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Developments in the Field of Migration in Slovakia from her Accession to the European Union

Abstract: The goal of the contribution is to familiarize the reader with the quantitative and qualitative developments in the field of migration in the Slovak Republic that took place from its incorporation into the European Union back in 2004. The text of the present paper is based on research outcomes of the project 'Migration in the Slovak Republic After its Accession to the EU (2004–2008) – An Analysis of Migration Trends and Attitudes of the Public to the Migration Issues and Integration of Foreigners' carried out by the International Organization for Migration in the Slovak Republic. However, these findings were updated by data related to 2009, thanks to which a somehow wider view of the development trajectories, fundamental attributes and key issues in the area of migration since Slovakia's accession to the Union was gained.

In the early 21st century it is possible to consider the migration phenomenon to be one of the most distinctive features of globalization processes in the world. From among nearly 200 sovereign countries on the Earth almost all represent source, transit or destination territories of migrants who have thus been established in the international scene as a factor, which cannot be overlooked. Should only the quantitative point of view be taken into account, in 2000 there were – according to estimates of the United Nations and the

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International Organization for Migration – approximately 150 million migrants¹ in the world, the number of migrants in 2005 amounted to approximately 191 million² and it is highly probable that in mid-2010 the number of migrants will amount to 214 million.³ It means that the share of migrants in the population of the world should form about 3.1% or that each 32nd person living in the Earth is a migrant.

The movement of persons among countries is, on the one hand, facilitated thanks to the increasing political and economic integration, gradual removal of administrative barriers, development of transport infrastructure and information technologies, growing transnationalism and building up social networks, support for the protection of human rights etc. On the other hand,

Unprecedented enlargement of the European Union in 2004 led to a significant increase in the mobility of population not just towards the Union, but primarily within it.

migration is also substantially influenced by demographic changes, poverty and economic underdevelopment, natural disasters and environmental degradation, wars and armed conflicts, various personal and collective repressions and discrimination. Migration is – in connection with its economic, political, social, population, cultural, security, environmental and other impacts – considered one of the major civilization challenges of today.

The international community endeavors to actively respond to the problems associated with migration. There were several fundamental discussions, fora, legal instruments and policies

with global outreach initiated in recent years (e.g. the Global Fora on Migration and Development, the UN High-level Dialogue on International Migration and Development etc.), supplemented by a series of regional and multilateral meetings,

¹ The individuals who in conventional terms are defined as persons who stay outside the country of their birth for twelve or more months (regardless of whether they stay there legally or illegally). "World Migration Report 2000" (Geneva: International Organization for Migration et United Nations, 2000); <http://www.iom.int/jahia/Jahia/cache/offonce/pid/1674;jsessionid=53D522E4652858044DF22A8301330B3A.worker02?entryId=7279>.

² "World Migration 2008: Managing Labour Mobility in the Evolving Global Economy" (Geneva: International Organization for Migration, 2008); <http://www.iom.int/jahia/Jahia/op/edit/cache/offonce/pid/1674?entryId=20275>.

³ "Trends in International Migrant Stock: The 2008 Revision" (New York: Department of Economic and Social Affairs, United Nations, 2009); http://www.un.org/esa/population/migration/UN_MigStock_2008.pdf.

declarations and programs. Europe ranks, from the viewpoint of immigration, among the most attractive macroregions of the Earth – the number of migrants living there in 2010 is estimated at up to 70 million.⁴ It is just logical that the European Union as an association of European nations, which forms in economic, social and cultural terms the most developed part of the continent, faces the highest pressure of migrants and that it does in particular so recently.

The unprecedented enlargement of the European Union in 2004 led to a significant increase in the mobility of population not only towards the Union, but especially within it. Due to that the character of migration phenomena and processes in the territory of the EU has been changed, the complexity of migration systems has been increased, new visa, immigration, integration, asylum, naturalization, regularization or return conceptions and policies have been created, relevant legal norms have been adopted, the respective institutional sphere has been transformed etc. Issues and challenges related to migration have been in an ever increasing fashion echoed not only in political and expert discussions, but also in the media and among the public of the EU member countries.

Analysis of Developments in the Selected Migration Components and Respective Migration Policies of Slovakia in 2004-2009

The purpose of the following part of the contribution is to briefly, but at the same time comprehensively, inform on the developments in the area of major components of migration in the country as well as on related migration policies (management) in the determined period of time. In view of the methodology, an established differentiation of migration as referred to in the works published recently has been applied here.⁵ This contribution therefore at first presents an evaluation of legal migration in the narrower sense of the term (i.e. the category of foreigners with residence permits), then labor immigration, irregular migration, asylum migration and lastly the naturalization of foreigners in Slovakia. We are

⁴ "Trends in International Migrant Stock: The 2008 Revision" (New York: Department of Economic and Social Affairs, United Nations, 2009); http://www.un.org/esa/population/migration/UN_MigStock_2008.pdf.

⁵ See, for example, B. Divinský *Zahraničná migrácia v Slovenskej republike – Stav, trendy, spoločenské súvislosti*. (Bratislava: Friedrich Ebert Foundation, Research Center of the Slovak Foreign Policy Association, 2005); B. Divinský *Zahraničná migrácia v Slovenskej republike: vývojové trendy od roku 2000*. (Bratislava: Research Center of the Slovak Foreign Policy Association, 2007).

aware that there is a certain degree of simplification in this typology; however, it does reflect not only domestic, but international practice as well.

Developments in the Field of Legal Migration (Residence Regime)⁶

Slovakia's accession to the EU became a rapid development impulse. From late 2004 to late 2009, the number of foreign nationals living in the Slovak Republic was increased to over 58,000 (i.e. 2.6-times – Table 1) and the fact clearly reflected the country's attractiveness. The interannual increases in numbers of foreigners in Slovakia were also remarkable: in 2007 and 2008 the figure representing such an increase amounted to nearly 30%. In international terms this figure is also enormous (e.g. in the period 2004-2007 from among all EU member countries it was solely Ireland to manifest a quicker rise in the number of foreign nationals – the Eurostat *on-line* data). Thanks to the trend just shown, the share of foreigners with residence permits in the overall population of Slovakia between 2004 and 2009 increased from 0.4% in 2004 up to 1.1% in 2009, although the consequences of the global financial and economic crisis apparently hampered the given growth dynamics in 2009. In 2009 there were 11 foreigners for each 1,000 inhabitants of Slovakia. Although such a figure was hardly imaginable in the country a few years ago, within the EU27 in general it is still a very low value (in 2008 only Bulgaria, Romania and Poland had lower shares of foreign nationals in the country – the Eurostat *on-line* data).

The proportion of males among the foreigners with residence permits in the Slovak Republic was continuously increasing in the studied period – from 56 up to 64%. Changes in the age structure of legal migrants were statistically of little significance – persons in productive age (15-64) always formed nearly 90% of the total number and the fact implies a high degree of causality with the boom of labor immigration into Slovakia. The spatial distribution of legal migrants within the country was gradually transformed. An ever increasing number of them (in 2009 up to 31%) preferred as a place to stay the Region of Bratislava, which offers an ample number of jobs, business opportunities and school facilities, modern infrastructure as well as a developed housing market in the country. Further structural social and demographic data (such as marital status, mother tongue, education, religion, professional orientation) on this category of migrants in Slovakia were not, unfortunately, gathered.

A drop in the share of foreigners from third countries in the overall number of foreigners with residence permits in Slovakia may be considered one of the

⁶ Each person being not a citizen of the Slovak Republic shall, under the legal definition ("Act No. 48/2002 on the Stay of Foreigners"), be considered a legal migrant – a foreigner.

key trends in the examined time period. While the proportion of these persons in 2004 exceeded one half of all legal migrants, in 2009 their share amounted to 37% only. The share of citizens from the EEA countries in 2004-2009 reversely increased from 49 to 63%. In absolute values, the number of EEA citizens residing in Slovakia was increased from 10,803 (2004) to 36,830 (2009) – i.e. 3.4-times. These developments may be regarded as an extraordinary growing trend in such a short time. The mentioned development trajectory is, however, a logical outcome of simplified conditions set for the EEA/EU citizens to enter and to stay in the Slovak Republic.

In 2004-2009, the citizens of 'old' EU members countries became one of the most dynamically developing groups of foreign nationals in the territory of Slovakia: their percentage was increased from 14 to 21% (absolutely nearly 4 times). These persons arrived in Slovakia especially because of their jobs.⁷ The Germans followed by the Austrians traditionally predominated among them (Table 2); in terms of numbers the quickest to expand were, however, migrants from France (construction of a large car factory in the country). But throughout the period (except for 2004) the citizens of the neighboring Czech Republic were the biggest community of foreigners in the Slovak Republic, though this group experienced a gradual relative drop constituting 16% in 2004 compared to 13% in 2009. The Czechs, Poles and Hungarians were in the country active in various economic areas, but family reasons or studies also led them to arrive in Slovakia. In the analyzed time interval, some of the East European and South European countries (Ukraine, Romania, Serbia, Russia etc.) represented from the viewpoint of legal migration, a specific group. Communities of their citizens were formed in Slovakia in the past already, their countrymen still arrive on labor or family grounds and a significant part of them is made by the so-called Slovaks living abroad. In this context, an important impulse was brought about by Romania's accession to the EU in 2007; Romania immediately

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⁷ B. Divinský *Labor Market – Migration Nexus in Slovakia: Time to Act in a Comprehensive Way*. (Bratislava: International Organization for Migration, 2007).

became the second to fourth most relevant immigration country for Slovakia.⁸ The next new trend in the field of migration was formed by an intense influx of citizens from Vietnam, China and South Korea who mainly arrive in the Slovak Republic because of labor. In the course of six years, the number of persons from the given countries in absolute terms increased 4 times and their share in the population of foreign nationals in the Slovak Republic as a whole was increased from 6 to 9%.

As to migration management in the area of legal stays of foreigners on the territory of Slovakia in the period 2004-2009, it is necessary to mention in particular the developments and level of state integration policy. In the first half of the evaluated period, challenges existing in the field were manifestly overlooked by state institutions as well as other subjects in Slovakia in all dimensions (conceptual, legislative, institutional, practical or that of research). The *Conception of the Migration Policy of the Slovak Republic* from 2005⁹ or other official documents addressed the integration of immigrants into society either in an insufficient and inconsistent fashion or not at all. Migrants (primarily those coming from third countries) living in Slovakia also after its joining the EU more or less rightfully believed that just a little attention was paid to their integration in the country, the approach by the state was in most cases improvised, financial sources set aside for integration were modest and there were no specialized integration programs.¹⁰ Slovakia's lagging behind in the process of integration of foreigners into society was also confirmed by a representative international comparison. The level of integration policies in 28 advanced countries was assessed on the basis of 142 miscellaneous indicators in the MIPEX II study and the Slovak Republic took the 4th-5th place from the end.¹¹

There was partial improvement of the situation as regards the integration of migrants into Slovak society in the second half of the examined period. In 2006, the International Organization for Migration in Slovakia established its Migration Information Center, which offers immigrants respective information, individual advisory and courses. State institutions gradually became active in

⁸ Compare B. Divinský *Migračné trendy v Slovenskej republike po vstupe krajiny do EÚ (2004 – 2008)*. (Bratislava: International Organization for Migration, 2009).

⁹ Adopted by the Resolution of the Government of the Slovak Republic No. 11 (January 12, 2005).

¹⁰ For more details see Z. Bargerová, B. Divinský *Integrácia migrantov v Slovenskej republike – Výzvy a odporúčania pre tvorcov politik*. (Bratislava: International Organization for Migration, 2008).

¹¹ "Migrant Integration Policy Index" (Brussels: British Council et Migration Policy Group, 2007).

Table 1. Development of the Number of Foreigners with Residence Permits in Slovakia in 2004-2009

Indicator / Year	2004	2005	2006	2007	2008	2009
Number of Foreigners (end-of-year-data)	22,108	25,635	32,153	41,214	52,706	58,322
Interannual Increase (in %)	-24.3	15.9	25.4	28.2	27.9	10.7
Share of Foreigners in the Overall Population of the Country (in %)	0.41	0.48	0.60	0.76	0.97	1.07
New Residence Permits Granted in a Given Year	8,081	7,595	11,312	15,159	16,553	11,790
Interannual Increase (in %)	76.7	-6.0	48.9	34.0	9.2	-28.8

Source: Statistical data of the Bureau of Border and Aliens Police and calculations of the author

Table 2. Ten Most Significant Countries of Origin of Foreigners with Residence Permits in Slovakia in 2004 and 2009 (end-of-year stocks)

	2004		2009
Ukraine	4,007	Czech Republic	7,756
Czech Republic	3,583	Ukraine	5,413
Poland	2,468	Romania	5,349
Hungary	1,519	Poland	4,675
Russia	1,213	Hungary	4,394
Germany	988	Germany	3,844
Vietnam	832	Serbia/Montenegro	3,479
USA	643	Vietnam	2,204
Bulgaria	633	Austria	1,900
Austria	576	Russia	1,738

Source: Statistical data of the Bureau of Border and Aliens Police

the field as well. In 2007, a new Department of the Migration and Integration of Foreigners within the Slovak Ministry of Labor, Social Affairs and Family was established, but in terms of its capabilities, personnel and financial sources it is still considerably undersized. Finally, with a certain delay, the *Conception of Foreigners Integration in the Slovak Republic*¹² was articulated in 2009 as a fundamental 'manual' for the management of integration of immigrants in the country. The Conception represented a major qualitative shift in understanding the importance and needs of the integration process in Slovakia, but for 2009 there were no financial sources set aside to implement the tasks that follow from the document.

Labor Migration to Slovakia

During 2004-2009, the area of labor migration became one of the most rapidly developing components of migration in the country. The incorporation of Slovakia into the EU in 2004 radically changed the scope, structure and attributes of workforce migrating into the country and also brought about other changes (such as legal, institutional, economic, social changes or changes in the field of registration, statistics and information).

