

Eleventh Annual International Academic Conference on European Integration

BORDERS: IMAGINED OR REAL



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BORDERS: IMAGINED OR REAL

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Table of Contents

Robert C. Hudson, Ivan Dodovski and Marina Andeva Introduction	7
PART ONE: MIGRANTS AND REFUGEES AT THE GATES: THE EU AND RIGHTS TO ASYLUM	
Zlat Milovanovic Refugees at Real Borders: Legal and Policy Issues	17
Sara Al-Bander, Marina Andeva and Veno Pachovski Reluctant Acceptance or Strong Refusal: An Analysis of the Treatment of Current Migrants in Europe.....	31
Marija Veljovska Kondovska and Aleksandar Kitanovski European Migration Policies and the Rights of Asylum.....	51
Jeremy Cripps Border Agency for Security in Europe	61

**PART TWO: CULTURE AND IDENTITY: MINORITIES,
SELF-DETERMINATION AND REFUGEES FROM
A HISTORICAL PERSPECTIVE**

Natalija Shikova

Internal Aspects of the Right of Self-Determination:

An Alternative to Secession..... 81

Robert C. Hudson

Language, Culture and Identity in the Borderlands:

The South Slav Communities of Hungary, from 1949 to the 1990s..... 97

Immaculada Colomina Limonero

Unaccompanied Minors Crossing Borders:

An Historical Overview of the Second World War 117

**PART THREE: FAULT LINES IN THE POST-COMMUNIST WESTERN
BALKANS: POLITICAL CULTURE, ECONOMY AND WELL-BEING**

Stevo Pendarovski

Fault Lines of Political Culture in Europe:

Vibrant Legacies from the Past 127

Kaloyan Simeonov and Rossitza Petkova

EMU Enhanced Integration and the Challenge of a “Two-Speed Europe”

for the Western Balkan Candidate Countries..... 143

Maja Korubin Kjorluka

Openness to Experience and Subjective

Well-Being among University Students in Macedonia..... 155

About the Authors 167

Introduction

Robert C. Hudson, Ivan Dodovski, Marina Andeva

This volume is made up of selection of peer-reviewed chapters originally presented at the 11th international conference entitled: “Borders: Imagined or Real” which was held in Skopje on 21 May 2016. The main goal of the conference had been to provide an in-depth examination of the concepts of borders which over the years have been shown to have a strong presence and impact upon European societies, particularly with regard to their development and growth. Certainly, from a European Union perspective it cannot be denied that cross-border cooperation is one of the key phenomena that both characterizes and influences the current process of European integration. As such the conference sought to raise an awareness of the importance of the study of borders, and whether or not they are driven by territoriality or by government policy, through an investigation of their dynamic structures and elements. The conference also sought to explore new and alternative scenarios in the shaping and visualization of borders set against the concept of European integration from a critical and forward-looking perspective.

Various questions were raised. How have old and new borders affected the European continent? What are the challenges to regional, cross-border and trans-border cooperation in Europe; and, how do open and closed borders, impact upon free movement, migration control, and the future of the Schengen Agreement? These are some of the issues addressed in this book, which also included chapters on border security and management; dealing with social, ethnic, linguistic and religious boundaries within Europe; as well as considering the historical, philosophical and cultural perspectives that surround the very concept of borders.

The chapters were written against the backdrop of a number of serious issues confronting Europe at the time; particularly, with regard to issues affecting the economy, migration and the steady rise of right-wing populism, on the eve of the Brexit vote in the United Kingdom, and the emergence of the Trump phenomenon as the United States was gearing up to the Presidential elections. The rise of right-wing populism has since been played out in Austria, France and the Netherlands as those countries began preparing for their own forthcoming elections. Furthermore, the continuing conflicts in countries such as Syria and Iraq had resulted in steadily

increasing flows of migration into South Eastern and Central Europe throughout 2015 into 2016, which had caused the worst refugee crisis in Europe since the end of the Second World War, and had seriously impacted on cross border cooperation across Europe and the closing of frontiers that threatened the continued existence of the Schengen agreement of 1995.

As such our book is made up of ten chapters and divided into three parts. The first part is entitled “Migrants and Refugees at the Gates: The EU and Rights to Asylum”. The second part concentrates on “Culture and Identity: Minorities, Self-Determination and Refugees from a Historical Perspective”, and the third part is dedicated to “Fault Lines in the Post-Communist Western Balkans: Political Culture, Economy and Well-Being”.

Part One: Migrants and Refugees at the Gates: The EU and Rights to Asylum

The year 2015 witnessed the biggest migration into Europe since the end of the Second World War, with the entry of over a million migrants and refugees into the European Union and EU aspirant states. Our first section on migrants and refugees at the gates opens with a chapter by Zlat Milovanovic in which he considers the current crisis confronting refugees crossing borders across Europe from the perspective of international law. Milovanovic analyzes the crisis from three perspectives: firstly, by offering an overview of the ways in which international law may be applied to refugees; secondly by looking at the role played more specifically by EU law and policies; and thirdly by reviewing some of the problems encountered in the application of law to refugees coming into Europe, particularly with regard to the impact of the conflicts in Syria, Iraq, Afghanistan and Eritrea. By way of conclusion, Milovanovic proposes a number of potential solutions in a bid to overcome the current refugee crisis by restoring some normality to the situation. Ultimately, Milovanovic argues that there can be no solution to the current refugee crisis in Europe until a political solution to the conflicts in Syria and Afghanistan has been found.

In the second chapter, Sara Al-Bander, Marina Andeva and Veno Pachovski focus on the treatment of current migrants in Europe by member states of the European Union. Here migrants and refugees may be accepted only very reluctantly if not actually encountering an outright refusal to gain entry into a specific European state. This chapter particularly demonstrates how the “push” and “pull” factors of migrants and refugees affect the authorities of individual member states in reaching their decisions on granting entry. Of course, one of the key problems lies in the definition of refugee or asylum seeker status as opposed to falling into the category of economic

migrant. This apparent nuance was amply and poignantly witnessed by this editor in the United Kingdom in the 1990s and early 2000s in his work as a consultant and ‘expert witness’ in over fifty asylum seeker cases from Bosnia and Hercegovina and Kosovo in their tribunal hearings against the UK Home Office. Furthermore, the authors acknowledge that state signatories of the 1948 Universal Declaration of Human Rights and the 1951 Refugee Convention are obliged to grant asylum status to refugees and cannot deport them to a place where their liberty and life might be placed in danger. The authors provide six European Union member states as case studies of different attitudes towards migrants; these are: Germany, Austria, Poland, Hungary, Slovakia and Slovenia. Whilst Germany and Austria may be perceived as the “promised land” for migrants, Poland and Hungary have vehemently been opposed to migration on cultural, xenophobic and religious grounds. By contrast, Slovakia and Slovenia serve as good examples of “non-target” countries, and therefore have little influence in shaping the overall migration policies of the European Union. Meanwhile, lurking in the background is the growing rise in popularity of populist, far-right parties across the European Union.

In the third chapter in this section on migrants and refugees, Marija Veljovska Kondovska and Aleksander Kitanovski address the current migrant crisis which has particularly impacted upon South Eastern Europe. The authors argue that the current migration and refugee crisis has posed one of the greatest challenges the European Union has as yet had to face in the fifty year period since the signing of the Treaty of Rome (1957). Furthermore, the exponential increase in numbers over the past two years has put at risk the whole issue of free movement, which constitutes one of the fundamental rights of citizens in Europe. Veljovska Kondovska and Kitanovski analyze this crisis from the perspective of European migration policies and the right of asylum and demonstrate what they consider to be the near or complete failure of these policies and how EU member states which had once fought so hard against those borders that had excluded them from full European integration were now rushing to raise those borders again. The authors argue that whilst the European asylum system is an advanced regional framework that provides protection for refugees it nevertheless lacks the mechanism to distribute responsibility fairly among the EU member states. The authors go on to explain the development of EU policy on asylum and discuss the right of asylum before demonstrating how the current crisis has created a dysfunctional system. Ultimately, given the inadequacy of a common EU asylum policy, there is a need to make a more harmonized and cooperative approach to the system for accommodating and processing asylum seekers. At the end of the day, the authors advocate the need for more solidarity across the European Union. Indeed, if free movement across the Union has been a prerequisite for

building solidarity between the people and governments of the different countries that make up the EU, one wonders how the forthcoming “Brexit”, the impending exit of the United Kingdom from the EU, will impact upon this situation.

In the last chapter in this section on “Migrants and Refugees at the Gates” Jeremy Cripps takes a rather different position on the current migrant crisis by considering the management of borders in Europe with a view to improving European security in the face of terrorism, disease, sedition and other criminal activity. The focus of his chapter is on the major problem area of borders in Europe. Namely, the porosity of borders, which is to be found within national borders and particularly along the international borders of Europe. Citing Ronald Reagan, Cripps argues that: “A nation that cannot control its borders is not a Nation” adding that the recent terrorist attacks in Europe remind us of an urgent need for improvement in the border management of Europe and that a much stronger form of Border Agency is now required to satisfy the legitimate demands of those who are legal residents of the European Community. In his conclusion the author resorts to that wise old English adage: “Good fences make good friends”.

Part Two: Culture and Identity: Minorities, Self-Determination and Refugees from a Historical Perspective

The second section of the book opens with a chapter by Natalija Shivkova on the “Internal Aspects of the Right of Self-Determination: An Alternative to Secession....” The author demonstrates that the problem of self-determination is not new and that we continue to be confronted with these issues once again in several regions of conflict in the world, such as Ukraine and Palestine. Nevertheless, the road to external self-determination does not always arise from conflict. Witness, for example the Velvet Divorce between Czechia and Slovakia on 1 January 1993.

The issue of the internal aspects of the right to self-determination is obviously very alive today, as is demonstrated by the current situation in the UK where in the aftermath of regional devolution in Scotland (1 July 1999) and the Scottish independence referendum (18 September 2014) a democratic path for separation and independence from the United Kingdom is again being sought in Scotland, with calls for a second Scottish referendum, exacerbated by the results of the UK European referendum on 23 June 2016. Scotland had voted to remain in Europe, as had Northern Ireland. Meanwhile, a desire for separation from Spain has long been expressed in the Basque Country and Catalonia, where there is little prospect of achieving this through democratic procedures and standards. The crux of Shivkova’s argument is that the right to self-determination should not only be seen as a way to

gain and obtain a new independent state (the external form), but rather that internal aspects of the right to self-determination should be seen as a model for the protection and self-realization of a certain community within an existing state (the internal form). It is this internal self-determination which can bring real power to a given community without the need to secede from a larger multi-cultural state. The author considers the different tools for realizing internal self-determination and different systems of power sharing, such as Lijphart's 'consensual democracy', or effective participation through free and fair elections. She also refers to the 'special rights of representation' as a means of overcoming any ethnic imbalance in the political or social sphere of a country, and 'polytechnic rights', such as language rights and educational rights. The upshot of her argument is that the realization of internal aspects of the right to self-determination of the people can decrease the pressure for secession. She adds that internal self-determination does not necessarily provide the "magic cure" in every case and demonstrates how conditions on the ground make the application of specific tools impractical for internal self-determination, using Bosnia and Hercegovina as an example, where the current power-sharing system sometimes blocks institutional functioning. She also refers to the existence of enclaves in Kosovo as an example where internal self-determination is failing to accommodate separate group interests, whilst by contrast, there are positive examples from Canada, Switzerland, Slovenia and Northern Ireland.

Continuing with the theme of cultural identities and ethnic minorities in Europe the next chapter by Robert Hudson investigates the language, culture and identity of the South Slav communities of Southern Hungary through the prism of a collection of short stories and folk tales published in 'Serbo-Croat' for children by the journalist and writer Mara Stevanović. The focus of this chapter is on the mental and physical space of the "South Slav"-speaking communities in the socialist period and its aftermath in Hungary, in what was essentially a borderland region. In passing, it should be noted that the South Slav community always seemed to be affected by the Hungarian state's external relations so that, for example, the Magyarization of the Slavonic-speaking minorities was particularly encouraged after the Tito-Stalin split of 1948, when teaching in the Hungarian language increased in the South Slav minority schools as minority groups went into sharp decline. After the Soviet invasion of Hungary in 1956, "unreliable elements" were purged from national minority organizations. However, in 1960 the Hungarian government gradually shifted towards actively supporting its sub-state national minorities by providing active legal support for the development of minority culture and education. By 1975 the Kádár regime went to great lengths to support minority language education at all levels as the Hungarian ethnic minorities were seen as a "bridge between countries". This was

in the spirit of the Final Act of the Conference on Security and Cooperation held in Helsinki that year, when the Hungarian government engaged with the human rights protection that was now being afforded to ethnic minorities by the Helsinki agreement. The authorities now went to great lengths to support lesser-used language education at both elementary, secondary and higher education levels. These developments coincided with the publication of Stevanović's book *Nebo bez oblaka* (*Cloudless Skies*) and indeed the 1970s and 1980s can be seen as a "golden age" for the Hungarian South Slav community in a period when Hungary became a model for its treatment of ethnic minority groups for neighbouring Czechoslovakia, Romania and Yugoslavia. Ultimately, the wars of Yugoslav secession that took place to the south of the Hungarian border between 1991 and 1995 would completely fracture the South Slav community in Hungary, which would be shattered into separate Serbian, Croatian and Slovenian entities.

Considerable concern has been expressed recently over the exponential increase in the numbers of unaccompanied minors travelling alone, crossing borders and seeking refuge in foreign countries. However, as Immaculada Colomina Limonero points out in the next chapter, this is not a new phenomenon and many examples of this can be found throughout history. As such the author provides historical examples of minors crossing borders during the Second World War period, focusing on refugee children from the Spanish Civil War and Finnish children being evacuated in the face of Soviet invasion and occupation of Karelia, before considering the ethical and moral debates surrounding child refugees which led to the UN Declaration of the Rights of the Child in 1959. Limonero explains that the actual experience of mass evacuation and the reality of separation from family, accompanied by a sense of abandonment might often cause deeper psychological damage to minors than the traumatic effects caused by witnessing violence in armed conflict. The author argues that ultimately a knowledge of the historical debates concerning children and an analysis of how their departure and return were managed may provide lessons on how we deal with Europe's current migration crisis.

Part Three: Fault Lines in the Post-Communist Western Balkans: Political Culture, Economy and Well-Being

The third section of this book opens with a chapter by Stevo Pendarovski which focuses on the post-Communist transition in Eastern Europe and how vibrant legacies from the past have impacted upon the fault lines of political culture in Europe. In this chapter, Pendarovski demonstrates how twenty-five years after the fall of communism in Macedonia, the fault lines between the Republic of Macedonia and

the so-called winners of the post-communist transition are still tangible, given that the imprint of socialist values and attitudes continue to linger. Pendarovski considers this to be of great importance, given that all the available evidence demonstrates that political culture is crucial to understanding the economic performance and political stability of individual states. Pendarovski argues that some post-communist countries have been less successful in building “the moral infrastructure of democracy” due to resilient democratic values deficit which has partially resulted from lingering political and economic attitudes from the past. It is generally accepted among political scientists that successful democratization depends not only upon the visions of political elites, but also on the behavioral preferences of ordinary citizens. To this end, the author has factored in the findings of a survey which he conducted among a group of students from the Republic of Macedonia; a sample of citizens who had not been born during the socialist period. The results quite clearly demonstrate that those economic and political values of a previous era remain in Macedonia to this day.

After decades of European integration, it has become quite clear that the EU is some distance away from being a homogenous entity as large disparities exist among member states whilst the differences in economic development across the Union are clearly growing. Kaloyan Simeonov and Rossitza Petkova address this issue in their chapter on EMU enhanced integration and the challenge of a “two-speed Europe”. Here, the focus is on the Western Balkan candidate countries, and in their chapter the authors address the following related questions: Does current EMU enhanced integration mean that EU candidate countries such as Macedonia and Serbia will not gain entry into a “first class” economic membership of the European Union; and, can the challenge of the potential establishment of a “two-speed Europe” be turned into an opportunity for the Western Balkan candidate countries to speak with one voice? In their conclusion to this fascinating chapter, the authors advise exercising caution in the creation of a more flexible EU for fear that if this were not carried out correctly, it could eventually result in the breaking up of Europe. Instead of a “two-speed Europe”, two separate Europes might emerge. By contrast, if applied correctly, the challenge of going down the “two-speed Europe” route could be turned into an opportunity for the new member states of Bulgaria, Romania and Croatia, as well as for all the Western Balkan countries. Ultimately, these states would be able to speak with one voice in defence of their priorities and interests. But, what a difficult choice to make and one wonders how, with “Brexit” looming imminently at the time of writing, the eventual exit of the United Kingdom from the European Union will impact upon both the European Union in general and the Western Balkan candidate countries in particular. We live in uncertain times.

The interest in studying subjective well-being, happiness, quality of life and related phenomena has been gaining more attention in recent years within the discipline of psychology, and the final chapter in this book investigates the relationship between personality factors of openness to experience and subjective well-being. Maya Korublin Kjorluka, the author of this research has conducted her experiment on a sample of 209 first year undergraduate students from the University of Sts. Cyril and Methodius in Skopje, and the results of her research demonstrate that as openness to emotions increases, so happiness will also increase, whilst as an openness to values increases, happiness will decrease. In her conclusion, Kjorluka argues that the challenge for future research in this field would be an understanding of the dynamic processes that lie behind the connection between separate sub-factors of openness towards experience and subjective well-being. A study of such processes could help psychologists to understand better what makes individuals with a high level of openness towards emotions feel happier, and why those with a lower level of openness towards values feel less happy than others.

These are consequential times in which Europeans are currently facing major challenges such as: terrorism and immigration, to say nothing of the turmoil in the Middle East. Meanwhile, the rise of populism, the potential and imminent impact of “Brexit” on the European Union and uncertainties about transatlantic relations and the role of NATO, following the election of a new US president has raised anxiety in some quarters. This, alongside growing concerns over Russian ambitions, in the aftermath of the occupation of Crimea and the lingering conflict in the Ukraine, which has led to the positioning of NATO troops in Poland and the Baltic States raise particular security concerns. Economic uncertainties brought about by the financial crisis of 2008 have not as yet gone away, with high youth unemployment in some countries and growing concerns over the potential impact of artificial intelligence and the impact that that will have on the labour market. Clearly challenging and difficult times lie ahead for Europeans, and these days one may find oneself humming an old tune by Irving Berlin, from the film *Follow the Fleet* (1936). The scene is introduced by Fred Astaire and followed by a dance routine featuring both Astaire and Ginger Rogers. It just seems to sum it all up!

*There may be trouble ahead
But while there's music and moonlight and romance
Let's face the music and dance.*

PART ONE:
MIGRANTS AND REFUGEES AT THE GATES:
THE EU AND RIGHTS TO ASYLUM

Refugees at Real Borders: Legal and Policy Issues

Zlat Milovanovic

Abstract

The influx of refugees to Europe brought 1.1 million people in 2015, and could easily be doubled in 2016, unless certain measures are taken rapidly. Despite the fact that 86% of all world refugees remain in the developing countries, the EU is in crisis. Our object here is to look into the International law applicable to refugees, as well as into EU law and policy, and to suggest measures for getting the world out of the crisis. The basic assumption is that the legal norms on refugees, their international protection, asylum and overcoming statelessness, are the essential and necessary elements of International law and that both regional and national norms should be aligned with the international ones. There are three parts to this study. First is an overview of the applicable International law of refugees, primarily based on human rights and humanitarian intervention. Second, European Union law and policies, completed as they are by the 28 national legal systems of member-states. Third, a review of the problems encountered so far in this area and proposals about what is to be done to overcome the crisis and restore normality. The latter include ceasefires and peace in Syria and Iraq, the acceptance of much-needed reforms, diplomacy at work by peaceful means – all in the interest of the international community and the people of the world. International law requires serious re-examination and codification, a task which has already been started but not as yet completed. Other measures are needed beyond International law proper, such as balancing the interests of individual nations with their international obligations, open borders, free trade and friendship among the world nations. Beyond Syria, Iraq, Afghanistan, and Eritrea, global peace is at stake. World peace is interconnected and interdependent with respect of human rights, they are the two pillars of the world order (Universal Declaration, 1948).

Keywords: Refugees, asylum, international law, EU policy, human rights, open borders, diplomacy.

“We recognize...: a need for the elimination of aggressive armaments, a need for the *breaking down the barriers* in a more closely knitted world ...” a need for restoring honor in the written and spoken word” (Roosevelt, 1940 / emphasis added). The vision of FDR was a more unified, open world with no barriers at borders, free trade across existing borders, democracy instead of dictatorship, and peaceful cooperation instead of war. For those values to prevail, a world war had to be fought.

In 2015, Europe experienced the first re-establishment of border walls, razor wire barriers and a military presence at its borders since the end of the Cold War. This was done in order to prevent or slow down the influx of some 1.1 million refugees, the largest such influx since Second World War, with the potential to double in 2016. Coming mainly from Syria, Iraq and Afghanistan, fleeing civil wars, genocide and other disasters, 942,400 applied for political asylum. (BBC News, 2015). Often with their families, they sought simple survival, crossing the Aegean Sea and the Mediterranean on boats. Many were helped or victimized by criminal operators. An estimated 3,500 drowned in the process. (BBC News, 2015).

While the UNHCR recognizes the crisis in Europe, it insists that there is a global crisis of refugees, given that 86% of all world refugees move through countries of the developing world. The UN agency counts a world total of 19.5 million refugees. Though UNHCR is helping refugees, its already insufficient resources are diminishing with the rise in numbers of refugees. The recently released Amnesty International Yearly Report for 2015/16, calls the situation of refugees catastrophic! Refugees are often denied the rights provided them in International Law. (Deutsche Welle, 2016).

The world’s institutional approach to refugees was born in Europe seven decades ago. The continent must relearn its lessons. (The Economist, 2015). Do we need a new, revised International Law of Refugees? Or can we leave it to the EU and other regional organizations, as well as individual states to take care of the issues at hand. How to best help refugees and asylum seekers? Statelessness is included in this study. “Migrants” are not, as they are regulated by a different section of International law.

International Law

International law defines a refugee as a person who “As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear is unwilling to avail himself of the protection of that country; or who, not having a

nationality and being outside the country of his former habitual residence, as a result of such events, is unable or, owing to such fear is unwilling to return to it” (Convention relating to the status of refugees, 1951). Excluded from refugee status are “Persons who are suspected of having committed crimes against the international order, or serious non-political crimes or acts contrary to the purposes and principles of the United Nations “ (Weston, Falk, D’Amato, 1990).

In US law, this definition of refugees expanded to include any person: “in such special circumstances as the President after appropriate consultation...may specify, any person who is within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a social group or political opinion” (Immigration and Nationality Act, 1952 and Refugee Act, 1980).

Both definitions refer to a person’s fear of persecution. That is a subjective criterion. The fear has to be “well-founded” – which is an objective criterion. The grounds for persecution are listed: Combined, they amount to a war situation, as violations of human rights on a large scale occur in wars. The right to life itself is threatened by war. The fear of war is present in most normal human beings and would not have to be specifically proven. The African Convention on Refugees of 1969 includes war of aggression, occupation and foreign domination as grounds for fear additional to ones contained in the Refugees Convention. Reports of half a million dead (and no number of wounded) given in Syria, have been circulating in the media. We regularly see reports on and photographs of the refugees, but not on the war itself. The number of people killed, is in itself a cause of fear, as is the use of chemical weapons in Iraq, the use of prohibited cluster munitions, genocide – threatened or practiced... Shouldn’t everybody be afraid?

The Convention of 1951, containing the definition, consolidated previous agreements and conventions, including also The Statute of the Office of the UN High Commissioner for Refugees, of 1950. It applies now to events, both before and after 1 January 1951, not only in Europe, as originally agreed upon, but also in other geographical areas (Protocol, 1967). The UNHCR provides international protection and assistance to any person corresponding to the definition of refugee, although this task is now shared by the receiving state which has to approve each refugee for asylum or a temporary stay on its territory. “The events” which have not been defined, refer, among other things, to wars, revolutions, military interventions, and the exchange of territories.

Refugees normally receive international assistance for a certain period, and may have the right to work in some but not all countries. They may have the right to free medical care, education for their children, and the free profession of their religion. They have the obligation to respect the laws and customs of the receiving state, respect its institutions and always act in good faith. Their political activity may be limited within the requirements of the receiving state's public order or security.

The rights of refugees may be of three types: a) equal to those of nationals; b) equal to those of foreigners with most favored nation's status; or, c) equal to aliens generally (Baroness Elles, 1980). The end of refugee status occurs with voluntary repatriation to one's state, with the full assimilation of the refugee within the system of the receiving state or naturalization in the receiving state. There is no obligation of any state to approve the application of any would be refugee or group of refugees. Every state can make this decision freely. Refugees, however, cannot be returned to the country where their lives or freedom would be in danger. A refugee who has been rejected by a state, should be allowed a temporary stay (a temporary refuge in that state), until he finds a third country which will accept him, or until he has had a chance to appeal the decision to a higher authority, excluding when there is a danger to national security. The rule of "non-refoulement" (Art. 33 of the Convention on the Status of Refugees) prohibits border control agents from turning boats carrying refugees around out to sea or expelling asylum seekers who entered their territory. Such a case happened in 1984 when the Tanzanian authorities closed their border to 50,000 Rwandans fleeing genocide (Goodwin-Gill, MacAdams, 2007).

Among the sources of the International Law on refugees today, the Universal Declaration of Human Rights occupies a particularly high place. The Declaration of 1948 recognizes the "inherent dignity and the equal and inalienable rights" of all members of the human family, as the foundation of freedom, justice and peace in the world. We refer in particular to articles 13-15, that is to the right to leave any country, to seek and enjoy asylum, to have a nationality and not be deprived of it. These norms are clearly proclaimed, yet they are not systematically applied.

For instance, Art. 13 (2), in order to be meaningful, should be completed by the norm of the obligation of states to receive a refugee. If one can leave his country, and if all states decide to close their borders, the right may become meaningless. At least a number of nations should always be open to receive refugees, and there should be a right to transit through the states which are closed. Also, a would-be refugee whose asylum application is not granted, should have a third country as a choice. The incidents that have occurred at the borders of Greece, Macedonia, Serbia, Hungary, Croatia, Slovenia and Austria since mid-2015, are a case in point. If those countries

adopt (by common agreement) a daily limit of 550 to the transit of refugees they will discriminate against those who come in addition to that number, creating masses of refugees at the Greek-Macedonian border. (UN News Center, Statement of UNHCR, 2/26/2016). Practical problems force practical solutions even those that are not in the interest of refugees. If the refugees go by train, bus or other forms of public transportation, they are now charged the cost of that transfer. Some who cannot pay go on foot (or have often gone on foot). In Denmark and Switzerland, the would-be refugees are asked to deposit their money, jewelry or other valuable objects, as a guarantee that they will be taking care of their obligations. (Personal souvenirs are excluded).

What is the maximum number of refugees who can be admitted, even for transit only? Back in 1945-51, Europe dealt with 40 million refugees, including some fleeing territorial transfers between states. Luckily, Europe is not in that situation now, but the law should provide some workable solutions.

These issues are related to the larger ones: When will peace be re-established in Syria and Iraq? Once peace is restored, the Syrians and the Iraqis will be able to go back to their countries, rebuild them with the help of the international community and reorganize their governments.

Art. 14 deals with asylum and with nationality. The right to asylum is proclaimed but it is not guaranteed, except through the sovereign decision of each state. Yet, asylum does exist, and is a provision in many national legislations. For instance, U.S. law provides for territorial asylum and diplomatic asylum, upon the decision of the Attorney General. (Immigration and Nationality Act, as amended, 1952). In the Republic of Macedonia, asylum is provided for by Art. 29 of its Constitution, for foreigners and stateless persons persecuted in their countries for democratic political convictions and activity. Finally, the right to a nationality is fully within the sovereign rights of each state. There is an international Convention Relating to the Status of Stateless Persons, of 28 September 1954. The states parties agreed (in a separate convention) to reduce statelessness, which arises for two main reasons: for political reasons where a state decides that a person would not be its citizen, or in the case of the conflict of laws (domestic v. foreign). It is always up to the state administration to decide, based on national law. A national of a state can also renounce his nationality. The states of the Western Hemisphere have an advantage here, as their laws are based on the *ius soli* principle. A child born in the US, even to a stateless person or a refugee, acquires US nationality by birth. Some adjustments in that direction have been made in some continental law countries. The human rights international instruments,

especially the two Covenants, and other international norms are a further guarantee of the rights of individuals.

The Convention on the Rights of the Child of 20 November 1989, by now ratified by 196 states, confirms the right of a child to seek refugee status, or have such status and be entitled to a corresponding protection and humanitarian assistance... and to the rights contained in this Convention (Art. 22). Also, Art. 30 confirms minority rights to children's own culture, religion and language.

