC) 2007/2004

²⁵ European Commission - Report from the Commission to the European Parliament and the Council, Fourth bi-annual report on the functioning of the Schengen area 1 May – 31 October 2013, Brussels, 28/11/2013

²⁶ Ibid.

In this report the Commission presents the delayed accession of Romania and Bulgaria as an *inability of the Council to reach a consensus*, and not at all as a fault of the candidates.

The Commission expresses the same concerns related to the delayed decision in its previous biannual reports from 2011, 2012 and 2013, urging the Council to reach an agreement as soon as possible. As for the provisioned meeting of the Council on December 2013, the ensuing press release vaguely informs that there was a discussion on this topic, which ended with the decision “to address this issue again at its earliest convenience”²⁷.

Despite receiving the green light from the Commission, the two countries’ accession is still being blocked by various EU member states. For example, in 2013 the German Interior Minister Hans-Peter Friedrich further neglected the positive results of the technical reports, stating that “the time is not right”²⁸ to remove the border controls with the two countries.

This delay is detrimental not only for Romania’s image, but also for the European institutions, which have been increasingly accused of a lack of transparency and a communication deficit. With the recent economic crisis, euroscepticism is gaining ever more weight in the European debates and decisions, as the EU ministers or members of the Parliament need to keep, above all, the support of their nation. Thus their strategies are heavily influenced by the mass-media coverage and by the utmost national grievances. Different political claims and symbolic decisions are made, but often they are not put in practice as promised. Nonetheless, this affects and shapes the general perceptions of the European public opinion and the direction to which the

²⁷ Council of the European Union, Press Release – 3279th Council meeting Justice and Home Affairs Brussels, 5 and 6 December 2013

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/139938.pdf

²⁸ German Interior Minister: “We’ll Veto Schengen for Romania and Bulgaria”, 04/03/2013

<http://www.spiegel.de/international/europe/interior-minister-friedrich-says-no-schengen-for-bulgaria-and-romania-a-886704.html>

European Union is heading to. And if we take a look at the results of the latest elections for the EP where euroskeptics obtained a significant proportion of the seats, we can see that the EU is going in a dangerous direction.

But the purpose of my thesis, for the moment being, is not to accuse “the Westerners” of discriminating Romania and denying its “de facto” right of being part of the Schengen area. My thesis has the goal to be as impartial as possible in identifying which are the real causes for the emergence of this problem. Therefore in the following chapters I will thoroughly analyse the possible factors that might justify this decisional impasse at the European level.

Chapter 2: One step forward, two steps back

2.1. The eternal struggle against corruption

“Romania represents the greatest success – and also the greatest failure – of the EU’s active leverage”²⁹

One of the main problems encountered by Romania and Bulgaria in their quest to join the Schengen area is corruption. Although in the accession treaty signed in 2005 Romania pledged to improve its rule of law and to exterminate corruption, the reforms are still far from fulfilling the expectations. Following next I have explored the real state of affairs, with fact-based indicators in order to trace Romania’s progress – or the lack of progress – in this area.

Romania’s accession to the European Union signified the beginning of a new phase for the country’s development. I have previously mentioned that one primary condition to be fulfilled by the EU’s candidate states is to have democratic governance, translated into transparency and accountability, enhanced cooperation and rule of law. Thus, all the members of the EU are *formally* considered to be democratic states; but if we take a look at the facts as they are in Romania we can easily notice the superficiality of the democracy. Despite succeeding to put in place specific institutional arrangements, these are not always effective and they stumble upon legislative inconsistencies.

Romania took the path of democracy in the 1990s, eventually succeeding to join the EU after almost two decades of continuous efforts to overcome its transitional condition. As a result of these two decades of struggle, Romania registered considerable progress, but this is not sufficient in comparison with the Western European countries.

²⁹ Vachudova, M.A. (2005) - “Europe undivided: democracy, leverage, and integration after communism”, Oxford University Press, pp. 220

Indeed, the EU played a key role in triggering rule of law reforms and efficiency-related changes towards improving the judicial capacity of the country, as this is a key element towards maintaining a functioning market economy. Nonetheless, EU was not able to change the domestic power structures from Romania in order to create an impartial, accountable and uncorrupted judiciary. The inappropriate reform approach chosen by the EU allowed the maintenance of the domestic conditions of clientelism leaving limited room for an improvement of the “de facto” rule of law³⁰.

Therefore, by the time Romania joined the EU in 2007, despite achieving considerable progress in establishing and consolidating a democratic administration of the country, Romania was still far from the associated status of “mature democracy” that came along with the EU membership. Throughout the post-accession years, the Romanian political elites had to struggle to defend the credibility and transparency of the country’s judicial system, as the international qualms did not wait to come. Only six months after the country acceded to the EU, the Commission reported that the progress in the judicial treatment of the high level corruption from Romania was “still insufficient”³¹.

Starting 1997, the European Commission repeatedly expressed its concerns regarding the corruption levels and the lack of consistent judicial reforms from Romania, further requesting the consolidation of the rule of law at all the levels of governance in order to be able to cope with the obligations instilled by the EU membership.

Corruption remained a key matter prior and also post-Romania’s accession to the EU. It is therefore justified that Romania’s right to join the Schengen Area was repeatedly denied due to its clientelistic system. One might wonder, then, how comes that Romania was accepted from the very beginning to join the EU?

³⁰ Mendelski, Martin (2011) – “Rule of law reforms in the shadow of clientelism: The limits of the EU’s transformative power in Romania” – Polish Sociological Review, No. 174, pp. 235 - 253

³¹ European Commission (2007) – “Twinning: Building Europe together”, Brussels
http://ec.europa.eu/enlargement/pdf/financial_assistance/institution_building/twinning_statistics_012007_en.pdf

In this case, we could argue that Romania has been caught in the vortex of the Eastern and Central European enlargement, although the Commission's persistent reservations were reflected in the two years lag from the "Big Bang" enlargement. In 2001, the enlargement of the EU was considered to be "unstoppable", having Romania as an "*intrinsic and vital element*"³².

The problem is that once the EU membership had been acquired, the pressure for change diminished significantly as the reforms were to a large extent generated by external factors and not by a "voluntary" internal force. In fact, as soon as the "Big Brother" – here the EU – deviates its vigilant eye from the efficient functioning of the judiciary system, the domestic elites and politicians engage in the race of corruption without having any remorse.

One infamous example in this regard is the now historical "Black Tuesday" of the Romanian democracy – the 10th of December 2013 – when the Parliament voted without any debate amendments to the criminal code that would give – to its members and to other elected governmental officials – *immunity for any corruption-related offences*. This implied even the exoneration of the government officials who have already been charged for corruption. At that time, not less than 28 members of the Parliament and 100 mayors were convicted or were being prosecuted for corruption³³. Nonetheless, in January 2014 the Romanian Constitutional Court declared the above-mentioned amendments as unconstitutional and in total contradiction with the international conventions previously ratified by Romania.

However, we must not forget that this unlawful attempt happened after almost seven years of European membership and thus served as a reminder that in Romania the core democratic principles and objectives are still unstable and are continuously

³² European Parliament (2001) – "Report on Romania's Application for Membership of the European Union and the State of Negotiations" (Rapporteur: Baroness Nicholson of Winterbourne), A5 – 0259/2001 Final, Strasbourg, 24/07/2001

³³ Declaration of the National Anti-Corruption Directorate (DNA) No. 1145/VIII/3, 10/12/2013 <http://www.pna.ro/comunicat.xhtml?id=4506&jft>

challenged at the highest level of administration. Therefore the integrity and accountability of the elected and appointed remains a key area of concern.

Venelin I. Ganev refers to this behaviour of the Romanian elites (and Bulgarian as well) as a “*post-accession hooliganism*”³⁴ which emerged as soon as the domestic political leaders felt confident and secure enough to disregard the Western European norms and principles. Thus, the corruption problem from Romania is even considered to have increased, deteriorating what had been previously achieved.

A new feature of the post-accession conditionality has been introduced with the creation of the Cooperation and Verification Mechanism (CVM) which reports yearly on the progress made by Romania and Bulgaria after the accession to the EU. This particularity appears as an imposition of double standards on the two member states, although it is meant to secure that the Romanian and Bulgarian governments will keep taking the necessary measures until they can reach an equal level of development with the other EU member states.

Nonetheless, the history of the CVM reports show so far that despite the fact that progress has been made and the necessary institutions are now in place, their efficiency and stability is often questioned, implying that the positive results obtained on one area can be repressed elsewhere.

The latest CVM reports released in January and February 2014 further condemn the lack of efficient reforms and the high level of corruption that still undermine the Romanian society, questioning the stability and irreversibility of the reforms³⁵. The reports covered the legal, institutional and strategic perspective, revealing corrupt practices in most of the public and private sectors. To be considered here are not only

³⁴ Ganev, Venelin I. (2013) – “Post-Accession Hooliganism: Democratic governance in Bulgaria and Romania after 2007” – East European Politics and Societies, pp. 26 – 44

³⁵ For more details please refer to: European Commission – “Annex 23: Romania to the EU Anti-Corruption Report”, COM (2014) 38 final, Brussels, 03/02/2014

the high level politicians, the public officials, the members of the judiciary or the law-enforcement officials, but also people from a wide range of sectors, including infrastructure, energy, transport, agriculture, extractive industries, healthcare and even sports.

Nonetheless, the CVM reports acknowledge as well the increased efficiency of the High Court of Cassation and Justice, of the Anti-Corruption General Directorate as well as of the National Integrity Agency, institutions dedicated to deal with the investigation and adjudication of complex corruption cases. Still, their role has often been hindered by the sporadic support given by the political will towards the capacity and independence of the judiciary and the anti-corruption institutions. While progress has indeed been made towards bringing high level corruption cases to court, the capability of the judiciary to handle efficiently and impartially these cases was often doubtful. Serious delays of up to six years have been recorded in the corruption cases of the high level politicians, whereas the number of resolved cases of petty corruption went up by 9% in 2013 as compared to 2012³⁶.

Furthermore, in 2013, 25% of the Romanian population admitted having experienced corruption by being expected or asked to pay bribe for services. This is the second highest percentage across the EU and is outrageous in comparison to the EU average of 4%. The corruption in the healthcare system occupies the highest rank in the EU, with 28% of the respondents acknowledging that they had to make an extra payment or at least to give a gift in order to receive any treatment. Apparently, despite the fact that people are aware of the gravity of the corruption problem from the Romanian society, 82% of the population consider that bribe is the easiest way to solve or to acquire certain public services³⁷. Corruption and favouritism are also having a

³⁶ European Commission – “Annex 23: Romania to the EU Anti-Corruption Report”, COM (2014) 38 final, Brussels, 03/02/2014

³⁷ European Commission – “Special Eurobarometer 397 Corruption Report” Fieldwork: February - March 2013, Publication: February 2014

negative effect on the business competition from Romania, which ultimately leads to a lack of foreign investment and competitiveness on the international market.

As to what concerns the frontier corruption, things are more or less as bad as in the above mentioned sectors. In 2011, more than 230 border police and customs officers were prosecuted for taking bribe and for participating in organised crime groups, mainly concerning cigarette smuggling³⁸. Over the last two years, the numbers have risen sharply. Corruption represents a key issue in the field of borders protection, as frontier-crossing is seen as a possibility to earn money through both legal and illegal means, especially in the case of economically hard-pressed populations. The low salaries of the personnel combined with the responsibility sharing of the border control makes it more difficult to address effectively this persistent issue.