The basic development trends in labor immigration are reflected in Table 3. The number of foreign nationals employed in the Slovak Republic was in the period increased 4.6 times to more than 15,000. Interannual increases between 2005 and 2008 amounted to enormous values and it was only the economic crisis that in 2009 caused a visible deceleration of the trend. The number of foreigners employed in the labor market of Slovakia was thus increasing in the analyzed period at a much higher pace than the overall population of legal migrants. At the same time, the share of employed foreigners in all employees in the country was, in 2004-2009, increasing even more noticeably and at the end of 2009 already reached the level of 0.8%. An even more intensive growing trend was typical for the category of foreign nationals doing business in Slovakia and this was the case of all parameters under consideration.¹³ The official number of economically active foreigners (both those being employed and those running businesses) between 2004 and 2009 increased 5.5 times and their proportion in the total labor force of Slovakia was in 2009 exactly 1% (Table 3).

¹² Adopted by the "Resolution of the Government of the Slovak Republic", No. 338 (May 6, 2009).

¹³ Due to the fact that the situation of immigrants in the country in the field of business was not, in legal terms, as complicated as in the field of their employment.

The trends presented show that Slovakia was in the studied time interval becoming an ever more attractive country for migrants looking for jobs. There were several factors supporting the remarkable intensification of flows of labor migrants arriving in Slovakia during 2004-2009. The most important of them were the following: the complete opening of Slovakia's labor market to the Union citizens from as early as 2004, the gradual liberalization of conditions for the free movement of workers even from outside the EEA, the enlargement of the EU in 2007 (especially by Romania), but as well as the evident development of the Slovak economy and growing demand for workforce, which Slovakia was not able to saturate from its own sources and was therefore solving it in 2007 and 2008 through recruitment abroad.

As regards the examined structures of foreigners employed in Slovakia, the data confirm that the share of males among them in the period 2004-2009 increased up to 80%. This is in general a very high value and labor immigration into the Slovak Republic – unlike many other EU countries – had an unambiguously masculine character: Up to 99% of employed foreigners were always persons in productive age (15-64). A striking feature of labor migrants arriving in Slovakia from 2004 to 2009 was a high level of achieved education. Only a minimal part of them had merely basic education. At the beginning of the mentioned period, the proportion of persons with university education even exceeded 50% of all immigrants, but it dropped until 2009 down to 35% in favor of persons with secondary education. This was primarily a consequence of the mass influx of citizens from Romania with a lower level of achieved education into the labor market of Slovakia since 2007. From the geographical point of view, the Region of Bratislava (and particularly the City of Bratislava itself) was in 2004-2009 the most attractive area for foreigners employed in the country. The share of foreign employees in this region varied in the individual years between 35 up to 60% of their total number in Slovakia.¹⁴ This fact reflected an increased inflow of foreign investment and a wide offer of jobs available to foreigners just in the Region of Bratislava. However, in 2004-2009, relatively attractive for economically active immigrants were also the Regions of Trnava, Nitra and Žilina.

Thanks to the principle of the free movement of workers for the EEA citizens, their absolute and relative representations in the labor market of Slovakia were significantly increased as early as 2004. Their number grew in the period 2004-

¹⁴ Compare B. Divinský *Migračné trendy v Slovenskej republike po vstupe krajiny do EÚ (2004 – 2008)*. (Bratislava: International Organization for Migration, 2009).

2009 even 5.4 times and their share in all foreigners employed in the country increased in the given time interval from 63 to 7%. The proportion of work permits granted to citizens of countries outside the EEA was, on the contrary, nearly doubly decreased during the six year period concerned. It is thus obvious that the essential role in the area of labor immigration in Slovakia was played by EU/EEA citizens.

As regards the individual countries of origin of foreigners employed in Slovakia in 2004-2009, one may identify several categories that were not

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developing with the same dynamics. The Slovak labor market was, until 2006, clearly predominated by citizens of the Czech Republic who mostly occupied positions of high-skilled managing officers within business companies, but who were also active as scientists, researchers, technicians or other professionals. Romania's accession to the Union transformed, however, radically the composition of foreign personnel in Slovakia. In terms of numbers, the Romanians in 2007-2009 strikingly overtook the Czechs. Romania thus became – in view of labor immigration – quantitatively the most important source country for Slovakia.¹⁵ Unlike the citizens of the Czech Republic, the Romanians were most frequently employed as unskilled or auxiliary workers in the industry, building sector and transport. Hungary, Poland (citizens of the two countries usually worked as qualified workers) and Ukraine (citizens

of the country worked mostly in positions requiring low qualification or no qualification at all) belonged to significant 'exporters' of labor immigrants arriving in Slovakia. One of the most striking groups present in the labor market of Slovakia between 2004 and 2009 were employees from the 'old' member countries of the European Union. Their proportion in employees of

¹⁵ At the end of 2009, the share of economically active Romanians exceeded 21% of all employees coming from the EEA countries.

the EEA as a whole was in 2009 approximately 29%, but they represented an extraordinary asset for the country's economy. They acquitted themselves well in the sectors with a high added value. They often worked as managing officials and representatives of businesses, experts, scientific, technical and financial staff, teachers and lecturers etc., but to a high degree as well as managers of large industrial enterprises.¹⁶ Finally, a separate trend in 2004-2009 consisted in a rapid growth of the number (and a gradual increase of the share) of persons coming from certain Asian countries in the labor market of Slovakia. The first sub-group includes mainly citizens of South Korea and Japan who most frequently worked as highly-skilled experts and managers of important industrial companies. On the contrary, immigrants from Vietnam (and to a lesser degree from China as well) worked mostly as low-skilled workers, but in Slovakia they rather preferred doing business in the field of retail trade and gastronomy.

From 2004 Slovakia underwent material changes in the area of policies associated with labor immigration. The country began to implement the principle of the free movement of workforce without any transition periods for the EEA citizens. In the same year (2004), an act¹⁷ defining inter alia employment relations for all categories of persons from abroad was passed. However, job applicants from third countries still considered the procedure for granting work permits too bureaucratic, complicated and lengthy. With regard to an ever increasing shortage of labor force in certain sectors of the Slovak economy in 2007 and 2008, the attitude of competent authorities towards labor migrants from third countries was modified. At the end of 2007, the Government of the Slovak Republic finally canceled a bilateral agreement on the mutual employment of citizens, which to a considerable degree limited the Ukrainians. Then, since the spring of 2008, an amendment to the above-mentioned Act enabled granting work permits for up to two years. In 2007 and 2008, recruitment for critically needed worker professions were also made primarily in the Balkans and Vietnam. Throughout the period 2004-2009, the very basic shortcoming present in this field was the absence of a complex and efficient policy, conception or strategy to regulate labor immigration into Slovakia and to define its role in the economic and non-economic development of the country.

¹⁶ B. Divinský *Labor Market – Migration Nexus in Slovakia: Time to Act in a Comprehensive Way*. (Bratislava: International Organization for Migration, 2007); B. Divinský *Migračné trendy v Slovenskej republike po vstupe krajiny do EÚ (2004 – 2008)*. (Bratislava: International Organization for Migration, 2009).

¹⁷ "Act No. 5/2004 on Employment Services".

Table 3 Development of the Number of Foreigners Employed and Doing Business in Slovakia from 2004 to 2009 [end-of-year data]

Indicator / Year	2004	2005	2006	2007	2008	2009
Number of Employed Foreigners	3,351	5,797	7,078	10,910	14,874	15,264
Interannual Increase (in %)	-32.7	73.0	22.1	54.1	36.3	2.6
Their Share in the Overall Population of Legal Migrants in Slovakia (in %)	15.16	22.61	22.01	26.47	28.22	26.17
Their Share in All Employees in Slovakia (in %)	0.17	0.29	0.35	0.53	0.70	0.78
Number of Foreigners Doing Business	975	1,513	2,244	5,562	7,289	8,367*
Interannual Increase (in %)	69.3	55.2	48.3	147.9	31.0	14.8*
Their Share in the Overall Population of Legal Migrants in Slovakia (in %)	4.41	5.90	6.98	13.49	13.83	15.09*
Their Share in All Persons Doing Business in Slovakia (in %)	0.36	0.55	0.77	1.79	2.12	2.25*
Share of Economically Active Foreigners in All Economically Active Persons in Slovakia (in %)	0.20	0.32	0.40	0.69	0.90	1.00*

* = situation as of June 30, 2009

Source: Statistical data of the Central Office of Labor, Social Affairs and Family; Tax Directorate of the Slovak Republic; Statistical Office of the Slovak Republic and calculations of the author

Irregular Migration in Slovakia

The competent authorities of the country define undocumented migration as “crossing the state borders of the Slovak Republic or the residence of a person in the territory of the Slovak Republic not in compliance with international agreements and domestic legal regulations”. As one can see, irregular migration consists of two separate components – the unauthorized crossing of the state border and the unauthorized stay.¹⁹ The great scope and consequences of irregular migration represented in the early 21st century one of the most pressing problems in the

¹⁹ B. Divinský, “Nelegálna migrácia na Slovensku”, *Zahraničná politika* Vol.13, No. 3 (2009), pp. 10-12.

framework of migration in Slovakia.¹⁹ Since Slovakia’s incorporation into the EU in 2004 the trends in the field have been substantially transformed. The number of apprehended irregular immigrants from 2004 to 2009 dramatically decreased – more than 6 times, with the annual relative decrease of these persons always (except for 2006) expressed by a double-digit figure (Table 4).

This development trajectory reflected both internal as well as external factors. The former group included: a stricter implementation of reforms concerning the protection of state borders, the preparation of the country for accession to the Schengen area and building the external Schengen border, the cancellation of controls at the internal borders, the implementation of the *Dublin Regulation* with the *Eurodac System*, a more vigorous fight against organized smuggling gangs and a more active operation of the aliens police in detecting irregular migrants, stricter criminal sanctions for human smuggling through amendments to the Criminal Code. From among the external factors it is necessary to state making the readmission agreement with Ukraine ‘functional’ once again in 2005, a more strenuous approach by the Ukrainian border police in the field of fight against undocumented migration within the country, the major weakening of East European routes used by irregular migrants to enter the EU and, to the contrary, an unprecedented inflow of these persons into the Mediterranean area recently.²⁰

The drop in the overall volume of undocumented migration in Slovakia between 2004 and 2009 was, however, connected with different developments within its two basic components. The number of apprehended persons crossing illegally the state borders of the country during the examined period was not decreased only absolutely (nearly 14 times), but also relatively and the pace of this decrease was quite rapid. While in 2004 the mentioned number formed more than three fourths of the overall number of irregular migrants, in 2009 it was just a little higher than one third. From Slovakia’s accession to the EU the second component of undocumented migration – unauthorized stays – came in contrary rapidly to the forefront. In terms of absolute values, their number was at first (in 2004 to 2006) even increasing, until 2009 it then decreased

¹⁹ B. Divinský *Migration Trends in Selected EU Applicant Countries. Volume V – Slovakia. An Acceleration of Challenges for Society*. (Vienna: International Organization for Migration, 2004); http://www.pedz.uni-mannheim.de/daten/edz-k/gde/04/IOM_V_SK.pdf.

²⁰ B. Divinský, “Undocumented Migration: Counting the Uncountable. Data and Trends across Europe. Country Report – The Slovak Republic”, A Report for the *Clandestino* project funded through the European Commission 6th Framework Programme, ELIAMEP (Athens, 2008); B. Divinský, “Slovakia: Irregular Migration – from Old Challenges to New”, A. Triandafyllidou (ed) *Irregular Migration in Europe – Myths and Realities*. (Farnam: Ashgate, 2010), pp. 227-245.

more than doubly compared to 2004. However, in relative terms, their share was increased by 42 percentage points nearly up to two thirds of the total number; in 2009 persons staying in Slovakia without any residence permit already prevailed clearly among the irregular migrants apprehended in the country (Table 4). The demonstrated trends prove that Slovakia was in 2004-2009 becoming an ever more attractive destination country of undocumented migrants, too.

On the basis of the data provided by the police it is possible to state that the share of males in all irregular migrants apprehended in Slovakia was throughout the analyzed period basically constant and high – around 80%. The proportion of minors (0 up to 18 years of age) gradually fell from 15 to under 10% and an overwhelming majority of persons concerned were always in productive age. Other social and demographic features of the flows of irregular migrants in Slovakia (such as achieved education, civil status, religion, original occupation *etc.*) were not, unfortunately, from 2004 to 2009 gathered. As to the countries of origin of this category of migrants, certain former republics of the Soviet Union and the most populous countries of South and South Eastern Asia predominated in the studied period. Only 14 countries were interchanged in the first ten positions and seven of them remained there throughout the given time interval (Ukraine, Moldavia, Russia, Georgia, India, China, Pakistan) with just their mutual sequence being modified. The main motive of migration of irregular migrants apprehended in Slovakia consisted of economic reasons.

It is particularly the destination countries that consider estimates of approximate numbers of migrants staying in their territories illegally on a long-term basis as no less important.²¹ It is possible – on the basis of several empiric facts as well as views expressed in a questionnaire addressed to experts – to legitimately conclude that in 2008 there were around fifteen to twenty thousand foreign nationals living in Slovakia without residence permits.²² An overwhelming part of them was formed by males of whom approximately 90 up to 95% had jobs (especially in the sectors requiring low-skilled labor force). They could rather be found in big cities, which offer a wider range of jobs and which are distinctive for a high degree of anonymity. It is highly probable that

²¹ A more comprehensive estimate of this kind for Slovakia was presented in B. Divinský, "Undocumented Migration: Counting the Uncountable. Data and Trends across Europe. Country Report – The Slovak Republic", A Report for the *Clandestino* project funded through the European Commission 6th Framework Programme, ELIAMEP (Athens, 2008).

²² The share of these persons in the overall population of the country thus constituted 0.3 to 0.4%.