The first safe country principle is worth mentioning here as well. Most states have their own criteria for determining who may be granted refugee status. That determination may be made by UNHCR representatives in the reception states or states which provide a temporary refuge. The determination should be made in the first "safe country" after crossing the border of one's own state. Those Syrians who have been accepted as refugees in Turkey, should not apply for refugee status in Greece, as Turkey is a safe country when fleeing Syria. A would-be refugee applying in Greece could be returned to Turkey for the determination of his status. If that principle was fully implemented, refugees from Syria could never reach Germany except by boat or by plane. In the UK, according to the Asylum and Immigration Act of 2004, those who entered the country can be sent back to the first safe country they reached. An amendment to the Constitution of Germany, adopted in 1992, makes it obligatory for the federal government to return the refugees to the first country within the EU they entered. The present situation in Europe shows that this is impossible to manage.

The European Union and Refugees

The EU law on refugees is based on International law with some modifications introduced by the Dublin Convention of 15 June 1990, which entered into force on 1 September 1997. The Dublin system includes the EU Qualification Directive and the EURODAC (i.e. the fingerprints database regulation), both being called Dublin II. The Dublin Regulation No. 604/2013 (also known as Dublin III) determines which EU state is responsible for and will make a decision on refugee applications. The objective of this system is to prevent an applicant from submitting applications in several different states at the same time. Some refugees have submitted several applications along their route (the Balkan route), without being informed of the potential problems in EU countries.

According to the European Council of Refugees (ECRE) and UNHCR, this system fails to provide fair, efficient and effective protection of refugees. Those transferred to the first safe state have not always had fair access to an independent examination of

their claims. Some of the would-be refugees were arrested, separated from their families, and denied the right to examination or the right to appeal the decisions of the administrators. The Dublin system impedes the personal welfare of refugees and its implementation has been suspended in Norway and Finland. Dublin II has been suspended at the EU level.

In 2015, the German government lead by Angela Merkel decided on a new policy of so-called “welcome culture” (*willkommens Kultur*). Germany opted for the choice of moral conscience, compassion for the refugees, and a humanitarian approach. This decision was very well received by the refugees. The majority of them decided to go to Germany! Sweden also followed a similar policy. Some politicians (extremists of the right) and legal scholars opposed that decision. It is clear there is a limit to the number of refugees that can be accepted. Nobody can tell at which point the crisis will become impossible to manage, but there are fears that the Schengen agreement will be lost, along with the Euro itself and the growth of the EU economy. On 3 March 2016, Donald Tusk, the President of the European Council warned the refugees not to come to Europe. To those “seeking to flee poverty and unrest, Europe is no longer an answer”. Do not come to Europe, do not believe the smugglers, do not risk your lives and your money – were his words in Athens (McAuley & Adam, 2016). UNHCR confirmed, that in March there were some 30,000 refugees stranded at the Greek-Macedonian border, a figure destined to rise in subsequent weeks.

Should the EU reallocate the number of refugees among all member states? The UK and Denmark are not under any obligation to accept such a reallocation. Other states are opposed, especially those of the Visegrad group and others who find their quotas too high. The EU decision on the reallocation of refugees of 22 September 2015, on the basis of the Art. 78 (3) of the Treaty on the Functioning of the EU (TFEU), dealt with an emergency situation- “a sudden inflow of nationals of third countries” (European Commission Fact Sheet, 2015). The EU is working on an agreement with Turkey, which would agree to accept refugees returning there while sending the same number of refugees who are already in Turkey to the EU. In addition, Turkey will be paid a sum of money to help offset the expenses incurred by the presence of these refugees. Turkey has also promised visa-free travel to the EU for its citizens, the opening of new chapters in negotiations on Turkey’s EU membership, and some administrative support, the same as for other non-member states that receive transiting refugees. Some countries are objecting to accepting Muslims as refugees at the time of terrorist attacks and other conflictual situations. Some countries have historical differences with Turkey. Hungary complained that there was not a single mosque in their country, there were no instructors in Arabic, and there were very few

translators. There are countries with a lack of financial capacity to accept more refugees. Even in the US there is growing opposition to accepting any Muslim refugees, unlike in the past where every religion used to be welcome.

The EU recognizes human rights – a key element of the refugee debate-- on two tracks: within the Council of Europe and on its own. The first basic document is the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe, of November 4 1950, ratified by 47 nations, including all 28 member-states of the EU. The second, is the EU Charter of Fundamental Rights, first proclaimed in 2000 and in force since 1 December 2009. Both are consistent with the Universal Declaration of Human Rights and binding on the EU and its member states. The individual right to asylum, for instance, is and should be understood as an absolute right (The EU Common European Asylum System) unlike the right to migration for economic reasons. A war of any kind produces refugees who are to be recognized as such, and fall under the protection of the UN and the international community. The EU and other regional organizations are part of the international community and they have their obligations in that capacity. The EU and the Council of Europe both deal with refugee - related issues, and both the Council of Europe Court of Human Rights and the European Court of Justice have jurisdiction in cases of refugees and member states. The Council of Europe has its own Commissioner for Refugees, Nils Muiznieks.

Some funding for the refugees has been provided by the EU, some by the states. NGOs and private citizens have provided some food and shelter at a few places along the Balkan route. Criminal organizations are taking a cut in the process for example issuing real or false ID papers, providing sea transportation, and supplying information on the conditions of the road to take. A trip from Istanbul to Germany may often cost up to \$ 2,400 per person (*Foreign Policy*, January-February 2016). In 2015, Syria was the first country of origin of all refugees, with some 4.3 million refugees outside the country, and an additional 7.6 million internally displaced persons. Turkey was the top host of refugees, with 2.7 million refugees (as of February 2016). The small country, Lebanon, with a population of 5.8 million, has accepted 1 million refugees, who do not have the right to work legally.

The growing opposition to refugees, from parts of the population and the new xenophobic political parties of the right in Europe, calls for more attention and action. As of 1 December 2015, the European Commission had appointed two Coordinators on combatting antisemitism and anti-Muslim hatred, Ms. Katarina von Schnurbein and Mr. David Friggieri respectively. Both have worked on earlier programs in favor of a culture of tolerance.

What Is to Be Done?

That question is often asked but not often enough. The “cessation of hostilities” in Syria, started on 27 February 2016, has brought temporary relief to parts of the country, not including the Al Nusra and ISIS - held territories. Will it hold? Probably not, as the war against ISIS will have to continue. One of the proclaimed goals of ISIS is to expel all non-Muslims, Christians and Jews from the Middle East. This is a threat to the UN and to humanity at large. Fighting the Sunnis alone, or just the Shia to expel them from their homelands, is not any less of a crime under International Law. Enslaving free people like the Yazidis cannot be acceptable to modern civilization, including the Islamic one! The international community will have to act, not as individual countries alone but as the community of nations.

The task of diplomacy is to work for peace *by peaceful means as defined in the U.N. Charter* (U.N. Charter, 1945/ emphasis added). “All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered [Art. 2 (3)]. International problems should be addressed rapidly, without delay. The Kurdish problem should have been solved some 90 years ago (Treaty of Sèvres), or within the Syrian federation in 1922, or within Iraq!

Refugees have been arriving in Europe since time immemorial. And more will be coming unless some legal order is created. There are some 5,000 ethno-linguistic groups in the world; many of them are likely to be interested in creating their own states. J.J. Rousseau, in his recently reconstituted text on interstate relations, according to Blaise Bachofen, did not consider the world as an endless territory subject to colonization. The distant conquests would end up, with humankind feeling that it was running out of space on earth, resulting in human societies getting crushed against each other (Bachofen, 2015). Such societies are likely to be getting aggressive against each other.

Peaceful means for resolving conflicts demand compromise. Compromise does not mean that one side gets 100% of its desired outcomes. A compromise has to be close to the middle, involving gains and losses for both sides. In solving the refugee crisis and future refugee crises, there are measures, both legal and political which should be considered and adopted. The *de lege ferenda* in legal terms, *political reforms* in the realm of international relations. Here are the recommendations:

1. The international community needs to re-examine and codify the Law on refugees. This is a long overdue action (the 1977 attempt having been suspended). There

should be a complete and clear international legislation dealing with all parts of refugee protection and assistance. The EU, the Council of Europe and other regional organizations should take part in the process to achieve this.

2. The right to refugee status and asylum, should be guaranteed by all states, to complement the “right to leave any country”. According to Jan Eliasson, the UN Deputy Secretary for Humanitarian Affairs: “Those forced to flee should never be denied safe haven or rescue” (Eliasson, 2015).

3. In the present or any similar crisis: a) Increase the financial aid to refugees in the source country of refugees and in the neighboring states; b) Review the asylum claims in those first out-of-country safe states, before the refugees continue their journey by sea or by train or on foot for hundreds of miles. The claims should be reviewed and if necessary, appealed to a higher authority. c) Demand that the refugees wait for the determination of their status in the first safe country they reach after leaving their country; d) Allow would-be refugees to work in those, first countries under a temporary residence status and allow their children to attend schools. (The Economist, 6 February 2016). The Government of Turkey has proposed building a safe city on Syrian territory close to the Turkish border, to be defended by Turkish and allied forces. Safe havens could even be built by the Syrian government or their opposition, inside Syrian territory, like in an ancient Hawaiian example (*punhonua* in Honaunau). An additional principle: Never use the military against the refugees!

4. Unlike the Western hemisphere or Africa, Europe does not have a single regional organization but several. European organizations should all work together in the areas of human rights and refugees. There is no reason why all European states together would not be active in solving the problems of and accepting refugees from wars in the European neighborhood. Syria could have been a European nation, had it remained a part of Turkey. The Council of Europe’s European Convention and its Protocol 4, prohibits: “collective expulsion of foreigners” or “forced removal of refugees.” (The EU-Turkey agreement of 18 March 2016 should not be considered as legally valid).

5. Leaders engaged in terrorism in their own or in foreign territories, whether they lead states or rebels, are to be opposed by the military contingents or police forces of all states, apprehended and tried in international criminal courts. In more difficult cases, those forces fighting terrorism can be placed under UN command.

6. The United Nations should proclaim a general prohibition on removing governments elected or in power, or supplying weapons to the rebels by foreign governments. Organizing such changes or participation in the “regime change” of a

foreign government should be proclaimed “acts of aggression”. Even non-democratic governments have the right to exist. Denying human rights to one’s own population by undemocratic governments should be fought within the system of International Law, in other words by prosecuting the violators of human rights on international level.

7. The United Nations should restore the Trusteeship Council, which could be put in charge of the “failed states”, especially those not respecting International Law. States unable to manage their own governmental functions can be made trusteeship territories temporarily, until again prepared for full independence. Such a measure could appear to be excessive, but why should the peaceful nations allow piracy, terrorism, trafficking in persons and other trans-border crimes, the existence of war lords and similar?

8. The members of the United Nations should work on plans to create open borders worldwide, “How useless, we said to ourselves, are frontiers when any plane can fly over them with ease, how provincial and artificial are customs duties, guards and border patrols, how incongruous in the spirit of the times which visibly seeks unity and world brotherhood”, wrote Steven Zweig in 1913! (Zweig, 1943) If there is a need for ID cards, all nations could use the same model, as is done within the Schengen group.

9. In cases of natural disasters, or changes of state territories caused by nature, international solidarity should allow for physical transfer of states into new areas. If, as Kant claimed, the world belongs to all people of the earth, nations should be providing for “international hospitality” (Kant, 1787 as cited in Milovanovic & Dodovski, 2015).

10. Civil wars will eventually become unnecessary. What would be important to do, is proclaim them unlawful. Something that is neither easy, nor impossible. The UN should act to stop every case of war, whether international, regional or internal.

11. All peoples have right to self-determination (Two Covenants, 1966, Art. 1 in each one). There is NO definition of the “PEOPLES”! There is no PROCEDURE on how to implement such a right. Both elements are needed to avoid future confusion or conflicts. Groups claiming the right to self-determination should freely and legally be able to petition some international institution, such as the Security Council, the International Court of Justice, a regional organization or some other authority which is to be designated.

12. In a case of war, diplomatic action should be an international priority. The UN members or all the nations together should not wait for years before establishing a cease fire. Wars can be prevented too. Lives and property are to be saved. The crises in Iraq and Syria have lasted at least 5 years at the time of writing (15 March 2016). The number of diplomats, consuls, advisors, mediators, negotiators who should be addressing the present crisis is too small or inadequate by comparison to the needs at hand.

The UN “2030 Agenda on Sustainable Development” (2015), calls on all countries “to implement planned and well-managed migration policies”. In November 2015, UN Secretary General Ban Ki Moon announced a roadmap to address the issues of migrants and refugees. The General Assembly decided to convene a high level meeting of world leaders on large movements of migrants and refugees. The Secretary General has appointed a Special Advisor to prepare this meeting, Ms. Karen Abu Zayd, a US diplomat (“Sustainable development Goals”, 2015)

Our main conclusion is that, as long as there is no political solution to the crisis in Syria and Iraq, there cannot be a workable solution to the refugee crisis. A continued refugee crisis also, in the words of Filippo Grandi, means a continued crisis of European solidarity! By extension, this means a crisis of world solidarity too!

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Reluctant Acceptance or Strong Refusal: An Analysis of the Treatment of Current Migrants in Europe

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Abstract

Last year was the year in which the biggest migration in recent history happened, with more than 1,000,000 new migrants coming to Europe alone. The European Union and many single member states faced the question of whether to accept or reject migrants for the first time. This paper should answer the dilemma of whether migrants will be accepted or refused and how it is handled by the European Union and member states in particular. The paper discusses the differences between the push and pull factors and how they influence countries' decisions in whether to accept or refuse migrants. It will underline the fact that state signatories of the Universal Declaration of Human Rights and the Convention relating to the Status of Refugees have an obligation to take in refugees and cannot deport them to a place where their liberty and life will be put in danger. Push and pull factors determine the character of the border between acceptance and refusal which is currently under serious consideration. Taking into account the recent developments within the European Union, the paper will attempt to answer whether the border is visible or invisible and how migration policies are shaped among the EU members, by presenting several countries through case studies. The main point will be to present a clear understanding of the different approaches and state policies involved.

Keywords: migration; European Union; refugees; borders; policy of acceptance.

Introduction

“Exile is a dream of a glorious return. Exile is a vision of revolution: Elba, not St Helena. It is an endless paradox: looking forward by always looking back.” (Rushdie, 1988)

Each migrant begins his journey with one great vision – as Sir Ahmad Salman Rushdie says about a vision of St Helena (the island where Napoleon was exiled but later returned) – a powerful vision to have an opportunity to restore his dreams that were destroyed by poverty, war or political persecution. Migration is the very fabric of humanity. Actually, it can be said that the beginning of humanity in its current geographical spread is a direct product of the migration of *Homo Ergaster* – the first human species to leave Africa, expanding humanity’s range into southern Eurasia 1.75 million years ago (Dorey & Blaxland, 2015).

The Refugee Convention (the 1951 Convention Relating to the Status of Refugees) was drafted by the international community in the wake of the Second World War and represents the world’s response to the large numbers of people fleeing post-war Europe. The Convention promotes the principle of “non-refoulment” (Art. 1, Convention Relating to the Status of Refugees), in other words, the principle that no individual who has valid fears about returning to their country of origin on the basis of persecution should be forced to return. The Universal Declaration of Human Rights was written in the aftermath of the atrocities of the Second World War and represented an attempt by the international community to guarantee the fundamental rights of every human being everywhere. As the Declaration is a piece of international law, individual governments must pass their own laws to make sure the rights contained in the Declaration are upheld and respected.

Nevertheless, today migration is far more complicated in its nature than it was in the period when the above mentioned international legal documents were written. Today, the process of migration is mostly shaped by individual states and their policies, neglecting the principles of international law, and depending on several important country-specific factors, of which the most important ones are: economic instability, war, and past or future persecution based on race, religion, nationality, or membership of a particular social group or political opinion. This complicated interference of the so-called “push” and “pull” factors makes migration one of the most important processes in the globalization of our world. This will be especially for years to come; in the aftermath of 2015 which witnessed the greatest migration since the end of the Second World War, with the arrival of more than 1,300,000 migrants in Europe. These recent developments have put the process of migration on the

frontline of intellectual, political and economic debates. But, even without this recent humanitarian crisis, migration would still be equally important – as one of the most important parts of globalization.

The phrase from the United States Declaration of Independence provides the three inalienable rights which are given to all human beings: "*Life, Liberty and the pursuit of Happiness*" (The United States Congress, 1776). Governments exist to protect these rights for every human being. Because of the ambivalence that the fierce debate over the question of acceptance or refusal of migrants creates - one crucial fact is forgotten that migrants are human beings too. This has happened throughout the whole history of mankind. How many lives could have been saved if countries during the anti-Semitic atmosphere in Germany in the 1930s had accepted Jews in order to save them from the obvious intentions of the Nazi government?

There is no debate over the acceptance or refusal of migrants that are escaping from war; political persecution based on opinion, race, religion, and nationality; and, of course genocide. Any such debate would be contrary to Article 1 of the Convention relating to the Status of Refugees, and to Article 14 of the Universal Declaration of Human Rights which states that: "...everyone has the right to seek and to enjoy in other countries asylum from persecution". From the post-Second World War period until today, those countries that have signed the Universal Declaration of Human Rights or the Convention relating to the Status of Refugees, the line between acceptance and refusal of refugees (migrants that are victims of political persecution or are fleeing from war) was clear. However, after the Paris attacks in November 2015, the New Year's Eve sexual assaults in Germany and the Brussels attacks in March 2016, as well as other problems encountered in several other countries (an outcome of unsuccessful integration) the phenomenon of migration has been seriously challenged. States have long considered migrants to be creators of insecurity and terror, particularly at border crossings. To address this 'situation', states have created spaces of exception to their own laws. Such as the stadium in Bari into which the Italian police in 1991 provisionally herded all illegal Albanian immigrants before sending them back to their country of origin; the winter velodrome (Vel d'Hiv) in Paris, in which the Vichy authorities gathered French Jews before consigning them to the Germans in July 1942; or the *zones d'attentes* in French international airports in which foreigners asking for refugee status are detained can all equally be seen as camps (Agamben, 1998, pp. 113-114). This dominant discourse that criminalizes migrants whether or not they are asylum or seekers economic migrants, allows governments to popularize and maintain more restrictive asylum processing measures.

Taking into account the recent developments within the European Union, this gives us a clear picture of this visible border and a clear line based on different approaches and policies among the EU member states. Gerard Toal has noted that: “[c]ritical geopolitics is one of many cultures of resistance to Geography as imperial truth, state-capitalized knowledge, and a military weapon. It is a small part of a much larger rainbow struggle to decolonize our inherited geographical imagination so that other geo-graphing and other worlds might be possible” (O’ Tuathail, 1996, p. 256). We desperately need other such geopolitical imaginings, but also legal and policy changes that can lift the veil of unspecified threats that seem to galvanize these vitriolic exclusions of migrants. The question remains how to activate this culture of resistance in the light of daily developments to shelter Europe, North America, and Australia from migrant “invasions”. Politicians follow public opinion, so to change the direction of draconian laws and policies, one must first convince the citizen-on-the-street of the merits of such actions. The criminalization of migrants, and specifically the category of asylum seekers, is a case in point. There is no question that such claimants represent mixed flows, that is, a mix of both *bona fide* and not-so-genuine refugees. Nonetheless, the rendering of the asylum seeker as being dangerous to society or a threat to state security has become commonplace in dominant media and government discourses on migration. Jan Karlsson, co-chair of the Global Commission on International Migration, recently highlighted a radical reality: “Europe needs between 50–70 million migrants for labour market purposes over the next twenty years” (Hyndman, 2005). He laments that politicians rarely discuss such demands or support higher levels of immigration for fear of losing political support. Sharing a similar approach, Zygmunt Bauman (2002, p. 84) notes that the defensive posture of refusing entry “signals no new strategy regarding the refugee phenomenon—but the absence of strategy.... they are prime targets on which the anguish generated by the suddenly revealed personal safety aspect of existential insecurity can be condensed, unloaded and dispersed.” Such patterns and politics of exclusion will continue to produce images of the menacing other and the migrant-as-security-breach, and embolden efforts to wall off wealthy countries from poorer ones.

An Overview of the Current Situation: Case Study Analysis

In order to illustrate the current situation, a collection of countries were chosen: Germany and Austria, as representatives of the most influential, or at least the most interesting for the migrants (target countries), Poland and Hungary, as middle influential countries, and finally Slovenia and Slovakia, which represent small and less influential, as well as non-target countries which could also be affected by the process.

The data upon which the analysis is based is cited further on and can be found in the Tables 1, 2 and 3.

It is well known that European countries are struggling to sustain economic recoveries. Concomitant with this the burden on state resources and the perceived threats to particularly low-income workers are likely to exacerbate political tensions. All this happened when Europe was still struggling as a continent, but in some way this crisis made Germany one of the most prominent players in Europe. Germany has become the second most popular country in the world for migrants, after the United States and the most popular country for migrants in Europe. Germany is faced with an unprecedented influx of asylum seekers, including many from Muslim countries. The German Chancellor Angela Merkel still continues to lead her open-door migration policy, although her approach suffered a major defeat in recent regional elections (Kern, 2016). After the elections Ms. Merkel rejected the chance of an upper limit on migration, by this she declared that her government does not have a plan B, because there is no sense of working on two plans at the same time (Financial Times, 2016).

Germany has an area of 357,022km² and a population of 81.5 million people, with a population density of 228.28, people per km², which is the highest population density in this case study. With GDP per capita of 39,717.00 US Dollars, and an unemployment rate of 4.5%, Germany has 15.7% of acceptance of migrants (see Table 3). In the last 12 months Germany received 476,510 migrants, which is 36.06% of all migrants arriving in the EU and they are eligible for a grant of €143 with all housing expenses covered. These are probably the reasons why Germany is the most popular migrant destination.

Germany has ratified most of the international human rights treaties; first was the International Bill of Human Rights. Then the International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights were signed on 9 October 1968, and ratified on 17 December 1973. The Optional Protocol to the International Covenant on Civil and Political Rights was accessed on 25 August 1993. The Convention relating to the Status of Refugees was signed on 19 November 1951 and ratified on 1 December 1953, while the Protocol Relating to the Status of Refugees was accessed on 5 November 1969 (Ratification of International Human Rights Treaties – Germany).

Equally attractive as a target country, Austria's latest decision on the migration crisis has been to reduce the flow of refugees entering the country. This decision for Austria meant increased security on the borders whilst the European Commission indicated

that Austria's decision was in violation of EU law (The Economist, 2016). The Geneva Convention and the EU Charter of Fundamental Rights clearly state that asylum is a right. Human-rights activists argue that the limitation of influx of migrants runs counter to the spirit of these texts; on the other hand, lawyers know that, as fundamental as they are, rights are never absolute. One of the last Austrian statements came from the Interior Minister Wolfgang Sobotka who said that Austria had no other choice as long as: "so many other EU members were failing to do their part" to limit the influx of migrants and refugees (BBC, 2016).

Austria is a country with an area of 83,871km² and a population of 8.6 million, which means that the population density of the country is 102.36 people per km². With GDP per capita of 41,077 US Dollars, and an unemployment rate (in 2015) at 5.8%, Austria seems to have better performances than Germany, which makes it equally attractive as a target country for migrants. In the last 12 months, Austria accepted 88,160 migrants, which is 6.67% of all arrivals in the EU. During their stay, they are eligible to receive €40 per month as a monthly grant (Nations Online, 2016).

Austria had signed the International Bill of Human Rights on 10 December 1973 which was ratified on 10 September 1978 (with the exception of the Optional Protocol to the International Covenant on Civil and Political Rights which was ratified on 10 December 1987, and the Second Optional Protocol to the International Covenant on Civil and Political Rights was signed on 8 April 1991 and ratified on 2 March 1993). The Convention relating to the Status of Refugees was signed on 28 July 1951 and ratified on 1 November 1954, while the Protocol Relating to the Status of Refugees was accessed on 5 September 1973. (Ratification of International Human Rights Treaties – Austria)

Hungary can be considered as an example of a non-destination country for migrants who are coming from outside Europe. There are a couple of factors concerning Hungary's case, but the main one has resulted from its anti-immigration campaigns. The migration discourse employed by the government has induced xenophobia. (Budapest Times, 18 March 2016). The government's anti-immigrant campaign included such practice as placing billboards that implied that immigrants will take Hungarian jobs across the country and that the increasing number of refugees and asylum seekers would affect economic and social factors in the country (Budapest Business Journal, 2015). Xenophobia and prejudice are frequent in Hungary, especially towards minorities. "We cannot let it force upon us the sour fruits of their misguided immigration policy. We want to import no crime, terrorism, homophobia or anti-Semitism to Hungary". Prime Minister Orban, has often framed his approach to the migrant crisis as a defense of Europe's Christian culture and heritage against the

tide of mostly Muslim migrants (Reuters, 2016). The Hungarian political scene differs little from the political climate of other Central and East European countries, and this has resulted in hostile reactions to proposals by the European Commission. As a clear example of this consider the response of the Visegrad Group (Poland, Czech Republic, Slovakia and Hungary) which was founded 25 years ago in order to foster the European integration of these four former communist states. It is this group of countries which has led to the closing of the Balkan route for migrants.

Hungary has population of 9.8 million people and covers an area of 93,028 km², with a population density of 105.87 per km², and a GDP per capita of 11,888.11 US Dollars. Considering that Hungary has an unemployment rate (in 2015) of 6.3%, Hungary has the lowest indicators, but still this is not the main reason why it does not accept migrants. At present, the last known percentage of acceptance in Hungary is 4.8% (see Table 3), and in the last 12 months Hungary received 177,135 migrants, which is 13.40% of all migrants arriving in the EU. In Hungary, migrants are eligible for a monthly grant of €22.76 (Nations Online, 2016).

Hungary signed the International Bill of Human Rights (International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights) on March 25 1969 and ratified it on 17 January 1974. Hungary's accession to the Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees took place on 14 March 1989 (Isik & Zheng, 2008) (UN, 2016).

Public opinion in Poland is one of the greatest sources of dissent in Europe when it comes to refugees from the Middle East, especially with regard to Muslim refugees. Polish attitudes are partly based on economic reasons (Llamas & Rebala, 2016). Because of the economic bailout, their concern is that the influx of migrants and refugees could tear the European Union apart. The example of the debt crisis is that this has divided Europe into a north-south battlefield, and that this could be exacerbated by the migration crisis which could cause further division between East and West. Also, Poles tend to hold the view that Muslims do not belong in their society. "People just don't want immigrants here," one senior Civic Platform politician says. "They don't understand them; they don't like them, and believe that their maintenance is too expensive." This is why the Polish government has consistently protested against EU allocations for refugee quotas (The Guardian, 2015). Polish values and their commitment to their traditions, and their religion in a clearly Catholic country, justifies this policy of not accepting people who have a different religion and values. Poland is a country with an area of 812,685km² and a population of 38.5 million, with a population density of 123.08 per km², and GDP

per capita of 11,304.62 US Dollars. Having an unemployment rate of 7.1% in 2015, Poland has a very low percentage of acceptance of migrants. In 2014, the acceptance rate of migrants was 1.4% (see Table 3) and in the last 12 months Poland received 12,190 migrants, which is 0.92% of all migrants arriving in the EU. The monthly grant for migrants in Poland is €49.42 (Nations Online, 2016). Still, none of these indicators can be considered as the main reason for not accepting migrants; Polish values and their commitment to tradition are the key indicators in their anti-migration policy. The International Bill of Human Rights and its related documents were signed and ratified by Poland. First, the International Covenant on Civil and Political Rights was signed on 2 March 1967 and then ratified on 18 March 1977. Consequently Poland's accession to the Optional Protocol of the International Covenant on Civil and Political Rights took place on 7 November 1991. The accession to the Convention and the Protocol relating to the Status of Refugees was signed on 27 September 1991 (UN, 2016).

Finally, Slovenia and Slovakia could be considered as average representatives of non-influential EU member states. Slovakia cannot be classed as being a major destination point for refugees in this migration crisis, nevertheless the crisis still causes fear among the people of Slovakia. Slovenia claims that it cannot stop the wave of migration at the gates to Europe (Government of the Republic of Slovenia, 2016). Slovenia appealed to the politics of humanity, but then again the country's main preoccupation has been to maintain the safety of its citizens. In the recent election campaign in Slovakia, the Prime Minister Robert Fico based his campaign on warning of Islamic terrorism. Fico, who dismisses multiculturalism as "a fiction", has pledged never to accept EU-agreed quotas on relocating refugees who have flooded into Greece and Italy from Syria and beyond (The Guardian, 2016). While Prime Minister Miro Cerar in one statement in 2015 mentioned that Slovenia is a small country, and: "It is wrong to foster the illusion that it is possible for a small nation of two million people to stop, solve and rectify a situation where even much bigger EU member states have failed (BBC, 2015). Slovakia is country with an area of 49,035km² while Slovenia has an area of 20,273 km². The last measured population in Slovakia was 5.4 million and in Slovenia it was 2.1 million. Population density in Slovakia is 110.55 per km², in Slovenia it is 101.71 per km². The GDP per capita in Slovakia is 15,726.85, USD while in Slovenia it is 19,110.56 USD. The unemployment rates in these countries are also almost equal, in Slovakia the percentage is 10.6% and for Slovenia it is 8.8%. For the last 12 months, Slovakia had accepted 330 migrants, while Slovenia accepted 275 migrants, which is 0.02% for both from all the migrants accepted in EU. They also have the lowest monthly grant

for migrants in Europe, which is €12 in Slovakia and €18 in Slovenia (Nations Online, 2016).