These results give us an empirical evidence of the sustainability of the “transformative power” of the EU by showing that countries can remain trapped for many years in a mix of “transitional rule of law”³⁹ in which the corrupted elites can hinder the good functioning of the rule of law. The Romanian case makes clear the fact that the EU conditionality alone is not sufficient to bring about a sustainable change if it is not reciprocated by a domestic will and commitment to change.

Romania’s laggard and incomplete democratic consolidation has profound effects and repercussions on the current ability of the country to deal effectively with the huge burden of accession to the EU. It is therefore not at all surprising that Romania’s accession to the Schengen Area is now being blocked by allegations of corruption, despite having fulfilled the required technical standards. If economic migrants or criminals acquire visa through bribery they could travel within the Schengen area without any further controls, posing thus a real threat to the security of the European

³⁸ FRONTEX (2012) – “Study on anti-corruption measures in EU border control”, Center for the study of Democracy

³⁹ Teitel, Rudi (2005) – “Transitional rule of law: Rethinking the Rule of Law after Communism”, Central European University Press, Budapest

citizens. Also, if the judiciary and the rule of law in general are ineffective, Romanian citizens involved in criminal activities would easily remain unpunished for crimes committed outside the country.

Therefore, although the Romanian officials rejected the relevance of the CVM reports with regards to the Schengen accession process, as they are not directly linked, the results speak by themselves and corruption remains a key problem for the Romanian society, irrespective to who undertakes the investigations – as long as it is not biased. Thus Romania's accession to Schengen can be unlimitedly delayed from the political level as the members of the Council enjoy veto rights for this decision.

But if corruption is the main reason for refusing Romania's accession to the Schengen Area, then why only some of the EU members oppose, and not all of them? We must bear in mind that despite constantly criticising Romania for the high level of corruption, the European Commission still gave its approval and full support for Romania's integration in the Schengen area.

Most probably, in this case, the Western European countries – such as France or Germany, who previously supported Romania's accession to the EU – not only that want to avoid previous mistakes of giving too many credentials to the Romanian elites, but also want to have a proactive role in ensuring that the securitization of their borders will be ensured at the highest standards.

Therefore in the next section I will analyse Romania's image in the EU and the role of political discourses and media campaigns in the process of acceding the Schengen zone.

2.2. Identity matters: Romania's image in the EU

“I would hope the EU leaders have the courage to say Romanians are not thieves, are not lazy, or people trying to exploit systems abroad, and that they are people of high culture, working people”⁴⁰

“United in diversity” is the widely known motto of the EU. Indeed, the diversity in the EU has reached unexpected levels and appears to challenge ever more the further development of the union.

Over the past twenty years, the Western European countries have experienced a steady increase of the international migration offset by an intensification of border and migration controls. In the context of receiving new immigrants, the state policies are essential for determining whether the newcomers are desirable or not. Although the national policies converged towards achieving an Europeanization of the migration policies, states still have different policy approaches to handle with the diversity of the immigrants, be they pluralist, assimilationist or differential-exclusionist policies⁴¹. It is for the nation states to ultimately shape the integration of the immigrants, to allow or restrict the entrance of foreigners on their territory.

As a consequence, the economic stability and democratic reforms became as well prerequisites for being entrusted with the control of the common borders. But there is also something political behind the technical requirements of entry in the Schengen club; being member of the passport free area represents a sign of *trust*, a proof that states trust each other enough to give up to the border controls. The link between national identity, cultural or economic insecurity – and the EU enlargement cannot be

⁴⁰ Interview with Gunter Verheugen, former European Commissioner for Enlargement between 1999 and 2004, participated in Romania's negotiations to join the EU, by <http://www.romania-insider.com/former-eu-commissioner-verheugen-schengen-entry-for-romania-soon-delay-was-due-to-pre-election-politics-accepting-romania-in-the-eu-in-2007-was-the-best-possible-decision/123797/>, 03/06/2014

⁴¹ Castles, S. (1995) – “How nation-states respond to immigration and ethnic diversity”, *New Community*, 21(3), pp. 293-308

directly induced from experience, but has to be socially constructed. In Europe, the public opinion is particularly susceptible to construction, being easily influenced by the political discourses. Thus, considerations can be positioned as salient, particular interests can be connected to political objectives and processes and biases can easily be instilled⁴². In this regard, the populist right parties, which have exclusive national identities, often cue their electorate in believing that the EU policies are incompatible with their patriotic feelings.

Europe's frontiers and borders thus have become "*popular metaphors in discussions of identity, power, community and their exclusions*"⁴³. With regards to the CEE countries, the migration and security policies of the Western EU member states appear to maintain an often contradictory and complex relationship⁴⁴, seeing it as a turbulent space and a source of economic migrants.

Ever since the fall of the communism in Romania, the country's evolution has been a continuous struggle to overcome its status. If officially it was regarded as a socialist country, a transition economy, an EU candidate country or a semi-consolidated democracy, unofficially Romania has increasingly been considered a poor country, a "provider" of economic migrants, beggars and thieves.

Therefore now, due to the past legacies and recent developments, Romania continues to be considered as a main space of *otherness* in the EU, a mixture of curious configurations combined with disturbing forms of behaviour⁴⁵: opposed to the meticulously organised western societies, Romania is an unpredictable, even

⁴² Hooghe, Liesbet; Marks, Gary (2008) – "A Postfunctionalist theory of European Integration: From Permissive Consensus to Constraining Dissensus", Cambridge University Press, pp. 13

⁴³ Walters, W. (2009) – "Europe's Borders", in C. Rumford (ed.) Sage Handbook of European Studies, London: Sage, pp. 485 - 505

⁴⁴ Grabbe, H. (2000) – "The sharp edges of Europe: Extending Schengen Eastwards", International Journal 76 (3): pp. 519 - 536

⁴⁵ Boia, Lucian (2001) – "Romania: Borderland of Europe", Reaktion Books Ltd. pp. 7 - 10

mysterious space. Unfortunately for Romania, nowadays darker images prevail over its seductive imagination of an “exotic” state.

The mistrust in Romania has gained in weight over the past seven years of EU membership, as from the very beginning the European Commission decided to impose the monitoring CVM body. At the same time, nine of the old EU15 members – Austria, Belgium, France, Germany, Luxembourg, Malta, Netherlands, Spain and the United Kingdom – imposed a seven-year restriction on the national labour market as a transitional measure for both Romania and Bulgaria. These restrictions have been the longest allowed under the EU rules and expired on the 1st of January.

Unfortunately for Romania, this deadline coincided with a record rise in the EU unemployment as well as a steady rise in the popularity of anti-immigrant parties, especially in the UK, Netherlands, Germany and Austria. Following the Eurosceptic trend, there has been an increased “governmentality of unease”⁴⁶ driven by media, which equates immigration with disorder, enhanced border control with security.

The British media has been among the first ones to have a specific campaign positioned against the acceptance of the Eastern European workers. In the case of Romania and Bulgaria, the most relevant campaign has been the one created by The Guardian editorial in collaboration with the British government ministers. Making use of the principle of the reverse psychology, the aim of this ad-campaign was to convince the Romanians that the UK streets are not “paved with gold”⁴⁷ and that the Great Britain is not “Great” anymore⁴⁸.

⁴⁶ Bigo, D. (2002) – “Security and immigration: toward a critique of the governmentality of unease”, *Alternatives* 27, pp. 63 - 92

⁴⁷ “Britain: the streets are not paved with gold”, 28/01/2013 <http://www.channel4.com/news/britain-the-streets-arent-paved-with-gold>

⁴⁸ “Don’t come to Britain! We even made posters!” 29/01/2013 <http://www.bluegartr.com/threads/114588-Don-t-come-to-Britain!-We-even-made-posters!>

The main slogan of the campaign was:

“Please don't come to Britain – it rains and the jobs are scarce and low-paid.”⁴⁹

As the day approached to open the national labour markets, the western anti-immigration parties scapegoated the Romanian immigrants for the falling living standards and the shrinking public services from their societies. Thus, the anti-immigration debate turned more into an “anti-Romanian-immigrants” debate, especially as the national political elections and the European elections were getting closer. New concepts have emerged into the public discourses as well, to mention “welfare tourism”, “benefit tourism” or “migrant welfare”.

Populist tones have increasingly been remarked as well in Germany over the recent years, where the conservative Interior Minister Friedrich pledged to veto Romania's accession to Schengen due to concerns of “poverty migration”⁵⁰. The reaction came immediately from a number of German newspapers which accused the politician of trying to gain votes for the national elections by blocking Romania and Bulgaria's accession to the Schengen zone. In this sense, the Berliner Zeitung wrote:

“Is German Interior Minister Friedrich already using fears of poverty immigrants and the mafia as an instrument in his election campaign? That can't be ruled out. But Germany isn't alone, either. The Netherlands and France, both of which have elected center-left social democratic governments recently, complete the roster of rejectionists.”⁵¹

⁴⁹ “Immigration: Romanian or Bulgarian? You won't like it here”, 27/01/2013
<http://www.theguardian.com/uk/2013/jan/27/uk-immigration-romania-bulgaria-ministers>

⁵⁰ “Poverty Migration: Berlin Urges Bulgaria, Romania to Integrate Roma”, 19/02/2013
<http://www.spiegel.de/international/germany/german-interior-minister-urges-bulgaria-and-romania-to-integrate-roma-a-884236.html>

⁵¹ “World from Berlin: Friedrich 'Stoking Anti-Immigrant Sentiment’”, 08/03/2013,
<http://www.spiegel.de/international/europe/press-review-on-blocking-romania-and-bulgaria-from-schengen-area-a-887668.html>

Die Tageszeitung also wrote:

“The reasons for the delay in accession could have a lot to do with the upcoming German national election. After all, the government can score points if it sells itself as a defender of German jobs that is actively taking action against a wave of immigration from impoverished Romania and Bulgaria. These days, sealing the frontier is a surer way of securing votes than open borders and freedom of movement.”⁵²

Germany had been also openly condemned in March 2013 by the president of the EP, Martin Schultz, for the politicization of Romania’s accession to the Schengen zone:

“We are a community of rights. I reject political criteria”⁵³

The political discussions became ever more emotive across the old EU member states with regards to the potential damaging effects of the EU’s fundamental rights of free movement and equality. If France and Netherlands had strong anti-immigrant parties struggling to keep their voters on-board, Austria, Germany, the UK and, eventually, the Netherlands took a joint-initiative and asked the EC to tighten the EU rules so as to stop the “benefits tourism”⁵⁴.

In fact, the EU (and the UK) legislation contains tests of residence which are designed to ensure that people do not travel to another EU member state just to claim social benefits. Although the Brussels officials stressed the fact that the necessary measures to deal with those who abuse a country’s welfare system are already in place, the EC took as well into consideration the request of the four countries. Thus,

⁵² Ibid.