Table 4 Dynamics of Flows of Irregular Migration in Slovakia According to Its Components and According to the Major Countries of Origin of Apprehended Migrants in 2004-2009

Indicator / Year	2004	2005	2006	2007	2008	2009
Total Number of Irregular Migrants	10,946	8,049	7,620	6,761	2,355	1,785
of Which the Unauthorized Border Crossings (in %)	76.1	64.3	54.2	50.4	43.9	34.2
of Which the Unauthorized Stays (in %)	23.9	35.7	45.8	49.6	56.1	65.8
Interannual Development in Total (in %)	-12.4	-26.5	-5.3	-11.3	-65.2	-24.2
Five Major Countries of Origin of Apprehended Irregular Migrants	India	Russia	Moldavia	Ukraine	Ukraine	Ukraine
	Russia	Moldavia	Ukraine	Moldavia	Moldavia	Moldavia
	China	Ukraine	India	Pakistan	Georgia	Pakistan
	Moldavia	India	Russia	India	Pakistan	Vietnam
	Georgia	China	Pakistan	Russia	Russia	Georgia

Source: Statistical data of the Bureau of Border and Aliens Police and calculations of the author

more than a half of all irregular migrants staying in Slovakia in the long term came from Ukraine.

The spectrum of policies aimed at curbing undocumented migration in Slovakia was in the period 2004-2009 relatively wide, but unequivocally predominant were the restrictive and repressive approaches. There were major conceptual, operative, legal and institutional changes implemented in the sphere of protection of state borders. In 2004, a new border police department in charge of protection of the border with Ukraine was established in the town of Sobrance, in 2007 the Government of the Slovak Republic adopted the *National Plan for Managing the Protection of State Borders of the Slovak Republic*, the Schengen *acquis* was also taken over, there was submitted almost an annual update of the *Schengen Action Plan*, the Schengen Information System was built and in 2007 the Bureau of Border and Aliens Police was transferred under the direct control of the Ministry of Interior of the Slovak Republic. Sanctions for human smuggling and for the illegal employment of foreigners were also toughened up and groups of smugglers were largely eliminated. Despite the measures taken the situation became very complicated immediately before accession to the Schengen area – an EU Evaluation Commission put forward as many as 168 observations. It was necessary to expeditiously make a redress of

the situation and to do so within just a few months (by autumn of 2007). A weak point of irregular migration management in the Slovak Republic within 2004-2009 was the fact that the so-called soft (non-restrictive) reduction policies – e.g. the simplified procedure for granting residence/work permits to third country citizens, a closer cooperation with the countries of origin concerned, a more efficient use of the return migration institute, the regularization of a part of undocumented migrants etc. – were used only to a limited extent or not even at all.

Development in the Field of Asylum Migration in the Country

At the beginning of the studied period (i.e. 2004), the number of asylum seekers in Slovakia historically culminated amounting nearly up to 11.5 thousand applications (Table 5). It was the pinnacle of the hitherto extraordinary growth trend.²³ Asylum migration in consequence undoubtedly became the most dynamic component of migration in the country. Simultaneously, only six EU member countries received higher numbers of asylum applications than Slovakia and should the number of application be expressed relatively – i.e. re-counted to the overall number of a country's inhabitants – there were merely five of them.²⁴ In 2005 the situation was radically changed and an inverse, falling trend began to be manifested. From 2004 to 2009, the number of applicants seeking asylum in Slovakia was consequently decreased dramatically – nearly 14 times and the highest interannual decreases occurred in 2005 and 2008. The significance of asylum migration in Slovakia was therefore, as compared with the other components of migration, substantially weakened. From the international point of view too, the country since 2005 gradually came almost to the end of an imaginary table; there were only seven EU member countries, which in 2008 received fewer asylum applications in both absolute and relative terms (i.e. per 1,000 inhabitants).²⁵

²³ For further details see B. Divinský *Zahraničná migrácia v Slovenskej republike – Stav, trendy, spoločenské súvislosti*. (Bratislava: Friedrich Ebert Foundation, Research Center of the Slovak Foreign Policy Association, 2005); or B. Divinský *Migration Trends in Selected EU Applicant Countries. Volume V – Slovakia. An Acceleration of Challenges for Society*. (Vienna: International Organization for Migration, 2004); http://www.pedz.uni-mannheim.de/daten/edz-k/gde/04/IOM_V_SK.pdf.

²⁴ *UNHCR Statistical Yearbook 2005*. (Geneva: United Nations High Commissioner for Refugees, 2006); <http://www.unhcr.org/464478a72.html>.

²⁵ *2008 Global Trends: Refugees, Asylum-Seekers, Returnees, Internally Displaced and Stateless Persons*. (Geneva: United Nations High Commissioner for Refugees, 2009); <http://www.unhcr.org/4a375c426.html>.

Documented quantitative developments in the group of migrants concerned in Slovakia since 2005 reflected several key factors. It was primarily the above-mentioned continuous sharp drop in numbers of apprehended transiting irregular migrants, from among of which an overwhelming majority of asylum seekers in the country came. An important factor that also influenced the number of asylum seekers in Slovakia in 2005-2009 was an ever stricter implementation of the *Dublin Regulation* (with the *Eurodac System*). In the spirit of the Regulation, the probability that a person who lodged an asylum application in Slovakia could later be granted asylum in another EU country was minimal. Migrants were increasingly aware of this fact and were therefore decreasingly applying for asylum in Slovakia. Slovakia's accession to the Union in 2004 or to the Schengen area in 2007 obviously resulted in a decreasing number of asylum seekers in the country.

During 2004-2009, the sex and age structures of asylum seekers in Slovakia were only slightly modified. The share of males in the total number of asylum seekers rose from 85 up to 88% and at the end of the analyzed period males prevailed over females in the ratio 7.4:1, which is in general a very high disproportion. The share of children (persons aged 0-14 years) among the asylum seekers fell step by step from 8 down to 5%; persons in reproductive age (15-49) always formed the absolute majority of asylum seekers – in 2009 it was almost 93%. The most numerous were persons between 18 and 25 years and/or 26 and 39 years. A typical asylum seeker in Slovakia was represented by a young and single male. As regards the structure of major countries of origin of asylum seekers in Slovakia, it reflected political, social and economic processes going on in the world as well as current developments in the field of undocumented migration in Slovakia. Two groups of countries were dominant from the geographical point of view – certain former republics of the Soviet Union and the most populous countries of Asia. In the period 2004-2009 only thirteen countries in total took the first ten positions, of which seven remained there throughout the given time interval (Russia, Georgia, Moldavia, India, China, Pakistan and Vietnam) with just their mutual sequence being modified. Applicants from the mentioned countries were motivated to leave their home countries, to migrate (illegally) and to subsequently seek asylum in the Slovak Republic mainly on economic grounds. These economic migrants were in 2004-2009 significantly supplemented by refugees from war and violence coming from the Near and Middle East – from Afghanistan, Iraq or Palestine.²⁶

²⁶ For further details see B. Divinský *Migračné trendy v Slovenskej republike po vstupe krajiny do EÚ (2004 – 2008)*. (Bratislava: International Organization for Migration, 2009).

As demonstrated by Table 5, despite a high number of asylum seekers only a small part of them was finally granted asylum in Slovakia. In the individual years of the evaluated period, the number of granted asylums amounted to merely one or two tens of persons. Within six years, just 98 out of total 22,166 applicants (i.e. 0.44%)²⁷ were granted asylum in the country. It is not therefore surprising that the recognition rate in the period 2004-2009 was as a whole exceptionally low (1.77%) and in 2004 and 2006 did not even amount to one per cent. Within the European Union, Slovakia recorded one of the lowest recognition rates – in 2004, 2006 and 2007 only three countries had lower rates.²⁸ Moreover, according to the police records, most persons who were granted asylum do not stay in the territory of Slovakia anymore as they moved particularly to Western European countries. The situation is *inter alia* caused by: the presence of relatives, friends and more numerous communities of compatriots there, a wider offer of job opportunities, much higher wages or a more positive social climate towards immigrants in those countries, as well as by difficulties of refugees in searching for adequate jobs and housing, a lack of integration programs for refugees or more frequent manifestations of intolerance towards immigrants in Slovakia.

As regards the development of policies associated with asylum migration in the country from 2004 to 2009, it is necessary to especially underline a series of amendments to the Act No. 480/2002 on Asylum, which were aimed to respond to practical needs and to transpose the relevant EU legal norms. A new form of international protection – the institute of subsidiary protection – was introduced within the process. The asylum procedure was shortened as well and the operation of the courts handling asylum issues was expedited. The 2008 amendment to the Act brought asylum seekers (as persons with not adequate means of subsistence) an opportunity to make, in lodging appeals against rejections of their applications, use of a free legal assistance. But throughout the period 2004-2009, there were clearly manifested different views between the respective state institutions on the one hand and the

²⁷ Citizens of Cuba, Iran, Ukraine, Iraq and Serbia/Montenegro were most frequently granted asylum; in total only nationals of twenty countries of the world were represented among the refugees.

²⁸ *UNHCR Statistical Yearbook 2005*. (Geneva: United Nations High Commissioner for Refugees, 2006); <http://www.unhcr.org/464478a72.html>; *UNHCR Statistical Yearbook 2006*. (Geneva: United Nations High Commissioner for Refugees, 2007); <http://www.unhcr.org/478cda572.html>; *2008 Global Trends: Refugees, Asylum-Seekers, Returnees, Internally Displaced and Stateless Persons*. (Geneva: United Nations High Commissioner for Refugees, 2009); <http://www.unhcr.org/4a375c426.html>.

Table 5. Elementary Characteristics of Asylum Migration in Slovakia in 2004-2009

Indicator / Year	2004	2005	2006	2007	2008	2009
Annual Influx of Asylum Seekers	11,395	3,549	2,849	2,642	909	822
Interannual Development (in %)	10.0	-68.8	-19.7	-7.3	-65.6	-9.6
Asylum Granted	15	25	8	14	22	14
Asylum Denied	1,592	827	861	1,259	482	428
Recognition Rate (in %)	0.9	2.9	0.9	1.1	4.4	3.2
Subsidiary Protection Provided	-	-	-	82	66	98
Procedure Terminated	11,782	2,930	1,940	1,693	455	460
Pending Cases	775	542	604	584	595	254
Number of Persons with the Status of Refugee*	83	83	88	87	99	110
Number of Persons Provided with Subsidiary Protection*	-	-	-	52	91	157

* = end-of-year figures

Source: Statistical data of the Migration Office; Bureau of Border and Aliens Police and calculations of the author

UNHCR, some non-governmental organizations or migrants themselves on the other hand as to the number of asylums granted in the country. The latter stakeholders considered Slovakia's asylum policy restrictive to a great extent, criteria for granting asylum too rigorous and the asylum procedure very strict. The authorities granting asylum, on the contrary, defended themselves claiming strict compliance with the international conventions and Slovak laws and the frequent misuse of the asylum procedure – the arbitrary departure of most applicants from asylum facilities (and even from the country itself) before the termination of this procedure.

Developments in the Field of Naturalization in Slovakia

The naturalization institute is, in formal terms, considered to be the completion of integration process of immigrants in the host country, through which they receive the identical legal status to that of the autochthonous population. From the quantitative point of view, there were two different trends typical for Slovakia in the period 2004-2009. Until 2004, the development trajectory present from as early as 2000 when citizenships of the Slovak Republic were granted surprisingly frequently was still evident. An average annual number

of newly granted citizenships then amounted to approximately four thousand and therefore the naturalization balance was in 2004 still high (Table 6). At that time it could happen that the competent authorities were granting Slovak citizenship also to those persons who did not always comply with the legal requirements.²⁹

However, in the period 2005-2009, annual numbers of immigrants who received citizenship in Slovakia were sharply falling down. The amendments to the Act No. 40/1993 on State Citizenship – approved in 2005 and 2007 – made conditions for granting Slovak citizenship considerably stricter (e.g. the vetting of applicants, extension of the minimal length of their permanent residence in the territory of the country, better knowledge of the Slovak language required etc.). The number of foreign nationals who became new citizens of Slovakia consequently fell from 2004 to 2009 nearly eleven times. At the same time, the number of naturalized persons was in 2009 the lowest in the history of independent Slovakia (i.e. from 1993). Reasons leading immigrants to apply for citizenship in Slovakia were various – from the possibility to acquire and dispose of property through simplified access to the country's labor market, the ethnic background (in case of Slovaks living abroad), the completion of integration process of refugees to the re-emigration of Slovak-born persons.

During 2004-2009, the sex structure of persons naturalized in the country was only slightly modified. The share of males in the total number of naturalized persons was until 2008 constantly decreasing to finally fall under 50%, but in 2009 it practically reached its starting level of 2004 (around 55%). Persons in productive age (15-60) out of those who received the state citizenship of Slovakia in the examined period undoubtedly prevailed, but their proportion gradually fell from 78 down to 69% especially in favor of the elderly (growth from 7 up to 17%). The most numerous age groups mostly included individuals between 30 and 34 years and/or 35 and 39 years. Further social and demographic data (such as marital status, achieved education, religion, mother tongue, economic activity etc.) on migrants naturalized in Slovakia were not unfortunately gathered by the institutions responsible.

The most important countries of origin of naturalized persons in Slovakia to a high degree matched in 2004-2009 the major countries of origin of foreigners with residence permits in Slovakia. The fact logically reflected a certain minimal length of continuous residence in the country necessary to receive its state citizenship as required by law. New citizens of Slovakia thus most frequently included persons coming from neighboring countries (chiefly from Ukraine and

²⁹ B. Divinský *Zahraničná migrácia v Slovenskej republike: vývojové trendy od roku 2000*. (Bratislava: Research Center of the Slovak Foreign Policy Association, 2007).