Czechoslovakia had acceded to the Convention on 26 November 1991, and then under the “Slovak republic” the succession was on 4 February 1993. On the other hand, the former Yugoslavia had signed and ratified the Convention on 28 July 1951 and 15 December 1959, however Slovenia’s secession was on 6 July 1992.

Comparative Analysis and Key Findings

The six countries taken as case studies in this paper represent three main categories. Germany and Austria represent target countries and serve as a “promised-land” for migrants. Hungary and Poland represent strong opponents to any migrant influx for a variety of reasons. Their arguments can mainly be classified as being based on xenophobic or religious reasons (Breitbart, 2016). Finally, Slovakia and Slovenia represent non-target countries which are considered as being of little influence in shaping the overall migration policies in the European Union.

One of the arguments affecting all countries concerns the question of acquiring citizenship (see Figure 1). If all migrants are given the opportunity to acquire citizenship after a permanent stay in the countries of a maximum of ten years, then they would represent a significant electorate which would further influence major political decisions. Secondly, considering the monthly grant per migrant (see Figure 2) this would also affect the budget and later on affect the employment situation in each country (see Figure 3), taking into account the fact that these six countries currently have low unemployment rates. The monthly grant could also affect the GDP per capita (see Figure 4) especially in Germany (see Figure 5 & 6) as a country with the highest rate of accepting migrants so far.

The brief analysis of the case studies in this paper clearly confirms the main argument stated in the introductory remarks. Within the EU, there are different developments in migration policies which confirm that there is a visible border and a clear line based on those different approaches and policies among EU member states. Migration policies are shaped following the interests of individual states, neglecting the EU motto “united in diversity” and the fundamental principles of free movement as factors driving the EU economy and society.

The previous treatment of migrants, seen through the rate of acceptance (see Figure 6) in “normal” times, would appear to be rather liberal from today’s perspective. The sudden enormous influx of migrants represents a trigger for many social phenomena. It can foster xenophobia, which could further fuel the right-wing arguments about

endangering a country and nation in general, by creating political upheaval and leading to discussions in government giving more power to the police and military. As a final result of which, borders could be re-established across Europe and the Schengen agreement would become a subject of re-negotiation.

Also, the common European asylum policy projected more than 15 years ago, is now under serious reconsideration. The borders of the EU which have been practically invisible until recently, due to free movement as one of the fundamental principles of the EU treaty, are now starting to emerge again especially after the Cologne, Paris and Brussels incidents.

So, it is safe to conclude that today, borders are not an imaginary category anymore, because the European life style and the Schengen agreement are now considered to be under serious threat and there is a perception that there is a need once again to reactivate border controls and establish control of movement even within Schengen countries.

Conclusion

Globalization has brought about an awareness among young people in poor countries of their potential opportunities not only as citizens of their own countries, but as citizens of the world. Currently, the direction of migrations is not just from poor countries to rich countries. Most of the migrants want to migrate to high – income countries, whilst many are running away from war as well as from poverty, not individually but *en masse*, in large numbers without any control, spilling over state borders as if they did not exist at all.

The countries which were signatories of the Universal Declaration of Human Rights and the 1951 Refugee Convention, have an obligation to accept and to give asylum to refugees and they have to respect that obligation. Furthermore, if a country also chooses to accept economic migrants, it would not only be making a beneficial move for its own economic growth, but would also indirectly benefit the economy of the migrant's native country.

Then again, the acceptance of economic migrants is a far more complex problem than the acceptance of refugees. It requires effort on behalf of each individual migrant to cross cultural and language barriers, as well as being able to integrate into the host society, and later on to participate in political life, which could create a situation of potential political instability in the long term. Developed countries have a need of

migrants – as a complementary appearance in the labor market, but will they be willing to pay the current price?

The policies of the states cited in this paper, seem to provide an example for others. The latest action of Austria (with regard to the Balkan route) serves as a blatant example of the situation concerning the openness of borders; it can be considered as a clear indicator that borders have started to close, and that state lines will be harder to cross and will be more controlled. So, from a reluctant acceptance it seems that countries have moved towards an attitude of strong refusal, disregarding the possible economic interest that the influx of migrants might provide, at least until the situation is taken under control.

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Tables and Figures

Table 1. General population data for all countries

Country	Population (2014/15)****	Area*** (in km ²)	Population density** (per km ²)	GDP per capita*
Austria	8,584,926.00	83,871	102.36	51,190.81
Germany	81,500,000.00	357,022	228.28	47,821.92
Poland	38,484,000	312,685	123.08	14,342.91
Hungary	9,849,000	93,028	105.87	14,028.72
Slovakia	5,421,000	49,035	110.55	18,501.15
Slovenia	2,062,000	20,273	101.71	23,999.13

****Nations Online (2016b)

*** Nations Online (2016a)

** computed by authors based on population and area columns

* The World Bank (2016)

Table 2. Migration specific data for all countries

Country	Acquiring citizenship (in years)	Unemployment in 2015	Migrants in the last 12 months**	Percentage (migrants) of the total in EU	Stipend (per month) in EUR
Austria	10	5.8 %	88,160	6.67 %	€ 40.00
Germany	8	4.5 %	476,510	36.06 %	€ 143.00
Poland	10	7.1 %	12,190	0.92 %	€ 49.42
Hungary	8	6.3 %	177,135	13.40 %	€ 22.76
Slovakia	8	10.6 %	330	0.02 %	€ 12.00
Slovenia	10	8.8 %	275	0.02 %	€ 18.00

****Source:** Eurostat (2016). The percentage (migrants) of the total in EU is based on total of 1.321.560 migrants in the EU 28 (Eurostat, 2016).

Table 3. Proportion of accepted and refused migrant applications in 2014

Country	Accepted	Rejected	Acceptance (in %)
Austria			
Germany	6995	37470	15.7%
Poland	20	1360	1.4%
Hungary	40	800	4.8%
Slovakia	5	55	8.3%
Slovenia	0	65	0.0%

Source: Eurostat (2015)

Table 4. Status of ratification of international declarations and covenants and transposition of EU law in the field of asylum and immigration

Source: European Commission (2016)

Ratification of international declarations and covenants				European legislation						European legislation Immigration	
Universal Declaration of Human Rights	Convention relating to the Status of Refugees	International Covenant on Economic, Social and Cultural Rights	International Covenant on Civil and Political Rights								
				European Regulation (2000, 2002, 2013)	Dublin Regulation (2003, 2013)	Reception Conditions Directive (2003, 2013)	Asylum Procedures Directive (2005, 2013)	Qualification Directive (2004, 2011)	Council Directive 2001/55/EC on temporary protection	Return Directive 2008/115/EC	Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification
Slovenia	yes	yes	yes	ok	ok	Formal notice	Formal Notice and Reasoned Opinion	Formal notice	ok	Formal notice	Formal notice
Slovakia	yes	yes	yes	ok	ok	Formal notice	ok	Formal notice	ok	ok	Formal notice
Germany	yes	yes	yes	Administrative letter sent requesting clarifications on application	ok	Formal Notice and Reasoned Opinion	Formal Notice and Reasoned Opinion	Formal Notice and Reasoned Opinion	ok	Formal Notice and Reasoned Opinion	Referral to court
Hungary	yes	yes	yes	Administrative letter sent requesting clarifications on application	ok	Formal notice	Formal notice	Formal notice	ok	Formal notice	Formal notice
Austria	yes	yes	yes	ok	ok	Formal notice	ok	Formal notice	ok	Formal notice	ok
Poland	yes	yes	yes	ok	ok	Formal notice	Formal Notice and Reasoned Opinion	Formal Notice and Reasoned Opinion	ok	Formal Notice and Reasoned Opinion	ok
Clarification of terms:											
Member States received formal notice for having failed to communicate national measures taken to fully transpose the directive within the deadline											
Letters of formal notice are the first formal step of an infringement procedure. After receiving a letter of formal notice, Member States have two months to reply and in cases of non-communication have to notify their national transposition measures to the Commission.											
In the absence of satisfactory replies or of notification of national measures, the European Commission can decide to send reasoned opinions, the second step in an infringement proceeding.											
After Member States receive reasoned opinions, they have two months to respond to the Commission, notifying the measures taken to ensure full transposition or bring national legislation in line with EU law. If they fail to do so, the Commission may decide to refer the Member States to the Court of Justice of the EU. In cases where there is no communication of the national transposition measures, the Commission may propose to the Court of Justice of the EU to impose financial sanctions											

Figure 1. Time needed to acquire citizenship (in years) (see Table 2, column 2)

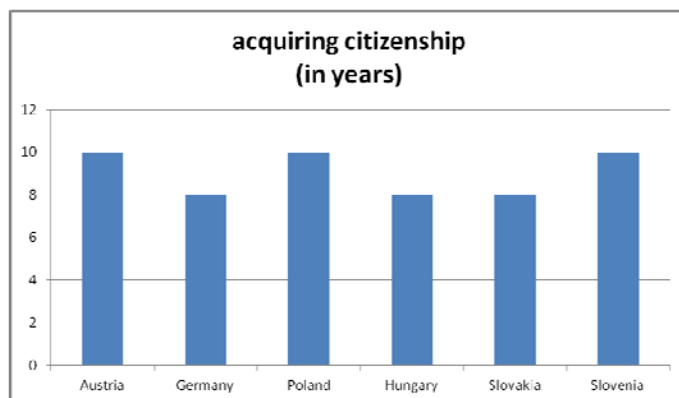


Figure 2. Monthly stipend per country (with free housing and other cost covered) (see Table 2, column 6)

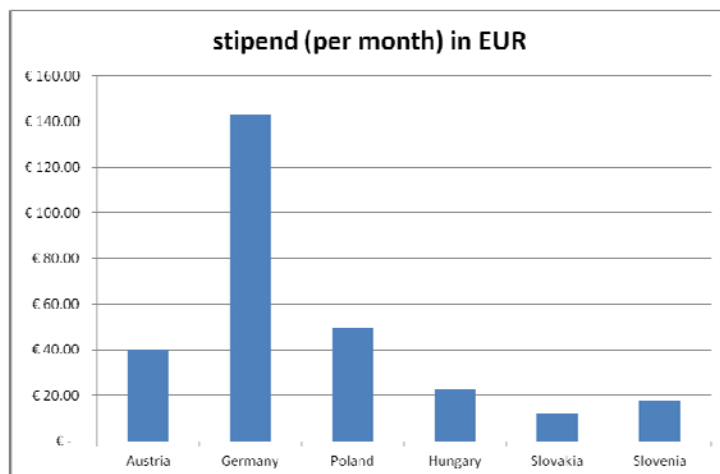
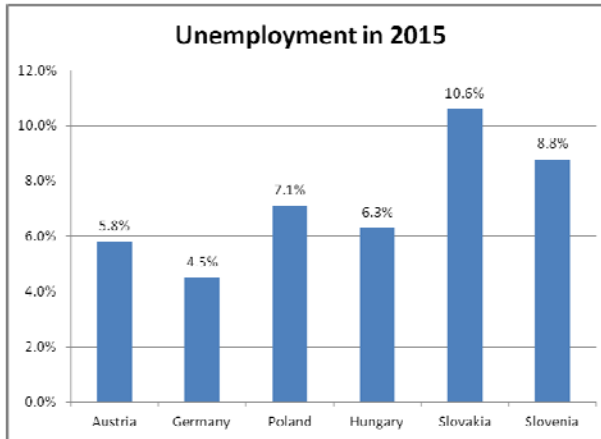
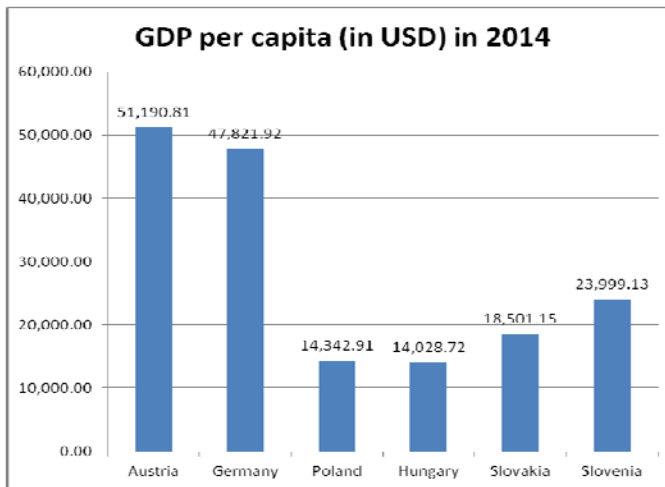


Figure 3. Unemployment rate per country



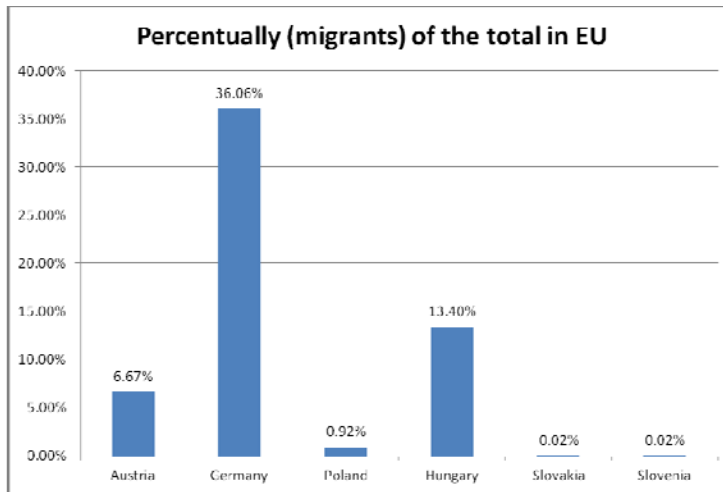
Source: Statista (2016)

Figure 4. GDP per capita



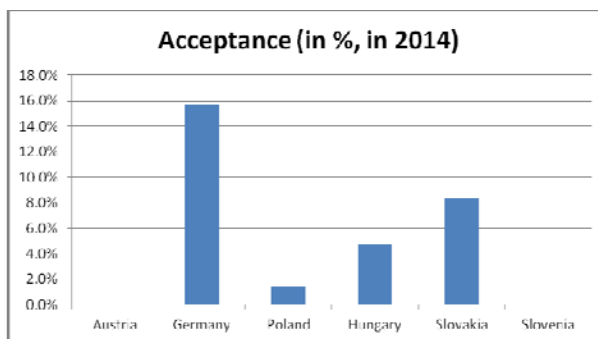
Source: Figure created by authors based on values in Table 1, column 5)

Figure 5. Percentage of acceptance (in 2015) from the total in EU (1,321,560 people) calculated by authors, based on source data (see Table 2, column 5)



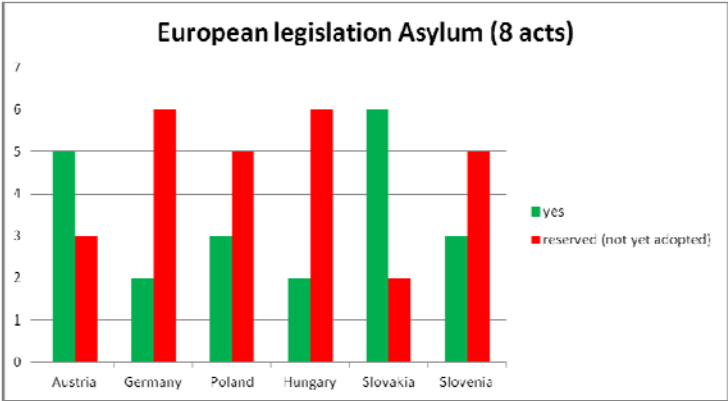
Source: Eurostat (2016)

Figure 6. Acceptance rate in 2014 – data for Austria N/A



Source: Eurostat (2015)

Figure 7. Status on acceptance on European legislation in the field of asylum (out of 8 acts)



Source: Figure created by authors based on values in Table 4, (columns 6-13)

European Migration Policies and the Right of Asylum

Marija Veljovska Kondovska, Aleksandar Kitanovski

Abstract

The European Union is confronted with a deep migration crisis, at a time when the EU has changed from being a source of stability and security into becoming a generator of political instability and economic chaos. This chapter outlines the main parameters of Europe's immigration issue and the right of asylum. It presents the European migration policies of the last decade and traces the reasons behind its complete or near failure. The European Union takes into account how to rid itself of migrants through certain measures of tightening the law on asylum, and closing the borders. The result is that those states which had most fought against borders and walls and were committed to them being permanently eliminated, are now rushing to raise them again. Meanwhile, the security threat that has increased across the whole Union due to the mismanagement of migration. The European Union has spent years developing the Common European Asylum System (CEAS). The aim of CEAS is to ensure the rights of asylum seekers by law. The system establishes minimum standards and procedures for processing and assessing claims for asylum and for the treatment of asylum seekers and those granted refugee status. Nevertheless, a large number of EU member states have yet to correctly implement these standards. Instead there is a collage of 28 different asylum systems producing uneven results? Finally, this chapter examines the EU asylum system itself. The chapter analyses how national asylum systems interact under the law of the EU, applying the criteria of the distribution of state responsibility to investigate asylum applications. This chapter addresses two key concepts in the development of European asylum law in particular: the concept of solidarity and the concept of trust, the application of which has been demonstrably weak in the European Union asylum system.

Keywords: Common European Asylum System, right of asylum, refugees, immigration, racism.

Introduction

First of all this chapter will deal with the current situation of Europe's migration crisis, the right of asylum and European difficulties in absorbing migrants. For this purpose, this chapter is based on European migration policies and, more importantly, the massive inflows of asylum seekers as one of the key issues endangering the security and stability of the EU and the Western Balkans. The European asylum system is an advanced regional protection framework, in both political and legislative terms. However, the European asylum system lacks a mechanism to distribute responsibility fairly among the EU member states. In accordance with internal EU rules, the country to which migrants first come is supposed to handle them, giving them either political asylum or a temporary permit to remain. But many migrants wish to continue to Germany where they have prospects of better living conditions and of finding a job. The key point of this research is to diagnose the concept of solidarity, the application of which has been demonstrably weak in the European Union asylum system. Taking into consideration that the migrant crisis is the biggest concern for the European Union.

The Development of European Policy on Asylum

Asylum is given to people fleeing persecution or critical harm in their own country and, because they are in need of international protection they are granted either political asylum or a temporary permit to remain. Asylum and also the protection of refugees and asylum seekers is a fundamental right which was first recognized in the 1951 Geneva Convention on the protection and status of refugees. In the European Union, with open borders and freedom of movement, countries share the same basic values and states need to have a common approach to guarantee a high level of protection for refugees. Procedures must at the same time be equitable and effective within the EU and there should be resistance to abuse. Taking that into consideration, the EU Member States have committed themselves to building a Common European Asylum System (CEAS), which has to be based on the full implementation of the Geneva Convention. In fact, EU Member States committed themselves to collaborate and take responsibility of the lodged asylum application. We can say that the EU has spent years building and improving the Common European Asylum System.

Furthermore, since 1999 the EU has been working to create a Common European Asylum System (CEAS) as a means of improving legislation in the field of asylum. Between 1999 and 2005, the European Union adopted several legislative actions harmonizing common minimum standards for asylum. More specifically,

the European Union adopted the following legislation for the achievement of the first and important phase of the Common European Asylum System: the Dublin II Regulation (identifying the EU Member State responsible to inspect an application for asylum); the EURODAC Regulation (for an EU asylum fingerprint database); the Reception Conditions Directive (material support offered such as health care, job or employment and education); the Qualification Directive (determined standards for granting international protection); and, the Asylum Procedures Directive. Another important action was the strengthening of financial solidarity which came with the establishment of the European Refugee Fund.

After the completion of the first phase of the Common European Asylum System, starting in 2005, the EU has been working on overcoming the non-functional issues of the adopted legislation through a revision of the essential legislative measures. In essence, this has meant setting out common high standards and stronger cooperation to prove that wherever they apply for asylum, asylum seekers are treated equally in an open and fair system. The European Commission revised and improved the five key policy instruments. In short:

The Revised Qualification Directive, which ensures common grounds for granting international protection. It also improved access to a series of rights, namely rights: on protection, residence permits, travel documents, social welfare, access to employment, access to education, access to accommodation, and the provision of health care.

The Revised Dublin Regulation has improved the protection of asylum seekers during the processing of asylum applications by the State responsible for examining the applications. The objective of the Regulation is to ensure that one EU Member State is accountable for the examination of an asylum application.

The Revised EURODAC Regulation determines an EU database of the fingerprints of the asylum seeker. The objective of the Revised Regulation is to improve the compatibility of the system with the reform of the EU asylum acquis. Eurodac is a biometric database in which EU Member States are required to enter the fingerprint data of irregular migrants or asylum-seekers in order to identify where they entered the European Union, and whether or not they have previously made asylum applications. Its main purpose is to facilitate the application of the Dublin Regulation, which determines the EU Member State accountable for processing an asylum claim. The reform Eurodac Regulation has been applicable since 20 July 2015. (Orav, 2015)

The Revised Asylum Procedures Directive, thereby creating a coherent system, which is intended to provide a faster and better quality of asylum decisions. Asylum seekers must have access to fair and effective procedures of asylum.

The Revised Reception Conditions Directive ensures common standards of living conditions and humane material conditions in the reception of asylum applicants across the European Union. It confirms that applicants have access to housing, food, health care (medical and psychological care) and employment.

Taking all this into consideration, the Common European Asylum System actually consists of three directives and two regulations relating to asylum. Ultimately, it is about: the Qualification Directive, the Reception Conditions Directive, the Asylum Procedures Directive; and the Dublin Regulation and the Eurodac Regulation. Consequently, the Dublin Regulation and the Eurodac Regulation together form what is referred to as the Dublin System. The aim of the Common European Asylum System is to harmonize the legislation on common standards for asylum seekers between the EU Member States.

Right of Asylum

For centuries, people have been discriminated against and compelled to leave their homes because of conflict, persecution on racial, political and religious grounds, aggression, and threats to life. Human beings have migrated since the earliest societies, given that the first migrants were tribal people in search of food, water, and other resources and basic requirements. In fact, they were not yet refugees or asylum seekers; they were merely hunter-gatherers. (Warner, 1997:58)

The right to asylum is a part of the fundamental rights and freedoms to which all human beings are entitled without distinction of religion, race, political or other opinions, national or social origin, property or other status. At an international level, this right has been codified in article 14 of the Universal Declaration of Human Rights (1948), stating that: “1. Everyone has the right to seek and to enjoy in other countries asylum from persecution. 2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations” (The United Nations 1948). Asylum may consequently be defined as a kind of protection granted to people who flee their homes for fear of persecution or being at risk of suffering serious harm. These people therefore have the right to seek asylum in any country willing to protect them.

The legal basis for the right to asylum, at the European level is article 78 of the Consolidated Treaty on the Functioning of the European Union, providing an

overview on the protection of asylum seekers in the view of developing a common policy on asylum throughout the European Union. As a human right, the right to asylum was set out in article 18 of the Charter of Fundamental Rights of the European Union. In other words, after the creation of the European Charter of Fundamental Rights, the right to asylum was conceived as the right of an individual not only to apply for asylum, but also as the right to be granted it.

In accordance with the rules of international law, every state has the right (not the obligation) to receive on its territory foreigners, as asylum seekers, but it is not required to give an explanation to anyone about its decisions. Nevertheless, the state has an obligation not to interfere with anyone who wants to emigrate or wishes to seek asylum in another country. The convention states that refugees must be given access to fair and effective procedures for asylum and the measures necessary to ensure that they live in dignity and security whilst their claims are being processed. Giving asylum is a peaceful, apolitical act that no country should consider as a hostile act. We can say that today the approval of asylum to refugees is based on the principle of humanity. The right to asylum is a right of the state to approve asylum, not a subjective right of individuals to obtain asylum, unless an individual country adopts alternative arrangements in its legislation.

The Migrant Crisis in Europe: Created Dysfunction

The contrast today could not be greater than 24 years ago, when the border between Austria and Hungary came down, clearing the way for the unification of Germany. A new, free Europe was created in both the East and the West. What we see today is just the opposite. Wire fences have been erected along the Hungarian border, and have returned, exceeding those terminated in 1989/1990. Not only have external borders been put up, but also borders between EU Member States. Two supporting pillars of the EU – the Schengen and Dublin agreements - have crashed. We are witnessing the erosion of European unity while Member States are flexing their muscles. But now, in parts of Europe again, and Germany is no exception here, where its generous “Yes we can!” has become more narrowed, but realistic. After the statement of Angela Merkel that the refugees were welcome to Germany, accompanied by a 'selfie' with refugees, German municipalities and volunteers have been flooded. Establishing border control in Germany was, if not an imperative, then at least a much needed relief to overburdened officials.

As you might have assumed, with this farewell to open borders, a simultaneous domino effect hit Germany's neighbors, and as soon as Germany had established its border control, the neighbors did the same. There was a bitter admission that the

European Schengen free movement of free citizens cannot exist without strong external borders, apart from the need for cooperation, so as to ensure the right to asylum. Until now, the Mediterranean had separated the EU from the suffering of African migrants who traveled the south – north route. Now when people travel by land through the east to the west along the South – East European / Balkan route, the term “Fortress Europe” no longer serves as an apocalyptic hyperbole, but as a description of reality. What is even worse is that this is true for people who would prefer to remain apart from the refugees.

Yet, the policy of separation does not provide a true solution to the problem. Those who are in trouble will not be prevented from escaping across the border, be they internal or external frontiers. This led to the demolition of another central agreement since the 2003 Dublin II agreement (and the 2013 Dublin III) which stood alongside the Schengen Agreement. According to the Dublin agreement, only one EU Member State is responsible for the asylum procedure, namely the country of original entry. This is the only place where asylum seekers can 'enjoy' the right to remain. For too long, Germany, as a third country, exploited this rule. But lately, the Dublin agreement has been sidelined; reception centers in countries in the south are close to bursting, especially in Greece and Italy, and also in Malta and Spain. These countries are just beginning to forward the refugees on their way, in most cases to Germany.

The problems related to asylum and refugees demonstrate that the limitations of the current European project are running ahead of the national sovereignty of European solidarity. Unlike aid to Greece, the problems are not abstract, as in the case of billions of euros, but tangible, with the presence of actual refugees, leading to the two fundamental issues related to the sovereignty of nation states. First, who belongs to us? Secondly, who decides what our limits are, and how they are kept?

Obviously, the answers to these questions vary across Europe. While the western part of the EU states are ready to give up something along the lines of post-national sovereignty, Eastern Europe sticks to its newly found tradition of national independence, which had only been won, twenty-five years ago in 1989/1990. The same goes for ethnic homogeneity, and Poland and Hungary, in particular refuse to accept Muslims, under the pretext that they do not have a tradition of multiculturalism. Sadly, the phrase ‘that all men become brothers’ in The European anthem, Beethoven’s “Ode to Joy” has turned out to be rather illusory.

As we can expect in the near future, the coming years will be decisive for the future of the European Union. These will demonstrate whether or not Europe is at all capable of providing the necessary and essential solidarity and constructive consensus, or

whether European states will slip into hostility. Europe is at a crossroads and in the worst case scenario; we will witness an ideological civil war across Europe, with the radical polarization between countries in different political situations. European solidarity and national egoism provide the essential question – Solidarity, is represented by the European Left on the one hand. Whilst the European right has already decided on its call to arms over the next few years over the refugee crisis. (Kitanovski, 2014).

Can Europe respond with solidarity to this humanitarian problem, ensuring fair distribution across its member states? Or will individual countries selfishly turn away from this huge challenge? Fighting fatal regionalism is the historic task of a progressive, liberal Left. Today, Europe stands in the face of an historic choice: either a united Europe will succeed, or we will become a patchwork continent of the old nation states. The latter would mean the collapse of the EU, Europe giving up on global dialogue, and the new global order of the twenty-first century being left to the new (and old) superpowers and their imperial ambitions. (Elsässer, 2014).