⁵³ “Germany blocks Schengen membership for Bulgaria, Romania”, 07/03/2013
<http://www.dw.de/germany-blocks-schengen-membership-for-bulgaria-romania/a-16656037>

⁵⁴ “Holland, Britain, Germany, Austria join forces to fight 'welfare tourism'”, 08/03/2013
http://www.expatica.com/nl/news/dutch-news/Holland-Britain-Germany-Austria-join-forces-to-fight-welfare-tourism_260714.html

soon after, the Commission released a report⁵⁵ which proved that the “benefit tourism” is a myth, a “non-problem”, a false perception that has no real grounds. Therefore, the situation is quite the opposite: not only that there is no proof of “widespread and systematic”⁵⁶ “benefit tourism”, but in fact the migrants are net contributors to the host countries, as they are younger and more economically active than the host countries’ workforce⁵⁷.

Despite the fact that this study came out in October 2013, the blaming culture against the immigrants and the racist attitudes went on and even expanded, damaging the reputation and lives of thousands of Romanians.

Another key contributor to this has been the British media, which falsely and thoroughly threatened their public of an imminent “invasion” of Romanians and Bulgarians by giving even “precise” information regarding the numbers of the incoming eastern immigrants. Announcing that “29 million Romanian and Bulgarians” will have the right to work in the UK starting from the 1st of January 2014, an article from one of the world’s most popular online newspapers, Daily Mail, titled on the 31st of December 2013: “*Sold out! Flights and buses full as Romanians and Bulgarians head for the UK!*”⁵⁸, implying that thousands of people will go there to claim social benefits. Unfortunately, this was not an isolate case, many other xenophobic articles terrifying the public opinion about the massive influx of people from Romania and Bulgaria. Not only that these claims were stigmatising and over-exaggerated, but they also proved to be unfounded: there were plenty of spare seats in

⁵⁵ “Impact of mobile EU citizens on national social security systems”, 14/10/2013
<http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=1980>

⁵⁶ “Welfare tourism 'neither widespread nor systematic' in Europe”, 14/10/2013
<http://euobserver.com/social/121778>

⁵⁷ The findings of this report compliment other studies released by the OECD, the Centre for European Reform or the Centre for Research and Analysis of Migration, which confirm as well that the EU migrants are net benefits for the social security systems of the Member states.

⁵⁸ <http://www.dailymail.co.uk/news/article-2531440/Sold-Flights-buses-Romanians-Bulgarians-head-UK.html>, 31/12/2013

the planes flying from Bucharest or Sofia, no special coaches to London and according to the latest official figures, the number of Romanians and Bulgarians employed in the UK between January and March actually decreased in comparison with the last year's figures⁵⁹.

These campaigns against the Romanian immigrants have been present as well in the political discourses of the Western politicians eyeing major gains in the local and EU elections. The most eloquent example is that of Nigel Farage, the leader of the UK Independence Party (UKIP), who in 2013 declared during an EP debate that the "issue" of opening the labour markets to the two Eastern European countries

*"[...] will be central issue of the European Elections next year. It will be central issue of whether Britain remains a member of the European Union"*⁶⁰

Later on, six days before the EP elections from 2014, Farage made a highly controversial statement during a live radio interview with regards to the Romanians:

*"Any normal and fair-minded person would have a perfect right to be concerned if a group of Romanian people suddenly moved in next door"*⁶¹.

The Prime minister of the UK, David Cameron, and other top politicians reacted to this declaration, condemning his behaviour as 'the politics of anger, rather than the politics of the answer', a proof of hostility and extremism.

Later on, the Eurosceptic leader presented his apologies for this statement, admitting that he made "*predictable... accusations of racism*"⁶². The defiance of these excuses

⁵⁹ "Bulgarian and Romanian immigration - what are the figures?", 14/05/2014
<http://www.bbc.com/news/uk-politics-21523319>

⁶⁰ "Nigel Farage on who decides who can come to Britain and claim benefits" 22/10/2013
http://www.ukipmeps.org/articles_736_Nigel-Farage-on-who-decides-who-can-come-to-Britain-and-claim-benefits.html

⁶¹ "Nigel Farage in car-crash interview as he faces Ukip racism claims", 16/05/2014
<http://www.telegraph.co.uk/news/politics/ukip/10836159/Nigel-Farage-in-car-crash-interview-as-he-faces-Ukip-racism-claims.html>

was further emboldened in “*An open letter*” addressed by Farage to the UK citizens, where he gave unfounded statistics about the Romanian criminality from the UK⁶³. However, despite all these controversies, Nigel Farage’s eurosceptic party obtained a stunning victory in the current year’s elections for the EP, which is an empirical proof that the politician won the hearts of his electorate through his populist declarations.

The opposition to Romania and Bulgaria’s accession to Schengen is also linked with the elections for the EP by the former EU Commissioner for Enlargement, Gunter Verheugen:

*“It was a matter of politics, not accepting the two countries, and it was related to the elections. But they will sooner rather than later be accepted into the Schengen area”*⁶⁴

Indeed, the Western leaders will not be able to postpone infinitely the enlargement of the Schengen area, as the European institutions will further push for obtaining the two countries’ right to a complete integration. Nonetheless, the exaggerated fears of the two countries’ backwardness instilled by the political interests of the Eurosceptic parties continue to have a major role in vetoing Romania and Bulgaria’s accession. Therefore, it is still completely unpredictable when the two states will officially enter Schengen, as the final decision must be approved unanimously by all the 28 Member States of the EU.

⁶² “Nigel Farage Was ‘Tired Out’ When He Made ‘Romanian Neighbours’, As Ukip Takes Out Full-Page Telegraph Advert”, 19/05/2014 http://www.huffingtonpost.co.uk/2014/05/19/farage-ukip-tired_n_5349828.html

⁶³ “An open letter from UKIP Leader Nigel Farage MEP”, 19/05/2014 <http://origin.library.constantcontact.com/download/get/file/1108299508071-259/UKIPTelegraph190514.pdf>; “About Neighbours”, 20/05/2014 http://www.huffingtonpost.co.uk/dr-ion-jinga/about-neighbours_b_5358986.html

⁶⁴ “Former EU Commissioner Verheugen: Schengen entry for Romania soon, delay was due to pre-election politics. Accepting Romania in the EU in 2007 was the best possible decision”, 03/06/2014 <http://www.romania-insider.com/former-eu-commissioner-verheugen-schengen-entry-for-romania-soon-delay-was-due-to-pre-election-politics-accepting-romania-in-the-eu-in-2007-was-the-best-possible-decision/123797/>

2.3. Roma's malintegration

*"The Roma should go back to Romania and Bulgaria and stay there"*⁶⁵

Irrespective to the "electioneering" character of this kind of declarations, the fears of Roma⁶⁶ invasion in the Western countries turned to be another factor that contributed to Romania's rejection from the Schengen zone.

Despite the similarity of the denomination, the Roma people are a different population from the Romanian people: the name "Romania" comes from the historical Roman colonization, while the term "Roma" is considered to come from "Rom", a travelling underclass from India⁶⁷. Nonetheless, the lack of information led to a popular confusion of the two peoples, especially in the Western societies. Indeed, Romania covers the largest population of Roma in Europe, but this is estimated to represent just around 8% of the total population of the country⁶⁸.

Spread all over the territory of the continent, the Roma do not have their own "motherland" and therefore are considered to be the largest ethnic minority of Europe, with a population of around 10 – 12 million people⁶⁹. The figure below presents the countries with the most significant shares of Roma people on their territory.

⁶⁵ Statement of Manuel Valls (24/09/2013) in "French Interior Minister Manuel Valls proposes mass deportation of Roma", <http://www.wsws.org/en/articles/2013/10/01/vall-o01.html> 01/10/2013

⁶⁶ The term "Roma" is most commonly used as an umbrella which includes a variety of groups of people who share more or less similar cultural characteristics, such as Roma, Gypsies, Travellers, Manouches, Sinti, Ashkali or other titles.

⁶⁷ "Roma, Sinti, Gypsies, Travellers...The Correct Terminology about Roma", <http://www.inotherwords-project.eu/content/project/media-analysis/terminology/terminology-concerning-roma>

⁶⁸ European Commission (2011) – "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions an EU Framework for National Roma Integration Strategies up to 2020", Brussels

⁶⁹ "EU and Roma", Last update: 13/05/2014
http://ec.europa.eu/justice/discrimination/roma/index_en.htm

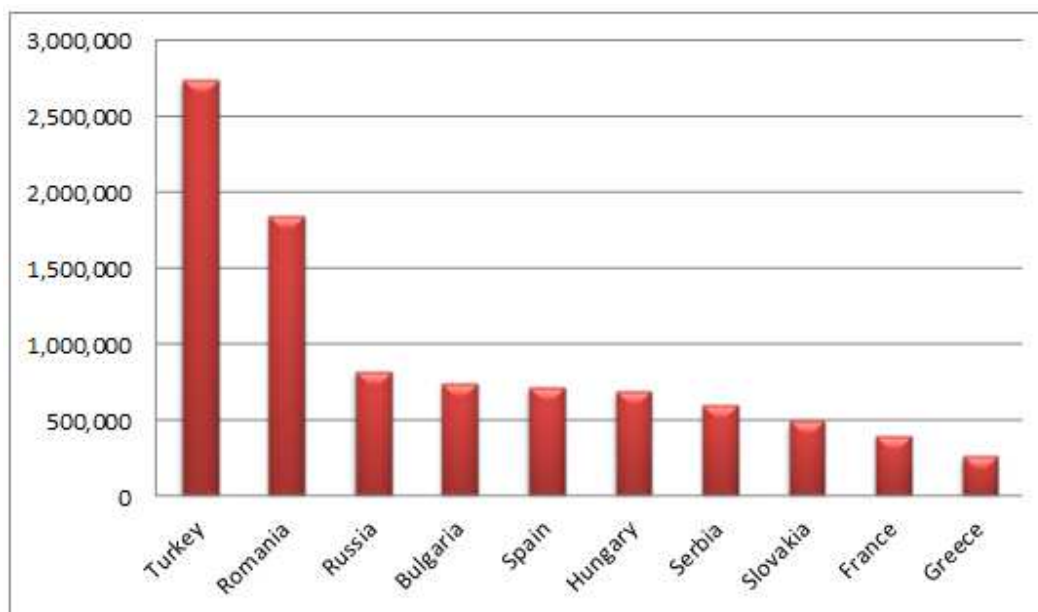


Figure 2.1 Roma population in the world based on the Council of Europe data, 2010⁷⁰

It is amazing how, given the spatial dispersion and the heterogeneity within the national member states, the group continues to share common cultural values, language, origins, historical experiences as well as present day problems. Probably the biggest factor in identifying the Roma as a “transnational” minority is namely the common experience of hostility and discrimination that they face from the rest of the society⁷¹. Their itinerant tradition could be considered both as the cause and the effect of this phenomenon⁷², but it is not an exclusive cause. Indeed, this nomadic character of the Roma led to a general failure of the integration policies pursued along the years by the national administrations and by the EU. But on the other hand, the Roma are generally engaged in occupations which are irregular, unpredictable and often

⁷⁰ The Council of Europe, Roma and Travellers Division, http://www.coe.int/t/dg3/romatravellers/default_en.asp

⁷¹ Bancroft, A. (2005) – “Roma and Gypsy travellers in Europe”, Ashgate, pp. 47

⁷² Report of the High Commissioner on National Minorities – “Roma in the CSCE Region”, CSCE Communication 1993

marginal to the economy where they reside⁷³, having thus a long history of inter-communal violence and mutual mistrust.