Table 6. Development in the Field of Naturalization of Foreigners in Slovakia from 2004 to 2009

Indicator / Year	2004	2005	2006	2007	2008	2009
Number of Persons who Received the State Citizenship of Slovakia	4,016	1,537	1,050	1,475	679	366
Per 1,000 Inhabitants	0.75	0.28	0.19	0.27	0.13	0.07
Interannual Development (in %)	-0.8	-61.7	-31.7	40.5	-54.0	-46.1
Number of Persons who Lost the State Citizenship of Slovakia	391	432	331	174	154	159
Naturalization Balance	3,625	1,105	719	1,301	525	207

Source: Statistical data of the Section of Public Administration of the Ministry of Interior and calculations of the author

the Czech Republic³⁰, less frequent were persons from Hungary and Poland) having close working and family ties to Slovakia as well as Slovaks living abroad, members of several East European communities established in the country for a longer period (the Serbs, Romanians, Russians, Croats, Bulgarians) or immigrants traditional in this region from Vietnam and China. Remarkable was also an increase in the share of re-emigrants (i.e. Slovak-born persons) coming back mainly from the USA, Canada and Germany.³¹

As regards the management of granting citizenships in Slovakia in 2004-2009, the essential shortage consisted of the fact that the country was not able to articulate even the fundamental theses of its naturalization policy, including a clear strategy of granting state citizenships in the future (or the preference of selected groups of persons). Besides, the amendments to the Act on State Citizenship from 2005 and 2007 mentioned above made granting the citizenship of Slovakia much more complicated especially for foreigners from third countries. Some non-governmental organizations active in the field of the protection of immigrants' human rights strongly criticized the fact. Limited

³⁰ Until 2004, persons from the Czech Republic prevailed in quantitative terms among the naturalized persons. But following the incorporation of Slovakia and the Czech Republic into the EU, the grounds leading the Czechs to apply for Slovak citizenship were reduced substantially. Their number/proportion was therefore markedly decreased and their position was unrivalledly taken over by the Ukrainians.

³¹ For further details see B. Divinský *Migračné trendy v Slovenskej republike po vstupe krajiny do EÚ (2004 – 2008)*. (Bratislava: International Organization for Migration, 2009).

statistical data on naturalized persons may be considered to be another shortcoming within this component of migration in Slovakia.

Conclusion

In 2004–2009, the Slovak Republic witnessed major quantitative and qualitative changes in the field of migration. As these changes were then the most dynamic since the birth of independent Slovakia, the period may be labeled as a turning point. As demonstrated in the present contribution, it was just the country's accession to the European Union in 2004 (or to the Schengen area in late 2007) that either brought about or accelerated many of the changes. The time interval 2004-2009 thus was not only an exceptionally intense transformation

In 2004-2009, the number of foreigners with residence permits was increased several-fold and there was even a higher increase in the number of labor immigrants, while the number of apprehended irregular migrants, the number of asylum seekers and that of naturalized persons fell sharply.

of migration trends and processes, but also of approaches and policies associated with the individual components of migration in the Slovak Republic. This mostly affected the field of legal migration as a whole, labor immigration, irregular migration, asylum migration and naturalization of foreign nationals.

As shown above, between 2004 and 2009 there was a substantial increase in migrants' mobility in the territory of Slovakia. The number of foreigners living in the country with residence permits was increased several-fold and there was even a higher increase in the number of labor immigrants. On the other hand, the number of apprehended undocumented migrants, the number of asylum seekers and that of naturalized persons fell sharply. Structures and features of the single categories of migrants in the country were, in certain cases noticeably, also modified.

No less important were the changes taking place in the area of migration during 2004-2009 from the qualitative viewpoint. The first *Conception of the Migration Policy of the Slovak Republic* and *Conception of Foreigners Integration in the Slovak Republic* were approved, relevant laws were harmonized (or new laws were adopted) and the respective institutional sphere was partially transformed. However, in many aspects, the situation in political, conceptual, legal, institutional, financial, practical and research fields as well as in the area

of human rights or statistics still lagged behind real developments and objective needs of the country. At the same time, it is necessary to admit that in 2004-2009 particularly the external factors played the crucial role in most changes that occurred in the field of migration. Slovakia's accession to the EU (the Schengen area) was anyway conditioned by a whole set of commitments and measures that inter alia also concerned migration management.

The incorporation of the Slovak Republic into the EU in 2004 thus entailed undoubtedly an unprecedented quantitative and qualitative development impulse for migration, but also revealed a lot of miscellaneous shortcomings and challenges. We hold the view that drawing a lesson from both the positive and negative sides of the development of migration in the evaluated period aimed at helping reduce possible future problems in the country would be just as useful.

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Marek Čaněk

Institutional Cooperation of State Authorities in the Area of Migration Regulation in the Czech Republic: The Issue of Conflict between Control of Immigration Status and Protection of Economic Rights of Labor Migrants

Abstract: There has been a tendency in the Czech Republic for a greater cooperation among institutions controlling different aspects of labor migration, this has had an affect on the access of migrant workers to equal rights as employees. This article argues that migrant workers can enjoy their economic rights only if certain limits have been set on the cooperation between the Foreigner Police and Labor Offices controlling the legality of residence and work of migrants on one hand and Labor Inspectorates controlling the protection of workplace rights and labor relations on the other. The situation is compared with that in the United States.

Economic crisis and the interest in the protection of the ‘domestic’ labor market have contributed to a greater cooperation of different branches of the government that regulate different aspects of (im)migration in the Czech Republic. At the same time there have been cases when migrant workers were

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not paid their wages, did not receive premiums for overtime or work at night or were threatened in case they planned on complaining against their employer.¹ Even though some state agencies realize that such cases exist, their priority is to 'fight against illegal migration'. This has gained an increased urgency during the current economic crisis with employers releasing their reserve armies of labor from abroad² and the discourse on the failure of some previous state policies regulating labor migration to the Czech Republic.³ According to the representatives of the repressive state agencies most unemployed were

¹ This information is based on mostly informal interviews with employees of non-governmental organizations in Prague, a research report of La Strada Czech Republic. M. Krebs *Analýza procesu agenturního zaměstnávání Vietnanců a Vietnamek v ČR*. (Prague: La Strada ČR, 2009); <http://www.strada.cz/attachments/c/caff8730f68b372ba4540292fe8e6bc5.pdf> and information from media sources see e.g. J. Svoboda, "Otrockou práci v ČR zažilo mnoho Ukrajinců", *novinky.cz* (March 7, 2010); <http://www.novinky.cz/domaci/194014-otrockou-praci-zazilo-v-cr-mnoho-ukrajincu.html>. It is clear that there have been a number of cases of violation of migrant workers' rights even prior to the beginning of the economic crisis see e.g. M. Krebs, E. Pechová *Zpráva z projektu: vietnamské dělnice a dělníci v českých továrnách*. (Prague: La Strada ČR, 2008); <http://www.strada.cz/attachments/a/a299f4c2987af8abd03e03d8c1df8620.pdf>.

² R. Miles, "Labor Migration, Racism and Capital Accumulation in Western Europe since 1945: an Overview", *Capital & Class* Vol. 10, No. 1 (Spring 1986), pp. 49-86.

³ See an interview with the director of the Department of Asylum and Migration Policy of the Ministry of Interior M. Vidlák, "Stát selhal, ale aspoň to teď víme", *Lidové noviny* (May 28, 2009); http://www.lidovky.cz/stat-selhal-ale-aspon-to-ved-vime-doa-/ln_noviny.asp?c=AO90528_000153_ln_noviny_sko&klic=231760&mes=090528_Q. The title of the interview "The state has failed but at least we know it" refers to the 'failure of the state', however, the high-level bureaucrat does not mention this directly. The interview is, however, a substantial critique of other parts of the state administration, which regulate some aspects of labor migration. It also announces a need for change in the administration of migration. Non-governmental organizations have also criticized (not only today but on a long-term basis) migration policies of the Czech Republic. This, however, does not mean that the state institutions and non-governmental organizations have the same positions. At the same time it can happen that some non-governmental organizations can in their critique of the exploitation of migrant workers' contribute to the legitimating of state repression especially when their positions have not been articulated in a clear way. For example some parts of a declaration "The state does not put up barriers to the exploitation of foreigners' may be considered problematic. On one hand this declaration points to the need of the strengthening of the rights of migrants and the danger of 'repressive measures made against common migrant workers', on the other hand though it calls for more effective controls and an increase of inspectors without distinguishing individual state institutions and subjects of their control, e.g. "Vykořisťování cizinců stát neklade překážky. Prohlášení skupiny nevládních a mezivládních organizací zabývajících se cizinci určené premiérovi České republiky Janu Fischerovi, ministru vnitra Martinu Pecinovi, ministru práce a sociálních věcí Petru Šimerkovi, ministru pro lidská práva Michaelu Kocábovi a předsedovi Českomoravské konfederace odborových svazů Milanu Štěchovi" (Prague: Člověk v tísni and other nongovernmental organisations, 2009); <http://clovekvtsni.cz/download/pdf/195.pdf>.

supposed to make use of the so-called voluntary programs in 2009. This article concentrates on the effect of more restrictive and coordinated controls on the exercise of economic rights of migrant workers.

Economic rights include, for example, the right to a just remuneration for work, satisfactory working conditions, freedom of association in unions or the right to strike.⁴ The state controls that focus primarily on the verification of state's approval of the presence in the Czech Republic may infringe on the exercise of economic rights. By creating partial limits to the surveying of migrants' legality by some state agencies, it is possible to assure that these rights do not remain formal only. In this article the author subscribes to the thesis that there should be a separation between the checking of the migrants' legality of residence and work and that of working conditions in order that migrants gain access to equal rights as workers.

The US is an example of a country, which has set limits to the cooperation of immigration officers and labor inspectors. This article will focus on the situation in the USA to explain two normative positions on the relation between (im)migration and labor law. It is possible to identify these two positions on the Czech Ministry of Interior's document on the approach of the state towards 'illegal migration', which was approved by the Government of the Czech Republic in May 2010.⁵ Based on the normative position the author subscribes to here, at the end of the article author criticizes the cooperation between Labor Inspectorates and other state institutions such as the Foreigner Police and Labor Offices.

There should be a separation between the checking of the migrants' legality of residence and work and that of working conditions in order that migrants gain access to equal rights as workers.

⁴ See the Head Four (Economic, social and cultural rights) of the "Charter of Fundamental Rights and Freedoms"; <http://www.psp.cz/docs/laws/listina.html>. Article 26 stipulates that "[d]ifferent statutory rules may apply to aliens", which, however, does not refer to the examples of economic rights listed in this sentence.

⁵ "Postup České republiky v oblasti prevence a potírání nelegální migrace a negativních jevů spojených s migrací", Ministry of Interior. Approved by the Government Resolution No. 344 (May 10, 2010).

Migrant Workers' Rights and Immigration Control in the USA

At the beginning of April 2010 the Secretary of Labor Hilda Solis launched a new campaign 'We can help'⁶ focuses on the protection of workers' rights in low skilled professions where disrespect for legal minimum pay and working standards has been common. A recent representative survey studying the situation of low-paid professions in three US cities confirmed the prevalence of violations of working conditions: 26% of people in these professions were receiving less than legal minimum wage (in the week prior to the research) and 76% did not receive legally entitled over-time pay.⁷ Amongst others Solis said in April: "If you work in this country, you are protected by our laws. And you can count on the US Department of Labor to see to it that those protections work for you."⁸ The aforementioned campaign is directed at all employees regardless of immigration status; work and hour laws cover immigrants, too. As part of the US Department of Labor but also as part of other departments there has been a tradition of a partial separation of immigration and workplace rights controls.

The Immigration Reform and Control Act of 1986 introduced employer sanctions for those who 'knowingly' employ migrant workers not in possession of the required documents to stay on the territory of the United States [further on 'undocumented (im)migrants'].⁹ These sanctions have been criticized by pro-immigrant organizations and also the unions because of their negative effect

⁶ More about the campaign at: <http://www.dol.gov/wecanhelp/>.

⁷ A. Bernhardt et al. *Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities*. (Center for Urban Economic Development, National Employment Law Project and UCLA Institute for Research on Labor and Employment, 2009); http://nelp.3cdn.net/1797b93dd1ccdf9e7d_sdm6bc50n.pdf.

⁸ "US Labor Secretary Sends Message to America's Under-paid and Under-protected: 'We Can Help!'", Department of Labor Press Release (April 1, 2010); <http://www.dol.gov/opa/media/press/whd/WHD20100411.htm>.

⁹ The focus of this article on the legal category of 'undocumented migrants' stems from the fact that it is especially with this 'category' that the conflict between migration control and the control of the protection working standards becomes most apparent (Bosniak, op.cit.). The term 'migrant' or 'foreigner' is understood here as one which is not neutral. See e.g. N. De Genova *Working the Boundaries. Race, Space, and "Illegality" in Mexican Chicago*. (Durham a London: Duke University Press, 2007); A. Sayad *The Suffering of the Immigrant*. (Cambridge Malden, MA: Polity Press, 2004), preface by P. Bourdieu. It also is varied (based on gender, race, ethnicity, age, etc.) as well as it may not necessarily be the most important for the explanation of the rate of non/observance of economic rights. For example there are great differences among economic sectors and professions (cf. Bernhardt et al., op. cit.).

on the protection of workplace rights and collective bargaining. According to a groundbreaking decision of the AFL-CIO confederation from 2000, 'unscrupulous employers' have actively used them against labor migrants who have tried to uphold their economic rights.¹⁰ In spite of the existence of these sanctions there have been mechanisms to ensure that undocumented migrants are not afraid to raise complaints about their employers that violate the labor legislation. The Memorandum of Understanding between the Immigration and Naturalization Service Department of Justice¹¹ and the Employment Standards Administration Department of Labor describes forms and limits of cooperation between these two government agencies. According to the memorandum labor inspectors from the Work and Hour Division of DOL are not supposed to ask for the immigration status of workers who complain about violations of working standards.¹²

The noninterference of US Immigration and Customs Enforcement (ICE) in labor conflicts has not always been respected in recent years. The joint report of AFL-CIO, American Rights at Work and National Employment Law Project from last year documents a number of cases when the ICE agents controlled some migrant workers based on the incitement of the employer or raided a workplace where there had been labor conflicts under way.¹³ In the context of the publishing of this report Hilda Solis declared that the Department of Labor had hired 244 new labor inspectors. She also said, "The violation of any one worker's rights is cause for concern to all American workers. When unscrupulous employers abuse vulnerable workers, honest employers and their workers suffer."¹⁴ This statement is amongst others a critique of the kind of workplace raids targeted at undocumented workers carried out during the Bush administration. In general her arguments correspond to those in the memorandum: apart from keeping and raising the labor standards the aim was to prevent unfair

¹⁰ "Immigration, Executive Council Action" (New Orleans, LA: AFL-CIO, February 16, 2000); <http://www.aflcio.org/aboutus/thisistheaficio/ecouncil/ec0216200b.cfm>.