The last twenty-five years have shown that a purely monetary neo-liberal Europe, which is what Angela Merkel and Wolfgang Schäuble are pushing for, cannot respond to the fundamental crisis of Europe. On the contrary, it only stirs nationalism and leads to ever greater divisions. The Left's alternative cannot be a national one; only consistent Europeanisation can make the continent free, fair and sustainable. (Elsässer, 2014)

Populist polarization is not the correct way to reach this goal. We can only aspire to, as some leftists suggest, a simple distribution from the rich to the poor; we need a transformation of the capitalist system, a fundamental change of lifestyle. This is a way to really touch the real reasons why people become refugees; this is the only way to solve the humanitarian crisis. After all, the real reason for the business model tractor that crosses the ocean is a huge gap in wealth between the North and South, East and West. As long as it exists - and as long as the gap between rich and poor continues to grow, the refugees will not stop coming.

For all that will be required would be a peaceful and just world order, which people had been hoping for, but in vain, in Europe and elsewhere, in 1989/90. It is certain that such a goal, after all the disappointments over the last twenty-five years, seems to be rather utopian. But a united Europe can and must at least start working towards it.

Conclusion

Europe was affected, in 2015 by a historic wave of humanity, in the face of, people fleeing violence, war or poverty, seeking a place to live, a job and a chance to lead a dignified life. Much of the chaos in Europe was witnessed in the countries of Southeastern Europe that have been grappling with massive inflows of migrants and refugees. We can see the dysfunctional nature of the European Union in the place near a barbed-wire fence that divides Greece, an EU member state, from the Republic of Macedonia.

The European migrant crisis has highlighted the incompatibility or rather the inadequacy of the common EU asylum policy. In fact, it emphasizes the need to make a more harmonized and cooperative approach to the system for accommodating and processing asylum seekers. The European Union needs to show more solidarity.

The actual migration and refugee crisis has posed one of the greatest challenges the European Union has experienced so far. The appearance of migrants and refugees has stretched the borders of European cooperation and put one of the fundamental rights of citizens in Europe, free movement, at risk. The EU gave free movement rights to people. Freedom of movement can help to build solidarity between the people and governments of different countries, and the EU Treaties have a number of provisions for dealing with free movement of people, but evidently the free movement of people throughout the EU has come under threat. Furthermore, on the migration issue, European unity would seem to be an unreachable goal.

The European Commission makes efforts to find a common response to the refugee crisis. With the European Migration Agenda and many aspiring proposals, the European Commission has sought to push for conclusive and joint action to counter the migration and refugee crisis. And finally, the core of all policies of the European Agenda on Migration should be that refugees and asylum seekers are, primarily, human beings and deserve to be treated with dignity and respect.

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Border Agency for Security in Europe

Jeremy Cripps

Abstract

The best borders are bridges rather than barriers. Borders define peoples, their lifestyles, destinies, rights and duties. Even today vestiges of the Roman Limes define the Roman Empire, that culture, at its greatest extent. By nature, borders range from the coolest thousand miles between Norway and Sweden to that piece of tropical string between Ethiopia and Somalia. Europeans may bestride borders by crossing the line of tiles through Baarle (in both Belgium and the Netherlands), the metal strip through the Eurode Business Center, Herzogenrath (in both Germany and the Netherlands), or zipline from Spain to Portugal “in less than a minute.” Bridges welcome tourists and trade, promote cross-cultural co-operation and the easy movement of people. Barriers prevent illegal entry, terrorism, disease, sedition and other criminal activity. Clearly a strong agency is required to manage these contrasts in the task descriptions. Sadly, terrorist attacks in Paris and Brussels remind us of the need for improvement in the border management of Europe. This chapter considers the major problem areas which arise at national borders in Europe and illustrates recent examples of the key pre-terrorist troubles that have arisen and the solutions so far embraced. Review of present border management provides a number of options employed for current border management and leads to consideration of other options which might be introduced. A detailed analysis of border management practices, their implementation and success, identifies the realities of border management particularly when facing security issues. This leads to consideration of how to enhance current border security through new strategy and 21st century capacity building. So begins identification of the new needs for the European Union in the context of European Union thinking and activity directly related to border management. There is particular urgency for the European Union to put in place an effective border agency. An agency which recognizes the need for “mending-time” so that we continue to “beat the boundaries” but tuned in to modern time.

Keywords: The European Union, borders, refugees and migrants, agency and security.

Introduction

*"They of those marches, shall be a wall sufficient to defend
Our inland from the pilfering borderers."
(Shakespeare, 1599)*

Around 1750 BC Hammurabi, then Ruler of Babylon, wrote letters (simply written on small slabs of wet clay, many collected now in the British Museum) securing his sovereignty and, for example, ordering his tax collectors to collect "raiment which are due" from citizens abroad (King, 1900). Here we see tax collection as but one of the reasons for enforcing the security of borders. Then even today we can see vestiges of the "Roman *Limes*" (UNESCO, 2016) the borders that defined the Roman Empire and that culture, at its greatest extent. Here perhaps, or earlier, we begin to encounter the interplay of language and communication and the high context nature of words like the mid-14th century (Etymology Dictionary, 2016) words "bord" or "bordure" which came to replace the older English word Marches. Border is a word with multiple possible meanings, including "the decorative strip around the hem of a dress," "the strip of ground for planting flowers and shrubs," and "coming close to a condition (e.g. "bordering on excitement"). So, even in the context of English Law (see Exhibit 1) the word has a multitude of homonyms.

By nature, borders are considered divisions "between cultures, languages and political and confessional systems" (Boromova et al, 2015). They can be seen along the coolest thousand miles between Norway and Sweden to that piece of tropical string between Ethiopia and Somalia (Boredpanda, 2016) and the Haskell Library, the library without books on the border between the United States and Canada (Berman, 2016). In Europe too Europeans may bestride unnatural borders when crossing the line of tiles through Baarle (in both Belgium and the Netherlands), the metal strip through the Eurode Business Center, Herzogenrath (in both Germany and the Netherlands), and even travel in time from one side of the Greenwich Meridian Line to the other (Facebook, 2016).

Legal (England) meanings of Borders.

What is a border?

A border is a division between different areas or communities.

Where do you find borders?

- Between nations, states, districts, parishes, villages.
- Between groups, races, religions, skills, position in local governance, in a garden,
- In language, characters, dialects, accents

What indicates a border?

There can be:

- a physical barrier; (e.g. a fence or wall; a step, a gate, a curtain, a door, clothing)
- a visual aid, e.g. a sign (no entry, no right turn, women only), a line on the ground, a line of trees, a spotlight's light,
- a uniform, e.g. a soldier on guard, a divers suit,
- a community understanding, e.g. the entry to sacred ground., a grave yard, a mosque, a school playground.
- a difference in looks; the edge of a hotplate, a change in colour,
- pre-existing legal precedent (e.g. on land rights).

Importance of Borders:

- Make clear where one area ends and another begins.
- Strengths community cohesion.
- Keeps the unwelcome from entry into forbidden areas.
- Enables communities to decide who can be admitted.

Source: HH Lord Parmoor (2016) Current English legal context.

Also see www.thelandmagazine.org.uk and search for 'a short history of enclosure in Britain'

Exhibit 1: Nature of Legal Borders

Bridges welcome tourists and trade, promote cross-cultural co-operation and the easy movement of people. Barriers prevent illegal entry, terrorism, sedition and other criminal activity. We hear that: “A nation that cannot control its borders is not a Nation” (Reagan, 1981) and yet we live in times when borders are porous not only to immigration, but also to a variety of global intrusions including disease, currency manipulation, tax avoidance and other cultural invasion.

So today it is perhaps ironic to find that the strength of national consciousness, which brought the “winds of change” (Macmillan, 1960) to Africa to defeat an era of colonialism, is being repeated in Europe to escape the idea of “ever closer Union” (Treaty of Rome, 1957). Recent terrorist attacks in Paris and Brussels (The Guardian, 2016) and the current Migration crisis has presented the European Union bureaucracy with “their greatest challenge since the debt crisis” (Park, 2015). Prime Minister David Cameron’s target, an exemption for Britain from the commitment to “ever closer union” (The Economist, 2016) reflects growing anxiety that the European Court of Justice “has undermined the ability of the UK intelligence agencies to monitor terrorist suspects” (Shipman, 2016) and that Europe’s “porous borders are an open door to extremists” (The Daily Telegraph, 2014). The “unelected apparatchiks” (Williams-Grut, 2016) in Brussels are no longer seen to honor even the basic democratic demand for safety from the citizens of Europe.

Sadly, current events remind us of an urgent need for improvement in the border management of Europe. Clearly a new, much stronger form of Border Agency is now required to satisfy the legitimate demands of those who are legal residents of the European Community. Indeed, the European Union is said at last (December, 2015): “to take its largest step in European integration” with the creation of a European Border Agency (Koronakis, 2015). Let Brussels remember that: “actions are more precious than words” (Pym, 1628).

This chapter is therefore written to focus on the major problem area, the porosity of borders, which is to be found within the national borders and particularly along the international borders of Europe. First the key concepts of border security are considered. Then there is an analysis of current border management practices, their implementation and their success, and how nations face security concerns. This brings consideration of the new needs for European Union Security.

Key Concepts: Border

Consider the problems associated with the etymology, with the multiple meanings, with the multiplicity of concepts when mention is made of the word “border.” There is no clearly defined meaning to the concept. Like Berkeley’s doctrine: “all general ideas are nothing but particular ones, annexed to a certain term, which gives them a more extensive significance, and makes them recall upon occasion other individuals, which are similar to them” (Russell, 1945). In this way we are familiar with the way a common word like “border” or “cat” may be “just as unreal” as the generally accepted conventional concept of “border” or “cat” (Russell, 1945). This then, as with any problem, is the place to start. We need to understand the nature of the problem of border control before effective controls can be put in place.

We encounter this absence of a real meaning for “border” in common law. Exhibit 1 identifies the English common Law consideration of the word border and shows how a court begins the process of the journey from abstract concept to the particular facts of an individual case. Here we might note, for example, how the word border may include regions or areas: “which straddle a boundary or are adjacent to a boundary” (Boromova, 2003). US Borders around the Gulf of Mexico, for example, include more than: “2,000 miles of coastal waters” (US Customs, 2016). These maritime borders may be interpreted to include any place within the 12-mile nautical limit (UN, 1982) or the 200-mile nautical limit (UN LOST, 2016) subject necessarily to the limits of the continental shelf. Today such offshore borders are in every day dispute from the South China Sea (Reuters, 2011) to the Arctic Ocean (CBC News, 2014).

Reflect also on current examples of border porosity beyond the vexed questions relating to immigration. Over the past 15 years Exhibit 2 identifies diseases that have crossed borders to create pandemics and recognize the vulnerability of borders to atmospheric activity. Outbreaks of disease have been characterized by their: “vast geographic spread” (MSF, 2015).

2002 - present	SARS (Severe Acute Respiratory Syndrome)	From China
2003 – present	H5N1 pandemic influenza (bird flu)	From Asia
2009 – 2010	H1N1 pandemic influenza (swine flu)	From Mexico
2012 – present	MERS (Middle East Respiratory Syndrome)	Middle East
2013 - 2015	Ebola virus	West Africa
2015 – present	Zika virus	West Africa
<i>Others - present</i>	<i>include: Chikungunya, cholera, hepatitis, influenza, malaria, measles, poliomyelitis</i>	

Source: Sharma S (2016) Hindustan Times, New Delhi available at <http://www.hindustantimes.com/health-and-fitness/why-we-should-fear-zika/story-p9e4x6UGAqSkJ7SVHiBnPL.html>

Exhibit 2: Cross-border Pandemics

And we should not forget the plant invasions that subject to niche (MacDougall et al, 2009) can interact with native species and those that can dominate over local native species. Examples are shown in Exhibit 3. These “biosecurity issues are of increasing economic and ecological significance” (Horrill, 2016).

<i>Examples</i>	<i>Invasive species</i>	<i>Native to</i>
Pre Ice Age	Rhododendron (Strandja Nature Park)	Bulgaria
1850	Japanese knotweed (monkey weed, elephant ears)	Japan
1910	Dutch Elm Disease (first noted in Europe)	Europe
1940s	Eurasian Water-milfoil	Eurasia
<i>“Approximately 50,000 non-native plant and animal species have been introduced to the United States. At least half that number are plants, which can cause more than \$34 billion a year in damage to the environment, forestry, agriculture, industry, recreation, and human health.”</i>		
Source: Ohio Invasive Plants Council at http://www.oipc.info/invasive-plants-of-ohio.html		

Exhibit 3: Cross-border Invasive Species

Financial guru Warren Buffet has said that: “natural disasters have a greater economic impact than terrorism” (Amadeo, 2016). Natural disasters impact the cost of

insurance and can contribute to slow growth for the countries involved. Once again the need for border security is important.

<i>2015:</i>	<i>Locations include</i>
Earthquake	Chile Nepal, Hindu Kush, Indonesia, Bothnia, California
Flood	Brazil, Indonesia, Baluchistan, Louisiana, Dubai, India
Heat wave	India, July 2015 hottest month ever
Storms	Desmond (UK), Komen (India), Melor (Philippines), Patricia (Mexico)
Drought	Ethiopia, California,
Pollution	Beijing,
Wildfires	California, Australia

Source: MSN Weather website available at <http://www.msn.com/en-us/weather/topstories/climate-change-is-ruining-some-of-the-best-aspects-of-los-angeles/ss-BBpWe9f#image=2>

Exhibit 4: Cross-border Natural Disaster Impact

Key Concepts: Border Management

Having considered the risks associated with managing borders we can now begin to review the stakeholders who may be involved:

- Key Government Agencies: These will include Police, Armed Forces, Customs, Immigration, and other Ministries (e.g. Treasury for currency and tax; Agriculture for animal quarantine, Finance and Industry for trade, Security services for intelligence).
- Transportation Companies (Airlines, Trains, Automobiles, Ferries).
- Local Authorities (where the borders are located)
- Regional Authorities
- Corporations,
- Individuals.

What then are the organizations in Europe that are set-up for border management? The short, clear, simple answer is that: “the EU lacks a credible migration policy” (Redwood, 2016). Experts confirm that: “it could be years” before effective cross-

border security can be implemented (Foster, 2016). Continually delayed approval of the proposed Europe-wide PNR (Passenger Name Record) legislation is proof of this likely delay.

In the context of border security, terrorism and migration are inextricably intertwined as confirmed by the access provided to terrorists in New York (FAIR, 2011), Paris and Brussels (Sciolino, 2016). In December 2015 The European Commission announced that the Commission: “adopted a package of measures to step up the fight against terrorism” (EU Commission, 2015) The package was to contain two main elements:

- A Directive on terrorism (EU Directive, 2015) and
- An Action Plan.

The new plan was to update the 2002 *Decision on Combating Terrorism* and the review of the 2002 plan in 2008. Frans Timmerman, EU Commission first Vice-President noted the need for “a common criminal justice response” and “cooperation at the EU level with third countries.” Yet this Easter 2016 we are reading that the: “Turks had deported el-Bakraoui, (suicide bomber at Brussels airport lounge March 2016) a known terrorist and criminal” (Coughlin, 2016) back to Belgium where, although he had broken his parole, (Sky News, 2016) no appropriate police action was taken, and so he was free to undertake terrorist bombings. So much for a common criminal justice response and cooperation with third countries.

The lack of a credible EU migration policy is further confirmed by the former MI6 (UK Intelligence Agency) head Sir Richard Dearlove, quoted by the BBC (BBC News, 2016), who said: “EU-based security bodies were of ‘little consequence’ and that leaving the EU could boost Britain’s security”. Michael Hayden, former CIA Director also noted that the EU: “gets in the way” of security services and remarked that the European Union is not: “a natural contributor to national security” (Reuters, 2016).

In the absence of any EU policy the responsibility for ensuring internal security is first and foremost with the member states (EU Directive, 2015). Thus effective EU border management is in the hands of the police forces of the 28 nations that make up the European Union. As Brussels 2016 has confirmed, this policy has proved to be a disaster. The reason is not hard to discover. In Belgium, as elsewhere in the EU, national law enforcement is conducted on both regional and local levels with any potential for integrated service constrained by jurisdictional considerations which can

take time for the leadership to be determined, and budget. There is no federal (Europe-wide) organization mechanism which operates.

So there is no EU organization to take charge when borders are threatened. “There is virtually no legal path to Europe for refugees” (Popp, 2014), and this has been confirmed as Europe is presently: “overwhelmed by immigrants” (Geyer, 2015).

When Security considerations are taken into account there is also room for assistance to be provided via NATO whose work includes: “improving awareness of the threat (of terrorism), developing capabilities to prepare and respond, and enhancing engagement” (NATO, 2016). Then there is also a European Defense Agency (EDA, 2016) whose mission includes supporting: “the Member States in their effort to improve European defense capabilities.”

Further, in Europe the OSCE, the Organization for Security and Co-operation in Europe, has also been set up: “to enhance border security while facilitating legitimate travel and commerce” (OSCEb, 2016). This organization: “has 57 participating States that span the globe” (OSCEs, 2016). It also has a Forum for Security Co-Operation specifically: “to increase military security and stability in Europe,” covering: “fundamental politico-military agreements,” and, supposedly it: “develops norms and provides practical assistance.” These are the words, there is no evidence of action. It is quite apparent to the least attentive observer that the much be-medaled array of so many pompous programs to protect our borders in Europe are “obsolete” and, as Donald Trump had correctly noted: “is extremely expensive” (Haines, 2016). Certainly, during the current Immigration crisis in Europe, the EU, NATO, and OSCE seem so carefully to have avoided any leadership role.

And then there is the Schengen Zone, whereby a traveler within the 26 members of the Schengen Agreement needs only a single visa (Schengen, 2016) to travel within the Schengen Area (France Diplomatie, 2016). The Schengen free movement is a visa area that includes three countries outside the European Union (Iceland, Norway and Switzerland) but does not provide free movement to Ireland or the United Kingdom. Recently, lack of trust in the Schengen visa system was expressed by the reimposition of border controls by Austria, Denmark, France, Germany, Norway and Sweden (Traynor, 2016; BBC News, 2016; The Economist, 2015).

Never in the field of European Security have so many resources been provided for so much security, securing so little safety, for so many. No surprise then that the European Public are coming to question how the European Union’s bureaucratic structure: “has fostered a culture of decrepit ministerial elites” (Anderson 2013)

whose sheer incompetence makes the EU's "most remarkable feature" that anything for the benefit of the people ever gets done at all.

Current Border Management Practices

There are five global megatrends which combine: "to obliterate virtual borders and make physical borders more vulnerable than they have ever been" (PricewaterhouseCoopers, 2015). These trends are demographic and social changes; shifts in economic power; rapid urbanization; climate change and resource scarcity; and revolutionary technological breakthroughs. These megatrends incorporate recognition that to keep up with these changes, PricewaterhouseCoopers recommends border management needs:

- Innovative technology:
- Effective Integration and co-operation:
- Coherent processes
- Agile Organizational capacity

Innovative Technology:

The framework for providing visas necessarily incorporates many classifications of visas, appropriate background checks, and includes appropriate socio-economic indicators and bilateral arrangements for removals (US Visas, 2016). As in the United States and the United Kingdom (UK Visas, 2016) visa processing times depend on where a visa applicant is coming from. Data has been collected from multiple points to provide screening against watch lists, profiling of visitors for risk and therefore efficient deployment of resources in order to target potential criminals and terrorists. Some democracies resort to profiling, others take the practice for granted because of the additional security profiling provides (Pfeffer, 2010). Besides Big Data collection nations are rapidly moving beyond traditional passports to biometric passports and identification based on individual characteristics rather than places of origin. Rapid DNA instruments have been approved for use by the US Federal Bureau of Investigation (FBI, 2016). As technology develops we may expect more advanced biometrics which might combine (say) facial characteristics with rapid DNA analysis and this might even be built into a subcutaneous unit for frequent travelers.

We are already seeing the deployment of drones for border monitoring (Constantini, 2012) and an increasing use of infrared and heat sensing equipment. High-tech cameras and specialized radar and satellite coverage are also becoming more widely available. There is also the increasing use of non-invasive inspection technology

(Dexcowin, 2013). We should also be aware of the availability of classified equipment which is being used for security purposes (Bonazzo, 2016).

A wide range of X-ray scanning, electronic imaging, explosive detection and related systems are already available and in use for border security at airport arrival and other border security posts. These may in future be found at border crossing points as well as other ports of entry.

Effective Integration and co-operation:

From July 1, 2015, the Department of Immigration and Border Protection and the Australian Customs and Border protection were consolidated into a single Department of Immigration and Border Protection (Australian Government, 2016). In the US and the UK there has been a similar consolidation of all related security services under the US Department of Homeland Security and the UK Visas and Immigration respectively (UKBA, 2016). The integration of the border management functions is still a work-in-progress. The foiling of the Al Qaida plot to place an underwear bomber on a US bound airliner highlights: “the only sure way to stop terrorism: a multilayered approach led by good intelligence” (Stone, 2012).

Coherent processes:

PricewaterhouseCoopers (2015) identified three key functions of a coherent process model for a border agency:

- Strategy evaluation and governance: clear identification with a strategic plan designed to develop key capabilities, identify changes needed in management, monitor performance indicators, and ensuring the cooperation among departments which will maintain proactive security measures.
- Operational Processes: Planning, investigation, big data analysis, and a process for the continuous improvement of preventative techniques. Operational units in action with allies and on location will need the latest available technology. Techniques such as risk-scoring (Snelling, 2014) are becoming viable, they can employ analytics and complex algorithms so that the blanket approach (checking every traveler) can be replaced by reduced border controls so that we may expect to see the check in process expedited and at the same time made more secure.
- Enabling functions: Procurement (and appropriate finance) for the latest technical equipment, logistics appropriate to supporting border security units, secure communications and appropriate legal support.

Recognition that Border security is a complex activity which is tasked “with reconciling the apparently contradictory tasks of facilitating entry and preventing threats” (PricewaterhouseCoopers, 2015).

Agile Organizational capacity:

Border Management policy and practice in Europe may be seen to be reactive. To be a proactive agile organization, a fully merged structure wherein all border functions are performed by a single delivery agency is needed. Among countries studied, Canada is the only true example of a fully merged structure, while the United States and the United Kingdom have merged line border management functions and appear to have in place classified arrangements to prepare for terrorism and criminal activity and are moving towards the effective single agency model.

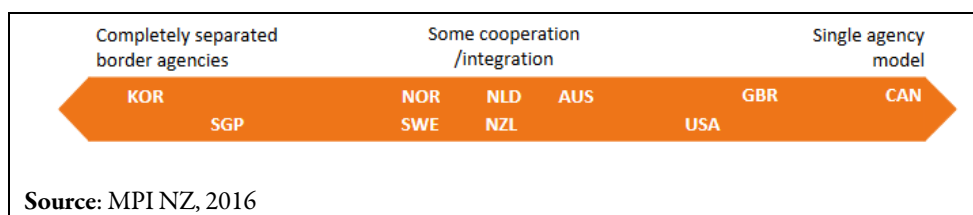


Exhibit 5: Border Agency Structures

Agency for Security in Europe

The European Security Strategy (ESS) adopted by the European Council in 2003 provided “the conceptual framework” for a Common Security and Defense policy (Europa, 2013). A Review in 2008: “confirmed the validity” of the need for a common Agency for Security and expressed: “the need to be more capable, more coherent, and more active” in providing security against terrorism (ISS, 2009). The Review also noted that: “conflict prevention must prevail over conflict management. Yet we have seen that the responsibility for security still remains in the hands of the 27 member states and is as a result lacks coherence. “Attempts at creating a stable and secure European continent have so far failed” (Fitzgerald 2015). What has so far been revealed this Spring 2016 is the “shocking incompetence” of Europe exposing “catastrophic deficiencies in European Security Policy” (Deutsche Welle, 2016). The Brussels Attacks: “Underscore the Vulnerability of an Open European Society” (Nossiter, 2016). It is time now to catch up with the 2003 framework, the 2008 review, research and actions taken in New Zealand, the United States, and the United

Kingdom, and time for the European Union to establish a single agency responsible for European Union border Security. The initial agency needs to concentrate on the Continental Border Security with a plan to absorb shore border security agencies within the foreseeable future.

Conclusion

The purpose of this paper was to consider the idea of a Border Agency for Europe. This purpose has built on previous studies and current research which confirms the need for a single Agency for Border Control for Europe. Europe must now move, politically, economically, and socially to a coherent Border Control Agency so that we, the people of Europe, may live within a safe and secure environment.

Afterword

When I was in primary school, on Ascension Day each year, we took part in the ancient tradition of “beating the bounds” around our local parish. “The custom goes back to the Anglo Saxon period at least” (Brasenose, 2016). We would walk round and beat the stones that marked the parish boundary wall, observing how boundaries were protected before land registry technology took over. We rehearsed the need for a “mending wall” (Frost, 1915). We in a small way recognized the need for “mending-time,” a need perhaps more precious than ever today. We, in Europe now most urgently need a single European Border Agency to “beat the boundaries” but tuned in to the technology and analytics of our modern time. We want to say again “Good fences make good neighbours.”

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**PART TWO:
CULTURE AND IDENTITY: MINORITIES,
SELF-DETERMINATION AND REFUGEES
FROM A HISTORICAL PERSPECTIVE**

Internal Aspects of the Right of Self-Determination: An Alternative to Secession

Natalija Shikova

Abstract

Although it does not provide a “magic cure” against secession, internal self-determination, both in effect and in practice, diminishes the desire for external self-determination and softens the tendencies toward separatism. The recognized and internationally proclaimed right of self – determination of the people gets a new lease of life through the implementation of its internal aspects as a possible way for the accommodation of the differences of separate groups that exist in society. Although it has still not been established as a right, the legal grounds for practicing internal self-determination can be found in several international documents and the moral basis for identity and the need to practice it within a particular group or sense of group distinctiveness. Since there is insignificant support in the standards of international law for the accommodation of different expectations based on the need to protect and promote any so-called separate nationality, in our efforts to endorse security and peaceful coexistence it may be better to look at the internal aspects of the right of self-determination from a different angle and try to find solutions through measures that are part of the state’s democratic traditions. The internal aspect of self – determination offers a wide range of options that need to be taken into account. Although, these are far from perfect, they are still based on presumptions and have many limitations, the costs of the realization of internal self- determination comprise solutions that are worth trying out. Building on theoretical research, this paper addresses the modalities for the realization of internal self – determination. An overview of the necessary tools for addressing the right of self-determination envisages the possible ways that can provide the means for accommodating differences between the existing communities within the established states. The effectiveness and efficiency of these models, depends as well on commitment, and the strong and clear efforts of national and international institutions for using democratic means in the process of conflict settlement.

Keywords: self-determination; secession; identity; culture; sociocultural groups; differences; society; internal self-determination; right; tools; options.

Introduction

The UN, which exists to develop friendly relations among nations, has set self-determination as a right for all people. Although the UN Charter (1945) and the international documents containing this right provide certain guidelines for its practice, there are different challenges with regard to the understanding and implementation of the concept and the right of self-determination connected with its title (who are the people with the right to self-determination?), the procedure, as well as the modalities for its realization. In its efforts to establish and maintain international peace and order, the UN system has been paralyzed on many occasions because of differences between the law and politics and has only an *ex post* explanation of events connected with the realization of the right to self-determination.

This problem is not new. We are, yet again, faced with its consequences within several regions of conflict in the world (such as Ukraine and Palestine). Following decolonization, East Timor was the only case accepted by the international community as a case of self-determination and until the dissolution of the communist federations (Yugoslavia, the USSR, and Czechoslovakia) during the 1990s, there was a general notion that the cases for self-determination had been closed. Because of the set precedents in the dissolution process, the claims for separation and the creation of new independent states from different types of communities within existing states are far from calm. Some of those quests are severe and bloody (witness the recent case in the Ukraine), some of them are trying to find a democratic path for separation and independence (such as Scotland) and some of them are in a loophole, stuck between the desire for separation, yet without any possibility of realizing it through democratic procedures and standards (such as the Basque Country and Catalonia..).

This paper addresses the modalities for the realization of internal self-determination as an aspect of the right to self-determination and as a possible way for providing the means for accommodating the differences between the existing communities within the established states and therefore serving as an alternative to secession.

The Legal Basis of The Right for Self-Determination

The concept of self-determination - as the need to govern in accordance with the will of the governed plays a part in the major upheavals of human history, but the idea takes on a more recognizable form after the First World War - in President Wilson's 14 points - the concept for post-war peace presented in 1919 at the Versailles Peace Conference. However, it should be noted that this concept of possessing one's own

government had also been part of the ideas envisaged during the Enlightenment and during the French Revolution (Franck, 2000). The concept of self-determination certainly passed through different phases and forms and was fully integrated into the UN system where the right to self-determination was recognized and guaranteed to all people (UN Charter, 1945).