Targeted for extermination by the Nazis – along with the Jews, the gay people and the disabled – the Roma remained until today a major challenge for Europe, which still struggles to find a solution towards living at peace with its largest minority. Still dripping with prejudice, the attitudes towards Roma further contribute to a persistence of the impoverishment, unemployment and stigmatization of this group.

Although it is not a new phenomenon, the poverty and the social exclusion of the Roma people became explicitly visible especially after the 2004 and 2007 Eastern Enlargements of the EU. Once the Roma obtained the freedom of mobility around the European continent, they did not wait to take advantage of their newly acquired right. The small but steady increase in the numbers of the Roma immigrants who arrived in the Western European countries had a rapid and visible impact. Due to the low level of education and thus, reduced chances to become employed, alternative sources became increasingly attractive, including begging, delinquency, prostitution and abuse of the available social resources. This, in turn, contributed to increased anti-Roma sentiments pursued both at the local and the national level, such as in France, UK and Germany. Media played again its role by widely reporting on the problems provoked by the Roma people and also by promoting scary stories which portray them as endemically criminal communities which make their survival out of begging networks and illegal settlements⁷⁴.

This impacted as well on the image of the Romanian state which is widely considered to be the “country of origin” of the Roma immigrants in Europe and, therefore, seen

⁷³ Lauwagie, B. N. (1979) – “Ethnic boundaries in modern states: Romano Lavo-lil Revisited”, AJS Vol. 85, 2, pp. 310 – 337 in O’Nions, Helen (2012) – “Minority rights in international law: The Roma in Europe”, Ashgate Publishing Ltd., pp. 5

⁷⁴ “The truth about Romania's gypsies: Not coming over here, not stealing our jobs”, 11/02/2013 <http://www.independent.co.uk/news/world/europe/the-truth-about-romanias-gypsies-not-coming-over-here-not-stealing-our-jobs-8489097.html>

as responsible for their integration. Or, to better call it, their malintegration, for Romania failed to properly integrate this ethnic minority in its society.

Therefore, Romania fits perfectly into the category of “*push* factors” that trigger the Roma migration westwards, as the anti-Roma opinions and discrimination pervade across the whole country and the majority of the Roma are unemployed and live in precarious conditions.

The *pull* factors also played a decisive role in this issue as the Western societies attract the Roma immigrants simply through their good economic well-being, political stability and/or social benefits. Relatives and friends already established abroad also represent a pull factor, as the Roma migration is highly based on social ties and networks. Thus, as soon as the visa requirements were removed, the Roma people strived to improve their life conditions by migrating – temporarily or not – to the states that promised better prospects than Romania. Although there are no official figures regarding the number of the Roma immigrants, the “Roma issue” has been increasingly central to the public debates as it is considered to have a direct and negative impact on the hosting societies.

Thus, before the opening of the labour markets for the Romanian and Bulgarian workers on the 1st of January 2014, the negative media campaigns against the Romanian immigrants went hand in hand with those against the Roma. To name one, the British editorial Express titled on the 21st of December 2013: “*Roma countdown for a mass exodus to UK*”, referring strictly to “impoverished Romanians” who are “*counting the days before they can pack up*” and “*flood into the UK*”⁷⁵ for benefits tourism. Trying to defend Romania’s image, the Romanian Prime minister stated during a BBC interview that the issue of the Romanians who are travelling to Germany or the UK to take advantage of the social welfare system was “*a specific*

⁷⁵ “Roma countdown for a mass exodus to UK”, 21/12/2013

<http://www.express.co.uk/news/uk/449886/Roma-countdown-for-a-mass-exodus-to-UK>

situation of the Roma community”⁷⁶, implying thus that the non-Roma Romanian citizens migrate strictly for work-based reasons⁷⁷.

Striving to find a solution to the Roma immigration issue, Germany’s Interior Minister stated that this “*needs to be tackled at its source*”⁷⁸, requesting Romania and Bulgaria to boost their efforts to integrate Roma in their own societies in order to avoid a migratory exodus.

Another attempt to solve the Roma issue – but this time from the French authorities – was to forcibly deport the Roma ethnic group by paying them €300 and a plane ticket back to Romania. This, of course, was not a sustainable solution, but just a paid vacation, as the Roma returned to France as soon as they pleased. Justifying that “*France cannot accommodate all the misery in Europe*”⁷⁹, the country was highly criticised for its racial prejudices and inhumane policies against the Roma⁸⁰. The European Commissioner for Justice, Viviane Reding, defended the Roma people with numerous occasions, accusing the French government of electioneering by raising the Roma issue in order to divert attention from other salient issues.

Nevertheless, the French leaders vowed to veto Romania’s accession to Schengen, as this is seen as a last resort to control the entrants on their territory and to push Romania towards an efficient integration of its Roma communities.

⁷⁶ “Romanian PM: Benefit tourism is Roma problem”, 19/03/2013
<http://www.bbc.com/news/world-europe-21842317>

⁷⁷ To this regard, the next section of the thesis will further develop the causes and trends of the Romanian people’s migration.

⁷⁸ “Poverty Migration: Berlin Urges Bulgaria, Romania to Integrate Roma” 19/02/2013
<http://www.spiegel.de/international/germany/german-interior-minister-urges-bulgaria-and-romania-to-integrate-roma-a-884236.html>

⁷⁹ Statement made by the French Interior Minister Manuel Valls, quoted in “Romania vows ‘total cooperation’ on Roma”, 13/09/2012
<http://www.thelocal.fr/20120913/romania-vows-total-cooperation-on-roma>

⁸⁰ Amnesty International (2013) – “Told to move on: Forced evictions of Roma in France”, Amnesty International Publications

Indeed, despite implementing numerous strategies and having significant EU funds to solve this issue, Romania failed to prevent the mass migration of its Roma population. But how much can be done in this sense when Romania is one of the poorest EU member states, having the second highest risk of poverty after Bulgaria⁸¹ and *a minimum wage ten times smaller than the highest minimum wage in the EU?* (See Appendix 4)

The disordered transition to capitalism combined with deeply enshrined anti-Roma views are structural problems of the Romanian society that cannot be easily changed. While primary responsibility for action rests with the public authorities, it remains a recurrent challenge given that the economic and social integration of the Roma is a two-way process which requires, on the one side, a change in the mind-sets of the majority of the people, and on the other side, the willingness of the Roma people to integrate.

Therefore, although it is seen as a serious source of threat for the Western societies, the Roma malintegration in the Romanian society cannot be used as a valid reason for the Schengen rejection. There are numerous ongoing projects whose effects and improvements are to be seen on a long term. There is a need of sustained efforts and actions both at a national and European level.

Nonetheless, the Romanian authorities must take immediate and systematic action towards integrating the Roma in the labour market, as this will solve not only the country's issues at the EU level, but it would also bring substantial economic benefits and long-term economic stability⁸². Furthermore, joining the Schengen zone would actually contribute significantly to Romania's economic growth and sustainable development, which could thus reverberate in a better integration of the Roma people.

⁸¹ Eurostat News release: "At risk of poverty or social exclusion in the EU28" 184/2013, 05/12/2013 http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-05122013-AP/EN/3-05122013-AP-EN.PDF

⁸² World Bank – "Diagnostics and Policy Advice for Supporting Roma Inclusion in Romania", The World Bank Group, 28/02/2014

2.4. Romanian mobility

“We never accused any state for accepting our high-skilled workers. But in return, we would like it to be reciprocated when it comes to lower-skilled workers or the Roma. We could take the criticism, if at the same time we would be thanked for the money the Romanian state has invested in doctors and IT engineers”⁸³

One of the fundamental principles of the creation of the borderless common market was, from the very beginning, the freedom of movement of people. In this sense, the term ‘mobility’ has been wisely chosen to denominate the international migration of the EU citizens within the EU in order to help dissolving the remained social borders between the European peoples.

Nonetheless, these borders are now increasingly prominent as fears that the foreigners “take out” more than they “put in”⁸⁴ occupy a central place in the contemporary European debates, especially after the EU enlargement from 2004 and 2007. In this sense, the heated politicization and negative media coverage of the migration movements had an important role in vetoing Romania’s accession to Schengen.

Romania’s migratory potential combined with the supposed “permeability” of its borders was, as well, one of the key issues delaying the country’s entry in the EU⁸⁵. The presumed increase in the burglary rate coming along with the freedom of movement of the Romanians was a main reason of concern for the Western countries⁸⁶. Although before joining the EU the Romanians had restricted access to

⁸³ The President of Romania Traian Băsescu in “Roma are EU citizens too, Romanian President says”, 31/04/2014 <http://euobserver.com/social/122960>

⁸⁴ Dustmann, C.; Frattini, T.; Halls, C. (2009) – “Assessing the Fiscal Costs and Benefits of A8 Migration to the UK”, Centre for Research and Analysis of Migration, Discussion Paper Series, CDP No. 18/09

⁸⁵ Michalon, B. (2005) – “Dynamiques frontalières et nouvelles migrations internationales en Roumanie”, Revue d’études comparatives Est-Ouest 36, pp. 43-69

⁸⁶ Bonifazi, C., Okolski M., School J., Simon P. (2008) – “International Migration in Europe: New trends and new methods of analysis”, Amsterdam University Press, pp. 87 – 103

traveling and working abroad, the pre-accession period coincided with the highest numbers of Romanian immigrants. This phenomenon was mainly triggered by the fall of the communist regime and the mismanagement of the transition to capitalism, which strongly weakened the national economy and thus reduced the standards of living of the majority of the population.

At the beginning of the 1990s the main reasons for mobility were based on ethnical legacies (with significant flows to Germany or Hungary), brain drain in IT, mathematical and technical fields, international mobility of students and even small scale border trade businesses. As the new millennium approached, these migration patterns recorded some significant changes in terms of the professional fields, the destination countries and the scale of permanent migration. Despite the appearances, the number of Romanian citizens permanently settling abroad has actually recorded a gradual decrease⁸⁷. Also the most preferred destinations have changed, the top “attractions” being Italy and Spain.

Nonetheless, there has been a clear shift in the migration trends from ethnically motivated to work motivated migration. Although the national statistics do not fully reflect the extent of this phenomenon, it is clear that as soon as the Romanian citizens have been granted the permission to move easier within the EU, there has been a steady increase in the labour emigration. The main triggers have been the significant wage differentials between Romania and the EU15 countries (see Appendix 4) and a sharp reduction in the job opportunities due to economic restructuring processes. Indeed, the serious economic recessions from the recent years impacted as well on the rates of labour migration, but still this alternative of working abroad continues to be considered the best one, especially by the young generations of Romanian citizens. The latest population census⁸⁸ from Romania provides an overview of some

⁸⁷ Romanian National Institute of Statistics – “Statistical Yearbook”, various years
http://www.insse.ro/cms/files/Anuar%20statistic/02/02%20Populatie_en.pdf

⁸⁸ Romanian National Institute of Statistics - The 2011 Population and housing census – Final Results
<http://www.recensamantromania.ro/rezultate-2/>

important aspects of the population mobility and helps to assess better the actual extent and impact of the Romanian emigration. According to the final results of the census, the emigrants are predominantly of working age (between 20 and 44 years old) and there is a sharp decline of population (with 7.2% as compared to 2002).