¹¹ The US Immigration and Customs Enforcement replaced this agency. It is part of the Department of Homeland Security.

¹² "Memorandum of Understanding Between the Immigration and Naturalization Service Department of Justice and the Employment Standards Administration Department of Labor", Department of Labor (November 23, 1998); <http://www.dol.gov/whd/whatsnew/mou/nov98mou.htm>.

¹³ R. Smith, A. Avendaño, J.M. Ortega, "Iced Out. How Immigration Enforcement Has Interfered with Workers' Rights" (National Employment Law Project, AFL-CIO, American Rights at Work Education Fund, 2009); http://www.nelp.org/page/-/Justice/ICED_OUT.pdf?nocdn=1.

¹⁴ "Statement of US Secretary of Labor Hilda L. Solis on this Week's Immigration Enforcement and Workers' Rights Report", Department of Labor Press Release (October 30, 2009); <http://www.dol.gov/opa/media/press/opa/opa20091342.htm>.

competition by employers who would employ and abuse the insecure position of the undocumented migrant workers.¹⁵

Two Normative Positions on the Relation between Immigration and Labor Law

On a more general level conflicts about the interference of immigration control to the protection of economic rights correspond to conflicts arising from two different regimes on which the concept of citizenship is based. On one hand there is the regime of equal and universal inclusion of all people in a society. On the other hand there is the regime of exclusion, which sets the boundaries of a given society.¹⁶ Apart from some exceptions migrant workers should have

It is possible to talk about migrants' position as the 'citizenship of non-citizens'.

the same rights as other workers, however, as migrants they are not regarded as equal to the citizens of a state. Therefore it is possible to talk about migrants' position as the 'citizenship of non-citizens'. They are not formally citizens of a certain state but have their rights recognized based on their personhood and presence on the territory of the state.¹⁷ The ideal of the citizenship to which migrants have access is, however, limited. For

example according to the US Constitution they are bearers of universal rights but are at the same time excluded from the 'ethic of national solidarity'¹⁸. This is the origin of the conflicts about the particular instances in which the state can or cannot legitimately treat migrants in a different way than the (formal) citizens of the state. In other words: when can the state refer to the interest in immigration control and the keeping of the boundary of the society? When on

¹⁵ "Memorandum of Understanding Between the Immigration and Naturalization Service Department of Justice and the Employment Standards Administration Department of Labor", Department of Labor (November 23, 1998).

¹⁶ L. Bosniak *The Citizen and the Alien: Dilemmas of Contemporary Membership*. (Princeton: Princeton University Press, 2008).

¹⁷ Cf. Article 42 (2) of the "Charter of Fundamental Rights and Freedoms": "Citizens of other countries shall enjoy in the Czech and Slovak Federal Republic the human rights and fundamental rights and freedoms the Charter extends to everybody irrespective of his or her citizenship".

¹⁸ Bosniak, op. cit., p. 15.

the other hand do other state interests prevail – 'not those shaped by interests in sovereignty but in equality, and one subject to far greater constraints'?¹⁹

These questions correspond to two different paradigms.²⁰ The first paradigm is against the interference of the sphere of membership²¹ into the status of the non-citizens in economic and social spheres²². This means that the rights of those living in a state should not be based on their formal membership. Distinguishing between citizens and non-citizens should be irrelevant in such spheres as that of work or education according to this paradigm.²³ In case there is no boundary kept between determining membership in the society and the spheres of work or education, the equality principle cannot be fulfilled. Fiss refers to the US constitutional tradition according to which there is a ban on the subordination of certain groups of inhabitants by other groups: "The constitutional guarantee of equality bars not just discrimination, but also laws that create or perpetuate caste-like social structures"²⁴. The second paradigm is against the separation of the sphere of membership and other spheres and aspects of migrants' lives. According to the supporters of this paradigm the control of migrant's legality of residence in the country of immigration can happen in almost every instance. Migration control has priority over the ideal of equality. Based on this perspective this means, for example, that undocumented immigrants in the USA should not have access to public education, welfare or a driver's license. Also immigration control should thus take priority over the protection of migrant workers' rights who, partly as a result of their legal status, become vulnerable.

When the Interest in Migration Control Prevails

The second normative position is prevalent in the recent Ministry of Interior's document "The approach of the Czech Republic in the area of prevention and fight against illegal migration and negative phenomena related to migration."²⁵ It

¹⁹ Ibid. 14.

²⁰ Concrete positions of authors and institutions cannot be so easily delineated based on the two divergent paradigms. From the perspective of the nation-state it is not possible to get rid of the conflict and negotiations between migration control and equality (Bosniak, op.cit.).

²¹ Bosniak bases her analysis on Michael Walzer's *Spheres of Justice*. By the sphere of membership is meant the primary determination of who is or is not a member of the society.

²² Bosniak, op.cit. p. 39.

²³ E.g. O. Fiss, "The Immigrant as Pariah", *Boston Review* (October/November 1998); www.law.yale.edu/documents/pdf/immigrantpariah.pdf.

²⁴ Fiss, op.cit. p. 4.

²⁵ "Postup České republiky v oblasti prevence a potírání nelegální migrace a negativních jevů spojených s migrací", Ministry of Interior (2010).

illustrates the currently more common perspective of migration issues by state institutions in this country. It gives evidence of the perception of migrants as special objects of state control, which can take place in a multitude of spheres of the state administration. The reinforcement of (im)migration control and their coordination among various branches of the state administration is seen as a solution to the previous 'failure' of state policies. The monitoring of migrants' legality of residence in the country is seen as superior to the protection of migrant workers' rights.

This document presents a 'holistic' approach to the regulation of migration. Point 1 (The approach of the Czech Republic in the area of prevention and eradication of illegal migration and negative phenomena connected with migration) supports a more coordinated approach to migration: "the problem of migration

The monitoring of migrants' legality of residence in the country is seen as superior to the protection of migrant workers' rights.

is so cross-sectional in that questions related to alien elements fall under the authority of a number of state institutions.²⁶ Insisting on the cross-sectionality should, according to this argument, preclude any doubts regarding the supposed obviousness of cooperation of state institutions. However, when one realizes the existence of the two different paradigms it becomes clear that the forms and the extent of cooperation among institutions can vary.

The authors of this document hint at a potential conflict between the migration and labor law. In point 3 that deals with 'the fight against middlemen and organizers of migration who abuse the vulnerable position of the foreigner' different instances of migrants' rights violations are mentioned (such as late payment of wages, non-payment of premiums). However, as the authors of the document note, due to various kinds of limitations (e.g. 'limitation that follows from the legal status') migrants cannot exert their rights effectively. The measures of the state should, according to them, focus on the increasing awareness of migrants and the punishment of wrongdoers.²⁷ The vulnerability of the migrants on the labor market cannot, however, be solved in a satisfactory way within a model which puts migration control at the fore. Protection can be given to the trafficked individuals by awarding them long-term residence based on paragraph 42e of the Foreigner Act or a 'visa for the purpose of toleration' based on paragraph

²⁶ Ibid.

²⁷ Ibid.

33 (1b) of the Foreigner Act. This way residence of these individuals can be legalized in the Czech Republic. However, the number of persons who could make use of this kind of status is minimal. Sixteen people were included in 2009 into the Program for the Support of and Protection of Victims of Human Trafficking of the Ministry of Interior.²⁸ In its definition of trafficking in human beings the penal code contains 'forced labor and other forms of exploitation' (paragraph 168), however, this does not include general conflicts in labor relations or violation of working conditions. The interpretation of 'forced labor and other forms of exploitation' is considered unclear due to the fact of missing legal cases. Because of that the non-governmental organization La Strada, the Ministry of Interior and Justiční akademie (Law Academy) have prepared a common project²⁹. Even if this definition becomes clearer in the future, one cannot subsume labor relations and the protection of labor standards under paragraph 168 of the penal code.

Controls by the Labor Inspectorates

As mentioned already, in this article the autor subscribes to the normative position that refuses the interference of interests in the control of the legality of residence of migrants with their rights in the workplace. All employees should have equal access to economic and social rights. This position is based on a general refusal of the 'caste system'³⁰ in the Czech Republic and a legal subordination of a certain group of inhabitants based on their citizenship. If the employer does not pay the wages to the employee or pays lower than the required legal minimum wage, a migrant worker should have the same rights as any other employee to defend himself or herself effectively regardless of his/her legal status in the Czech Republic. According to Bosniak, the question 'who is a citizen?' (in the sense of equality in rights) should be raised in the context of concrete institutions. In this part the autor will focus on the Labor Inspectorates, which are meant to control the observation of labor standards and labor relations. The question posed here is the following: where do the Labor Inspectorates stand in terms of the equality of all workers?

The Labor Inspectorates function rather according to the normative paradigm that enables the interference of the sphere of membership into the

²⁸ "Zpráva o stavu obchodování s lidmi za rok 2010", Ministry of Interior (2010); <http://www.mvcr.cz/soubor/zprava-obchod-s-lidmi-2009-pdf.aspx>.

²⁹ Ibid.

³⁰ See Fiss, op.cit.

rights of migrants as employees.³¹ Although Labor Inspectorates start from the assumption that in principle all workers are equal in their rights, in most cases they distinguish them based on formal citizenship. Workers are distinguished to a lesser degree in cases involving work safety. Inspectors working at the Labor Inspectorates check employees' identity cards or passports and try to identify if migrants have work permits or work based on other kind of contracts. Based on the Act on State Control no. 552/1992, Coll., information about 'illegal employment' or residence is passed onto the Labor Offices and/or to the Foreigner Police. This means that Labor Inspectorates participate in migration control, that is control of legitimacy of residence and work in the Czech Republic itself. The Labor Inspectorates also participate in joint controls with other

Migrants are potentially in possession of a number of civil and economic rights but are at the same time aware of consequences for their presence and work in the Czech Republic if they complained against their employer.

institutions such as the Foreigner Police and Labor Offices. To justify these joint controls it has been pointed out that the positions of labor inspectors are badly remunerated, which means that mostly women work in what is considered a risky working environment.³² Therefore according to this logic a man (an armed policeman) should be present at the controls of workplaces. Bad material conditions of the labor inspectors legitimate the need for the presence of better-paid policemen.

Why should a migrant who did not receive pay for his or her work be interested in complaining against the employer at the Labor Inspectorate? Such interest is minimal among migrants who have non-EU citizenship, do not have proper 'papers' or are afraid of

losing them if they expressed discontent about their working conditions.³³ These migrants are potentially in possession of a number of civil and economic rights but are at the same time aware of consequences of their presence and work in the Czech Republic if they complained against their employer. The reality of their rights is the following: "[a]s a practical matter, the rights they technically

³¹ The analysis in this part is based on the "Labor Inspection Act" (No 251/2005, Coll.), "State Control Act" (No. 552/1991, Coll.) and an interview with M. Ronin, the head inspector of the Local Labor Inspectorate for Prague (carried out on March 9, 2010).

³² Interview with M. Ronin (carried out on March 9, 2010).

³³ The employer may discipline its employees by for example threatening to cancel the work permit or denunciation at the Foreigner Police.

enjoy are rendered ineffective or meaningless"³⁴. Labor Inspectorates realize the need to protect employees who make a complaint against their employer. Therefore they have devised bureaucratic procedures, which shield the identity of the person who complained. On the other hand the conflict between migration and labor law has not been articulated to the same extent.

Conclusion

Will the Czech Republic continue to bring migrants from as far away as half the planet without being able to guarantee equal access to economic and other rights? According to the aforementioned document of the Ministry of Interior on 'illegal' migration from April 2010 this seems to be the case. The original motto of the project of the Czech 'Green Cards'³⁵ should continue to hold true for the future: "We do not want the situation where businessmen leave, rather we want the labor force to come to them." There should, however, be some changes. The state wishes to delineate more clearly *temporary* labor migrants and enforce their temporariness; this is to be ensured for example by return programs. They will be 'guest workers' who will not have better access to their rights than has been the case thus far.

Apart from this there should be an increased coordination and cooperation among individual institutions regulating different aspects of migration. Such cooperation has had negative consequences for the factual equality of workers on the labor market because there is little space left for it when the 'fight against illegal migration' is the priority. From the point of view of enforcement of migrant workers' rights one needs to look into the conditions underlying cooperation of the individual state agencies. With the Labor Inspectorates one notes a clear conflict between (im)migration control and protection of labor standards.

This article has not tried to offer a solution to this conflict in the context of the Czech Republic but rather to point out the existence of this conflict. It is difficult to find a legal solution. It is substantial to set limits to the cooperation between the Labor Inspectorates and other institutions such as the Foreigner Police and Labor Offices in a similar way as is done with labor inspectors observing wage-and-hour violations in the USA One possibility in the Czech Republic would be to set conditions on the passing of information from the Labor Inspectorates to

³⁴ Bosniak, op.cit. p. 70.

³⁵ For more information about this measure meant to liberalize labor migration to the Czech Republic see here: http://portal.mpsv.cz/sz/zahr_zam/zelka/ciz.

the Foreigner Police in the Labor Inspection Act. There could be an obligation of secrecy, which could be inspired from for example the secrecy regarding tax issues. Another possibility would be to set limits in the Foreigner Act for the Foreigner Police so that the police would make use of some information only under certain conditions. This would for example mean that the police would not automatically react to the 'anonymous' denunciation of migrant workers in cases when the control of Foreigner Police could interfere in conflicts between the employer and the employees.³⁶

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³⁶ I am thankful to the attorney Pavel Čížinský for these two points.

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Alissa Tolstokorova

Care Economy and Current Crises: Consequences and Costs for Ukraine

Abstract: This paper discusses 'migration myths, metaphors and mantras', analyzing them in the context of Ukrainian international labor migration, the current economic crisis in Ukraine in terms of its impact on migration flows and, respectively, its consequences for care provision in the country in view of increasing out-migration of females as traditionally principle carers in the family. It attempts to answer the questions: Did the economic downturn affect migration intensity and patterns? What were the unpredicted (unexpected) implications of the economic crises for migration flows? How were migrants themselves and their families left behind at home affected and what 'anti-crises' strategies did they develop in response to challenges of their precarious position on the labor markets in the face of the global meltdown?