Although there are still debates about the legal nature of this concept – it can be concluded, from practical jurisprudence and a theoretical point of view, that self-determination is a collective right, part of the corpus of human rights and that it has been established in the most prominent international documents such as: the UN Charter (1945); Resolution 1514 “Declaration on the Granting of Independence to Colonial Countries and Peoples” (1960); Resolution 1541 “Principles which should guide members in determining whether or not an obligation exists to transmit the information called for under Article 73e of the Charter” (1960); the International Covenant on Civil and Political Rights (UNGA Res. 2200 A (XXI) 1960); the International Covenant on Economic, Social and Cultural Rights (UNGA Res. 2200 A (XXI) 1960); UNGA Resolution 2625, and the “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations” (UNGA Res 2625, 1970).

Despite the fact that it was developed in the period of decolonization, in reference to colonial countries and peoples, and upon which the whole process of decolonization was carried out (UNGA Res. 1514, 1960), the principle for self-determination is not just applicable to mandatory or non-trust territories, subject to decolonization, but to all peoples. In a UN context, the right to self-determination in its external shape is applicable to people (not to national minorities, ethnic and religious ones, whose rights are recognized in Article 27 of the ICCPR, 1966) or to the nations in the cases of: a) a colonial context; or b) in a situation of any foreign domination or occupation (UNGA Res 2625, 1970).

For many scholars and practitioners, the right to self-determination (at least in its external aspect) is related to the political phenomenon of secession. In this set of international documents, the UNGA Resolution 2625 from 1970, “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations”, opens the door for so-called legitimate secession or implicit secession. Reading it in a certain context – secession is legitimate, if certain conditions are met, and the state acts contrary to the principle of equal rights and the self-determination of people, for example - if the government of the state does not represent the whole nation.

However, despite this presumed notion that the legitimacy of secession might serve to the detriment of the right to self-determination, the relationship between them is much more complex especially because the right to self-determination can be realized through many different forms, apart from just gaining independent statehood. For example, there are other factors, such as the right of people: to freely define their political status; their civil and political rights and to freely exercise their economic development. Similarly, there are other aspects such as: permanent sovereignty over natural resources; the right of people to freely practice their social development; and, the right of people to freely determine their cultural development (Cristescu, 1981).

Even though almost every quest for self-determination is connected with the question of secession, international law is clear on one point that, according to positive international law, the principle of the territorial integrity of the existing state remains superior and this includes the rejection of secession. However, international law neither allows nor prohibits secession. Since there are no legally established standards, some scholars of international law scholars propose that the focus of the debate should be transferred to the internal dimension of the right to the self-determination of peoples.

So far there is no established right of internal self-determination, but the legal basis for this concept can be found in ICCPR in Article 25 (1960); in Resolution 2625 (1970) and in regional documents such as: the Helsinki Final Act in Principle VIII (1975); the Concluding Document of the Vienna Meeting of Representatives of the Participating States of the CSCE (1989); the Paris Charter for a New Europe (1990); the Universal Declaration of the Rights of Peoples, and the Charter from Algiers (1970); alongside the moral basis in identity and the need to practice it within a particular group or through group distinctiveness.

Social Basis for Establishing the Concept of Internal Self-Determination

Many theoreticians now see identity as the basis for establishing special rights. Identity is partially shaped by its recognition and partially through a lack of recognition. Non-recognition or erroneous recognition can cause great damage and can be perceived as a form of oppression (Taylor, 1994). However, experience has shown that recognition itself is not sufficient. Moreover, individual rights, such as the right to liberty, the right of association and the prohibition of discrimination do not necessarily guarantee the survival of cultures. That creates a dilemma and the need not only for the recognition of cultural forms of life and cultural traditions of different groups, but also legal guarantees for the status and survival of cultures through some form of collective rights (Habermas, 1994; Walzer, 1983).

Liberal nationalism (as an additional aspect of liberalism) does not perceive identity as a fixed category. Liberal nationalists believe that identity is linked to the self-esteem that comes from a sense of cultural belonging, that is from the respect that a national culture enjoys within a wider social framework (Kymlicka, 2000; Margalit & Raz, 1990; Tamir, 2002; Miller, 1995).

"(...) identity is subjective, an individual phenomenon; shaped by the constantly repeated question of ego - "Who am I?" with all its consequences; and the question: "Who is he?" Generalized to the extent of collectivism, the question becomes: "Who are we?" and "Who are they?" But that subjective identity is influenced by labels that others apply to it, and no matter that "(...) identity is subjective, multidimensional and a situationally fluid concept, it is not infinitely elastic. Cultural characteristics of the individual limit the possible range of choices of its social identities" (Young, 1976, p.20).

In that way, identity based on a set of individual characteristics and a sum of subjective elements is transformed into a collective group identity. The need for the integration of a group and the various techniques and strategies for its accommodation arise precisely from the uniqueness of the group (Rothbart & Korostelina, 2006). In fact, "parochial" sentiments are deeply rooted in human psychology and they formatively influence attitudes, judgments and preferences. Therefore, any demands for self-determination are deeply rooted in the need for comfort, security and the self-government that the parochial environment offers (Buchheit, 1978).

One of the important questions is – to which cultural identities should priority be given in the process of ethnic accommodation? For many theorists these are societal identities, identities based on societal cultures, or to identities rising from historic communities (Frckoski, 2012).

The process of globalization, *inter alia*, has enabled the spread of the ideas of democracy, human rights and the rights of minorities that encourage demands for secession within mostly multi-ethnic states (Kymlicka, 2002). National regimes can respond to these challenges in a timely and adequate manner through the democratization and liberalization of society and with various mechanisms, such as - linguistic rights, autonomy, and federalism. In addition to this, methods for the maintenance of the system include decentralization, financial subventions for those regions that show signs of discontent and - finally, a carefully managed referendum, that could "redirect the wind" from secessionist aspirations (Birch, 1991).

In contrast, the most frequent response to secessionist movements is suppression, although with the development of the mass media it is almost impossible for a state to try to suppress any separatist movement without any kind of reaction from the international community.

Contrary to suppression, there are many ways for the integration of different groups within the nation state. These include: an individual "crossing" into the other group; joining those groups; developing a positive definition or strengthening the position of the group as a whole. The first two options are a form of assimilation and have been proven to be an inadequate solution to ethnic problems. The third way has been the highlighting of various features of the group, such as cultural superiority and refinement, and it allows the group to develop its pride and reinforce ethnocentrism. The fourth method involves mobilization and politicization. That is a two-way process of integration which can offer multiple engagements that can simultaneously protect the identity and the uniqueness of the group. Political solutions to the problem can include: proportional representation, disproportionate representation as a consensus model, changing roles, non-territorial autonomy, territorial autonomy, multinational or bi-national federation, confederation and various forms of semi-independence or outright independence (Heraclides, 1991).

The policy chosen by the Political Center is particularly important for resolving conflict and for avoiding secession and violent separatism. Of course, the processes are not without risk, as for some of the minorities this can mean taking a step closer to separation, but on the other hand, the denial of such requests is no less risky (Kymlica, 1996). Therefore, new ways for the accommodation and integration of various groups in society are needed in order to avoid the dangers of secession and the disintegration of nation states. It is generally accepted that the right to internal self-determination can greatly improve the protection of minority rights in a way that improves their chances of integration without assimilation, but also helps in resolving ethnic conflicts (Henrard, 2001).

The persons that belong to any community, no matter what its size may be, can enjoy the benefits of this right (Tamir, 2002). The internal aspect of the right to the self-determination of the people can only be restricted by the needs of the members of the other groups to practice the same rights in the same way. Internal self-determination, despite external influences, supports the system which allows the members of the different groups to accept the institutions as their own whilst at the same time improving the public sphere where the national culture can be fully realized and recognized.

In this regard its importance is growing, since today there is almost no nationally homogeneous state, there is no more overlapping between the “nation” and the “state” (Hobsbawm, 1993). Consequently, self-determination does not have any more collectivistic and exclusive meaning and it is no more a tool for the realization of a unique national character. On the contrary, democratic self-determination has an inclusive meaning that can be realized through the legislative process that includes all citizens equally. The real meaning of this right is not just inclusive, but also an integrative one – not just for those who are suffering from discrimination, but also for those who are marginalized and maltreated by uniformity or by the domination of the majoritarian community (Habermas, 1998).

For these integrative purposes, in this modern era, it is necessary to make a move from the concept of “governing” to the concept of “good governance”; from the society and economy ruled by a centralized authority to the model of a state built on partnership and other forms of joint actions with governmental, pro-governmental and non - governmental organizations and other relevant actors in which the state only plays the role of being a coordinator (Jessop, 1995).

Certainly, in order to be successful in that, there is a need to establish solid democratic institutions, practice and procedures that will mainstream the diverse aspects and viewpoints of different segments in society and will serve as an arena where ideas, which have been set free because of the formal weakness of the state, will be faced, discussed, argued, defended and enforced.

Although internal self-determination can be realized by utilizing various ways and models, internal self-determination, according to most opinions means at least having a democratic form of government.

Tools for the Realization of Internal Self-Determination

The external aspect of the right to self-determination has been broadly discussed. It is a subject of different types of analysis, misunderstandings and incorrect interpretations, but real power can be gained through the promotion of its internal form. In this regard, the right of self-determination is not only seen as a way to gain and obtain a new independent state (the external form), but also as a model for the protection and self – realization of a certain community within the existing state (the internal form). This can be done through different means and methods, political measures, forms and solutions.

The measures that can be part of the internal aspect of self-determination are also in line with the state's democratic traditions and can be applied in multicultural states within the democratic framework.

Within that framework, there are various options that a state can accept, adopt and apply, based on its own needs. Examples are provided below of the options which are most commonly used.

Systems of power sharing are the form of a wide-ranging policy options for dealing with ethnic conflicts. Their purpose is to ensure the optimum participation of various political groups in the decision making process. These options have their advantages and disadvantages that should be carefully calibrated to achieve the desired goals (Sisk, 2005).

Some of them, like **consensual democracy**, are very efficient since they maximise participation and power sharing and encourage the cooperation of elites from different cultural segments. Although they provide a fluid form of democracy and foster cooperation and participation, consensual democracy is a very expensive model and takes a lot of time and energy to be fully realized (Lijphart, 1999).

A less expensive way is to ensure an **effective participation** that enables the full realization of the rights and freedoms of members of different social groups. The crucial and necessary preconditions for this model are the holding of free and fair elections (Moris, 2004).

Apart from that, the increased political representation of different socio-cultural groups can be safeguarded by **special rights of representation**. The aim of these rights is to overcome any ethnic imbalance in the political and social sphere. Even more so, the **polytechnic rights** such as language rights and educational rights for minority groups provide the appropriate tools for addressing the particularities of larger minorities. These rights help in the transfer of cultural diversity between the different generations within the group. Moreover, they ensure the greater participation of group members within the dominant society. However, because the promotion of such measures as language rights and education policies within society can be competitive, the state (the government) must provide unified grounds and maintain social harmony. This is absolutely necessary and should go together with the recognition and protection of the differences between communities (Kymlica, 1995).

Cultural identities can also be protected through **regionalism** which connects communities that are geographically close. This can be done through the protection

of social and cultural practices and the accepting of different affinities, as well as the promotion of traditional ethnic relations (Chiti- Battelli, 1982).

The list of possibilities does not end here. All of these tools mentioned above are only a part of a very broad and flexible range of opportunities and measures that the state can use for the protection and promotion of diversity in a bid to overcome identity conflicts and provide the balance of social power.

The proposed political arrangements, though imperfect, help to avoid the options for secession thereby providing stability, harmony and prosperity for a society. Nevertheless, the functionality of all models depends on the satisfaction of certain conditions and political solutions. Within that framework, a basic precondition is the establishment and promotion of a democratic form of government that will respect all ethnic groups and national cultures that share the same country. However, that is not enough. In addition to the protection and promotion of diversity, there is the necessity for the creation and existence of one shared culture, strong enough to protect the nation of citizens from dissolution. In this aspect, besides the appreciation of great social and cultural variety, the members of all cultural groups have to find a common political language and codes for acting in order to be able to participate in the competition for resources that is on-going in a mutual political arena. For that reason, it is essential to find and promote the common values that one multicultural community needs to share and those can be: equality and justice; consultations and dialogue; support; tolerance; compassion; generosity; and acting for freedom, peace and non-violent changes (Citizens forum on Canada, 1991).

Possible limitations to the Applicability of internal Self-Determination

Although the models of internal self – determination are dominant in theory as effective ways of problem solving, the application of certain internal tools of self-determination - on some levels, can actually sharpen the quest for secession in different groups in society. That is because there is no natural point where the requirements for the protection and promotion of separate nationality stop. Moreover, it is generally thought that the national states which accept the rights that come from the models of internal self-determination seems to be inherently unstable (Kymlica, 1995).

Of all the different types of collective identities that individuals have to choose from, national identity has probably proven to be the one that is the most powerful, it therefore becomes quite obvious that globalization did not completely ruin the

concept of nationality, but just stopped the monopolistic position that it had held in the first half of the twentieth century (Smith, 1998).

Obviously, none of the options is completely satisfactory. In certain circumstances, the demands for secession can be avoided by the timely establishment of a regime for the protection of group rights, such as in the case of Macedonia, but alternatively, in certain circumstances, liberal policies are the ones that enable group rights, as in the case of Scotland. Therefore, internal self-determination effectively accommodates the demands for secession, but this does not necessarily provide the "magic cure" in every case. Practice shows that exceptional cases may be considered, where current conditions on the ground make the application of specific tools impractical for internal self-determination, and a good example of this is provided by the current power – sharing system in Bosnia which sometimes blocks institutional functioning. In some cases, due to various circumstances, internal self-determination fails to achieve the desired goal, such as in the case of the Basque Country or Catalonia. While in other cases the requirements for the separation of groups is so strong that internal self-determination fails in its efforts to accommodate separate group interests, as in the case of the Kosovo enclaves. However, there are some positive examples, such as Canada, Switzerland, Slovenia, and Northern Ireland, and there is a need to learn from them. Generally, for this aspect of self-determination to be fully realized and with success, it is important for national and international institutions to make a commitment for its implementation and to provide the necessary conditions for its realization.

Conclusions and Recommendations

With the realization of the right to self-determination of the people through its internal aspect, the potential consequences of external self-determination can be mitigated or even avoided. By international law, there is still no established right to internal self-determination, at least the one that will include the right to a democratic, representative government, but the law related to this issue is - in *statu nascendi*. Unlike the right to external self-determination, that is a right that ceases to exist after its realization, the right to internal self-determination tends to be the "right in development" (Cassese, 1995). In this regard, there is a positive effort in international documents to broaden the scope of the right to self-determination, and this needs to be confirmed by state practice. With a number of tools and forms for the realization of internal self-determination within a democratic system of governance, the needs and particularities of specific socio-cultural groups can be accommodated and this will lead to the recognition, respect and protection of their special identity.

In this way, the use of models of the internal aspect of the right to self – determination of the people can decrease the pressure for secession. However, for these models to be effective and efficient in achieving the desired results there is a need for determination, and strong and clear efforts from national institutions for employing the democratic means for conflict settlement. Moreover, there is a need to strengthen international efforts for verifying the minimum legal standards for internal self-determination as a basis for constructive dialogue, and as the starting point, not the endpoint for the accommodation of diversity and ensuring the coexistence and clear arguments against secession (Kymlica, 2006). Furthermore, the entire complex of issues needs to be addressed, not only in the academic world but also in the UN system, which (although far from perfect) provides the general framework and must retain its role as an appropriate place for this type of debate.

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Language, Culture and Identity in the Borderlands: The South Slav Communities of Hungary, from 1949 to the 1990s

Robert Hudson

Abstract

This chapter will focus on the cultural politics of the borderlands between Central Europe and the Balkans, where South Slav communities may be found outside coherent Serbian and Croatian-speaking areas. This is the borderland region of Hungary that has been referred to in different historical periods and under different political regimes as: Lower Pannonia, Transdanubia, the Military Frontier (Vojna Krajina), or the Danube Banovina. This work will be illustrated by passages and references taken from Mara Stevanović's book *Nebo bez oblaka* (1977) which was the only children's book of short stories in "Serbo-Croat" to be published in socialist Hungary, which well-illustrates the daily lives of children, their parents and grandparents (three generations) from rural, ethnic minority backgrounds, mostly in the Banat region. The time period covered in this paper will be from the socialist period (1948 – 1989) into the Hungarian transition of the 1990s. The chapter will take into account the significance of the 1949 Hungarian Constitution which guaranteed the cultural rights of the South Slav population in Socialist Hungary. It then demonstrates how there was a shift in political interpretation from considering the South Slavs as "atoms of pluralism" (Crowe, 1989) to their being actively supported by the Hungarian government from the 1960s onwards, in terms of the development of minority culture and education.

Keywords: Culture and identity, symbolic geographies, borders and intermediate areas, language politics, lesser-used-languages, language death.

Introduction

This paper will explore the issues of language, culture and identity among the South Slav communities in the borderlands of Hungary through the prism of a collection of short stories and folk tales published in 'Serbo-Croat' for children by the writer Mara Stevanović in 1977. Entitled *Nebo bez oblaka* (Cloudless Skies), itself a reference to the 'carefree days' of childhood, this collection of tales reflects the ever-changing condition of a minority culture using a lesser-used-language in János Kádár's socialist Hungary of the 1960s and 1970s. It soon becomes clear from the different narrative styles employed in each of these stories, that the author had harvested many of these tales from the South Slav community, rather in the tradition of gathering in folk tales and folk songs practised in Central and Eastern Europe in the 19th century (Gellner, 1983). So, throughout the book there is a sprinkling of magic realism, as witnessed by the number of talking animals and conversational encounters between the seasons, the wind, the sun and the clouds; tales which at times seem to reflect the machinations of the gods in the epic tales of Homer. These folk tales are interspersed by stories which are clearly penned by the author from her own experience of working with children in both Budapest and the largely rural South Slav ethnic community. Then there are stories that reflect on the experience of the Socialist period in Hungary, such as: the significance of the 1949 Hungarian Constitution and minorities' legislation; the implications of a child continuing her education in the Serbo-Croatian grammar school in Budapest, or the everyday practicality of studying a lesser-used-language in school in a bilingual setting. Otherwise, there are tales of school, pioneer camps, the school holidays, the seasons of the year, and everyday rural life and society in a socialist country.

It should be noted that the South Slav community in Hungary always seemed to be affected by the Hungarian state's external relations. For example, the Magyarisation of the Slavonic-speaking minorities had been particularly encouraged after the Tito-Stalin split of 1948, when teaching in the Hungarian language increased in the South Slav minority schools as minority language groups went into sharp decline (Crowe, 1988, p.23). After the Soviet invasion of Hungary in 1956, 'unreliable elements' were purged from national minority organisations. Stevanović, in her earlier years as a children's editor of the Serbo-Croatian newspaper *Narodne novine* would have had to have navigated carefully, through fairly treacherous waters. Yet, by the beginning of the 1970s, the Kádár regime was going to great lengths to support minority language education at all levels as the Hungarian ethnic minorities were seen as a 'bridge between countries', especially after the IX Party Congress in 1975 (Crowe, 1988, p.27) which reflected the spirit of the Helsinki agreements and witnessed a

flourishing of lesser-used-language education in Hungary. This was the period in which Stevanović was writing her book, so it is only natural that some of Stevanović's stories should reflect the spirit of the times, and indeed one story *Na Balatonu* (On Lake Balaton) actually recounts the meeting between two young pioneer girls from the South Slav community who meet a comrade from the Soviet Union and communicate with each other through the medium of shared similarities in the Slavonic languages of Russian, Ukrainian and 'Serbo-Croat', thereby serving as a 'bridge between communities' and fulfilling the changing mood of the Kádár régime. Furthermore, it is this writer's supposition that the different stories and tales in the book were written at different periods and that some of them had been gathered from traditional Slavonic folk tales.

Differences in content and style would suggest that the stories were written over a period of time and that the contents of the book have been arranged differently from the chronological order in which they were written. Furthermore many of the stories which carried a more obviously socialist message would probably have been written in an earlier period (presumably the early 1960s) before the shift in the political attitude towards Hungary's ethnic minority communities really began to change in the 1970s. Presumably, some of these stories would have been published first in *Narodne novine* before being collected together for *Nebo bez oblaka*.

As for Mara Stevanović, little information is available on the life of the author of *Nebo bez oblaka*, apart from the details provided on the fly leaf of her book. We know that she was the editor of the children's supplement of *Narodne novine* (the People's Newspaper) of the Democratic Association of South Slavs in Hungary (*Demokratski Savez Južnih Slovena u Mađarskoj*).

In its heyday *Narodne novine* was described as being one of the four main nationality newspapers in Hungary, serving an ever expanding readership (Vago, 1984); and its circulation in the 1980s was about 2,800. Published in Budapest, it appeared in Serbo-Croat and Slovenian, under the leadership of its chief editor Marko Marković (Bell, 2003). Its precursor had been *Naše novine* (Our Newspaper), which had run from 20 October 1946 until 3 October 1951, and was tightly controlled by the Hungarian Communist Party.

We also learn that Stevanović had set out to provide a Serbo-Croatian reader for children from the South Slav national minority and that:

"This is the first literary prose act in our country since the liberation, which has been carried out in the Serbo-Croatian language, thereby presenting an

exceptional task not only for members of the Serbian and Croatian national minorities, but also for the entire publishing industry in our homeland” (Stevanović, 1977).

The fly leaf on her book also comments on the author having produced:

“Three bouquets of beautiful tales intended for children of the youngest age, in addition to children who have already studied a lot at school but... listen happily when granny or granddad tells them tales, and lastly children who are saying goodbye to their childhood, and who will, today or tomorrow be taking the first steps into working life.”

As such, the architecture of *Nebo bez oblaka* is as follows: The first seven short stories are entitled *Priče o maloj Miri* (‘Stories about Little Mira’) and these stories are clearly aimed at the younger child. The second part of the book *Crveni balon sve dece sveta* (‘A Red Balloon for all the children of the world’) is for six to eight year olds, and the third part *Četa mala ali odabrana* (‘A Small but Select Band’) is aimed at older children who would perhaps be in years seven or eight at school.

Furthermore, to this writer’s knowledge *Nebo bez oblaka* was to be the only children’s book of short stories in the Serbo-Croatian language to be published in socialist Hungary (1948-1989), before the South Slav community fractured into three distinct Serbian, Croatian and Slovenian communities in 1991, following the onset of inter-ethnic conflict to the south of the Hungarian border with the ‘former’-Yugoslavia and its successor states. Thereby, demonstrating once again that what happened beyond the Hungarian borders often impacted on the minority communities living in Hungary.

Symbolic Geographies and Location

As a location the area under discussion presents both a mental and a physical space between Central Europe and the Balkans, which fluxes and changes with the passage of time. This is a borderland or an intermediate area that extends from southern Hungary into contemporary Slavonia and Vojvodina. By the expression “intermediate area”, one may understand a context in which common elements of identity extend beyond the borders of European nation-states (Promitzer, Hermanik and Staudinger, 2009, p. 9).

There was no real sense of linguistic territoriality in the case of the South Slav community in Hungary; whereby, with reference to Anthony Smith (1991, p. 21) a sense of national space was mapped by a national language. When there was a sense of

sub-state identity, the South Slav case was very different to the sub-state nationalisms of other communities, such as the Catalans in Spain, or the Scots in the United Kingdom (Hudson, 2015, pp. 89-110) which can clearly be defined as *homeland communities*. Clearly, as Zsuzsa Csergo has observed not all sub-state ethnicities can be classified as homeland communities (Csergo, 2007, p.7) and it would certainly be incorrect to classify the South Slavs of Hungary as such, given that the South Slav community did not claim any historical rights, and acted as a silent minority throughout the socialist period, rather like the ethnic Hungarians living across the border in Vojvodina in the Socialist Federative Republics of Yugoslavia or the Lusatian Sorbs in the German Democratic Republic. Furthermore, Csergo adds that immigrant groups do not usually claim historic homeland rights in their country of origin (Csergo, 2007, p.7). The South Slavs saw themselves primarily as Hungarians, and only after that did the Hungarian South Slavs identify with a particular village or county in Hungary, but certainly they did not identify with any sense of homeland community or sense of national awakening. Can one take this sense of identity even a stage further and posit that in the case of the Hungarian South Slavs there is actually the shadow of a *lingering migrant past* that has its origins in the settlement of the Military Frontier (*Vojna Krajina*) in the 17th century? This sense of a lingering migrant past would be reinforced by the fluidity of the Hungarian border area, the intermediate area between Slavonia, Baranja and Vojvodina throughout the 20th century, with reference to the area's troubled historical past which witnessed frequent migrations across flexible borders in both a northerly and southerly direction during and after both World Wars.

The focus of this chapter is on the mental and physical space of the "South Slav" – speaking communities which are found outside coherent Serbian and Croatian-speaking areas. In other words, the borderland region that has been referred to in different historical periods and under different political regimes as, for example: Lower Pannonia, Transdanubia, the Military Frontier (*Vojna Krajina*), or the Danube Banovina *inter alia*. This is also referred to as *naš kraj* ('our area', 'our neck of the woods' or 'down our way'), in many of Stevanović's stories. Some of the villages and rural areas referred to in her book are imagined and other sites are real, such as Lake Balaton, Gellert Hill on the Banks of the River Danube in Budapest, and the River Sío – an artificial canal in Central Hungary that flows out of Lake Balaton, through the city of Szekszárd and into the River Danube.

Reading through Stevanović's work, there is the sense that she is describing a disappearing world; that of rural family traditions juxtaposed against the onset of urban modernity. So, there are stories of life in the countryside, or in the village and of

extended families across three generations that include grandchildren and grandparents. The background is often set against farm work, or hunting, adventures in fields, meadows and forests and the theme of nature in general. Then there are stories of children spending the summer vacation in pioneer camps, and one story even makes passing reference to the local Collective Farm, whilst another refers to the role of workers involved in flood relief among victims caught up along the banks of the swollen River Danube, once again highlighting the socialist setting. Otherwise, the stories lay emphasis on the different seasons of the year, how the children spend their school holidays, the first days of spring, picking cherries in the summer time or waiting for the first snow, sledging and building snowmen.

There are even tales that make passing reference to a more troubled past. One such uplifting story is *Božićna Priča* (A Christmas Story) which just hints at poverty and health conditions in the Admiral Horthy period in Hungary, before the introduction of universal social healthcare in a post-war socialist Hungary. Or another example is provided by *Mamina Lutka* (Mummy's doll) which refers back to the Second World War and recounts the poignant tale of a father wounded in action and his last Christmas presents delivered through the deep snows by one of his comrades-in-arms to his young wife and little daughter.

Yet throughout her work, the essence is always of being Hungarian first before identifying oneself as a member of the South Slav community. Witness the children who paint the Hungarian flag on their space ship built out of cardboard boxes or the patriotic speech delivered by a grandfather to his inquisitive little granddaughter in his exposition on the 1949 Hungarian Constitution and what it meant for Hungarian ethnic minorities. In a similar vein there is the pride in her pupils expressed by the 'Serbo-Croatian' language teacher as she speaks of the contributions that her pupils will one day make to their mother country – Hungary.

So these stories relate to the impact of assimilation to a larger state entity set against strong feelings of local affiliation and local identity (*naš kraj*), and those transcultural phenomena, whereby the state that they live in has imposed different cultural and linguistic norms than those they perform in their own private lives at different periods in the twentieth century and over the last decade-and-a-half.

The stories relate to the mental and physical space of the "South Slav" – speaking communities which are to be found in a borderland region that since the creation of an independent Serbia in the 19th century and the Kingdom of the Serbs, Croats and Slovenes in 1918 (The Kingdom of Yugoslavia from 1929), has remained outside coherent Serbian and Croatian-speaking areas. Indeed, there has been a long tradition

of migration into and out of this intermediate space or borderland of Lower Pannonia, and the theme of migration or *seobe* that has led to small South Slav communities being scattered throughout present-day Hungary. This means that there are clusters of South Slavs living in towns, such as Budapest, Szentendre, Pécs and Mohacs, and throughout the villages of southern Hungary. It was in the 18th century that Buda, Pest and Szentendre would become established as Serbian cultural and religious centres, with Szentendre boasting seven Serbian orthodox churches in the early 20th century.

However, growing Magyarisation in the Austro-Hungarian Empire towards the end of the 19th century had led to large scale migration to Serbia, exacerbated by the Treaty of Trianon (June 1920) when most of Hungary's South Slav populations moved further south into the Kingdom of the Serbs, Croats and Slovenes.