Looking at the labour-oriented nature of emigration, the population decline impacts not only the country's demography but also its labour market and society. As to the destination country, the persons who were temporarily absent appear to prefer the same one as the population who was abroad for longer periods of time (over 12 months). The pre-EU accession arrangements between Romania and other countries – such as administrative arrangements for seasonal work (Germany, Greece) or for specific sectors (agriculture, construction in Spain and Italy) – combined with the cultural and linguistic affinities facilitated the labour migration of a large number of low and medium skilled workers⁸⁹.

If initially the Romanian labour migration was seasonal or it mainly consisted in circular movements for work and study reasons, this gradually changed into a real option for indefinite/permanent stay, mainly in Spain or Italy. Their destination is also closely linked to the migrants' level of skills and education: the highly skilled tend to head towards North (France, Germany, UK) where they get employed in fields like IT, business and social services, while those with medium or lower education tend to go southwards to work in agriculture, housekeeping, hospitality, construction, manufacturing and domestic care services.⁹⁰

Migration channels play as well an important role in the patterns and developments of the migratory outflows.

⁸⁹ Boswell, C.; Geddes, A. (2011) – “Migration and Mobility in the European Union”, The European Union Series

⁹⁰ Anghel, Remus Gabriel (2013) – “Romanians in Western Europe”, Lexington Books

The main channels encountered in Romania are:

- Migration through community and family networks (most commonly used, especially by the low and average qualified migrants)
- Legal migration assisted by private agencies (present since the beginning of the 1990s mainly in the construction or agricultural sector)
- Legal migration assisted by state agencies (international bilateral agreements)
- Direct/ non-mediated migration (used by the highly qualified workers)

Impact on the domestic society

In the Section 2.2 I have mentioned that the international migration proved to be, despite the allegations, a net contribution to the welcoming states. But what about the benefits for the sending state?

With regards to the financial benefits, in 2013 alone the Romanians were previsioned to have sent around USD 3.6 billion back to their home country, although this is less than the peak reached in 2010 with USD 4.9 billion⁹¹. The free movement contributed as well to the development of the country by transferring skills, “know-how” and enhancing the workers’ adaptability. Therefore, upon return, the highly skilled workers have a competitive advantage when searching for a new job.

Nonetheless, the negative effects of becoming the biggest provider of migrants in the EU are far heavier and complex than the positive ones. First of all, an alarming fact is that from 2001 to 2012 the number of Romanian immigrants temporarily residing in the EU countries increased almost eight times (from 0.3 million in 2001 to 2.4 million in 2012), which makes the Romanians the largest group of non-nationals living in the EU⁹².

⁹¹ “World Bank: Remittances sent home by Romanians abroad, flat at USD 3.6 bn in 2013”, 03/10/2013 <http://www.romania-insider.com/world-bank-remittances-sent-by-romanians-abroad-flat-at-usd-3-6-bln-in-2013/107414/>

⁹² European Commission (March 2013) - “EU Employment and Social Situation”, Social Europe, Quarterly Review, Special Supplement on Demographic Trends

Other important consequences concern the following issues:

- brain drain (outflows of highly skilled workforce and best performing students, mostly in the fields of IT, healthcare, technology)
- labour shortages, distorted wage demand
- deeper regional discrepancies, depopulated areas
- social problems caused by the segregation of families (mainly concerning the children left “home alone”: poor educational performance, delinquency, abuse or violation of their rights)
- remittance-related inflationary pressures

Although numerous associations and programs have been created to strengthen the ties with diaspora members and to increase their rate of return home, Romania continues to suffer from high unemployment rates (especially among youth: 22.40% in 2013⁹³), high in-work poverty and considerable lower wages than in the destination countries.

Taking into consideration that the migratory figures were very high while the transitional controls were still in place, the Western countries’ fears have been fuelled not only by xenophobic feelings but also by concerns of ever increasing economic competition and social dumping. Nonetheless, for the Romanian society, the “brain drain” consequence of liberalising the labour markets is as important as the large scale migration of the low-skilled and unskilled people. Therefore, due to the socio-economic discrepancies between East and West, Romania will remain a net migrant-sending country, with a low likeliness of return, at least in the short and medium perspective. Nonetheless, joining the Schengen area would have a positive impact on Romania’s economic development as it would have more credibility and openness on the international market, attracting thus more foreign investors and increasing the national labour demand.

⁹³ Romania Youth Unemployment Rate 2012
http://ycharts.com/indicators/romania_youth_unemployment_rate

2.5. Coupled accession with Bulgaria

“Both Member States could find no reason in either EU law or facts on the ground for the Schengen decision to be once more delayed.”⁹⁴

In this section I will analyse the extent to which Romania’s momentum of accession to the Schengen area is linked to the one of Bulgaria and Bulgaria’s influence in Romania’s delayed entrance.

In this long and politicised process of joining the Schengen area, Bulgaria stood by Romania’s side from the very beginning: they deposed joint declarations and they were evaluated simultaneously while they both tried to convince the Council that they are equally ready and capable to protect the common external borders and to fight against organised crime, corruption and illegal migration.

The two countries became members of the EU in 2007 and they were both expected to join the Schengen area in March 2011. Just like in Romania’s case, Bulgaria accession has been tossed around for years in the Justice and Home Affairs Council, being repeatedly postponed. Furthermore, Bulgaria has been targeted as well by the western political elites and the media campaigns against the “flood of Bulgarian and Romanian immigrants”. But before we rush to accuse the media and the populist discourses for Bulgaria’s rejection, we should take a look as well at the country’s efforts to become a member.

In January 2011, while Romania’s report for the Schengen accession was being adopted, Bulgaria had two technical reports postponed by the Schengen evaluation group. The two reports concerned the land border control and the Schengen Information System (SIS/SIRENE). In this sense, Bulgaria has been requested to

⁹⁴ Joint Declaration of the Republic of Bulgaria and Romania to the Minutes of the Justice and Home Affairs Council held in Brussels on 5-6 December 2013, Council of the European Union, Brussels, 14/01/2014

increase its efforts and to take additional measures towards avoiding a possible surge of migration pressure at its borders with Greece and Turkey⁹⁵.

Nonetheless, in June 2011, the Council concluded that both Romania and Bulgaria are prepared to fully apply the Schengen acquis⁹⁶, marking thus the end of the technical evaluation process. As we have seen in the case of Romania, a final decision towards fully integrating Bulgaria in the Schengen zone failed to come, both countries being blocked by the veto right used by a few member states.

Unlike Croatia, the newest member state of the EU, Bulgaria and Romania were both subjects to the special monitoring of the European Commission regarding the fight against corruption and the reform of the judicial system. The latest CVM report from January 2014 acknowledges that “*Romania has made progress in many areas since the previous CVM reports*”⁹⁷, while for Bulgaria the report concludes that:

*“Since the Commission's last report in July 2012 Bulgaria has taken a few steps forward. [...] However, overall progress has been not yet sufficient, and fragile.”*⁹⁸

If we make a comparative analysis of the two countries’ CVM reports, we can easily see that Romania has made considerably more progress than its neighbour. Although both are “invited” by the Commission to take more action against corruption, Romania’s report lacks an essential area for our analysis: the need to fight the

⁹⁵ Bulgaria and Romania ready to join Schengen, says Civil Liberties Committee, 02/05/2011 <http://www.europarl.europa.eu/news/en/news-room/content/20110502IPR18523/html/Bulgaria-and-Romania-ready-to-join-Schengen-says-Civil-Liberties-Committee>

⁹⁶ Schengen Romania Press Releases <http://www.schengen.mira.gov.ro/English/index09.htm>

⁹⁷ “Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism”, COM (2014) 37 final, Brussels, 22/01/2014

⁹⁸ “Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism”, COM (2014) 36 final, Brussels, 22/01/2014

organised crime. Adding up, Bulgaria needs to further reform its judicial system towards increasing its transparency, accountability and independency.

This is highly relevant for the accession to the Schengen area, as Bulgaria would have to defend some of the EU's most sensitive external border areas with Turkey and the Balkan states, which are infamous for their high rates of illegal migrants. In 2013 the detections of illegal migrants on the Bulgarian territory recorded a seven fold increase as compared to the previous year⁹⁹. Furthermore, the Western Balkans route was crossed by three times more illegal migrants than in 2012, the Hungarian border being put under a substantial pressure (see Appendix 5).

Due to the lack of trust in Bulgaria's capacities to defend Europe's borders, the country's membership in Schengen has even been compared to Greece's problematical participation in the Eurozone¹⁰⁰.

Even if theoretically Romania's momentum of accession is not tied to the one of Bulgaria, separating their accession would imply additional costs necessary to secure the border between the two states. Furthermore, a separation would be very difficult from the political point of view, as the two countries had several joint decisions and declarations in the process of joining the Schengen zone. Additionally, all the political discourses, debates and media releases are targeted towards a coupled accession of "Romania and Bulgaria".

Having thus the perspective of a joint accession of the two countries, I will further proceed to analyse the role played by the security concerns in the accession process of the two European states.

⁹⁹ European Commission – "Report from the Commission to the European Parliament and the Council – Fifth bi-annual report on the functioning of the Schengen area 1 Nov 2013 – 30 April 2014", Brussels, 26.05.2014

¹⁰⁰ "The Netherlands: We Don't Want to Decide Now and Regret Later, 24/09/2011"
["http://www.euinside.eu/en/news/the-netherlands-position-agains-bulgaria-and-romania-in-schengen](http://www.euinside.eu/en/news/the-netherlands-position-agains-bulgaria-and-romania-in-schengen)

2.6. EU's securitization

“Europe has to protect itself, and this is more important than people in Romania or Bulgaria traveling with a visa and having a border control.”¹⁰¹

In the previous sections we have focused our attention on the influence played by the internal micro-security concerns on Romania's accession to the Schengen area. Therefore now I will switch the perspective by having a short overview on the role played in this issue by the external security threats to the Schengen area, namely the increasing number of refugees and illegal migrants.

If until 2001, the Schengen system operated almost flawlessly across the European countries, the metaphysics of the “war on terror” have reanimated the logics of security. The intensification of transnationalism and globalization led to increased “non-traditional” and “de-territorialized threats”¹⁰² which made uncertain the meaning of security and created a constant need for vigilance.

Although the “macro-security” threats remain crucial for the safety of the European Union, a “micro-security” policy area has rapidly grown as the EU policy makers needed to respond effectively to the myriad of threats emerging from the privatization and multilateralism of the warfare. In this sense, the anti-immigration and asylum policies have been narrated as a measure of protection against the prospective threats to the social, political and economic security of the EU¹⁰³. The European integration process has played a central role in justifying this narrative¹⁰⁴: the corollary of the

¹⁰¹ Interview with the Anke Van Dermeersch, Belgian Senator, in “Schengen tightens up”, 23/11/2011 <http://rt.com/news/no-schengen-romania-bulgaria-179/>

¹⁰² O Tuathail, G (1999) – “De-territorialized threats and global dangers: geopolitics and risk society” in Walters, W. (2009) - “Europe's Borders”, C. Rumford (ed.) Sage Handbook of European Studies, London: Sage, pp. 485 - 505

¹⁰³ Nicholson, E. T. (2011) – “Cutting off the Flow: Extraterritorial Controls to Prevent Migration”, Issue Brief, Berkley Law Center for Research and Administration

¹⁰⁴ Huysmans, Jef (2000) – “The European Union and the Securitization of Migration”, Journal of Common Market Studies, Volume 38, pp. 751 – 777

gradual dismantling of the internal borders within the Schengen Agreement is that ever-stronger external borders are necessary for the protection of the common market. We can thus identify another paradox of Europe's borders: the dissolution of the internal boundaries is counterbalanced by an increased securitization of the external frontiers.