The current global crisis that has embraced the world economy was caused by a series of failures in the world's most developed societies which turned into what OECD defined as the "deepest and most synchronized recession in our lifetimes"¹. Given that unemployment rates increased and household incomes dwindled worldwide, international financial institutions, national governments, analysts, media and the general public were more and more concerned about the implications of the 'multifaceted meltdown' for migration flows and migrants. The migrant work force constitutes a tangible share of the labor market in Northern economies and their remittances make a significant

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¹ *World Economic Outlook Interim Report*. (OECD: Paris, 2009), p. 5.

contribution into the national budgets of labor exporting nations. Therefore, the key concerns included the perspective of rising unemployment among migrants, a possible decrease in remittances, a rise in return migration and the further stigmatization of migrant communities.

However, as was shown in the author's paper summarizing the results of the UN-INSTRAW virtual discussion on gender and remittances held late in 2008-early 2009², some of the expected implications of the economic downturn were based more on 'myths and metaphors' about the possible effect of migration on economic development, rather than on realities of the migratory process. In particular, as was confirmed by list subscribers from around the world, as well as by media sources, sending societies did not see a massive return of migrant workers as was predicted in the fall of 2008 when the crisis reached its peak³, at least not from advanced economies. Labor migrants were not in a hurry to come back home, considering it easier to face the crisis in the EU, US and other Northern societies and despite the loss of income faced by many, in most cases there has not been a large-scale return migration.⁴ Furthermore, it was expected that the downturn was more likely to affect undocumented circular migrants since they are overrepresented in low-skilled occupations that are typically the first victims of the economic slowdown, being ineligible for welfare benefits.

Practice showed, however, that this category of migrants in some cases even benefited by the crises particularly for the above reason, i.e. insofar as they were preferred by employers as an undocumented cheap labor force, not requiring tax pay and not making any burden on the welfare system.

It was expected that the downturn was more likely to affect undocumented circular migrants since they are overrepresented in low-skilled occupations that are typically the first victims of the economic slowdown, being ineligible for welfare benefits.

² A. Tolstokorova, "Financial Crisis and Migration Myths", UN-INSTRAW Virtual Community on Gender, Migration and Remittances (April 2009); <http://www.un-instraw.org/grvc/es/opinion/the-financial-crisis-and-migration-myths>.

³ "Sviotova kryza poverne v Ukrainu chastynu gastabajteriv"; <http://novynar.com.ua/politics/41604>.

⁴ A. Walker, "Recession Moves Migration Patterns", *BBC World Service* (September 8, 2009); <http://news.bbc.co.uk/2/hi/business/8238527.stm>.

It was also envisaged that the downturn would entail shrinking of remittances due to decreasing employment rates among migrants⁵. Among the CEE countries Russia, Kazakhstan, and Ukraine were expected to be hit the hardest by the slowdown due to a decline in remittances⁶. The World Bank study revealed that migrant earnings to developing countries would decline from \$305 billion in 2008 to about \$290 billion in 2009⁷. The available experience (see in more detail below), however, evidenced that the reduction of remittances flows was overestimated, given that money transfers in 2009 remained resilient and reached \$316 billion⁸, but patterns of remitting have changed, since migrants were reluctant to send money through official channels due to lack of confidence in the stability of banking systems.

Additionally, it was predicted that although during the economic downturn both women and men-migrants might be affected as the most vulnerable group of workers, yet the scale of female international migration might be under-reported⁹, while they might be hit most and are the first to leave jobs insofar as they are even less protected on the labor market than their male colleagues. It turned out, however, that it concerned mostly contracted employees, but did not affect as much the undocumented laborers, amongst whom women predominate. These and other factors provided grounds to challenge the 'worst-case scenarios' regarding the impact of the global recession on migration flows offered by leading world analysts. This paper continues the above discussion about 'migration myths, metaphors and mantras', analyzing them in the context of Ukrainian international labor migration, the current economic crisis in Ukraine in terms of its impact on migration flows and, respectively, its consequences for care provision in the country in view of increasing out-migration of females as traditionally principle carers in the family. It attempts to answer the questions: Did the economic downturn affect migration intensity and patterns? What were

⁵ S. Holmes, "Migrant Workers under Pressure", *BBC World Service* (December 16, 2008); http://news.bbc.co.uk/2/hi/in_depth/7774180.stm.

⁶ K. Moore, "Financial Crisis Puts Squeeze on Migrants' Remittances", *Radio Free Europe, Radio Liberty* (November 20, 2008); http://www.rferl.org/content/Financial_Crisis_Puts_Squeeze_On_Migrants_Remittances_/1351195.html.

⁷ T. Deen, "Migration: Financial Crisis Eroding Remittance Lifeline", *IPSNEWS* (April 17, 2009); <http://www.ipsnews.net/news.asp?idnews=46545>.

⁸ D. Ratha, "Remittance Flows to Developing Countries Remained Resilient in 2009, Expected to Recover during 2010-11", *World Bank Blogs* (April 23, 2010); <http://blogs.worldbank.org/peoplemove/remittance-flows-to-developing-countries-remained-resilient-in-2009-expected-to-recover-during-2010>.

⁹ B. Emmett, "Paying the Price for the Economic Crisis", *Oxfam International Discussion Paper* (Oxfam, 2009), p. 6.

the unpredicted (unexpected) implications of the economic crises for migration flows? How were migrants themselves and their families left behind at home affected and what 'anti-crises' strategies did they develop in response to challenges of their precarious position on the labor markets in the face of the global meltdown?

The background materials for the paper were gathered through the field research based on qualitative methodology. It involved the following stages:

- 25 in-depth interviews with a wide range of experts, including top officials at the Italian embassy in Kiev; researchers at state research institutions and the National Academy of Sciences; representatives of independent analytical think-tanks and research centers; policy-makers at Ministries, local administrations and state employment centers; representatives of international organizations, like IOM, Amnesty International etc.; NGO activists working in the area of care services, social work, women's issues and migration policy; journalists, etc. They were made in summer 2008 in Kiev and Lviv through the author's participation in a project *Care-Work and Welfare Internationalization. Transnational Scenarios for the Welfare of the Future*, carried out by *Centro Studi di Politica Internazionale* (CeSPI), Rome, Italy. The project aimed to explore the mechanisms of 'care transfer' from countries of origin to destination societies and identifying the relationship between the state and development of social policies and transnational mobility on both sides of care migration circuits.
- Life-course interviews with Ukrainian circular migrants (10 women and 2 men), were conducted throughout 2008-2009 in key recipient EU countries for Ukrainian women, mainly the Mediterranean countries (Italy, Greece and South of France) in the course of the author's individual project *Gender Implications of Ukrainian Labor Migration: Costs and Benefits for aging Europe* (2008), realized partly courtesy to the National Scholarship Program of the Slovak Academic Information Agency (SAIA).
- Structured interviews with members of 6 migrant households were received in spring 2010 in the town of Chortkov, Ternopil region (West-border region of Ukraine) throughout a pilot project *Gender Implications of Remittances during the Global Economic Downturn: Case study of Ukrainian Transnational Families*.

Additionally, given that the gender dimension of economic mobility represents an under-researched area in the Ukrainian scholarship, the interviews were supplemented by the analysis of information available from disparate secondary sources spotlighting issues of labor migration during the crisis from a gender perspective. The project was partly financially supported by the National Scholarship Program of Slovak Academic Information Agency (SAIA).

Care Economy and Female Migration during the Global Crisis

As noted by UN-INSTRAW¹⁰, the current multifaceted meltdown embraced various crises that have impacted social and economic structures: the food crisis, the environmental crisis, the energy crisis, the care crisis, etc. The

In countries like Italy, where females constitute a large share of migrants stock, an out-migration of females might be observed in the first place. And the remaining share of domestic work, which may be still required, is more likely to be taken by newly unemployed native lower class women.

latter, however, unfolded both at the centre and periphery of the world system even before the outbreak of the financial crisis. As I have already discussed elsewhere¹¹, the 'care crises' in the First World¹² was caused by the so-called 'care deficit'¹³, stemming from the age related problems, which arise nowadays as the most serious concerns in the post-industrial world¹⁴. Northern societies are ageing rapidly, the age pyramid is being turned on its head as long as birth rates fall and life expectancy rises. Therefore, paid care services are making up a growing sector of the economy in high- and middle income counties¹⁵. As demonstrated by feminist research, the socio-economic underpinnings of 'care deficit' encompass a complexity of determinants: a rising level of education and social aspirations of women, their increasing participation in the labor market of paid

professions coupled with the traditionally unequal distribution of household responsibilities between the sexes; population aging, accompanied by a grave health-care crises; the deconstruction of the welfare state and the resulting

¹⁰ A.P. Orozco, "Global Perspectives on the Social Organization of Care in Times of Crisis: Assessing the Situation", *Working Paper 5* (UN-INSTRAW, 2009), p. 6.

¹¹ A. Tolstokorova, "Where Have All the Mothers Gone? The Gendered Effect of Labour Migration and Transnationalism on the Institution of Parenthood in Ukraine", *The Anthropology of East Europe Review*. Special Issue "Gender in Postsocialist Eastern Europe and the former Soviet Union" Vol. 28, No. 1 (2010), pp. 184-214.

¹² "Global Care Chains", *Working Paper 2* (UN-INSTRAW, 2007).

¹³ A. Hochschild *The Time Bind: When Work Becomes Home and Home Becomes Work*. (New York: Metropolitan Books, 1997).

¹⁴ "Green Paper. Confronting Demographic Change: a New Solidarity between Generations" (European Commission. Employment and Social Affairs, 2005).

¹⁵ E. Espen *Gender and Care. Overview Report*. (BRIDGE, 2009), p. 29.

relocation of care work from the state to the family'^{16,17,18,19} The interplay of these factors created a high demand for paid care, hitherto performed by the unpaid 'labor of love'²⁰ of females in the family and entailed the emergence of a large alternative labor market of hired care: the 'hidden'²¹, 'invisible and unpaid care economy'²², grounded on the 'mercantiled sphere of women's reproductive work'²³ due to 'commodification' of care²⁴ on the 'cash for care' principle.

As noted by S. Razavi²⁵, tensions between the commodity economy and the unpaid care economy become particularly stark during periods of economic crisis, with adverse implications for women. Their unpaid reproductive work, it is argued, acts as the 'shock absorber' in times of economic crisis, given that in the context of 'fiscal restraint' and the creeping commercialization of public welfare services, the cost of care-giving is being increasingly shifted from the monetized public sector to the unpaid care sector. Therefore, in conditions of current global financial crises the research on dynamics of care (GFC) is especially pertinent.

Thus, with the onset on global financial crises there was evidence that even in developed economies among the first to lose jobs were women, mostly

¹⁶ J. Aronson, S. Neysmith, "'You're Not in There to Just Do the Work': Depersonalizing Policies and the Exploitation of Home Care Workers' Labor", *Gender and Society* Vol. 10, No. 1 (1996), pp. 59-77.

¹⁷ C. Ungerson, "Cash in Care", M. Harrington-Meyer (ed) *Care Work: Gender, Class and the Welfare State*. (New York: Rutledge, 2000), pp. 68-88.

¹⁸ F. Degiuli, "A Job with No Boundaries. Home Eldercare Work in Italy", *European Journal of Women's Studies*. Special Issue "Domestic Work", Vol. 14, Issue 3 (August 2007), pp. 193-207.

¹⁹ E. Espen *Gender and Care. Overview Report*. (BRIDGE, 2009), p. 29.

²⁰ G. Bock, B. Duden, "Arbeit aus Liebe - Liebe als Arbeit. Zur Entstehung der Hausarbeit im Kapitalismus", *Frauen und Wissenschaft. Beiträge zur Berliner Sommeruniversität für Frauen, Juli 1976*. (Berlin: Courage, 1997), pp. 118-99.

²¹ S. Himmelweit, "Making Visible the Hidden Economy: The Case for Gender- Impact Analysis of Economic Policy", *Feminist Economics* Vol. 8, No. 1 (2002), pp. 49-70.

²² S. Razavi *The Political and Social Economy of Care in a Development Context: Contextual Issues, Research Questions, and Policy Options*. (Geneva: UNRISD, 2008), p. 4; [http://www.unrisd.org/unrisd/website/document.nsf/\(httpPublications\)/2DBE6A93350A7783C12573240036D5A0?OpenDocument](http://www.unrisd.org/unrisd/website/document.nsf/(httpPublications)/2DBE6A93350A7783C12573240036D5A0?OpenDocument).

²³ A. Escriva, "Aged Global Care Chains: A Southern-European Contribution to the Field", Paper Presentation for the International Conference on *Migration and Domestic Work in Global Perspective*. (Wassenaar, May 2005), pp. 26-29.

²⁴ M.J. Radin, *Contested Commodities*. (Cambridge, MA: Harvard University Press, 1996).

²⁵ S. Razavi *The Political and Social Economy of Care in a Development Context: Contextual Issues, Research Questions, and Policy Options*. (Geneva: UNRISD, 2008), p. 4; [http://www.unrisd.org/unrisd/website/document.nsf/\(httpPublications\)/2DBE6A93350A7783C12573240036D5A0?OpenDocument](http://www.unrisd.org/unrisd/website/document.nsf/(httpPublications)/2DBE6A93350A7783C12573240036D5A0?OpenDocument).

from low and lower middle class. As a result, the impact of female job loss had a significant knock-on effect on household incomes whether they are single female-headed or dual earner households.²⁶ The latter (and in some cases the former) category of women are those who could afford hiring migrant women for domestic work in their households to allow full-time jobs on the labor market to their female employers. When these women-employers started increasingly losing their own jobs, they were returning to their households. So that to compensate for the lost share of their contribution to the family income they had to assume if not all, then probably a big share of domestic work, which was earlier delegated to hired migrant domestic workers. This induced the latter to leave their positions, and probably to go back home, since securing a new job might be problematic for migrants in conditions of shrinking labor markets due to the global financial crises. Therefore, in such countries, as for example, Italy, where females constitute a large share of migrants stock (48.3% in 2003)²⁷, an out-migration of females might be observed in the first place. And the remaining share of domestic work, which may be still required, is more likely to be taken by newly unemployed native lower class women.