By the time of the socialist period, in the 1980s, there were about 100,000 Serbs, Croats and Slovenes living in Hungary and these were generally classified as South Slavs. This was a sharp drop from the combined Serbian and Croatian population in Hungary in 1910, which had numbered some 600,000, but of course this was the pre-Trianon period, before Hungary would lose 64 per cent of its total population to newly recognized European states along with five of its most populous cities. According to the 1910 census, Hungarians had only made up 54.5 per cent of the total population of the Kingdom of Hungary (and these figures exclude Croatia-Slavonia) whereas today, ethnic Hungarians make up 96 per cent of the Hungarian Republic. Post-Trianon, according to the 1920 census only 3,816 Serbs remained within the newly re-defined Hungarian state borders, although minority organisations would claim about 10,000 people as being ethnically Serbian (*Euromosaic*, Serbs in Hungary, 2006, p.1). The Serbs therefore formed one of the smallest Hungarian minority communities before the Second World War.

Croats, on the other hand, along with Slovaks, form one of the largest minority populations in Hungary today, with a population estimated at between 15,620 according to the 2001 census and 90,000 according to Hungarian-Croatian minority organisations (*Euromosaic*, Croats in Hungary, 2006, p. 1). As with the Serbs the biggest period of settlement came in the sixteenth century, at the height of the Turkish occupation of the Balkans. Croatian immigration declined towards the end of the 18th century and almost ceased altogether at the end of the First World War, when Croatia became part of the Kingdom of Serbs, Croats and Slovenes (Kingdom of Yugoslavia).

Language Politics and Minority Education in the Socialist Period

During the Second World War the Hungarian government had instituted education in the mother tongue for those minorities who had remained in Hungary and authorized the introduction of bilingual signposts in the areas of bilingual settlement. However things would change, come the Liberation.

David Crowe, writing in *Nationalities Papers* in 1988 has argued that in the aftermath of the Second World War ethnic minority identity and belonging had become an insignificant issue given that the 1949 census figures revealed that only 128,758 people out of a total population of 9,204,799 had chosen a language other than Hungarian as their primary language (Crowe, 1988, p. 22). He goes on to show how this figure had dropped quite significantly from the 1941 census returns, when only 660,365 Hungarians out of a total population of 9,316,613 had opted for a language other than Hungarian. For Crowe, there is no doubt that this change in figures had come about from a climate of fear in Socialist Hungary, in a situation which had been exacerbated by migrations in both directions across Hungary's borders with its neighbours. Many of those who had chosen to remain in Hungary after the establishment of the Communist regime in 1948 had chosen to identify themselves as Hungarians and had hidden their own ethnic and linguistic identities in order to protect their property and avoid possible expulsion (Crowe, 1988, p.22). This was also in the aftermath of the 1948 Stalin-Tito split in a period when any suspicion of pro-Yugoslav sympathy would have been extremely dangerous, and this prevailing atmosphere would last until the end of the 1950s, overshadowed further by the Hungarian Revolution and the Soviet Invasion of Hungary in 1956.

Yet, such an atmosphere would appear to be in stark contrast to the spirit of Article 49 in the new constitution of 20 August 1949, which made: "...discrimination...against any citizen on the grounds of... religion or nationality...illegal." And this is a theme taken up in one of Stevanović's stories "*Danica koja uvek voli da zapitkuje*" (Danica, the girl who always liked asking questions) in which the little girl Danica asks her grandfather about the 1949 Constitution, which is dealt with in quasi-religious terms, as is demonstrated by her grandfather's closing speech:

Look, the Constitution was born then and it has stayed with us, right up to this day.... It has grown up, grown in strength and is safe and a big friend of ours. From that moment on we have lived as brothers: Magyars, Croats, Serbs, Slovaks, Germans, Roma.... When in autumn, you go back to school and the teacher gives the lesson in Hungarian, you will understand it, and when you study it in your mother tongue, you will also understand it. For now, you are

growing up so that you can hand over everything to you own children, our words and songs will be learned from generation to generation, so that in a hundred years' time, they will sing just as we sang when we were small.... The Constitution wants us to preserve our mother tongues and songs, and you, even though you are still small, you must understand and make an effort to be a good student, so that you can read and recite well, and dance our folk dances too, as is fit and proper for the intelligent little girl that you are. (Stevanović, 1977, p. 97).

As it stood, the Constitution of 1949 had guaranteed the cultural rights of the South Slav population, promising them equal citizenship rights and protection against discrimination, and with this they were provided with access to education from pre-school, right through to university, which forms the back drop to several of the stories in Stevanović's book.

Crowe, by contrast with the essence of the above children's tale, as recounted in *Nebo bez oblaka* comments that: "The spirit of Stalinist internationalism branded emphasis on ethnic and minority identity a form of "bourgeois ideology"...[and] as a result of its conflict with Yugoslavia, it moved politically unreliable Southern Slavs away from the Austrian and Yugoslav borders" (Crowe, 1988, p. 22).

This forced internal migration is of course a reference to the by now infamous split between Tito and Stalin which came about in 1948, and would only be partially papered over by Khrushchev, in a bid to strengthen his own power-base in the internal struggle for power in the Soviet Union that followed Stalin's death (Federov, 2009). Yugoslavia in the meantime, chose its own road to socialism and took up with the non-aligned movement. Furthermore, socialist front organisations such as the Democratic Association of South Slavs of which Stevanović was a member and their publications, such as *Narodne Novine* for whom Stevanović worked as a journalist and would serve as an active spokesperson through her writing, would serve as a watchdog among the country's South Slav community.

During the 1950s, minority organizations were considered as "atoms of pluralism" by the new socialist state. There was a deliberate push towards Magyarisation as teaching in Hungarian increased in the minority schools and South Slav cultural groups went into decline. Concomitant with this, no opportunity was permitted for dealing with the authorities in any language other than Hungarian. Furthermore, when Janos Kádár came to power in the aftermath of the October 1956 Hungarian Revolution, one of the first steps taken by the new government was to purge the non-Hungarian national organisations of their so-called "unreliable elements" (Crowe, 1998, p. 23).

The policy of Hungarian assimilation would persist until the end of the 1950s. However, in 1960 the Hungarian government gradually shifted towards actively supporting its sub-state national minorities, by providing active legal support for the development of minority culture and education (Crowe, 1998, p.23) and a series of laws and new constitutional provisions which would guaranteed the rights of each group over the next twenty years, such as extending lesser-used-language usage within government organizations and the teaching of lesser-used languages in primary and secondary schools.

As early as November 1958, the Hungarian government announced that it planned to create minority pre-school settings in every village where the mother tongue of the majority of the population was not Hungarian-language speaking and providing that at least 25 children could be registered in each setting (Crowe, 1988, p.25). This is evidenced in several of Stevanović's stories, such as *Mamin prvoškolac* (Mummy's little schoolboy), *Četa mala ali odabrana* (A small but select band) *Rastanak* (Return) and *Ostvaran san* (Achieving your dreams) which are tales about children in Serbo-Croatian speaking educational settings, from pre-school and pioneer camps on Lake Balaton, through to the "Serbo-Croatian" grammar school in Budapest (*Budimpeštanska srpskohrvatska gimnazija*).

By 1975, it was recognized by the Central Committee at the Party's XI Congress that the minority groups should "form a bridge between countries", and János Kádár would openly re-affirm this sentiment in a speech before the Party's XII Congress in 1980. This was also in the period of the Final Act of the Conference on Security and Cooperation in Europe (now the OSCE), held in Helsinki in 1975, and the Hungarian government engaged with the human rights protection that was now being afforded to ethnic minorities by the Helsinki agreement. The authorities now went to great lengths to support lesser-used language education at both elementary, secondary and higher education levels. These developments coincide with the publication of Stevanović's book in 1977 and in many ways the 1970s and 1980s can be seen as a "golden age" for the South Slav community. Indeed the fact that *Nebo bez oblaka* was even allowed to be published reflects this "golden age" of the minorities theme. So, it should come as no surprise that Stevanović made the occasional nod to the regime in her collection of children's stories. As such Hungary became a model in its treatment of ethnic minority groups for neighbouring Czechoslovakia, Romania and Yugoslavia (Rady, 2000).

The spirit of this period is well-reflected in Mara Stevanović's work, not only with the actual publication of her book *Nebo bez oblaka*, but also in some of the stories

themselves. Witness, for example, this short extract from *Četa mala ali odabrana* (A small but select band):

That day, the teacher didn't go over any new material, but instead, she spoke to the children about her love for the mother tongue, for her people, and told them about how it all was before the Liberation, how she had signed up for a course for teachers, because she wished not only to further her knowledge of her mother tongue, but also to pass it on to the young.

I have had many classes and pupils, said the teacher, but rarely such good pupils as you. For a teacher there is nothing better and more pleasurable than to see the seeds which bear fruit. You give the impression that there will be even more pleasure ahead for all of us – at school, for your parents, and for all our country. And I am really so proud of you all.... (Stevanović, 1977, p. 150).

Meanwhile, because of a serious lesser-used-language teacher shortage, a reflection on the difficult conditions encountered throughout the 1950s, by 1969 the Hungarian government began to pay lesser-used-language teachers between 5 and 10 per cent more than their monolingual colleagues. Then, in 1972 the government created a special commission for minorities' education within the Ministry of Education which worked with the national associations to help coordinate all minority teaching programmes and sponsored summer language courses and exchange programmes with other neighbouring socialist programmes (Crowe, 1988, p.27). Exchanges were also arranged with non-socialist countries, and this author for example would benefit from such an exchange in the summer of 1979, visiting *Főiskole* (Teacher Training Colleges) in Pécs, Eger and Budapest and meeting teachers who taught English, music and 'Serbo-Croat' in the local secondary schools and universities and their students.

In the 1980s, the ethnic make-up of Hungary was 96 per cent Magyar with the rest of the population being made up of ethnic minority communities. Indeed, of these only 1 per cent registered themselves as members of national minorities at all, and most of the non-Magyar nationalities were bilingual (US Library of Congress). By 1984 there were approximately 55,000 minority students, receiving education in their mother tongue in elementary and secondary schools, this was a significant increase from 21,615 in 1968 (US Library of Congress) and well represents the changing climate towards minority language education in that period. Furthermore, it was noted by Minority Rights Group that during the late 1980s, there was a marked increase in the number of minority organisations and after 1990 the Secretariat of National and Ethnic Minorities was established within the Ministerial Council to coordinate and oversee policy (MRG-Hungary Overview). Free elections held in Hungary in 1990,

led to the formation of a conservative coalition government. The new government was very much concerned with the plight of Hungarian minorities abroad, principally in Romania. As part of its attempt to secure and enhance the international standards of rights protection for minorities, the government actively championed the rights of minorities in Hungary itself (Rady, 2000).

Article 68 of the Hungarian Constitution, amended in 1989/90 declared that:

...The Republic of Hungary shall provide for the protection of national and ethnic minorities and ensure their collective participation in public affairs, the fostering of their cultures, the use of native languages, education in their native tongues and the use of names in their native languages.

Also, from 1993, a law on the Rights of National and Ethnic Minorities was passed, which recognized the existence of 13 minorities (including Serbs, Croats and Slovenes) and that all minorities should be entitled to form their own Minority Self Governments (MSGs), so for example, the Croatian MSG is referred to as the *Hrvatska državna samouprava*, and this development meant a break-away from the collective group of Serbs, Croats and Slovenes that had hitherto been referred to as South Slavs, as in the *Demokratski savez Južnih Slovenih u Mađarskoj* (The Democratic Association of South Slavs) in Hungary. This change in status coincided with the political events that were taking place to the south beyond the Hungarian border, namely the Homeland War and the other Wars of Yugoslav Transition. Otherwise, apart from prohibiting assimilation, discrimination and harassment, the provision of majority-language classes for children is compulsory when demanded by more than eight children. Also, the state is obliged to support the cultural activities of minorities, their television and electronic media. The MRG report goes on to argue that:

The Hungarian school system offers several modes of minority language teaching but minority language schools and bilingual schools have very few pupils in practice. The most common model remains the one where minority languages are taught as a second or foreign language for only four or five hours a week. (MRG-Hungary Overview MRG-Hungary Overview).

To some extent this reflects the situation in Stevanović's tale *Mala četa ali odabrana* (A small but select band), given that the story is an account of a selective and special after school activity.

From Language Politics to Language Shift and Then to Language Revival

According to Euromosaic (2006, p. 3) there are inter-generational differences to be found among the Serbian and Croatian communities in Hungary, whereby the older generation is predominantly Serbian or Croatian-dominant bilingual, the younger generation is Hungarian-dominant bilingual (if not Hungarian monolingual). This means that Hungarian Serbs and Croats would speak 'Serbo-Croat' at home as the *Kućni jezik* or *materni jezik* (mother tongue), whilst speaking in Hungarian with the majority population. Put another way, there would be differences with regard to abilities according to each generation, so that grandparents would be fluent in 'Serbo-Croat' addressing their children in 'Serbo-Croat', but being answered back in Hungarian, whilst grand children might have had little or no 'Serbo-Croat' at all.

Attempts are currently being made to reverse the 'Serbo-Croatian'-Hungarian language shift by establishing Serbian and Croatian native language schools or Serbian and Croatian-Hungarian bilingual schools, as allowed by the Hungarian Education Act. Furthermore, within the context of an ethnically Serb perspective, Euromosaic reports that there are now nine pre-primary Serbian schools in Hungary, with 87 pupils enrolled in Serbian native language education and a further 94 pupils enrolled for bilingual education at pre-school level. One secondary school offers education in Serbian either as the mother tongue, or a bilingual education, and Euromosaic (2006, p. 3) records that 126 pupils attended either Serbian language or bilingual classes, with 66 students studying Serbian in Higher Educational Institutions.

Most Hungarian Serbs nowadays are either bilingual or trilingual, meaning that they use Hungarian and/or a local variety of Serbian and/or standard Serbian. According to the 1990 census, 2,953 people declared Serbian to be their mother tongue, whilst in 1991, this had increased to 3,388, though it is not clear whether this relatively small increase points to a reversal in language shift (Euromosaic, 2006, p. 3).

The Euromosaic report concludes with the idea that:

A lack of funding, the apparent gap between the legal framework and the actual implementation of the legal provisions in the field and the convictions of some minority members that Serbian culture and identity can survive without the Serbian language seem to be the main reasons for [not putting measures in place to increase the use of the Serbian language in everyday life within the Serbian community]. (Euromosaic, 2006, p. 3).

According to the Euromosaic report it would appear that the inter-generational transition of the Croatian language is being broken and attempts are being made to

reverse the Croatian-Hungarian language shift by establishing more Croatian language schools and Croatian-Hungarian bilingual schools as allowed by the Hungarian Education Act. It is claimed that whilst pre-primary and primary Croatian language education is successful, measures to aid the flow of Croatian pupils to secondary education in Croatian seem to be necessary. “But even if that succeeds it remains unclear whether that will help in revitalizing the use of Croatian in the daily life of the Croatian minority” (Euromosaic, 2006, p. 3). As with the Serbian minority population, it would appear that it is the lack of funding and an apparent gap between the legal framework of a “highly sophisticated Minorities Act” that the actual implementation of the legal provisions in the field have proved to be a stumbling block. Furthermore, Euromosaic notes that some minority members of the Croatian minority community believe that Croatian culture and identity can survive without the Croatian language.

Of course, modernity and radical changes in social and political change, such as the move from a rural, village lifestyle to a modern, or post-modern global lifestyle, linked with issues such as intermarriage can easily bring about language death to a once thriving community (Petrović, 2009, p. 158). Language shift is of course a very serious issue here, as it is the penultimate stage in the process of language death (Crystal, 2000), a process which particularly impacts on the lesser-used-languages of Europe today.

Language shift, the first stage of language death, is a process which has been affecting South Slav communities elsewhere in the intermediate area between Central Europe and the Balkans. For example, Tanja Petrović (2009) in her chapter entitled, “The Language and Identity of Serbs in Sothern Slovenia” has demonstrated how the language shift for the Serbs in the Bela Krajina region of Slovenia is in its final stage of language shift, and she explains the gradual process of language death in a situation, whereby: “You understand your Serbian-speaking grandparents, but always respond to them in Slovenian (Petrović, 2009, p. 157). Thereby reiterating the statement made at the beginning of this section.

There might, of course be other factors at play here that account for the demise of a lesser-used-language. Sometimes people choose to have their children taught in the majority language of the state, rather than in their own lesser-used-language, as this will provide them with easier access to social status and professional advancement within the majority culture. This might well have been the case of the South Slav communities in Hungary in the 1970s and 1980s, whereby parents were confronted with a situation in which they questioned the very validity of educating their children in ‘Serbo-Croat’, when they could so easily be educated in Hungarian, the majority

language of the Hungarian state. This is where economic and social factors come to play, because at the end of the day, the personal manipulation of language politics within a minority culture is all about assisting one's offspring to find jobs and status within a majority language driven culture. It is this author's belief that the South Slav community in the 1980s was faced with a similar situation in terms of language shift to the one facing the Serb community in the Bela Krajina in Slovenia today. This takes us into the scenario of the wars that were fought out in the former-Yugoslavia between 1991 and 1995, which would have a ripple effect on the wider intermediate area between Central Europe and the Balkans.

Ultimately, the wars of Yugoslav secession that took place to the south of the Hungarian border, between 1991 and 1995 completely fractured the South Slav community in Hungary, which shattered into separate Serbian, Croatian and Slovenian entities. Which would in turn be recognized as separate minorities or MSGs by the Hungarian state.

A good example of this process is how *Narodne Novine* which had served as the weekly journal of the *Demokratski savez južnih Slovena u Mađarskoj* (DSJS – Democratic Union of the South Slavs in Hungary), fractured into two opposing newspapers that would serve as platforms for the two disparate communities of Hungarian Serbs and Hungarian Croats in April 1991. *Narodne Novine* was the newspaper on which Mara Stevanović had worked as the children's editor for whole South Slav Community in Hungary. The new journals emerging from this fracture were the *Srpske Narodne Novine* (Serbian Weekly News) and the *Hrvatski Glasnik* (Croatian Herald).

The *Srpske narodne novine* was formed in Budapest in 1991, and was published in the Cyrillic alphabet. A typical example of the newspaper's content is well illustrated by the 3 June 2006 edition, which may be found on the Internet and was simply chosen at random. Under the headline *Brzo i vatreno* (rapid and ardent), the cover features a *kolo* (Serbian national folk round dance) with a band in the background featuring a double bass player and an accordionist. The feature article (*bronika*) is entitled *Proslava i znaku mladih* (Celebration and symbol of youth) and is supported by a picture of a Serbian folk dance and an Orthodox ceremony with a priest, a cross, and bread on a table. The point to note when juxtaposed against Stevanović's *Nebo bez oblaka* is how different all these symbols are in terms of the representation of village life and cultural politics in the folk communities today from those of socialist Hungary, given that in *Nebo bez oblaka* the church never even gets mentioned and the

terms Serb and Croat are never employed separately, whilst the language is normally referred to as *materni jezik* (mother tongue) and when the language is actually named, it is always as 'Serbo-Croat' and never as Serbian and/or Croatian. Likewise, the areas and villages of the South Slav population are simply referred to as *naš kraj* – as in *u naš kraj* (down our way). It is as though distinctions between Serb and Croat are not even recognized. Nevertheless, the *kolo* does get a mention in her work with a reference to the poem *U kolo* by one of her colleagues Marko Dekić, who had worked with Stevanović on the *Narodne novine*:

They were swinging in the *kolo*
 All the lads were dancing:
 Young Bunjevac boys
 Serbian and Šokac lads.
 And as well as all this,
 From the right and flowing...
 (Stevanović, citing Dekić, 1977, p. 148).

The homeland war (1991 – 1995) being fought to the south of the border had clearly had a ripple effect on the South Slav community and had fractured a seemingly united South Slav community in Hungary into two separate ethnic entities and identities, namely Serbs and Croats, and had reinforced a need for greater recognition, as is witnessed by the cultural publications that have ensued, especially *Hrvatski glasnik*, where typical images feature Catholic churches and priests celebrating mass, *tamburica* bands and folk dances, and all articles are written in Croatian in the Latin alphabet and *jekavski* variant. So that since the 1990s there has been a move away from language shift (the first stage in the road to language death) to language revival. Part of this need has been driven by an intellectual elite who could preserve the 'purity' of the language and articulate the cultural needs of the community whether in folk costume or religious representation and in reviving the use of the Croatian language. Perversely, perhaps, the fighting to the south of the border had served only to reinvigorate and reinforce the local need to promote the division of the Serbian and Croatian languages, cultures and identities in Hungary and other modes of cultural representation.

Postscript

Mara Stevanović's book *Nebo bez oblaka* has not been included in the current curriculum for the teaching of Croatian language and literature in bilingual schools in Hungary (*Okvirni Program Hrvatskog Jezika i Književnosti za Dvojezične Škole*, no

date given). At first sight this might seem striking, given the quality of her work, and the fact she had written this book to provide children in the South Slav Community with a literary reader written in their own lesser-used-language, to say nothing of her Croatian identity (though this had never been mentioned in 1977!)

Her absence from the contemporary literary scene might seem even more ironic, given that the poetry of one of the writers, Marko Dekić, who had worked with Stevanović as a journalist and editor on the *Narodne novine*, has become standard teaching material in the Croatian community of Hungary today, as indeed his work had been much praised in Socialist Hungary in the 1970s. Furthermore, one of his poems on the *Kolo* dance had appeared in Stevanović's *Četa mala ali odabrana* ("A Small but Select Band") – cited above. Yet, of Stevanović there is nothing, except a reference in the World Catalogue of Books to say that she was a Croatian writer in Hungary; nothing more, just that!

Through gradually translating Mara Stevanović's *Nebo bez oblaka*, over the past couple of years, it has become clear to this author that the reason why she is not fêted in either the Serbian or the Croatian minority communities today provides an insight into the shift that has been taking place in minority language politics in Hungary since the 1990s. For the Serbs, she is unacceptable as a Croatian author even though her writing is in *Ekavski* (standard eastern variant) normally associated with the Serbs; and for the Croats her work is unacceptable as an author who wrote in the standard Eastern *Ekavski* variant and not *Jekavski* (the standard western variant of Serbo-Croat) which is associated with Croatian identity. For both communities she has become a non-person because she identified too closely with the newspaper *Narodne novine*, an organ of the Hungarian communist party which was discredited by the cultural politics of the Hungarian transition. Furthermore, although she recounted folk tales and children's stories for her young audience, a few too many of her stories reflect the period in which she was writing, with references to pioneer camps on Lake Balaton, the 1949 Hungarian constitution, or welcoming a young pioneer from the Soviet Union. Indeed, some of the terminology used reflects the communist period, rather than the contemporary one. For example and with only one exception she refers to *zimski praznik* (Winter holiday) rather than *Božić* (Christmas), whilst *Uskrs* (Easter) becomes *prolećni raspust* (the Spring holiday). This was all very politically correct for the 1970s and 1980s, emphasising the secular nature of the Hungarian socialist state, but very much out of keeping with the post-communist period when communities turned to their Churches as an affirmation of their cultural identity, whether Orthodox or Catholic. The most overtly communist

tale in her book was entitled *Crvena Zvezda* (The Red Star) and opens with a mythological rendition of Bloody Sunday in 1905, the rise to power of Lenin and the spread of communism throughout the world. It must, however be emphasized that the prose style of this story is quite out of tune with the rest of Stevanović's book, and perhaps serves more as an example of the author having to toe the Party line according to the dictates of the socialist realism of the 1960s and 1970s. Witness the following abstract:

And the man who took the red star in his hands and raised it to unattainable heights was called Vladimir Ilich Lenin. His name is celebrated not only by the people in that vast country [the Soviet Union], but by all working people in the world. His red star continued to shine and to spread its rays throughout the big country in the east, but its rays also shone in our homeland and in many other countries and their peoples were united in a vast community of which there is nothing stronger in the whole world. For all the peoples the red star showed the road to freedom and lit up for them the road to creativity and progress. However, those people who were still oppressed by slavery also looked with love at the beautiful light of the red star, because it embodied freedom and joy for them, too. And thus, from day to day, the light of the red star grew stronger and stronger and one day it will shine throughout the whole of our globe and then all the peoples will be happy.

At the end of the day, we are confronted with a tale of a shift in cultural politics and fluid identities in terms of the languages, cultures and Identities of the Hungarian borderlands. Probably the real reason why Stevanović's work has all but disappeared from the literary record is that her work is just too much of a reflection of the socialist period and that time has simply passed her by. Dekić's work, by contrast has survived because it concentrates more on the folkloric element, so that there are no references to pioneer camps, red stars, Lenin and the 1949 Constitution. Stevanović's work has dated through far too many references to socialism. The second reason for her disappearance is that although she is described today as a Croatian writer (www.worldcat.org) there is not a single reference to Croatian culture, identity or language in the entirety of her book and she wrote in the standard *ekavski* variant of Serbo-Croat that was always associated with Serbia. Once again events and sensibilities to the south of the Hungarian border have taken their toll.

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Unaccompanied Minors Crossing Borders: A Historical Overview of the Second World War

Immaculada Colomina Limonero

Abstract

Recently, the increase in the number of unaccompanied children crossing borders has caught the attention of the public, policy makers, and pundits in receiving countries. Unaccompanied children can be particularly vulnerable as they lack the protection and care of an adult, necessitating the international authorities to find alternative ways of protecting them. But infant forced migration is not a new phenomenon. This growing visibility as actors of their own migration has led to social scientists recognizing the importance of focusing on the historical experiences of refugee children in education, socialization, integration, and assimilation. One historical example can be found in the aftermath of The Spanish Civil War. In 1939, about half a million refugees crossed the French border. Many of them were unaccompanied children who in an act of bold action based on solidarity, found refuge abroad. Some examples of hosting countries were: France (20,000 children); England (4,000); and, the former Soviet Union (3,000). In the same decade, there were other examples, such as the 70,000 children from Finland sent to other Nordic countries, or the ethnic Germans in Central Europe and the *Kindertransport* to England that saved 10,000 Jewish children from the Holocaust. These historical examples framed within global refugee crises caused by the violence of different wars will serve as case studies for analysing the practical, legal, humanitarian and political challenges which had to be assumed not only by the countries of origin and the host nations but by many others, because these were problems demanding global solutions, like the problem we are experiencing today.

Keywords: unaccompanied minors, child migration, transnational migration, refugees in the Second World War.

Introduction

Minors travelling alone, seeking refuge in foreign countries are currently causing concern and attracting particular attention due to the exponential increase in the numbers managing to reach Europe. According to UNICEF figures in November 2015, the number of unaccompanied minors was twice that of the previous year. They can be seen all along the escape route, children and adolescents in a situation of extreme vulnerability. At European Union level, this phenomenon has given rise to various solidarity initiatives together with the creation and implementation of new and urgent reception policies. The challenges which these irregular journeys pose in terms of child protection have been generating intense debate and reveal legislative loopholes, humanitarian and ethical lacunas which have left governments all over the world in an extremely uncomfortable position.

However, the emigration of unaccompanied children is not a new phenomenon, and many examples can be found throughout history. In Europe, particularly during the turbulent 20th century, the mass displacement of children was fairly common due to armed conflicts, military occupations, ethnic cleansing and religious or political persecution. These population movements meant that the international organizations, associations and national governments responsible for the care and protection of displaced persons faced challenges which they had never previously encountered.

Refugee Children from the Spanish Civil War

The Spanish Civil War took place between 1936 and 1939 and was the first sign of the profound political crisis affecting Europe which would shortly afterwards lead to the outbreak of the Second World War. As in all situations of war, the first to suffer the consequences of the violence were children. Thousands of families were divided, their homes destroyed, and hunger, shortages, disease and the calamity of war itself led to very high death rates among children.

With the aim of protecting minors, the Republican Government launched an awareness-raising campaign, both nationally and internationally, using the motto: "Help the children of Spain." The appeal employed harrowing photographs of women and children killed by violent acts of war together with captions in French and English, such as: "*If you tolerate this, your children will be next.*" in reference to the urgent need for prompt collective action on an international level. Thanks to this campaign the cry for help was heard and many organisations from different countries decided to take action, firstly by offering humanitarian aid and then in 1937 by

opening their countries' doors to child refugees. A number of countries responded, including the United Kingdom, Belgium, Mexico and the Soviet Union. Altet (2003) confirms that the result was the exodus of thirty-three thousand children, organised in groups bound for different countries. Not all of these were orphans; many still possessed at least one parent or family connections in Spain, who accepted the evacuation proposal because they thought the separation would not be for long - only for the duration of the war, which was thought to be going to end soon. During the evacuations the children were looked after by humanitarian organizations of recognised international prestige such as the Quakers or the Red Cross. From the time of their departure until they were settled in new homes outside Spain, the minors travelled under the care of schoolteachers or other attendants responsible for their protection.

After the war, the new government showed great interest in recovering those children living alone abroad, and launched intense tracing and repatriation campaigns. There were even some attempts well before the war was over, but the end of the conflict was the real catalyst of the mass repatriations to Spain. It is estimated that over twenty thousand children returned upon the termination of hostilities in 1939, although there were cases in which the absence of diplomatic relations caused their exile to be extended indefinitely (e.g. three thousand refugees in the USSR and four hundred in Mexico, whose fate would be very different from that of the other evacuees, as they were unable to return). When they finally made it back to Spain many years later, diplomatic relations having been restored, they were stigmatized as belonging to "red" families. As a result, these refugees were not only afflicted by the war and the loss of parents but also by discrimination and social rejection long after the war was over.