Following the intra-European as well as the external conflicts, asylum seekers have come to be perceived as a "threat in disguise", being thus supposed to be terrorists, criminals or simply economic migrants seeking to abuse the welfare system. What is worse is that EU's mutual trust and solidarity has been highly questioned starting the series of revolts in the Arab countries that pushed thousands of refugees to seek asylum on the Old Continent.

The complex system of sharing the responsibility for migration controls among the EU Schengen members has led to inconsistencies between the national actions and European responses face to the "waves" of asylum seekers. While some members had to bear a greater burden than others, some members' development and ability to meet the border pressure have made difficult the achievement of the common goal of preventing and combating the illegal migration. This was particularly the case of Greece, who has even been put under the probability of exclusion from the Schengen area due to the weak implementation of the Schengen acquis and thus, the high vulnerability of its borders in front of the migratory pressures¹⁰⁵. According to data provided by Frontex, in 2011 alone, 55 000 irregular migrants crossed the Greek-Turkish land border, representing an increase by 17% as compared to the figures from 2010¹⁰⁶. This posed serious threats to the security of the entire Schengen zone.

¹⁰⁵ See more in Council of the European Union (2012) – "Note from the Belgian, the French, the German, The Netherlands, the Austrian, the Swedish and the UK delegations on Common responses to current challenges by Member States most affected by secondary mixed migration flow", Doc. 7431/12

¹⁰⁶ Ibid.

Unlike in the case of the Eurozone, the Schengen cooperation does not have an inbuilt system of specific sanctions for the states that are not complying with the common rules. Hence, Greece's non-compliance with the Schengen acquis diminished the union's capacity to enlarge.

If we look at the Schengen map and we correlate the sudden increase in the migratory waves from 2011 with Romania and Bulgaria's intention to join the Schengen area, we can easily identify another explanation for their rejection. If Bulgaria and Romania would have acquired their membership in 2011 as it was scheduled, there would have been territorial continuity between Greece and the old Schengen members (see Appendix 5). Therefore, extending the most vulnerable border of Europe at a critical moment was certainly not the best solution to ensure the protection of the member states.

This justification is as well acknowledged – and blamed at the same time – by a study released in 2012 by the French think tank “Notre Europe”¹⁰⁷:

“The possibility of Romania and Bulgaria's accession to the Schengen area is in fact delayed because of the mistrust of certain States regarding Greece.”

Unfortunately, the world's biggest humanitarian crisis goes on and Europe continues to be a dream destination for the vast majority of refugees, despite its controversial methods to face the migratory waves. According to the EC, in 2013, the total number of irregular border crossings was 107 375, recording thus an increase of 48% as compared to 2012¹⁰⁸. The highest number of apprehensions was found in Greece, Italy, Hungary and Bulgaria. Taking a look at the number of illegal stays detected in

¹⁰⁷ Pascouau, Yves (2012) – “Schengen and solidarity: The fragile balance between mutual trust and mistrust”, Policy Paper - Notre Europe/ European Policy Centre, pp. 31

¹⁰⁸ European Commission – “Report from the Commission to the European Parliament and the Council – Fifth bi-annual report on the functioning of the Schengen area 1 Nov 2013 – 30 April 2014”, Brussels, 26.05.2014

2013, Romania recorded a decrease by 26% face to 2012, while in Bulgaria there was a significant increase by 96% (see Appendix 6).

Thus, Romania and Bulgaria's capacities to cope with the mass influx of illegal migrants continued to impact the coupled accession of the two countries to the Schengen zone. In this case we can see how, despite fulfilling the technical requirements, the neighbouring states and also the neighbours of neighbours have an active role in influencing Romania's state of play in the process of relocating Europe's borders. While trying to justify the latest decision to postpone the enlargement of the Schengen area, the European Commission's president, José Manuel Barroso, stated that the issue of the Schengen expansion "*intermingled with immigration issues, Lampedusa, foreign workers*" and that this is a dangerous mix which has to be dealt with great care in order to avoid giving "*a boost to extremist movements which would propel Europe in a dangerous direction*"¹⁰⁹.

All these evolutions sided by Romania and Bulgaria's issues with corruption and organized crime have led to high concerns regarding the safety of the Schengen zone if the two countries join the area. It is for this reason that their accession is still on the waiting list, three years after being declared technically prepared.

¹⁰⁹ "Bulgaria and Romania Disallowed Schengen Rights", 13/11/2013
<http://www.worldfinancialdigest.com/newsfeed/258-bulgaria-and-romania-disallowed-schengen-rights.html>

Chapter 3: Conclusions and recommendations

“A world without borders makes economic sense”¹¹⁰

The substance and meaning of the contemporary borders have significantly changed over the past decades, their complexity reacting to the identity of the individuals and thus producing different forms of access and rights. The process of European integration is, at its core, a project of Kantian peace aimed to turn historical enemies into eternal friends. After more than half a century of attempts to wipe away the borders between the European peoples, the physical “walls” have gradually disappeared but the social-exclusionist barriers appear to be higher than ever before.

The process of enlargement, while on a daily basis very much dominated by technical considerations, remains political in its essence and dependent on the willingness of the EU to loosen the borders. Whether individually or collectively, the EU member states can find ways and means to enable an outcome if that is seen as being in their best interests.

Like the Eurozone, the Schengen area is one of the most tangible symbols of Europe: being a Schengen member means being part of a secure region, an area of freedom and justice. Foremost, it is a symbol of mutual trust: ideally, each member state is certain that the others have the capacities to effectively implement and respect the rules agreed upon for securing the common area.

One of the first signs of mistrust breaching the Schengen cooperation regards the rejection faced by Romania and Bulgaria on their way to join the Schengen area. Although both candidates have fully met the technical conditions, there were several voices that opposed the accession of the two states.

¹¹⁰ Michael A. Clemens, senior fellow at the Center for Global Development, in “A world without borders makes economic sense”, 16/09/2011, <http://www.theguardian.com/global-development/poverty-matters/2011/sep/05/migration-increase-global-economy>

3.1. Key findings

The aim of this thesis was to analyse the legal grounds of the reasons invoked for denying Romania's accession to the Schengen zone. The fact that the Council refused and postponed the agreement, notwithstanding the positive results of the comprehensive technical evaluation, raised several concerns.

The first issue approached in my thesis was the corruption from the Romanian society, as it was the most widely used justification for vetoing the candidate's accession to Schengen. Having in hand the CVM reports signalling high levels of corruption, several delegations have refused to entrust Romania with the securitization of the external borders of the EU. Nonetheless, this criterion has not been previously taken into account to determine whether a candidate state meets the requirements to join the Schengen zone.

Shifting the grounds of the final decision from the technical to the political arena led, unsurprisingly, to an endless row of arguments against Romania's accession to Schengen. Caught in a vortex of international crises, Romania's process of accession has been highly influenced by the electioneering discourses of the Eurosceptic parties. As if Romania's image was not tarnished enough due to the corruption allegations, the exclusive-nationalist parties and the negative media campaigns against the Romanian migrants have played as well their role in postponing Romania's entry to Schengen. Although the Western countries have systematically accused the Romanians of practicing "welfare tourism", numerous reports have proven that the reality is quite the opposite: the migrants are net contributors to the finances of the host countries.

Central actors in the xenophobic debates against the Romanian immigrants have been the Roma minority who flooded the western societies and took advantage of their welfare systems. Being wrongly considered the 'homeland' of the Roma migrants, Romania has been openly blamed for its inefficient methods to integrate this stigmatized and impoverished ethnic group. Therefore, the Western political elites

have pledged to veto Romania's entrance to Schengen until this issue was solved. Indeed, the "malintegration" of the Roma people is a salient issue for the EU, but this is not a valid reason to reject Romania's entrance to Schengen. The nomadic lifestyle of the Roma population led to a general failure of the integration policies pursued along the years by the national administrations and by the EU. Furthermore, Romania has limited financial resources to deal efficiently with this issue and, in any case, an improvement is to be seen on a long term, after sustained transnational efforts.

Since the allegations of "benefit tourism" have been targeted towards the Romanian migrants in general, irrespective to their ethnic identity or profession, I have dedicated a section of this thesis to the analysis of the migratory trends of the Romanian citizens. The main findings are that the majority of the Romanian people migrate in order to find a better-paid job, aiming thus to improve their standards of living; they are predominantly of working age and thus, are net contributors to the host countries. Unfortunately, having one of the lowest wage levels in Europe and high risks of poverty, Romania is gradually losing its population, being a net migrant-sending country. Thus the main problem here is that if there will be no concrete measures to attract and retain its labour force, on a long term Romania's sustainable development will be severely impacted from both economic and demographical points of view. In this case, joining the Schengen area would actually be beneficial to Romania's development as it would attract more foreign investors on its market and would boost the labour opportunities.

Another factor that influenced Romania's state of play in the Schengen accession process was the connection with its southern neighbour, Bulgaria. According to my inquiries, the joint accession with Bulgaria delayed as well Romania's entrance, as its neighbour had significant issues with corruption at its borders and weak capacities to deter the access of illegal migrants on its territory. Since a separate accession of the two states would be very costly and politically difficult, it is most probable that the two countries will remain linked until the momentum of accession to Schengen.

One last explanation identified in my thesis for Romania's postponed entrance in the Schengen zone was the role played by the international context in securing the EU's borders. Europe's biggest humanitarian crisis coincided with Romania and Bulgaria's accession to Schengen. In this case, both Greece's and Bulgaria's failures to stop the waves of illegal migrants weakened the willingness to enlarge the Schengen area.

Thus, despite receiving official recognition for fulfilling the technical conditions, it appears that all the odds are against Romania in this process of "*non-accession integration*"¹¹¹. In this case, due to the high politicization of the accession, the "Schengen experience" turned to be a 'trauma' for the Romanian society rather than an incentivizing process to enact changes.

As long as a member state uses non-technical criteria – like the ones analysed in this thesis – to oppose Romania's entry to the Schengen area, then its accession remains basically impossible, as the final decision must be taken unanimously by the members of the Council. Nonetheless, any negative event can help identify the weak points of a system and this is why in the following pages I will provide several recommendations for both Romania and the European institutions in order to achieve a solution for this political blockage.

The mistrust signalled by Romania's delayed accession to the Schengen zone may be explained by two variables. Firstly, the opposing members consider that the *Schengen evaluation system* is not sufficiently rigorous, which means that Romania and Bulgaria should further reform their systems in order to fulfil the Schengen requirements on a real basis. Secondly, there is a concern that the existing *Schengen standards are not high enough* to cope with the migratory waves from the southern and eastern external borders of the EU. Therefore, based on my findings, the recommendations will be focused both on the reforms needed at the national level and on the changes needed at the European level.

¹¹¹ De Genova, N; Mezzadra, S; Pickles, J. (2014) – "New keywords: Migration and Borders", Cultural Studies, Routledge, pp.20

3.2. Recommendations for the Romanian administration

In order to remove any space for political interpretations, Romania needs not only to maintain and improve the technical standards necessary for becoming a Schengen member, but it also needs to reform the internal administration of the state.