At the same time, there are no grounds to expect that migrant women will be willing to go back home to such country as for example, Ukraine since global financial crises here is severely worsened by a profound political crises. So, most probably they will start searching for a new niche for themselves, allegedly in such forward-looking countries as Canada, which is currently more migrant-friendly, than other post-industrial nations. These analytical assumptions, however, demands verification by migratory practices, which will be analyzed below.

Research Findings

Results of Literature Overview

Indeed, labor migrants were negatively affected by the financial downturn, and to deny it would be unfair to them. Nonetheless, there is numerous evidence that the impact of the financial crisis is not always that straightforward, although it is often

²⁶ M. Smith *Analysis Note: Gender Equality and Recession*. (EGGE – European Commission's Network of Experts on Employment and Gender Equality Issues – Fondazione Giacomo Brodolini, 2009), p. 2.

²⁷ J. Chaloff, "Immigrant Women in Italy", Paper presented at the OECD and European Commission Seminar: *Migrant Women and the Labour Market: Diversity and Challenges* (Brussels, September 26-27, 2005), p. 2; http://ec.europa.eu/employment_social/employment_analysis/imm/imm_migrwom05_chaloff_en.pdf.

used as a 'migration mantra', explaining current complex developments. Thus, despite the dwindling economic opportunities, labor migrants are not hurrying up to return back home, at least not as intensively as was predicted.^{28,29} This means that most of them either managed to preserve their jobs, or at least have grounds to hope they will not lose them or know that they will be able to find new ones. It is true that some sectors of the labor market turned out to be more sensitive to economic cycles, than others. Among them construction is probably number one, and it is true that it is a sector dominated by immigrant labor. However, I ground my assumption of the concept of 'migration myth' being applicable here, based on the evidence from the Ukrainian press. Thus, in December 2008 a news program on the TV channel 'INTER', issued an interview with a group of Ukrainian men working in the construction sector in France. When asked if they were affected by the economic slowdown and job cuts in that country, the men answered that they did not have problems finding jobs there, because those people who started building houses before the crisis reached its peak, were not willing to stop in the middle of the road, but wanted to have the job finished. However, if before the crisis they had hired more highly paid migrants, say, from other EU countries (mostly from CEE, who are new EU entrants-2004), then after prices went up, they tended to fire expensive workers and hire migrants from poorer countries, like Ukraine, who are no less skilful in the construction business, but agree to work for lower wages. A number of materials in Ukrainian newspapers^{30,31,32} also evince that "Ukrainian workers in other nations appear to be holding on to their jobs despite the downturn."³³ However, this sometimes goes for a high cost, like the necessity to agree to work for free for some time, just to be able to stand the competition and preserve the job.³⁴

²⁸ T. Whitehead, "Migrants will not Go Home in Recession, Warns Expert", *The Telegraph* (July 9, 2009).

²⁹ "Trickle Down Economics", *The Economist* (February 19, 2009); http://www.economist.com/finance/displaystory.cfm?story_id=13145605.

³⁰ M. Lejbovych, N. Teslya, "Trudovye migranty ne peresidyat krizis v stolice"; <http://www.hr-ua.com/articles/2443/>.

³¹ "Uryad zaperechue, shcho ukrajins'ki migranty masovo povertajutsya dodomu", *TSN News* (2009); <http://tsn.ua/ukrayina/uryad-zaperechuye-shcho-ukrayinski-zarobitchani-masovo-vertayutsya-dodomu.html>.

³² M. Drach, F. Najibullah, "Ukrainian Workers Unconvinced By Czech Repatriation Offer", *Radio Free Europe. Radio Liberty* (February 19, 2009); http://www.rferl.org/content/Ukrainian_Workers_Unconvinced_By_Czech_Repatriation_Offer/1496121.html.

³³ O. Faryna, "Despite Economic Crisis, Ukrainians Keep Working Abroad", *Kyiv Post* (April 23, 2009); <http://www.kyivpost.com/news/nation/detail/40161/>.

³⁴ "Yuriy: Inkolov dovodytsa darom pracuyvaty, schob vyzhyty", *Samborska Wordpress* (December 4, 2009), <http://samborska.wordpress.com/>.

Regarding the gendered effect of the crises on the labor markets and employment possibilities, there were prognoses that 'the financial crisis will be harder for women and up to 22 million women worldwide will lose their jobs'. This assumption, however, was overridden by the opinion that a specificity of current recession is that its impact 'is likely to be more evenly shared by women and men, markedly different to that in the recessions of the early 1990s and early 1980s'

After the wives of those earlier high-salaried husbands, who had lost their jobs due to the recession, find employment they will have to hire child-minders for their babies, because there are no grounds to expect that care-giving obligations will be assumed by their ex-VIP husbands.

because "male unemployment rates catch up to women's"³⁵. It goes in line with data of the ILO Report for 2009³⁶ which ran that, "In developed economies there are signals that the crises may be at least as detrimental for men as for women and possibly more so. This is suggested by the stronger increase of the unemployment rate in developed economies for men compared to women in 2008 (1.1 percentage points for men versus 0.8 points for women)."

Media reports also abound in materials, evidencing a more detrimental effect of the GFC on men's employment in some sectors of the labor market, particularly on those in highly paid positions in private companies and in civil services.^{37,38} Cutting-off some top-salaried 'white-collars' allows administrations not only to economize corporate expenses, but also to take off social pressure and, no

less importantly, to get rid of highly competitive potential rivals for administrative positions, who are largely males. An illustration to this assumption may be found in the materials of an article in "The Scotsman".³⁹ It ran that stay-at-home mothers,

³⁵ M. Smith, *Analysis Note: Gender Equality and Recession*. (EGGE – European Commission's Network of Experts on Employment and Gender Equality issues – Fondazione Giacomo Brodolini, 2009), p. 2, 6.

³⁶ *Global Employment Trends for Women*. (ILO: Geneva, 2009), p. 6.

³⁷ D. Ryabkova, "Vo vsyom mire sokrascijkajut chinovnikov", *Delo* (April 27, 2009); <http://www.delo.ua/news/105590/>.

³⁸ C. Rampell, "As Layoffs Surge, Women May Pass Men in Job Force", *The New York Times* (February 5, 2009); http://www.nytimes.com/2009/02/06/business/06women.html?_r=1&hp.

³⁹ E. Pykett, "Mothers Return to Work Early as Recession Eats into Family Budget", *The Scotsman* (April 8, 2009); <http://thescotsmen.scotsmen.com/latestnews/Mothers-return-to-work-5151191.jp>.

i.e. wives of those earlier high-salaried husbands, who had lost their jobs due to the recession, were planning to head back to work sooner than planned to plug gaps in the family budget, caused by the job loss of their husbands. This means that after these women find employment they will have to hire child-minders for their babies, because there are no grounds to expect that care-giving obligations will be assumed by their ex-VIP husbands. In turn, this signifies that migrant care-givers (largely females) will be again in high demand as a traditionally cheap labor force in this sector. Although the paper refers specifically to Scotland, this situation is hardly unique for this part of the UK alone and is probably relevant for other affluent countries. This may be one of the reasons explaining why migrant women domestic workers are not hurrying up to return back home during the recession. Therefore, they continue sending remittances home as they did before, which is confirmed by international experts⁴⁰:

"And while there are likely to be downward pressures, there is also evidence that, worldwide, remittances tend to be resilient and to fall less sharply than might be expected in a downturn. This is partly because sums sent home are often small (typically around 5 percent of income) with the result that payments can often be sustained even when incomes fall. Further, remittance flows are dominated by payments from long-standing migrants who, because they are often well established in their place of migration, may be better placed to find alternative sources of income if they lose their job. In addition, female migrants working in the caring professions will probably be less affected by the downturn than male construction workers. The effects of demographic change in Western Europe and North America and high domestic costs of care of the elderly mean that demand for female migrants in the caring professions is likely to be sustained even in a downturn and may thus contribute to the resilience of remittances."

This is true for Ukraine too, whereby expert assessments for the fourth quarter of 2008 ran that "while investment earnings were heavily withdrawn [...] in response to the growing economic crisis, labor remittance inflows actually improved against their year-earlier level".⁴¹ In 2009, despite the economic

⁴⁰ N. Maddock, L. Ramguttee, "Responding to Falling Remittances and Returning Migrants" *Development and Transition*, Issue 13 (July 2009), p. 16; http://www.developmentandtransition.net/uploads/issuesAttachments/25/DT13_English_FINAL.pdf.

⁴¹ O. Faryna, "Despite Economic Crisis, Ukrainians Keep Working Abroad", *Kyiv Post* (April 23, 2009); <http://www.kyivpost.com/news/nation/detail/40161/>.

downturn, the remittances increased by 16.25%, having reached \$2,94 billion sent through official channels alone, like 'Western Union' and 'Unistream'.⁴²

Fieldwork Data Discussion

Results of Expert Interviews

Expert interviewing for the project was not aimed at studying specifically the gender effect of economic crisis on migration flows and care arrangements in the country. They focused on examining the general awareness and opinions of experts about feminization of migration overall and the social effects of female out-migration. However, as was shown in my earlier paper⁴³, expert interviews evidenced that these issues, let alone the effect of economic crisis on them, did not yet attract close attention of official bodies – either the academics from state research institutes, or policy-makers or even the IOM office in Ukraine. Experts of this group underscored that they had no reliable information to refer to, insofar as there were no projects targeted at the study of these issues.

Interviewer: We are interviewing stakeholders: experts here in Ukraine, academics and researchers, and governmental institutions that might deal either with migration or welfare issues, and we are trying to get on touch with the Ministry of Labor and Social Policy, Ministry of Family... or organizations that deal with either female migration or children left behind...

Expert: Ask me, because I know everything. I know who is good, who is not... You see, there are experts who position themselves as experts, but in effect they are not... Because it is a very popular topic and everyone wants to do it [...]. But you have to be ready that there is no research done on these issues, no data available [...]. These officers, they have no information. Nobody has information. What is possible to estimate, using some tools of sociological research, is only a possible magnitude of migration movements.

(Interview with a Director of a Research Unit on Migration Issues from the National Academy of Sciences, Kiev (June 28, 2008), originally in English, style-revised by the author).

⁴² "V 2009 godu gastarbajtery pereveli v Ukrainu \$3 mln", *Delo* (March, 23, 2010).

⁴³ A. Tolstokorova, "Who Cares for Carers?: Feminization of Labor Migration from Ukraine and its Impact on Social Welfare" *International Issues & Slovak Foreign Policy Affairs* Vol. XVIII, No. 1 (2009), pp. 62-84.

The category of gender was hardly mentioned as being applied to the research on migration, but even when it was used occasionally, it was interpreted as "a variable rather than a construct that organizes social life"⁴⁴.

Expert: Regrettably, in what concerns female migration, we don't have reliable data to make conclusions. But on the level of theoretical speculation we can make some generalizations. These are problems of families, social orphanhood, birth rates, increase of divorces. However, in what concerns quantitative analysis, we have data gaps. We use research data received by other organizations [...]. Now, also about the impact of remittances. We tried to estimate earnings made by migrants, but none of our research gave a clear picture of migrants' expenditures. We don't know what part of their earnings they send as remittances here, what we can judge is an overall amount of earnings, but on remittances we don't have data, and the bank statistics are irrelevant. We still do not know what is the share of migrants' remittances amongst the bank transfers from abroad.

(Interview with a Director of a Research Unit on Migration Issues from State Research Institute, Kiev (June 25, 2008), translated from Ukrainian).

This precarious situation in the research on migration in Ukraine was confirmed by CeSPI interviewers:

Interviewer: The reason why I asked if you have any papers for us to use, is because amongst the so-called 'experts' on Ukrainian migration that we met throughout this week, you are the first analyst who actually analyzed the situation. Even if in Ukraine it is true that there is a gap in data, still the analysts at least could outline the picture, while others were saying "We don't have data, we can't say anything". Because in the project we are doing, we are thinking of possibilities to expand it. So, if we are going to continue to work with Ukraine, then who is the actor to talk with? Until now we could not find anyone who could make a reliable analysis [...]. Also, what struck us is that there are no academics who do research on migration. It's always centers, or institutions or organizations, but there are no academics...

(Interview with a Director of a Non-Governmental Research Center, Kiev (June 27, 2008), translated from Ukrainian).

The reason for this situation was accounted by the corrupted scheme of funding of the academic and research communities:

⁴⁴ P. Hondagneu-Sotelo, E. Avila, "I'm Here, but I'm There': the Meanings of Latina Transnational Motherhood", *Gender and Society* Vol. 11 (1997), pp. 548-71.

Expert: A large share of what we did, we did as sub-contractors, which means that our work has to comply with the copy-right law. So, the author's rights for our works belong not to us, but to our contractors. This kind of research is a very profitable business. So, these people hire us to do research, but despite that we do the whole job, we are just subcontractors and have no right to specify ourselves as authors. So, I can not give you this information [...]. The problem is that in order to receive a grant from a western donor it is necessary to have personal contacts with grant-donors. I mean, there's a corrupted scheme of grant applications. You have to know how to work with them...there are many nuances [...]. Say, out of around thirty grant-applications we made, only two received funding.

(Interview with a Director of a Non-Governmental Research Center, Kiev (June 27, 2008), translated from Ukrainian).

Moreover, it was admitted that qualitative methods of research, which are highly fruitful in the study of emergent issues in the rapidly changing social reality, like migration flows, are not widely used in Ukraine:

Expert 1: But we do not have anthropology as a subject. I don't know of any University in Ukraine where they teach social anthropology as a subject. [...]

Expert 2: [...] Because anthropology is regarded here primarily as a historical discipline. But even if we had it, even for a small research project, you still need funding which we don't have...

Expert 1: [...] I don't know of any qualitative research being done in Ukraine. But this is an interesting issue, because actually some people do, but mainly they have scholarships from abroad, because funding for PhD research here is very limited. Mostly students do it by self-finance. [...] I know that there is little interest to this issue.