In 1939, very soon after the Spanish Civil War had ended, there arose in Europe another ambitious international solidarity movement with the aim of protecting minors and safeguarding them from the violence erupting in their home country. This involved the evacuation of almost eighty thousand children from Finland.

The Finnish War Children

Between 1939 and 1944 Finland suffered a succession of invasions by the Soviet Union. Although the country lost a great deal of territory, total occupation was avoided. These events were seen by the Finns as great injustices and caused a good deal of hostility, leading to a war in which the civil population found itself trapped. During this time seventy thousand Finnish children under the age of ten were sent by official organizations to other northern countries for the duration of the war. They travelled without their families, accompanied by guardians who saw them to the

border. Once in Sweden (a neutral country) they were taken in by humanitarian organizations providing medical care, food and warm clothing; then they were provisionally lodged in children's camps while their documentation was prepared so that they could stay temporarily in Sweden or emigrate to Norway or Denmark. Subsequently, they were placed with local families or sent to children's refugee camps, depending on their age and state of health.

In 1945, when the Second World War came to an end, the committee responsible for the evacuation began the process of repatriation and the majority of the children managed to return during the years 1945 - 1947. However, not all made it back to their homeland. Korpi-Tommola (2008) estimates that fifteen thousand never returned, for a variety of reasons. The principal motive was the destruction of their homes and loss of family members, which led them to stay abroad for good. This is a fairly common phenomenon, which can also be observed in the case of the children affected by the Spanish Civil War.

Ethical and Moral Debates about Children

In post-war Europe and in the international context of the Cold War, child refugees became a source of embarrassment and conflict for both their home and their host countries. The political debates were linked to the question of legal responsibilities and then there was the great logistical and moral dilemma of what to do with them. Governments all over Europe concurred that the family, besides being the single central pillar of social stability, was an essential, indivisible nucleus which should be preserved where possible and reassembled where it had been dismantled. Action taken on the basis of these tenets laid the foundations of the post-war European imagination in terms of traditional ideas about the family, democracy and human rights. Zahra (2015) argues that the reconstruction of families quickly became synonymous with the survival of European civilization itself and demonstrates that the "best interests" of children were defined in nationalist terms. Given that children represented a country's future, they must be brought back at all costs. They were the "treasure", and represented the future of the nation. Consequently, operations were set in motion to intervene directly, without precedent. It was generally established that where the identity of the parents was unknown or there existed no blood relatives, the solution would be international adoption by the host country, and the first precedents for this procedure were duly established. The rest were to be repatriated to their homelands as soon as possible, and in effect the attempt was made to reconstruct the families concerned by returning the children to their mother countries. However, family reunification at international level was a far from simple

matter, as it involved questions like nationality and the jurisdiction of the State. In this regard, the interactions of the different governments and organizations, the reconciliation processes, the policies and practices for the care of the minors and their transfer between state jurisdictions set new precedents for future guidelines to be followed in cases of child refugee protection. As a consequence of all this, in November 1959 the United Nations General Assembly adopted the Declaration of the Rights of the Child, re-establishing the preservation of the family as the top priority for ensuring children's psychological welfare. This recognition represented the first broad international consensus on the fundamental principles affecting minors.

The Effects of Child Evacuation

Analysing the subject from today's perspective, it could be said that the mass evacuations of children caused greater psychological damage to them than the war itself. Separation from the family and the feeling of being abandoned constitute the worst traumas a child can undergo and are wounds which are carried for life. Those children suffered highly traumatic experiences related to the violence of the war, the post-war era and their own exile. Most had faced persecution, witnessed death at first-hand and were obliged to deal with adult life prematurely, learning to look after themselves. They found themselves caught up in a war which was not theirs, and which not only robbed them of their childhoods but also forced them to grow up with brutal suddenness, given that they had to leave everything behind and go to another country without their parents, to settle in places where in many cases they were not accepted into society due to their foreign origins.

The suffering of exile and its impact on children's lives are questions which have not been examined until now. The traumas involved - often the children were victims of social dislocation and rejection; further, they suffered from a sense of loss and lack of identity, being frequently obliged to omit or supply false biographical details in order to survive and adapt to their new environment - have frequently been considered taboo subjects even within the families themselves. Recently the first articles have appeared, and this subject represents a new trend in the study of refugees which still offers much to explore. This field, far from being limited and closed, opens new paths for researchers from a wide variety of disciplines: psychologists, humanists, sociologists, political scientists and lawyers.

Conclusion

Children, together with other vulnerable groups, are the quintessential victims of all wars. The study of the historical facts concerning the subject of children in Contemporary Europe forced to become refugees as a consequence of local armed conflicts could serve as a contrasting element in the building of a European Union which needs to strengthen and socialize the values of tolerance and mutual understanding.

In this chapter, the Second World War serves as the scenario for the events that took place simultaneously in more than one national context. This chapter draws parallels with similar cases concerning the supranational protection of infants during war time and underscores that a great deal of what we know about unaccompanied migrant children today derives from what we have learned from the past. By studying historical examples of children from war-torn countries being evacuated abroad to protect them from armed conflict – the children of Spain and Finland, both groups chronologically situated in the era before and during the Second World War - we can verify the inefficiency of such initiatives from a historical perspective. Those who travelled alone to distant countries did so because their parents or guardians hoped to protect them from the violence of war and give them a better future. In theory, they were the lucky ones, fortunate to be removed from danger; but over time it has been demonstrated that despite good intentions the psychological damage that had been inflicted was greater than that arising from the war itself.

Knowledge of the historical debates concerning children and the analysis of how their departure and return were managed may foster critical and reflective teaching about Europe's past problems and contribute to the process of European cultural and political integration. First of all, the cessation of war in Europe was indispensable for putting a stop to this kind of child emigration, and secondly it required a joint effort and cooperation on a global level, in which third countries showed their solidarity by opening their doors to refugees.

In civil society and political discourse, the lessons which can be learned from the examples discussed in this article concerning the way in which different European countries handle crises involving refugee children may help political actors and citizens to establish a more intense intellectual and emotional connection with the aims of European integration.

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**PART THREE:
FAULT LINES IN THE POST-COMMUNIST
WESTERN BALKANS: POLITICAL CULTURE,
ECONOMY AND WELL-BEING**

Fault Lines of Political Culture in Europe: Vibrant Legacies from the Past

Stevo Pendarovski

Abstract

For some time, scholars have argued that Western and Eastern Europe differ in terms of the political culture of their unified political communities. Since all the available evidence indicates that political culture is crucial to the economic performance and political stability of individual states, it is important to detect the drivers behind the basic beliefs of citizens, two and a half decades after the fall of communism. The Relevant World Values Survey and the European Values Survey reports repeatedly confirmed that whilst the support for democracy is strong among the citizens of the former communist Eastern Europe, their belief in the vital components of a democratic political culture is weak. It could be argued that some post-communist countries have been less successful in building the “moral infrastructure of democracy” due to the resilient democratic values deficit, based partially upon the political and economic attitudes from the past. In a separate section of this chapter, the results of a survey conducted on a group of students from the Republic of Macedonia are presented and their replies on the dichotomy between autocratic and democratic values are analyzed. By assessing the opinions of the students who had not been born when communism was still alive, it has been concluded that a substantial cultural shift will have to take place if the current system of formal democracy is to be replaced by a more effective one.

Keywords: political culture, post-communism, democracy, autocracy, democratic values

Introduction

Probably many would agree with Amartya Sen that the most important thing that happened in the twentieth century was the emergence of democracy as the “preeminently acceptable form of government” (Sen, 1993, 1). During the course of the 20th century and with the rise of fascism and communism, democracy was not globally accepted as being the best of political systems; however, in the past few decades the situation has radically changed (Inglehart, 2003, p. 52). At face value, various polls have been continuously confirming that the support for democracy is overwhelming throughout the world. However, when breaking down the results it is clear that many respondents support democracy without supporting certain elements of a democratic political culture.

In this regard, two distinctive groups very frequently oppose each other in the polls: “genuine” democrats as opposed to the so-called “instrumental” democrats (Jamal, Tessler, 2012, p. 12). The dilemma concerning the latter is whether they want to appear to be “politically correct” with regard to a globally “fashionable” word or maybe they have a unique understanding of the term of democracy (Ibid, 1). Strangely enough, formal support for democracy is strong even in one-party states, such as Vietnam where one recent poll finds that 68% of the people prefer democracy to its autocratic alternative despite the fact that they have been living for decades in a non-representative political system (Dalton, Shin, 2011, 17).

Schedler and Sarsfield are correct in observing that the problem with the near universal acceptance of democracy does not mean that people are insincere in their answers, but rather that their alleged preferences for democracy: “may be devoid of any concrete content”. Their empirical research strongly confirms that: “democrats with adjectives” are supportive of democracy in the abstract, but opposed to the basic principles of liberal democracy in particular (Schedler, Sarsfield, 2004, pp. 1-2).

Political Culture and Democracy

During the global processes of modernization, cultures converge, but it is obvious that something resembling a uniform world culture does not exist. Some authors rightly claim that even the common regional cultures are politically constructed, referring to the prime example of the European Union as a political unit whose members possess rather distinct national cultures (Blondel, Inoguchi, 2006, 7-9). Furthermore, strong local specifics do not develop in isolation, as the history of each nation and the wider region in which nations belong, generate specific legacies.

The relationship between democracy and political culture has always been complex and challenging, especially in those countries which have seen more than one ideological or political system in their history. In principle, three groups of authors coalesce around the drivers of popular support for democracy debating about the importance of economic factors, political performance and the role of the political culture (Pop-Eleches, Tucker, Ch. 4, 2011, pp.1-2). For democracy to emerge, as Klingemann et al. argue, having favorable internal or external structural conditions is not enough (Klingemann et al.2006, p. 2). In this regard, the seminal work of Almond and Verba, who have concluded that democracy can survive only if supported by a specific political culture, stands as the basic point of departure (Almond, Verba, 1963). Studying political culture and the “democratic belief system” is a *condicio sine qua non* if one is to understand democracy-building process in its entirety (Klingemann et al. 2006, p. 8).

An attempt to identify the sources of democratization would lead us to the key contribution of Inglehart about the mass orientations of the people as “powerful predictors” of the level of democracy (Inglehart, Welzel, 2010, 552). Since 1981, all reports of the World Values Survey and the European Values Survey have clearly displayed cultural differences between two groups of countries: less developed countries produce one set of values termed traditional or survivalist, centered on order, economic security and conformity, while the post-industrial societies produce another set of values, generally nominated as the post-materialist component with an emphasis on self-expression, participation, trust and tolerance. What is more important, these surveys confirm the bond between the post-material values and democracy on the one side and the survival values dimension witnessed in less democratic societies on the other (Ibid., p. 554).

Strength of History and Formal Institutions

Once we overcome the dilemma about the relevance of the peoples’ attitudes and values, the real question is about the different ways in which culture influences social development (Sen, 2002, p. 1). A century and a half ago, traditional modernists were right in believing that socioeconomic development brought about major political and cultural changes; nowadays the school of revised modernization theory demonstrates even more forcefully that the basic values and beliefs to be found in advanced societies are drastically different from those less developed ones (Inglehart, Welzel, 2005, p. 1).

The introduction of democracy in the former communist countries differed substantially from the same processes in the rest of the world. A few years ago, arguing about the end of the transitional paradigm Carothers dismissed its core assumption

that all countries emerging from dictatorships are in transition towards democracy, by default (Carothers, 2002, p. 6). Since, it became obvious that despite the high expectations of the ordinary people and the predictions of the pundits, liberal democracy has not gained ground in all of the post-communist countries after 1989.

In the early years of post-communism the so-called modernist approaches (Morse, 2004) dominated the analyses of the transition of the post-communist states, assuming that the transfer of Western models and institutions is a universal formula for building modern democracies. A key tenet of the modernization theory explains that economic, social and political changes are closely interlinked and when economic changes occur, social and political changes will simply follow (Blondel, Inoguchi, 2006, p. 4). But, in that context, despite some level of convergence, the central political values and parochial dimension of local cultures persist, anchored in characteristic local history” (Pye in *ibid.*, p. 7). As time went by, the historical and contextual approach of analyzing the transition gained prominence, emphasizing the importance of distinct historical legacies (Blokker, 2005, p. 505).

Broadly speaking, two schools of thought have offered their interpretation on democratic consolidation in the formerly non-democratic states. Institutionalists argue that establishing a network of formal political institutions is enough to serve the cause, while scholars of political culture insist that something more than institutions is required (Bonavides, 2011, p. 14). The same dichotomy, only, designated differently is the classification between fast-moving and slow-moving institutions. The former assume benefits from the rapid establishment of new political institutions; the latter presupposes the gradual introduction of new social norms and values. In this model, slow-moving institutions are better positioned to influence fast-moving ones (Roland, 2004, p. 12). According to many scholars the second approach is the most appropriate way to explain the causal link between values and democracy in post-communist societies (Bonavides, p. 16).

Impact of Communist Legacy in Transition

According to Sztopka “two surprises” have demarcated the transition from communism to formal democracy. First, nobody had anticipated the coming tectonic historical changes, and second, formal democracy has not been transformed into real democracy in all of the post-communist countries (Sztopka, 1993, pp. 85-86). Sztopka opines that the main reason for this unexpected outcome has been the mentality of post-communist people which stands in the way of democratic transition or what he broadly named as their “civilizational incompetence” (*Ibid.*, p. 87). Analyzing four sub-groups of values and norms as prerequisites for modern

transformation, Sztopka concluded that decades of socialism are still effectively preventing the emergence of civilizational competence, especially, in the peripheral societies of Eastern and Central Europe (Ibid., p. 89).

Along similar lines, Bernik has offered a conceptual explanation as to why the legacy from communism is inhibiting the emergence of democratic processes in the transitional countries. By extensively citing Zupanov he has juxtaposed socialism's egalitarian syndrome in the economic sphere against authoritarianism in the political field, both of which have survived long after major changes in the political system happened (Bernik, 2000, pp. 1-2). Both Sztopka and Zupanov are resolute that the once dominant cultural patterns of socialism are incompatible with the demands for modernization of these societies after the ideological paradigm shift (Ibid., p. 4). Close scrutiny of the particular post-communist syndrome by Klicperova-Baker displays some components of the same phenomenon such as that of suppressed individuality, a lack of initiative and personal responsibility, hopelessness, passivity and pessimism. Although the syndrome could not be generalized over the whole population it is certain that a specific mental legacy from the past is still accompanying citizens in post-communist societies (Klicperova-Baker, 1999, pp. 6-7).

The robust evidence from the Relevant World Values Survey and the European Values Survey indicate that post-communist citizens are generally less supportive of democratic forms of government and hold political, economic and social opinions that differ systematically from those people who have not experienced communism (Pop-Eleches, Tucker, Ch. 1, 2011, p. 3). Or, as Klingemann *et. al*, put it, in the countries situated more to the East, the share of people with the autocratic views is higher, while the share of people with the pro-democratic attitudes is lower (Klingemann et al., 2006, p. 13).

Inglehart and Welzel offered precise data that all former communist countries rank relatively low on the survival/self-expression scale. According to them, communist ideology obviously left a very strong imprint over the value system of the people and in this regard two examples, out of many, hold remarkable explanatory power. Two decades after the fall of communism, people from the former East Germany still share similar cultural traits with those citizens in other former communist states, but, at the same time are different from their compatriots from West Germany. A second example concerns the values system of the PR China's citizens which falls within the "broad communist influenced zone", but, deviates from neighboring countries and regions (Inglehart, Welzel, 2005, p. 64).

Survey: Sample, Results and Discussion

The current survey was performed during 2015 and 2016 with 120 university students of law and political sciences, aged 18-25 years, with 64 females and 56 males. Most of them reside in the capital Skopje or in cities with more than of 5,000 inhabitants (97), the remaining 23 live in communities with less than of 5,000 inhabitants. The predominant number (108) were coming from families with above the national average income per capita in the Republic of Macedonia. Only 12 students were below that threshold. The majority of the students were ethnic Macedonians (81), with 23 ethnic Albanians and 16 from other smaller ethnic communities (Table 11).

The questionnaire (Figure 1) consisted of 10 questions arranged around the categories of political authoritarianism, economic egalitarianism and the relationship between an individual and the state. Bearing in mind that the prime goal of the survey was to reveal the attitudes of students to elements of a democratic political culture. Direct questions about their support for democracy as a political system were not posed, by design.

Skepticism towards democracy is evident since a huge percentage of the students (66 per cent) agreed with the description of a democratic political system to be too complicated; costly and inefficient (Table 2). A high 68 per cent would prefer a strong leader over parliament and elections as a constitutive element of each democracy (Table 3). Even one typically undemocratic undertaking, such as, reducing the number of the political parties, is backed by 45 per cent of the respondents (Table 5). Question 6 was especially revealing about the misunderstanding at the very core of a democratic political system which presupposes active citizens' activity and political participation, before, but, once the elections are over, as well: namely, 57 per cent of the respondents agree that the legitimately elected government should govern without being obstructed during its term of office, either by the citizens or by the political opposition (Table 6). Questions 1 and 4 were indicative of the hierarchy of values of the responders: 68 per cent of them consider the interests of the state as more important than the interests of the citizens. Consequently, it was not a surprise that 63 per cent of respondents were convinced that "too much democracy" might lead to anarchy and endanger the country's stability (Table 1 and 4).

In the answers given to the cluster of questions connected with economic egalitarianism, it is obvious that the prime values of socialism still linger. Students were almost equally divided (47/48 per cent) between individual efforts and the support by the state as a precondition for their personal advancement (Table 7). A

similar divide was exposed in the responses to the question about the best management of the economic domain, associated with the very high number of students (35 per cent) who were undecided about one of the key tenets of the free market economy (Table 8). Economic egalitarianism was sustained by almost half of the students (48 per cent) who replied that regardless of their concrete job performance employees should receive similar salaries (Table 10). Within this group of questions, only the answers on question 9 would require any additional clarification: when 65 per cent of the respondents are supportive of an undemocratic government if it resolves their economic problems, it is not only a conclusive sign of their undemocratic orientation, but also, an indication of desperate nation-wide living conditions (Table 9).

Though virtually all analyses of the political culture are embedded on the level of the state, the existence of sub-cultures below state level is recognized, especially in the multi-ethnic political communities (Blondel, Inoguchi, 2006, p. 13). More than a decade ago scholars advised on countering the “monocultural” reading of the nation’s past (Sen, 2002, p. 6). Bearing in mind that the Republic of Macedonia is not an ethnically and religiously homogeneous society, distinctive cultural influences by smaller ethnic communities should not be dismissed. However, answers within all of the four categories of respondents, including the students’ ethnicity, do not show any statistically significant deviation from the main framework of the survey’s results.

Conclusion

The analyses presented in this article are based on a limited set of data from a category of people in one society which is certainly not enough to provide for conclusive answers on the subject. One study revealed that what matters from the past is not only the duration of the exposure to communist indoctrination, but, the subtype or rigidity of the system, as well (Pop-Eleches, Tucker, 2012, p. 15). In our sample we miss both elements as the respondents’ age prevented them from having a personal experience of lived in communism. Nevertheless, the main findings are self-evident: the students’ attitudes on all ten questions were predominantly within the materialist/survival zone characteristic of the former undemocratic system.

Interestingly, the research done in post-industrial societies indicates that young people express more post-materialist values than older ones, but that is not the case with young people in those countries with insignificant or no economic growth at all (Inglehart, Welzel, 2005, p. 97). The anemic transitional performance of the Macedonian economy coupled with the lingering legacies of the past had certainly shaped the context conducive for the answers given by the students in our survey.

The scientific mainstream holds that successful democratization depends not only upon the visions of the political elites, but, on the behavioral preferences of the ordinary citizens (Tessler, Gao, 2009, p. 197). Although this premise has been known since the Max Weber's emphasis on the importance of culture in explaining institutional and economic change (in Ronald, 2004, 13), it would be a gross exaggeration to claim that cultural values have a potential to offer an all-embracing explanation as to why democracy in certain countries fails (Granato, Inglehart, Leblang, 1996, p. 694). A similar viewpoint is shared even by some authors who recognize the impact of the cultural factors over democracy, but argue that their supposed effects are substantially overstated (Jackman, Miller, 1996, p. 633). However, the vast pool of data on human attitudes and preferences comprised in the World Values Survey and the European Values Survey has unambiguously positioned political culture as a vital prerequisite for a mature democracy. Two and a half decades after the fall of communism the imprint of socialist values and attitudes is still alive in some of the former communist states and it is right there that the rift between the winners and losers in democratic transition is situated.

Bearing this in mind, any forecast based on the survey's results does not bode well for the future course of a democratic political culture in the Republic of Macedonia. It is obvious that fundamental cultural modifications in the country are possible only as a generational venture. A quarter of century after the former system ended the fault lines of political culture between the Republic of Macedonia and the so-called winners of the post-communist transition are still tangible. Cultural templates from the past have something to say about that.

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Figure 1

Questionnaire

1. The interests of the state should be prioritized over the interests of the citizens
 STRONGLY AGREE AGREE STRONGLY DISAGREE DISAGREE DON'T KNOW
2. Democracy as a political system is too complicated, costly and inefficient
 STRONGLY AGREE AGREE STRONGLY DISAGREE DISAGREE DON'T KNOW
3. It is good to have a strong leader who does not have to bother with parliament and elections
 STRONGLY AGREE AGREE STRONGLY DISAGREE DISAGREE DON'T KNOW
4. Too much democracy might lead to anarchy thus endangering the country's stability
 STRONGLY AGREE AGREE STRONGLY DISAGREE DISAGREE DON'T KNOW
5. Whether the number of political parties in a country should be reduced by the law, in order to strengthen democracy
 STRONGLY AGREE AGREE STRONGLY DISAGREE DISAGREE DON'T KNOW
6. Legitimately elected government should govern without obstructions by the citizens or political opposition
 STRONGLY AGREE AGREE STRONGLY DISAGREE DISAGREE DON'T KNOW
7. What should be more important for your personal advancement: your individual effort or support by the state
 INDIVIDUAL EFFORT SUPPORT BY THE STATE DON'T KNOW
8. Economy should be managed more successfully
 BY THE STATE BY THE PRIVATE BUSINESSES BY THE STATE AND THE PRIVATE
 BUSINESSES COMBINED DON'T KNOW
9. I would not mind a non-democratic government if it resolves economic problems
 STRONGLY AGREE AGREE STRONGLY DISAGREE DISAGREE DON'T KNOW
10. Regardless of their concrete job performance all employees should receive similar salaries
 STRONGLY AGREE AGREE STRONGLY DISAGREE DISAGREE DON'T KNOW

Table 1

The interests of the state should be prioritized over the interests of the citizens		
Strongly agree	34	28.3%
Agree	48	40%
Strongly disagree	17	14.2%
Disagree	16	13.3%
Don't know	5	4.2%

Table 2

Democracy as a political system is too complicated, costly and inefficient		
Strongly agree	33	28%
Agree	46	38%
Strongly disagree	23	19%
Disagree	17	14%
Don't know	1	1%

Table 3

It is good to have a strong leader who does not have to bother with parliament and elections		
Strongly agree	38	32%
Agree	43	36%
Strongly disagree	22	18%
Disagree	17	14%
Don't know	0	0%

Table 4

Too much democracy might lead to anarchy thus endangering the country's stability		
Strongly agree	36	30%
Agree	40	33%
Strongly disagree	13	11%
Disagree	22	18%
Don't know	9	8

Table 5

Whether the number of political parties in a country should be reduced by the law, in order to strengthen democracy		
Strongly agree	20	17%
Agree	34	28%
Strongly disagree	17	14%
Disagree	33	28%
Don't know	16	13%

Table 6

Legitimately elected government should govern without obstructions by the citizens or political opposition		
Strongly agree	29	24%
Agree	39	33%
Strongly disagree	22	18%
Disagree	28	23%
Don't know	2	2%

Table 7

What should be more important for your personal advancement: your individual effort or support by the state		
Individual effort	56	47%
Support by the state	58	48%
Don't know	6	5%

Table 8

Economy should be managed more successfully		
By the state	39	33%
By the private businesses	34	28%
By the state and the private businesses combined	42	35%
Don't know	5	4%

Table 9

I would not mind a non-democratic government if it resolves economic problems		
Strongly agree	36	30%
Agree	42	35%
Strongly disagree	12	10%
Disagree	22	18%
Don't know	8	7%

Table 10

Regardless of their concrete job performance all employees should receive similar salaries		
Strongly agree	24	20%
Agree	34	28%
Strongly disagree	18	15%
Disagree	27	23%
Don't know	17	14%

Table 11

Structure of respondents		Examinees	Percentage
Gender	Male	56	47%
	Female	64	53%
Total		120	100%
Residence	Urban areas	97	81%
	Rural areas	23	19%
Total		120	100%
Income level	Above national average	108	90%
	Below national average	12	10%
Total		120	100%
Ethnicity	Ethnic Macedonians	81	68%
	Ethnic Albanians	23	19%
	Others	16	13%
Total		120	100%

EMU Enhanced Integration and the Challenge of a “Two-Speed Europe” for the Western Balkan Candidate Countries

Kaloyan Simeonov, Rossitza Petkova

Abstract

In recent years Europe has faced many economic and social difficulties, with continued financial troubles, fear of sovereign defaults, rising unemployment and social tensions in several European economies. These concerns have led many to question the very viability of the euro and have raised the need to rethink the European Union project itself. The economic priorities of the EU have changed substantially. One of the main goals of the EU has become the achievement of a genuine Economic and Monetary Union. However, EMU enhanced integration may possibly create new dividing lines within EU and at least a “two-speed Europe”. After decades of integration, the EU is far from being a homogeneous entity. Large disparities exist among Member States and the differences in economic development are growing. Currently there are several different circles of European integration, such as: the EU and the Eurozone; the European Free Trade Association; and the Schengen zone. The process of reforming the EMU is not directly linked with the EU accession process. However, many politicians at an EU or a national level have started to make a connection between the two and to emphasize the “trade-off” between widening and deepening, arguing that the first would obstruct the second. The current paper will address the following interlinked questions: Does current EMU enhanced integration mean that Candidate Countries will not join a “first class” economic membership in the EU? Can the challenge of the potential establishment of a “two-speed Europe” be turned into an opportunity for the Western Balkan Candidate Countries to speak with one voice?

Keywords: Economic and Monetary Union, economic boundaries, accession, two-speed Europe.

Introduction

After the recent economic and financial crisis that emerged in 2007-2008, it became apparent that the current architecture of the Economic and Monetary Union should be revised for the euro to remain stable in the future and the whole EMU project to remain sound and sustainable. Therefore substantial efforts have been invested in recent years and more efforts are planned in the years to come in order to establish a genuine Economic and Monetary Union. These efforts, however, increase the differences between the Euro area Member States and the non-Euro area Member States of the EU. The current status of the EMU and the expected reforms may substantially change the economic and institutional environment and possibly create new boundaries within the EU and with respect to the accession of new members.

Although, recently the enlargement process has relatively slowed down, EU enlargement continues to be a priority and sooner or later the EU will be composed of more Member States than today. However, current developments in the EU may lead to a situation where the current Candidate Countries join a quite different EU, a potential “two-speed EU”.

In this paper we analyze first the projects and prospects of establishing a genuine EMU in the coming years. In the second section we discuss the interaction between the deepening and widening of the EU and the alternative strategies and scenarios for the EU with a focus on the EMU. In the third section we provide information for some recent references and discussions about the need for a “two-speed Europe”. Finally, we focus our attention on the challenges before the Candidate Countries given the state of the EMU and the revived voices in favor of a “two-speed Europe”.

Projects for Establishing Genuine EMU

The architecture of the EMU was designed in the 1990s when the global economic and financial world was quite different and when the establishment of the single currency was considered as a major success. It still remains a great achievement. However, as it has been admitted by EU leaders, the EMU continues to be a “house that was built over decades but only partially finished” (European Commission, 2015a). The single currency coupled with the single monetary policy performed via a single monetary institution, namely the European Central bank, which functions together with the close cooperation and coordination of economic policies among Member States. EMU is far from having a single economic policy. This creates disequilibrium between the monetary and economic “legs” of the EMU.

The first strategic documents from EU institutions that aimed at the achievement of a more genuine EMU were published in the second half of 2012. These are the European Commission Blueprint (European Commission, 2012) and the so-called Four Presidents Report (European Council, 2012), a report by the President of the European Council, prepared in collaboration with the President of the Commission, the President of the Eurogroup and the President of the European Central Bank. The final Four Presidents Report was published in December 2012 but it was preceded by first and interim reports that were published in June and October 2012. They outlined strategic but relatively realistic goals for ensuring further financial, economic and fiscal integration among Member States. The European Commission Blueprint was even more ambitious, including some measures that will be very difficult to realize not only in the medium but also in the long term.