At the moment, we could argue that entering the Schengen area will not impact too much on the daily lives of the Romanian citizens, as they are already “de facto” beneficiaries of the most salient aspects of the Schengen area. For them the main difference after the accession will consist in the exemption from having border controls. Plus, Romania’s wrinkled image resulted from the “Schengen experience” directly impacted the daily lives of the Romanian people.

Nonetheless, the advantages of being a member of the Schengen area are far more outreaching and significant for Romania’s long term development and international competitiveness. Therefore, the Romanian elites must take immediate measures that could push Romania’s development closer to the European levels. Indeed, there are several on-going national strategies aimed at improving the overall situation of the issues approached in this thesis, especially with regards to the fight against corruption, the integration of the Roma people and the return of the migrants. But the current situation points to the fact that there has been a simplistic reform approach, based mainly on capacity-related ingredients and planned solely to achieve quantitative results. The problem in this kind of strategies is that the already established social order is not changing, thus the superficiality and unsustainability of the reforms.

Therefore *Romania needs to change the tactics* and switch to a more qualitative, bottom-up approach that will create the necessary incentives for the behavioral change drivers, e.g. judicial associations, civil society organizations and media. Firstly, new political elites are needed to change the current state of politics which continues to reproduce corrupt and crony practices. Secondly, a key role is to be

played by active transnational dialogues that would enable the change-agents to learn from the best experts in their field and to discover the most efficient methods to reform. Thus, local and regional actions would have a faster and more sustainable impact than the top-down, elite-driven reforms.

Another possibility to guarantee a sustained progress is to ensure a mutual reinforcement of the reforms by creating complementary measures of implementation. In this sense, alternative mechanisms of dispute resolutions should be created in order to foster fair competition and rewards should be given in accordance with the capacity and impartiality of the agents.

The Romanian administration also needs to implement comprehensive codes of conduct for the elected officials, ensuring that proportional sanctions are used in the cases of conflict of interests and corrupt practices. The guarantee of having constant checks and balances - especially on the judiciary systems – should further contribute to the establishment of a critical and reactive mass, entailing thus the envisaged sustainable change. A successful reform strategy is as well dependent on an impartial top-down presence – particularly with regards to grassroots monitoring. In this case, I consider that the EU should maintain the CVM reports in order to further incentivize the Romanian governance to eradicate the corruption. Furthermore, the monitoring should be complemented by immediate action when there is evidence of corruption. The presence of grassroots investigators would be of great help, specifically with regards to the deployment of the EU funds and the securitization of the borders.

As for the *integration of the Roma people*, the Romanian society must realize that their inclusion would be beneficial for the whole nation, from both social and economic points of view. In this regard, there must be a constant mutual support, participation and engagement in both directions towards combating the prejudices and the stereotypes. Thus, effective policies must aim to include and intertwine the existence of the Roma people with the rest of the society, so as to avoid their prevailing exclusion.

Therefore some key policy measures that could be taken by the Romanian administration should include the following:

- ✓ incentivize school attendance, ensure continuity between primary and secondary education
- ✓ guarantee equality of access to public services, especially education, healthcare, security and social housing
- ✓ create minimum services and infrastructures to ensure dignified life conditions
- ✓ actively involve the Roma people in the activities and dynamics of their neighbourhood
- ✓ provide adequate support and mutually beneficial interaction in order to avoid the ethnic concentration of the Roma in segregate locations
- ✓ make sure that all the Roma people are recorded in the local administrations and have identification documents
- ✓ keep a criminal record of the Roma minors accused of robbery and help them to integrate in the society by actively involving them in compulsory educational programs
- ✓ provide vocational training and ensure non-discriminatory access to the job market
- ✓ closely monitor and report on the implementation of the integration policies and customize the policies according to the practical needs
- ✓ maintain close cooperation and continuous institutional dialogue in order to evaluate the impact and progress of the integration strategies

With regards to the massive *workforce migration*, Romania should have in sight two main points: the first one would be to *stimulate the return* of the people that already left the country; the second one would be to create the necessary incentives to *prevent* its population from massively emigrate to the Western societies. As the solutions of these issues are highly dependent on the overall economic development of the country, the most pragmatic measures would consist in supporting the returning entrepreneurs, attracting foreign direct investments in Romania and increasing the information regarding the opportunities on the national labour market.

Following on this idea, *Romania's image* plays an essential role not only in joining the Schengen area, but also in preserving the national labour force and attracting foreign investors. Therefore, while overcoming its structural problems, Romania needs to improve as well the branding of its image. The main reason for which Romania has such a shameful image abroad is the lack of *communication*. Being too much preoccupied with the EU reports, corruption and the economic crisis, the Romanian government overlooked the importance of promoting the advantages hidden in the country. Despite the political controversies, Romania has vast agricultural resources, amazing landscapes and, most of all, hard-working and openhearted people. The reply given by the “Gândul”¹¹² editorial to the British ‘*anti-Romanian migrants*’ campaign obtained 87 million media views, raising €2 million, although it had no start-up budget. The success of this campaign proved how easy it is to promote Romania’s positive aspects if there is enough motivation to do this.

Romania has a high potential and it is about time to turn on the engines of reform and to start acting in accordance with its acquired status of ‘*Member State of the European Union*’.

¹¹² “Gandul: Why don’t you come over?” 29/01/2013
http://adsoftheworld.com/media/online/gandul_why_dont_you_come_over

3.3. Recommendations for the European administration

The main culpability of the European administration was to fail meeting the expectations raised with regards to Romania and Bulgaria's accession to the Schengen area. In this sense, the uncertainty resulted from the absence of a public document that could justify Romania and Bulgaria's postponed accession to the Schengen area has proven to be far more damaging than expected. The inability to adopt a formal decision highlighted signs of mistrust and divisions among the members of the Council. Perceiving Romania as a 'second-class' member state of the EU has negative reverberations not only on Romania's image, but also on the overall concept of European integration which aims for "unity in diversity". The incongruities between the EC and the Council also point to an urgent need to overcome the internal mistrust in the EU institutions.

Therefore, with regards to the Schengen accession process, a key element in building and maintaining the trust between the member states lies in the *technical securitization of the external borders*. The member states must be ensured that the border security standards are high enough to protect the internal area and that the technical evaluation is taken with utmost accuracy and objectivity. This could be achieved by regularly publishing the monitoring reports which would be a transparent and open way of publicly analysing whether a state is indeed ready to become a guardian of the external borders of Europe. Thus, the politicization of the Schengen accession process would be easily avoided and the candidate states would know precisely what areas need to be improved. Another measure would be to enhance EU programs that would assist the frontier regions along the prospective borders of the Schengen area, ensuring both operational and financial support to deal with the illegal immigrants and asylum seekers, especially in the case where member states encounter difficulties in managing the external borders.

As to what regards the perceived micro-security threats that Romania's entrance to Schengen might entail, I consider that the Western states that have problems in

dealing with the Romanian organized crime networks should boost the policing in the areas with the highest criminality rates and keep a closer cooperation with the Romanian police bodies. Although there are voices that demand the re-enactment of the internal border controls and the restriction of the freedom of movement, this alternative would only increase the social divisions and economic disparities within Europe. Acting in the logic of economic integration in the EU, the states must find a way to act collectively for the sake of the common good and common interest, despite the differences that may occur between the individual preferences of the member states. It is already widely known that on a long term, the EU's economic stability and development is dependent on the international mobility of the workforce.

Therefore, an effective solution for the current issues caused by the intra-EU '*migratory waves*' must be thoroughly planned at the supranational level in order to address the roots of the problems and reverse the negative trends. One main step would be to reform the national social models towards having homogeneity across the European welfare systems and social policies. Thus, the abuse of the free movement rights could be prevented by disseminating the best practices between the member states. A good example in this case is represented by the Scandinavian countries which were able to find flexible and effective strategies in dealing with the "benefit tourism", unemployment and public deficit. As learning from the best is always a good idea, I consider that the EU member states should proceed with pooling the sovereignty to the supranational institutions in order to have homogeneous social systems across the whole union. This would fix the national differences that create push and pull factors for the "benefit tourism" and would further diminish the social barriers between the European peoples.

Another key aspect in dealing with Europe's rising welfare expenditures and aging population is to find an effective method of integrating the Roma people. With this regard, there must be a shift in the perception of the Roma 'as a problem' towards perceiving the Roma integration challenge as an economically smart choice to make. Indeed, on a short term basis, the key measures that could be taken to deal with the

main problems caused by the Roma immigrants in the western societies would be to ensure the daily security of the citizens and to take the necessary legislative measures to prevent the abuses of the social benefits. But from a long term perspective, Europe must be aware that, unlike the ageing population of the Old Continent, the Roma communities have a high fertility rate and a majority of young people. Therefore it is imperative that the EU invests in turning the Roma people into a reliable labour force by providing financial and social support focused primarily on education and equality of opportunities.

If generally the European integration process, including here the Schengen cooperation, has been a '*sui generis*' process, I consider that this should change in order to have a thoroughly planned and inclusive view over the EU's future development. The EU is widely expected to improve the clarity and efficiency of its actions and policies and this can only be achieved through a deeper integration of the member states. This inextricably entails the restructuration of the decision-making process by further pooling the national sovereignty to the supranational level in order to enable the EU institutions to create cohesion and homogeneity across the whole union.

If we take an overall look at the above recommendations, we can clearly see the solution that encompasses all of them and would ensure a transparent and efficient functioning of the system: a European Federation. This approach would involve the delegation of Europe's external border controls to a supranational intelligence agency, the creation of a European border police as well as more democratic and judicial accounting in the decision-making process. Only a unified, solidary and fully integrated Europe is the best way ahead in overcoming the surmounting multifaceted challenges.

Final remarks

I have written this thesis with great passion and interest to find out the outcome of my investigation. By analysing the official reports and declarations concerning Romania's state of play in the Schengen accession process, I have systematically examined the validity of the reasons used to explain the postponed entrance.

The findings of this research point to the fact that although Romania has been a member of the European Union for more than seven years now, the state still has difficulties in becoming a fully-fledged European state. While trying to fulfil the technical requirements to join the Schengen area, Romania lost from sight the need to improve the structural problems of its society. Ever since the fall of the communism, Romania struggled to dissolute the endemic corruption recurrent at all social levels but failed to achieve the expected results. Indeed, significant progress has been made, but this was not sufficient to raise the national economy at the 'European' levels. It is for this reason that nowadays the state has major issues not only with integrating the Roma minority, but also with retaining its skilled labour force, which is leaving from Romania in a quest to improve their overall standards of living. Therefore, despite the elitist Western discourses concerning Romania's accession to Schengen and the resulted tarnished image, I consider that this is a predictable consequence of the populist practices of the Romanian governance. The lack of qualitative reforms as well as the internal political struggles reverberated onto the overall weak development of Romania as a European country. Indeed, a world without borders makes economic sense, but for this all the participants in the free movement area should have an equal level of economic development; otherwise this can turn out to be harmful for both sides.