The next milestone for EMU reforms is the so-called Five Presidents Report (European Commission, 2015a) that was published in June 2015. This time the lead is on the President of the European Commission, Jean-Claude Juncker and the fifth new president added to the group of contributing presidents is the President of the European Parliament. The other presidents are again the President of the ECB, the President of the European Council and the President of the Eurogroup. The Five Presidents Report aims to outline the reforms needed in order to achieve four main targets:

The establishment of a genuine *Economic Union*. There are several measures that are planned in this direction: the encouragement of Member States to establish national Competitiveness Authorities and a Euro area system of such authorities; the further strengthening of the Macroeconomic imbalance procedure; putting stronger focus on employment and social performance; and, achieving stronger coordination of economic policies.

The building of a *Financial Union*. This pillar of the EMU reforms would be based on the completion of the Banking Union and the necessary measures to create a Capital Markets Union. The Banking Union is designed for the Euro area Member States but it is open for the non-Euro area Member States through the so-called close cooperation mechanism (so far, there is no a Member State outside the Euro area that has established such a close cooperation with the ECB). The Five Presidents Report outlines the main objectives for the completion of the Banking Union, such as: the full transposition of some recently adopted directives; the implementation of the Single Supervisory Mechanism; the entry into force of the Single Resolution Mechanism (that became effective on 1 January 2016); the need for a European Deposit Insurance Scheme to be proposed and established; and, the improvement of

the effectiveness of the bank recapitalization mechanism at Euro area level. The Capital Markets Union, in contrast to the Banking Union, is currently designed for all 28 Member States of the EU.

Aiming for the establishment of a *Fiscal Union*. This is the area where the Five Presidents Report is less concrete, possibly due to the sensitivity of the issue and to the fact that EU Member States, including those from the Euro area, are not ready to give up their sovereignty in that sphere. The report proposes in short term the establishment of an advisory European Fiscal Board, having similar goals and objectives as the already established national fiscal boards. The report recognizes the need in the long term perspective of a future fiscal stabilization function for the Euro area.

Achieving a gradual *Political Union*. Economic, fiscal and financial integration would gradually lead to a more integrated political union among Member States. The key objectives are to achieve greater democratic accountability, legitimacy and the institutional strengthening of the EU.

The process of building a genuine EMU would comprise three stages in accordance with the Five Presidents Report. The first stage is in the period 1 July 2015 – 30 June 2017 and is named “deepening by doing” without any amendments to the basic EU Treaties. The second stage is called “completing EMU” and would take place in the period between mid-2017 and 2025. The stage after 2025 is called the final stage and would begin with all the envisaged measures already in place. The transition between first and second stage would be marked by the issuing of a European Commission White Paper in spring 2017 outlining the next steps until the end of second stage on completing the EMU.

In October 2015, the European Commission published a Communication outlining the measures for the first stage of EMU reforms after mid-2015 (European Commission, 2015b). This Communication was accompanied with some concrete legislative proposals. Among the concrete measures, proposed by the European Commission, are the recommendations for establishing national competitiveness boards, the proposed decision on the European Fiscal Board, the measures for achieving Financial Union, and the improvement of the economic governance tools.

It may be questionable how the EMU will be efficiently finalized with so many new national and EU-level institutions. The prospects for achieving a genuine EMU may also be questioned in terms of substance – even if all the measures envisaged in the Five Presidents Report are duly and timely adopted and implemented, this will not lead to a complete EMU. Nevertheless, the enhancement of the integration process in

the Euro area is building not new walls but at least new boundaries across Europe. After the EU accession of the current Candidate Countries, it may become much more difficult in the future to enter the club of the Euro area.

Interaction between Deepening and Widening of the EU. Alternative Strategies and Scenarios for the Future of the Single Market.

The European crisis has made evident and deepened the problems related to the mode of integration in the European Union. This has caused growing divergence and increased inequality between different social groups, countries and regions in Europe. Alternative perspectives are necessary in order to foster cohesive developments in Europe. However, the processes which may promote worthy advances of cohesion are not yet on the horizon. On the contrary, divisions at different scales and of different types are still on the increase.

This new—quite explosive—background doesn't signal the end of the EU, but shouts out that its core features must be redesigned and receive broad popular support. The question is how.

The step-by-step-approach to integration “invented” in the 1950s has worked because it was based on the common assumption of a lacking pre-determined, “ideal” or optimal end state of regional integration in Europe. With this in mind, the future of the EMU may not be as open and unpredictable as the current state might suggest. After more than 50 years of successful co-operation and integration in Europe, it seems highly unreasonable and unlikely that the member states will simply completely “give up on Europe”.

We cannot give a complete picture here but we will sketch out a few implications of four possible future directions of the integration process with special regard to the implications for the EMU. These scenarios developed and updated by academia are not new but they are still relevant.

- a. Maintaining the Status-quo:* This scenario implies that there would be no major institutional or constitutional (EU Treaties) reforms. However, there may be an intensive use of the Treaty on European Union, including a renewed financial perspective for the EU. This general direction for the future development of European integration starts from the assumption that the EU has now reached its limits and a stable equilibrium. In other words, it has found its fundamental political and institutional order for the foreseeable future. As a result, the EU would be “floating” or “muddling through” at and around what was defined by the Treaty. That implies that there would be no tendencies towards disintegration. It does not

seem unreasonable to expect that an extended period of stabilization and consolidation might follow before the accession of new members. Nevertheless, the EMU might be forced to change considerably (institutionally and constitutionally) over the next decade in order to accommodate future enlargements.

b. *Spillover*: There are different strategies for this scenario:

- the “(federal) community strategy”, or deepening prior to and in order to enlarge;
- the “linear enlargement strategy” which foresees enlargement including minimal institutional adjustments, but no fundamental institutional and constitutional reforms requiring a treaty change;
- the “coupling option”, representing a close connection between enlargement and deepening, with deepening and enlargement both proceeding step by step (or new member state by new member state).

“Spillover” implies that there would be substantial step-by-step reforms and new projects in all policy areas leading to a greater visibility of the EU as an actor in external relations or the establishment of European economic governance in the Eurozone. The Union, in becoming bigger and wider, would simultaneously reform its institutional structures and enhance their efficiency. New aspects of economic policies would be moved to the European level; existing European policies would be further integrated and intensified. Member states would accept sharing more sovereignty in different policy areas. The legal output of the EU would grow constantly, covering more and more policy areas and replacing national regulations.

c. *Spill-back*:

- an intergovernmental approach, which leads to an enlarged, yet less integrated Union;
- the establishment of intergovernmental cooperation between three, four, six or more big member states outside the treaty framework;
- the evolution of a *Europe à la carte*, in which groups of interested member states practice limited functional or sectorial cooperation.

“Spill-back” therefore represents a reduction of the legal as well as of the living constitutional basis of the Union by a *de facto* or by a *de jure* retreat from the present treaty. “Spill-back” implies that there would be highly differentiated forms of cooperation emerging from the current EU-28. While in some policy areas the establishment of a *directoire* of few, big member states may extend the present scope and level of cooperation substantially. As a result, the EU might turn into a large free trade area with selected additional, flexible sectors of deeper integration.

This general direction for the future development of European integration seems very unlikely for the EU as a whole though the current “Brexiteer” prospects show the attractiveness of this scenario for some Member States or for some political factions. . In addition, with the economic and financial crisis, we have seen a mushrooming of initiatives and institutions trying to fix the financial architecture of the Eurozone; whereby new treaties have been signed, such as the Treaty on Stability, Coordination and Governance (the so-called Fiscal Compact), the Euro Plus Pact, the Two Pack and the Six Pack. All these agreements apply to different member states. The Treaty of Lisbon builds on the possibility of permanent structured cooperation or enhanced cooperation introduced by the Treaty of Amsterdam followed by the Treaty of Nice: a group of countries willing to cooperate further in a certain field are allowed to do so within the framework of the Union’s non-exclusive competences. (This type of cooperation is different from the EU opt-out that is a form of cooperation between EU members within EU structures, where a limited number of states are allowed to refrain from participation (such as the EMU, or the Schengen Area). Nevertheless, we are of the opinion that though such initiatives and grouping might continue to exist, they will not redefine the main structure, the spine of the EU integration.

d. The re-invented EU (“two-speed Europe”):

- “core Europe”, representing institutional (and constitutional) deepening within a group of “willing” and “able” member states;
- “variable geometry”, representing a network of parallel groups of member states which pursue sectorial integration in different policy areas.

This direction of a re-invented (or newly invented) Union is represented by the reduction of the scope of the Treaty (TEU) that means a reduction of the number of member states for certain policies. Thus, the Union could develop into a multi-level system of governance with overlapping spheres of competence which could, although making the EU (even) more complex, lead to the emergence of innovative instruments and procedures for problem-solving. Further deepening and widening are not excluded, but become more and more unlikely and difficult to achieve for all 28+ member states simultaneously. The institutional structure would be re-established to fit the demands of its 28+ member states. States that are ready for deeper integration of their strong economies would be able to move forward by creating a strong union which could be based on federalism. On the other hand, members like Denmark who are not willing to join the Euro-zone would remain in the EU within a second group with less powers but with all the benefits of the single market. New forms of differentiated integration could be suggested as solutions for the emerging dilemma between widening and deepening. The obvious problem in connection with the

introduction of new forms of co-operation and integration is that new dividing lines would evolve.

Going from theory to real developments, we may now pose the question: Is a “Two-speed Europe” a mirage or a reality?

“Two-speed Europe” – Mirage or Reality

The clearest dividing line within the EU lies between the Euro area and non-Euro area Member States. One of the main reforms that are currently being discussed at EU level is the need to establish a finance minister and a sort of treasury for the Euro area. This may be one of the main measures towards establishing a genuine Fiscal Union in the Euro area. This measure will require some joint decision making on fiscal policies at the EU level, although currently it is not possible to think about a complete lifting of national sovereignty in budgetary and tax issues. Any steps in that direction would be difficult to make, taken into account the need to amend the founding EU Treaties and to achieve unanimity among current Member States. It is remarkable that not only the leaders from EU institutions have called for such a move towards Euro area treasury but even the Presidents of the central banks in France and Germany.

Other national policy-makers have also called recently for at least a “two-speed Europe”. One of them is the Italian State Secretary on EU affairs. He has voiced concern about the need for the current EU to continue to exist as a large area where there is single Internal Market and freedoms. However, he stresses that there is also a need for a smaller and better integrated circle of Member State that would apply more integrated policies, namely the policies of renewed and genuine EMU. He admits that a future Minister of Finance of the Euro area should be elected by and should be accountable to the European Parliament (Vesti, 2016).

It is controversial, but this possible “two-speed Europe” approach is an argument employed by the pro-EU oriented people in the United Kingdom who advocate the preservation of EU membership status for the UK and are against Brexit. A “two-speed Europe” may be regarded as an opposition to the principle that many British citizens do not like - the principle of laying the foundations of an ever closer union among the peoples of Europe (Institute for European Policies, 2016).

Challenges before Candidate Countries Given the State of the EMU and the Revived Voices for a “Two-speed Europe”

The European Union started 2015 with a newly elected European Parliament, a new Commission, a new permanent President of the European Council and a new High Representative for Foreign Affairs and Security Policy. The EU ambitions for the coming period are set out in the ‘Strategic Agenda for the Union in times of change’ adopted by the European Council in June 2014 and in Commission President Jean-Claude Juncker’s Political Guidelines, which he presented to the European Parliament in the same month. These ambitions subsequently found their way into the Commission’s Work Programme for 2015, which was published in December last year.

In 2015 the EU found itself in a complex world. MS economies are showing tentative signs of recovery, but it is still brittle. EU security and values are under pressure, from both inside and outside the EU.

Many argued that if the Eurozone survives the crisis it will plainly require deep reform of the EU Treaties. In addition, many politicians and EU citizens perceive the enlarged EU as increasingly ineffective. Trust in EU enlargement policy significantly declined in EU Member States and in candidate countries as well.

The process of reforming the EMU is not directly linked with the EU accession process. However, many politicians at both an EU and national level have started to make a link between the two. Surprisingly for some people and disappointing others, especially those aiming for EU accession, in his first public announcement as elected President of the European Commission, Jean-Claude Juncker stated that in his mandate until 2019 there will be no accession of new Member States to the EU.

Later, he developed his strategy, explaining that after future enlargement, the EU would be on two speeds. That changes even the long-existing debate in the EU on the deepening integration process (including, through EMU, establishment and improvement), *vis-à-vis* enlarging the European Union. This changes the debate into a new concept – “enlarging and dividing within the EU”. EU accession will abolish some economic boundaries with the inclusion of the new Member States in the EU Internal Market and the EU common policies. However, the Euro area Member States and politicians started to build boundaries inside the EU, meaning that the current Candidate Countries will join quite a different EU in the future.

If there were any doubts about properly understanding the current Commission President, during his speech at a conference in Brussels in November 2015 he made his ideas much more clear: “I think that, eventually, it will no longer be possible that

33, 34 or 35 states will proceed with the same speed and the same momentum in the same direction ... The community shall rethink its structure, in order [that] Member States are able to be included in the different policies at different speeds, if they wish so ... One day we should rethink the European architecture with a group of countries that will do things, all things, together and others who will position themselves in an orbit different from the core” (Reuters, 2015 and Dnevnik, 2015).

The above marks a major change in the position of the EU Commission - the guardian of EU treaties, since 2011 and a new or at least, a spoken-out, “threat” that enlargement will only be possible at the price of a “two speed Europe”. Speaking in Berlin on 9 November 2011 former president of the EU Commission, José Manuel Barroso, spoke firmly against the raised voices for “two speed Europe” and in particular to the then French president Mr. Sarkozy: “... a split union will not work. This is true for a union with different parts engaged in contradictory objectives; a union with an integrated core but a disengaged periphery; a union dominated by an unhealthy balance of power or indeed any kind of directorium [sic]. All these are unsustainable and will not work in the long term because they will put in question a fundamental, I would say a sacred, principle—the principle of justice, the principle of the respect of equality, the principle of the respect of the rule of law. And we are a union based on the respect of the rule of law and not on any power or forces. It would be absurd if the very core of our project—and economic and monetary union as embodied in the euro area—so I say it would be absurd if this core is treated as a kind of “opt out” from the European Union as a whole.” (Jose Manuel Barroso, 2011)

In our opinion, the EU’s deepening (supranational integration) and its further enlargement (expansion of membership) may hardly be considered a “trade-off”. The alleged “conflict” of widening versus deepening must be dismissed as such. As these two aspects are intertwined, it would be wrong to consider them separately. What is at stake is not their conflict but their interaction.

In recent years many scholars and politicians have overemphasized the “trade-off” between widening and deepening, arguing that the first would obstruct the second. But the long and winding road of the EU demonstrates the contrary: deepening and widening go hand in hand. Enlargement has constantly affected the EU’s own functioning and has produced a systematic deepening of supranational policy-making capacities. As the governance and structures of the euro area undergo significant change, more should be done to engage candidate and potential candidate countries so that the changes—and the demands that will ultimately be laid on them—are clearly understood.

Conclusions

The creation of a more flexible EU of variable geometry, if done properly, by keeping the euro open to countries that want to join and deepening the single market for those that do not (like Britain), could ease many of the existing tensions. But done incorrectly, this would be a recipe for the breaking up of Europe. We would start talking about two separate Europes instead of a “two-speed Europe”. Because of this, we do not regard the formal establishment of “two-speed Europe” as a positive move and new Member States such as Bulgaria, Romania and Croatia should stand against policy changes in this direction. Furthermore, the current Candidate Countries should not be in favor of the legalization of “two-speed Europe” regardless of the voices that this may be the only way to open the door for their accession. It is true that Candidate Countries do not have a formal voice in the setting of the current EU policies and objectives. However, a mechanism should be found for them to at least have a say in what kind of EU they would aim to be a part of. Recently, the Serbian Prime Minister declared that his country is less interested in the European Integration process, possibly because of this second class membership status but also because of the potential United Kingdom exit from the EU.

The challenge of the potential establishment of a “two-speed Europe” should be turned into an opportunity. This should be the opportunity for the current new EU Member States and the future new Member States (currently Candidate Countries, especially the Western Balkan countries) to speak with one voice in Europe and to better defend their priorities and interests. In response to such uncertainties, some countries in Europe suit their own grouping in formal and informal alliances, which are supposed, *inter alia*, to formulate and express their joint and thus stronger opinion. The Visegrad, Baltic and Scandinavian group of alliances were renewed. From these events, the Balkan countries seem to be missing. The possible formation of a formal or informal group of the Balkan countries may serve as the vanguard of or at least persuasive evidence for their further integration into the EU.

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Openness to Experience and Subjective Well-Being among University Students in Macedonia

Maja Korubin Kjorluka

Abstract

Openness to experiences is a global personality trait that is used to describe human personality in a Five Factor Model. People who score highly in openness to experiences are considered to be unconventional in their outlook and behavior, have a wider range of interests and tend to have more liberal political views. On the other hand, within the science of psychology, the interest in studying subjective well-being, happiness, quality of life and related phenomena has been gaining more attention in recent years. This research investigates the relationship between the personality factors of openness to experience and subjective well-being. More concretely, the research investigates the relationship between the six sub-factors of the openness to experience (fantasy, aesthetics, emotions, action, ideas and values) along with subjective well-being. The sample consisted of 209 first year university students from six faculties within the Sts. Cyril and Methodius University in Skopje. The following instruments were used for this research: NEO-PI-R (The Revised NEO Personality Inventory) and the Oxford Happiness Questionnaire. The results have shown that subjective well-being is positively related only with an openness to emotions. Also, the results have shown that subjective well-being is related to an openness to values, but this correlation is negative. That means that as openness to emotions increases happiness will also increase, and by contrast, as openness to values increases happiness will decrease.

Keywords: personality, personality factors, openness to experience, subjective well-being.

Introduction

According to a number of psychologists, one factor represents the best unit to describe a person. Some authors define it as: “a characteristic form of behavior, thinking and feelings” (Funder, 1997). Allport uses the term *draw*, which according to him represents “a neuropsychological structure whose feature is to make a lot of stimulations equally functional and to initiate and regulate consistent applicable and expressive behaviours” (Allport, 1937 according to Janakov, 2006). “The five-factor model became one of the most accepted models in contemporary psychology” (McCrae, 2001). The five factors of a person which distinguish individuals between each other are: neuroticism, extraversion, openness towards experience, agreement and consciousness.

The openness towards experience, as one of the five factors, is a bit less known and a less well researched factor by comparison with extraversion and neuroticism. This factor is defined as an inclination for accepting new and unconventional ways of thinking and behaving, which are manifested through creativity, imagination, curiosity and a fondness for the esthetic experience. People who have high score on this factor are keen on new, extraordinary experiences, are more open for accepting new ideas and unconventional values, but show a soft tendency to be ranked relatively high on the intelligence scale. Those with a low scale score on openness towards experience are more conventional, more pragmatic, and conservative and have a lack of curiosity. They support traditional values, lead a stable way of life and are less open towards taking new challenges and opportunities, in other words, they accept what is known more, and less what is new.

The sub-factors which make up this factor are: fantasy, esthetics, feelings, action, ideas and values.

Fantasy. The individuals who are more open to fantasy often undergo real imaginations and generally live an active life, fulfilled with fantasy. Those with low scores are more “down-to-earth” and directed towards their daily tasks and activities.

Esthetics. The individuals with high scores on this sub-factor possess a deep respect for art and beauty, and are more excited by poetry, music, and other arts. The individuals with low scores are insensitive and less interested in art.

Feelings. An openness towards feelings is the openness of the individual towards their own internal emotions and feelings, as well as valuing these as an important part of life. The individuals with low scores on this sub-factor do not believe that feelings and emotions are of any great importance in everyday life.

Action. The openness towards action includes the need to try out different activities which are new and unknown to the individual like: travelling to different places, or tasting different cuisine. Those with a low score on this sub-factor are less prone to changes and choose a life that is normal and more repetitive.

Ideas. This sub-factor is strongly connected to intellectual curiosity, as well as an openness towards new and unconventional ideas. The individuals with low scores are generally less curious and show an interest in a smaller number of topics and areas.

Values. The openness towards values means dexterity in reassessing social, political and religious values, and a readiness to oppose the authorities.

The interest for studying happiness, quality of life and similar phenomena dates back to ancient times. Even Aristotle had stated that in every one of us there exists a single spirit that leads us to do things that do us good, so as to gain happiness as a consequence of such a spirit. At the beginning of the twentieth century, some researchers appeared to be interested in certain positive aspects of human nature. In the 1960s, with the appearance of the “third force” in psychology, human psychology, interest was directed towards studying growth, development and positive human potential. Notwithstanding, human psychology had little influence on psychological science, primarily due to the lack of scientific methodology and empirical research.

Over the last thirty years in the psychological sciences, the topics of happiness and similar phenomena have become more popular. After satisfying the basic existential necessities and with increased living standards, the question about a better, happier and more fulfilled life is more frequently asked. What is new and different from the previous efforts to understand happiness is the application of empirical methodology so that the new findings could be integrated in the system of scientific knowledge. The study of happiness and similar phenomena will contribute to the completion of the image for a people, which is one of psychology's interests. In this framework, the term subjective well-being is used as a synonym for happiness.

This study is oriented towards the solving of this problem: Is there a connection between openness towards experience and subjective well-being among students? This research's interest is to check the connection between these phenomena in the realms of the Macedonian social and cultural context. It is supposed that: with the increase of the degree of openness towards experience, subjective well-being among students will increase as well. In this research, the connection of the sub-factors of openness towards experience and subjective well-being is explored.

Among research projects that are looking for a connection between subjective well-being and the five factors, there are some data that show relatedness between neuroticism and extraversion with subjective well-being (Wilson, 1967). There are very few findings that are looking for relatedness between openness to experience and subjective well-being. The need for this research emerged to cover the gap in psychological science and to offer more information about happiness and its relation to openness to experience and its sub-factors. Further on, these findings could be applicable in different areas of everyday life.

Method

209 participants took part in this research, all students in the first year. They came from six faculties of the University of “Sts. Cyril and Methodius” in Skopje: The Faculty of Natural Science and Mathematics (Institute for Information technology), The Faculty of Mechanical Engineering, The Faculty of Medicine, The Law Faculty (Political Studies students), The Faculty of Agricultural Science and Food, and the Faculty of Philosophy (Institute of Philosophy).

The choice of the stated faculties was made in order to ensure heterogeneity of the sample in terms of the scientific areas and the gender presence, too. In the sample, there is one faculty in every one of the six scientific fields, according to the Classification of scientific spheres, fields and areas (disciplines) of research (2001): the field of natural science and mathematics, technical and technological science, medical science, biotechnological science, social science and the humanities.

The instruments used for examining the connection between openness towards experience and subjective well-being are: NEO-PI-R (The Revised NEO Personality Inventory) and the Oxford Happiness Questionnaire. The Revised NEO Personality Inventory is a personality inventory that assesses the Big Five personality traits (five factors): extraversion, agreeableness, conscientiousness, neuroticism, and openness to experience. It was developed by Costa and McCrae and consists of 240 items. In this research only one scale for measuring openness to experience is used. The Oxford Happiness Questionnaire is an inventory that measures subjective well-being. It was developed by two psychologists, Michael Argyle and Peter Hills at Oxford University and consists of 29 items.

	Happiness	Open. (O)	Fant. (O1)	Esthet. (O2)	Feelings (O3)	Action (O4)	Ideas (O5)	Values (O6)
Happiness	1.00	0.07	-0.01	0.11	0.23**	0.01	0.09	-0.20**
Openness (O)		1.00	0.66**	0.65**	0.63**	0.51**	0.74**	0.51**
Fantasy (O1)			1.00	0.25**	0.32**	0.20**	0.40**	0.25**
Esthetics (O2)				1.00	0.38**	0.16*	0.37**	0.26**
Feelings (O3)					1.00	0.08	0.42**	0.10
Action (O4)						1.00	0.37**	0.32**
Ideas (O5)							1.00	0.17*
Values (O6)								1.00

The research was conducted as group work on six different occasions. All the groups were tested in the same period of the year, during lessons and in relatively equal spacious working conditions, and it was also taken into consideration for the testing to be conducted before lessons so that the students could be in an optimal psycho-physiological condition for solving the tests. The testing lasted sixty minutes maximum, and all the respondents' instruments were given to them straight away. The method for the collected data of the testing was correlational: Pearson's coefficient for linear correlation.

Results

The results shown in the chart refer to the matrix of inter-correlations between subjective well-being, an openness towards experience factor and six sub-factors: fantasy, esthetics, feelings, action, ideas and values.

From the chart, we can see that there is no statistically meaningful connection between subjective well-being and the openness towards experience factor. The discovered correlation between these two variables ($r=0.07$) is not high enough to be taken as a statistical measure for the variables' connection.

Chart. The inter-correlation between experiencing happiness, openness towards experience and the sub-factors: fantasy, esthetics, feelings, action, ideas and values

**Meaningful correlation on level 0.01

*Meaningful correlation on level 0.05

Even though subjective well-being does not correlate meaningfully with an openness towards experience factor, there are meaningful correlations in this variable with sub-factor feelings ($r=0.23$), as well as the high negative correlation with subfactor values ($r=-0.20$). The meaningfulness of both correlations is on level 0.01.

Discussion

From the results gained for the connection between subjective well-being and an openness towards experience factor, it can be concluded that there is no statistical correlation between these two variables. These results do not confirm the hypothesis that by increasing the degree of openness towards experience the degree of experiencing happiness among students increases as well. The results are in accordance with those results gained from the research by DeNeve and Cooper (DeNeve & Cooper, 1998) where the statistically meaningful correlation between happiness and openness towards experience has not been found either ($r=0.11$). The conclusion that may be drawn from the results would go in that direction meaning that the happiness of an individual is not significantly connected to their openness or curiosity for either the internal or the external world. Happiness is not connected to experiencing new, unusual experiences, openness for the acceptance of new ideas and unconventional values, as well as a fondness for accepting new and unconventional ways of thinking and behaving.

However, despite the fact that experiencing happiness does not meaningfully correlate to an openness towards experience factor, nor to the bigger number of the sub-factors of this factor (fantasy, esthetics, action and ideas), a correlation from $r=0.23$ is still found with the sub-factor openness towards feelings on a significant level of 0.01. The identical data with this sub-factor are also gained for the connection of satisfaction with the quality of life. Therefore, it comes out that by increasing an openness towards feelings and their acceptance as a meaningful part of life, the experience of happiness and satisfaction by the quality of life increases as well.

This conclusion cannot be drawn for the connection of happiness and openness towards fantasy, experiencing art and esthetics, experimenting with different activities, and ideas. There are no statistically meaningful correlations between

happiness and these sub-factors. Unlike the results gained for satisfaction with the quality of life, this research found a high correlation between experiencing happiness and a sub-factor openness towards values. The interesting data is that the correlation between these two variables is negative, meaning the less open the person is towards reconsidering social, political and religious values, the more s/he accepts the authorities and has a conservative behaviour and by this the experience of happiness is greater.

The results that have been gained are important and it is necessary to check other things as well in this context. Thus, it is necessary to carry out research on the educational system, starting from the earliest age of children, as well as in the programs included for growth and development among the young population. The relation between various sub-factors of openness towards experience and subjective well-being should be elaborated in the realms of psychological guidance and psychotherapy, and some concrete interventions would do no harm, but they could be used, too. As an important aspect of a person's life is his sense of well-being in the work place as well. So, such research should be spread evenly in the working aspects of an adult person.

What is still unknown to researchers and represents a challenge for future research in this area, are the dynamic processes that stand behind this connection between separate sub-factors of openness towards experience and subjective well-being. By studying these processes, it could be better understood what makes individuals with a high level of openness towards emotions feel happier, and those with a lower level of openness towards values less happy than the others.

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These are consequential times in which Europeans are currently facing major challenges such as: terrorism and immigration, to say nothing of the turmoil in the Middle East. Meanwhile, the rise of populism, the potential and imminent impact of “Brexit” on the European Union and uncertainties about transatlantic relations and the role of NATO, following the election of a new US president, alongside growing concerns over Russian ambitions all heighten the atmosphere of unease.

How have old and new borders affected the European continent? What are the challenges to regional, cross-border and trans-border cooperation in Europe; and, how do open and closed borders, impact upon free movement, migration control, and the future of the Schengen Agreement? These are some of the issues addressed in this book, which also includes chapters on border security and management; dealing with social, ethnic, linguistic and religious boundaries within Europe; as well as considering the historical, philosophical and cultural perspectives that surround the very concept of borders.