Although the process of joining the Schengen area turned to be a 'trauma' for Romania, I consider that this should rather be considered as a 'wake-up call' and a 'push' factor to change the country's remote image of "second-class" Europeans. For this Romania needs the presence of a renewed political class that could break the

country's legacies with its communist past and implement the necessary structural reforms. Moreover, the civil society must step out of complacency and push the political elites to change the current clientelistic system. It is imperative that this happens in the nearest future, until it is not too late to save the country from a potential bankruptcy. Romania needs to reverse the current trends and to turn its weak points into strengths, its threats into opportunities. I know that this might sound big, but not impossible. I consider that in spite of the bad image that Romania has abroad, Romanians do love their country and they would gladly return to their homeland if they were assured of having good career opportunities.

I am one of those many Romanian students who had the chance to study abroad and will return home in a quest to make a change, to bring an improvement to their country. I do trust that with sustained efforts and strong determination, a new generation of highly skilled citizens will disseminate the best elements of the developed countries onto the Romanian society and work to bring the envisaged change in Romania's state of play on the international arena.

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Therefore it has been a pleasure to write this thesis as it provided me with the opportunity to apply the theoretical knowledge gained from all the four modules approached throughout the academic year.

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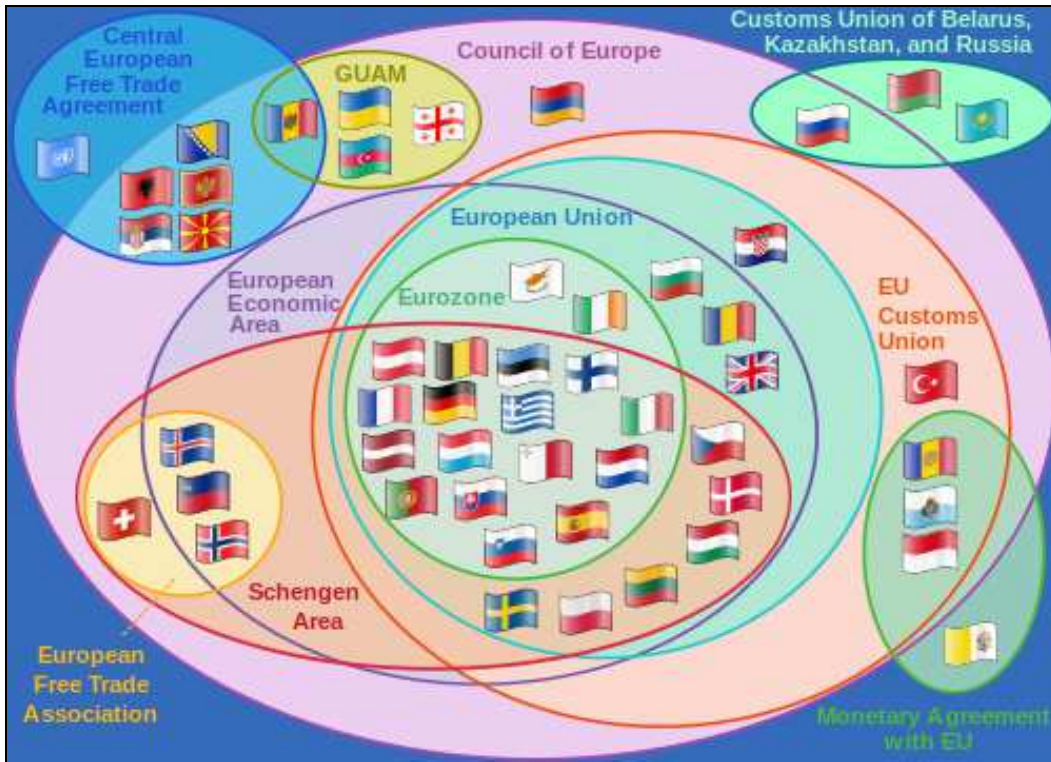
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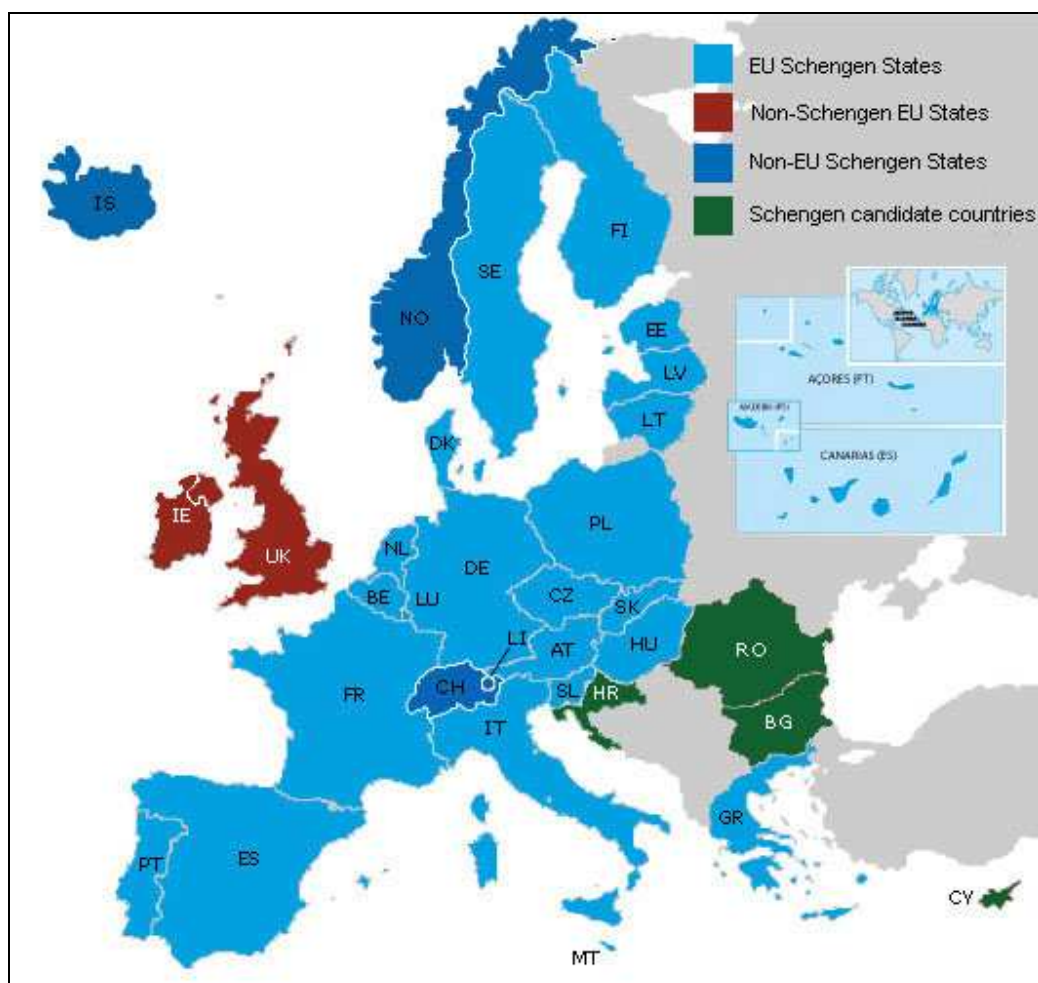
Appendix

Appendix 1: Europe's borders



Source: http://www.zerohedge.com/sites/default/files/images/user5/imageroot/images/800px-Supranational_European_Bodies.png

Appendix 2: Map of the Schengen Area



Source: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen/index_en.htm

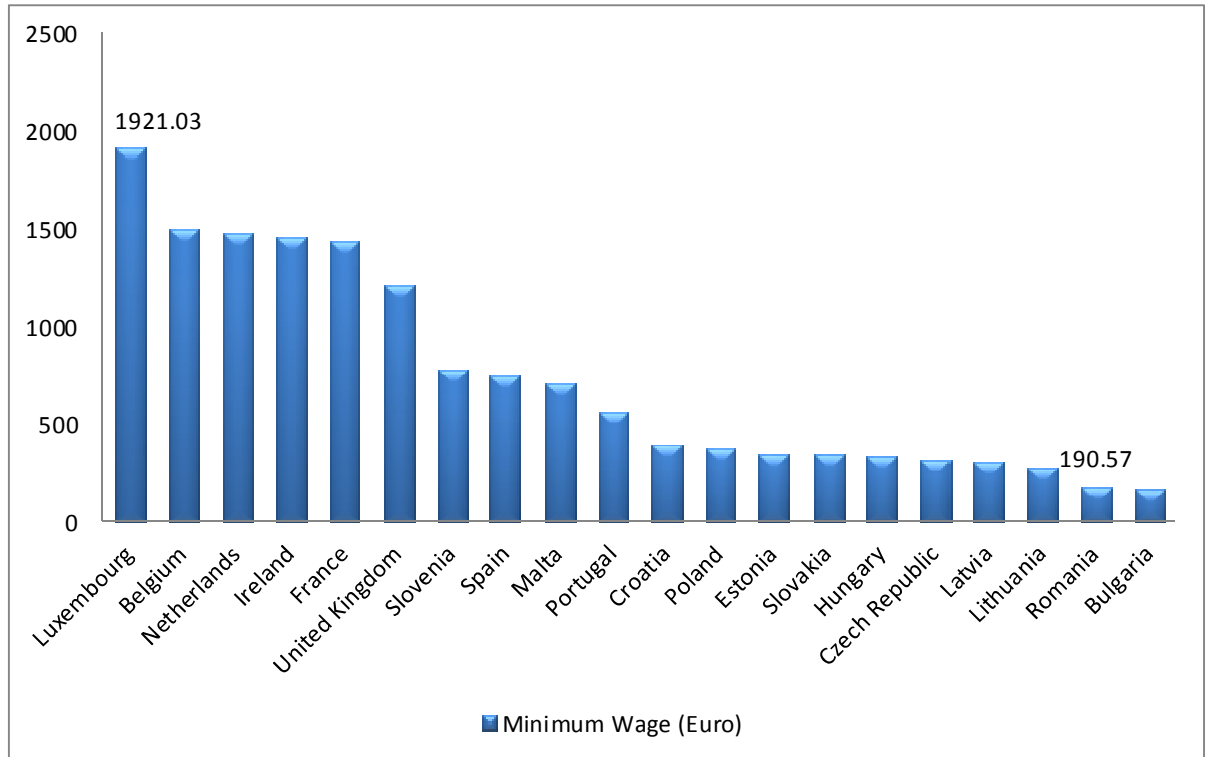
Appendix 3: Romania's borders

	Km	%
<i>EU member states</i>	1 079.3	34.2
Bulgaria	631.3	20.0
Hungary	448.0	14.2
<i>EU external border</i>	2 070.6	65.7
Moldova	681.3	21.6
Ukraine	649.4	20.6
Black Sea	193.5	6.1
Serbia	546.4	17.3
Total	3 149.9	99.9

Source: Papadimitriou, Dimitris; Phinnemore, David (2008) – “Romania and the European Union: From marginalisation to membership”, Routledge, pp. 125

Appendix 4: Minimum Wage in the EU Member States

National minimum wages expressed in Euro per month before deduction of income tax and social security contributions



Source of the data:

http://epp.eurostat.ec.europa.eu/portal/page/portal/labour_market/earnings

Last update: 14/06/2014

Appendix 5. Annual detections at Greek-Turkish border (sea and land) and subsequently en route from Greece to other Member States through the Western Balkans



Source: Frontex – “Western Balkans Annual Risk Analysis 2012”

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