(Interview with an Expert in Migration Issues from a State Research Institute, Kiev (June 24, 2008), translated from Ukrainian).

Expert 3: ...At research institutes [...] they do sociological research, but do not use qualitative methods of analysis, only the quantitative research [...]. At Universities this problem also exists. There is no funding for these purposes either. Even when research grants are available for such research, they are immediately monopolized by the so-called 'grant eaters' who, in effect, do not do the research, but only imitate it to monopolize the money. As a result, when the time comes for them to make grant reports, they simply hire people like us to do their job. Because we can use quantitative methods of analysis, like focus group discussions, telephone interviews, etc.

(Interview with a Director of a Non-Governmental Research Center, Kiev, June 27, 2008, translated from Ukrainian).

Meanwhile, despite the lack of attention to the gender demission of migration flows among academies and policy-makers, there is some awareness about the issue among representatives of the civil society, media and employment centers:

Expert: In our center we offer training on gender aspects of employment. We also closely cooperate with a women's NGO, which deals with these issues. So, if we see that a woman is a potential migrant, we can direct her to this NGO, where she can get more specified information necessary to her. Also, we try to find a job place for such a person. Besides, we provide training and skills upgrading for the account of the Social Security Fund in case of unemployment [...] Those coming back, they are of different ages, different experiences, some are successful, some are not. But many of them, when they return home, come to us to ask for jobs. Generally we offer them to start their own business and can offer training necessary for that, say, to work in rural tourism, in green business. Sometimes we can even offer small welfare benefits for that... or help to take a bank credit, teach them about fundamentals of tax policy, etc.

(Interview with Officials from a District Employment Center, Lviv (July 1, 2008)).

Regarding possible trends and perspectives of migration flows, experts were ready to offer their vision of the situation, underlying the role of social capital and social mobility in the choice of migratory strategies. However, their answers were not gender-specific and the effect for care economy was not specified:

Expert 1: People arrive where it is easier to find job and after they adapt themselves there, they move to better places, get involved in internal migration. If you noticed that fact, it confirms my opinion that people are aimed at career achievements, want to improve their social capital

(Interview with an expert in Migration Issues from a State Research Institute, Kiev (June 24, 2008), translated from Ukrainian).

Many experts evidenced that despite the will to go back to Ukraine after their work abroad, labor migrants are not likely to return to their homeland eventually:

Expert 2: It is a sad fact, but most migrants who live long abroad, they will never come back and their relatives realize that. Maybe until 2005 they had some hopes for this [i.e. for return], but we at CMA, we came to this

conclusion maybe a year ago and it seems that they will stay there, since this is not their Motherland any more. They are citizens of Ukraine, but life has changed a lot here since their departure to another country

(Interview with a Representative of Center for Migrants Advice (CMA), Lviv (July, 2, 2008), originally in English).

Interviewer: Gender trends in migration, do you think they will change depending on the situation in the labor market? Depending on the situation in Ukraine? Or because of bridging the salary gap between Italy and Ukraine? Because now here people can make the same money as there. Do you think the correlation will change? Where will they be coming then?

Expert 3: It's a very interesting question. Good question. I think some Ukrainians come back to Ukraine, but then they go back to Italy, because they don't have a real chance to reintegrate and to find good jobs here. Many of them can't receive a good job here. Many Ukrainians say that they want to return to Ukraine, but they stay in Italy. They try to take their children there and to provide for their future, to give them an education, especially there, to send money here and to build houses. But the main problem is that they don't like to go back very quickly. One of the questions is the widening of the labor market. They look for another job and find the job there, in Italy. But the problem is that if nobody gives money for the development of the Ukrainian economy, especially infrastructure, we have no chances...

(Interview with a Research Expert on Migration Issues, Lviv (July 2, 2008), originally in English, style-revised by the author).

Some experts noted that due to the galloping inflation in Ukraine and a bridging gap in income rates between Ukraine and Italy, there is a possibility of redirection of migration flows from less economically secure countries to those which can offer more favorable employment opportunities to immigrant labor:

Expert 3: I can tell you now that Ukrainians who have no work in Portugal go to Spain and then from Spain to France, or to Ireland. They try to find the countries where they can find jobs. You see, migrating Ukrainians try to be global people.

Interviewer: So, where can they find this niche to fit into? If they leave Italy, what might be the next country which will be willing to accept them?

Expert 3: It is a very interesting question. We have two tendencies. One tendency is that our people try to find jobs in developing countries. So, Ireland. They go to Ireland [...]. They will go also to Poland. Because they can receive better conditions there. Because Poland is in the EU now and they can accept people from other countries.

Interviewer: Is it an issue of social capital?

Expert 3: Yes, and social mobility.

(Interview with a research expert in migration issues, Lviv, July, 2, 2008, originally in English, style-revised by the author).

At the same time, all the experts pointed to the absence of reliable database of migration fluxes, including gender-segregated data, and lack of comprehensive longitudinal studies, which represent the principle challenge for research on this issue.

Results of Life-Course Interviews with Women-Migrants

The findings of my interviews with Ukrainian migrant women showed that the economic downturn did make an impact on their migratory experiences, creating additional constraints to their daily challenges. However, women managed them creatively by designing multidimensional coping or defensive strategies, methods and tactics. A number of them confirmed that they were seriously considering a possibility of coming back home when the economic downturn began, and some of them even did so, but after sound considerations, and seeing how poor the situation at home was, they decided that surviving hard times was better abroad than in Ukraine and resumed working there. Yet, some of them had to change their employment patterns to be able to send the same remittances as before, despite the inflation. Thus, one woman said that she moved from live-in elderly care to domestic work (mainly cleaning). It allowed her a more flexible working day and therefore, an opportunity to work in more families. At the same time, it implied more of expenses on her part, since she had to pay for rent, which was not required from a live-in carer. Another woman arranged it so that she could provide eldercare to several families at a time, securing new jobs by means of social networks both among Ukrainian co-workers and her Italian employers. Yet, it became possible primarily because she had been living in Italy for over 6 years and due to that fact she had already enjoyed a good reputation, which provided her an opportunity to find jobs easier, and therefore, allowed her to be more flexible and independent in her career strategies. Therefore, by following the mobility patterns which may be identified as 'jobs snowballing' women were able to confront the challenges of shrinking labor market of caring jobs, which turned to be an efficient coping strategy to respond to economic challenges of the crisis.

Furthermore, the opinions of my interviewees were consistent with the experts' prognosis regarding a possibility of redirection of Ukrainian migration flows to other EU countries, like, for example, Ireland, where throughout the last

years an increase in the female immigrant workforce is observed from 42 to 68 % of the total⁴⁵.

Responder: The problem is that it will not last long. I mean, that we, Ukrainians, work in Italy. Italy is no longer capable to maintain us. I mean, to provide us with decent jobs. Say, ten years ago you could earn 500-700 per month here, and at that time in Ukraine it was real good money. After working for 1-2 years in Italy, you could save enough to buy an apartment in a town or a house in a village in Ukraine. But now that prices are growing apace both here and there, especially for real estate, our earnings here are but nothing. What can you buy for it? You can't purchase anything serious for it either in Italy or in Ukraine.

Interviewer: Do you mean that due to that people will start coming back home to Ukraine?

Responder: Nope! No way. Ukraine does not welcome us. We'll go elsewhere. To a more affluent country, where we'll be able to earn enough to send decent remittances home. I think Ireland may be a possible option.

(An interview with Oksana 42, a documented migrant woman, working as a certified nurse at a private clinic in Milan via a joint Ukrainian-Italian pilot project for health-care workers, Milan (May 10, 2008), translated from Ukrainian).

Therefore, to be able to respond to the volatility of the labor markets of domestic and care work during the global recession, migrant women developed multidimensional coping strategies, enabling them to remain competitive in the conditions of current economic downturn. At the same time their experience showed that the stance of 'a dramatic impact of economic crisis on migration and migrants', particularly on women, although indeed true, is somewhat exaggerated. My research confirmed the conclusion drawn for other CIS countries, particularly that 'a theoretical worst-case scenario is clear but unlikely'⁴⁶. My opinion is that due to their perseverance and endurance, migrant women managed to turn the above stance into a 'migration myth', which does not mirror the migratory reality of the GFC, whose adverse effect they successfully managed to mitigate. However, indeed, to be able to draw

⁴⁵ "Problems of Women Immigrants Highlighted", *Irish Times* (March 3, 2009); <http://www.irishtimes.com/newspaper/ireland/2009/0307/1224242448679.html>.

⁴⁶ "Central Asia: Migrants and the Economic Crisis", *Crisis Group Asia Report No.183* (2010), p. 14.

global conclusions, more precise and comprehensive data from different social, economic and political contexts are necessary.

Results of Interviews with Members of Transnational Families left Behind at Home

Interviews with members of Ukrainian transnational families showed little or no effect of the GFC on migrant households in Ukraine. Of all the responders only two mentioned having some short-term break-ups in the remitting pattern. In one case it was due to the deteriorated employment situation of the remitters (a migrant couple working in Cyprus) and in the other case it was caused by suspense in wage pay-outs to a migrant worker (a divorced man working in Portugal).

Interviewer: Did the global financial crisis, whereof they speak so much nowadays, make any impact on the regularly or amount of remittances in your family?

Responder 1: Yes, it did, because for some time there were no jobs for them there... So, they could not send money... And it depends on the availability of jobs and what kind of job they have.

(Interview with Diana, retired, works part-time, mother to a migrant couple, Chortkov, Ternopil municipality (April 29, 2010), translated from Ukrainian).

Yet, in this case the negative effect of GFC may be explained by the undocumented status of migrants and, therefore, precarious employment situation overall, not only during the crisis. Due to that, even before the crisis the pattern of remitting in this family had not been regular, depending on the availability of job placements for remittance senders.

Responder 2: No, it did not... Well, maybe just slightly, only at the onset of the crisis. For some time salaries were suspended, so my son could not send money, because he did not receive his salary. But he had to pay for his rent and needed some money for his daily expenditures. So, he did not send money then. But it was not for long.

(Interview with Ganna, retired, works part-time, mother to a divorced migrant son, Chortkov, Ternopil municipality (April 29, 2010), translated from Ukrainian).

Responder 3: No, or maybe, just a little bit. You see, my mom has worked there for quite some time, so she is quite settled there and her salary neither dropped, nor decreased during the crisis.

(Interview with Olena, an unmarried adult daughter of migrant parents, whose brother also works abroad, Chortkov, Ternopil municipality (April 29, 2010), translated from Ukrainian).

Other informants in our pilot study reported that they did not experience any tangible impact of the GFC on money transfers from abroad and therefore, on family wellbeing. This may signify that the situation of their relatives working abroad during the crisis did not change dramatically. As a result, care-givers to migrants' dependents left behind at home, did not change the daily routines of their caring practices.

However, this result could be predefined by some objective limitations of our pilot study. First of all, due to financial and organizational constraints of the project we could not afford a considerable research sample. For that reason this section of the project managed to cover only 6 households for a preliminary study. Indeed, this was insufficient to make plausible conclusions, but at the same time it allowed to map the general trends and tendencies in the lives of migrants households during GFC. Secondly, the selection of responders for the study turned to be a challenging venture. Among our key constraints were the following:

1. Despite the fact that Ternopil municipality is affected by labor migration more than others⁴⁷, the selection of responders for the study turned to be a challenging venture. Thus, the project assistant Olexander Ryndyk contacted representatives of the Service in affairs of family and minors of the Chortkov district state administration (Ternopil municipality) to request contacts with migrant families. In the course of an informal interview there, he was referred to a deputy principal of a local secondary school, which enrolled many children of migrant parents. The latter had a list of migrant families, which comprised 20-30 names. Among them, 10-15 were claimed at once to be unreliable interviewees because, it was noted, 'there is no use talking to them'. This phrase referred to dysfunctional families, where guardians of migrants' children, primarily alcoholic fathers, neither managed to find a place for themselves in the market economy, nor acquired social skills necessary to support family integrity while their wives were working abroad. Among the remaining 10-15 names on the list, only four persons responded to the call, while only one among them agreed to give an interview. Others refused to discuss migratory experiences of their families with the interviewer.

Hence, those who eventually agreed to participate in the interviewing were, indeed, representatives of efficient households with strong kinship

⁴⁷ *Trudova migracia naselelnya Ternopil'skoi municipalyiti: kil'kisny ta geografichny aspekty.* (Ternopil: Leader, 2003).

ties between family members and a sense of 'familyhood'.⁴⁸ They decidedly benefited by the economic mobility of their relatives and, therefore, were ready to expose their achievements to interviewers. At the same time, the largest share of potential responders turned to be beyond the reach of our research team. These were mainly people with a negative experience of labor migration, who, as evidenced by participatory observation, made the core of 'movers'.

2. The subject-matter of the project, i.e. the financial dimension of the transnational family space, especially if seen through a gender lens, is a specific field of study, involving very delicate, vulnerable aspects of life of migrant households. It is connected with issues of privacy and confidentiality, complicated interpersonal relationships in the family, which are not always consciously conceptualized by informants, and therefore, are not readily intimated to outsiders. It was brightly illustrated by a deeply hesitant tone of one informant, who responded to a question about the impact of remittances on power relationships in the family in the following way:

Responder: You see, I had never thought of it before. Yet, now that you've asked me... I tried to give it a thought. And you see... I am not sure what to answer. Probably no... I don't think that... Well, at least not much... No, I don't know... Although, probably yes. Well, probably just a little bit. But generally, I am not sure

(Interview with Olena, an unmarried adult daughter of migrant parents, whose brother also works abroad, Chortkov, Ternopil municipality [April 29, 2010], translated from Ukrainian).

Hence, to obtain more objective findings about the impact of GFC on family and care arrangements in the household, the next stage in the research might be aimed at involving a wider audience of respondents, including those with negative, non-rewarding experience of labor migration. This might involve unconventional methods of gathering research information. For example, it might be useful to resort to anonymous communication with potential informants, for instance, via random telephone calls, communication via ICQ or SKYPE programs, or particular internet blogs and web-pages, which might provide to responders a greater freedom for expressing opinions and sharing experience, while at the same time preserving confidentiality.

⁴⁸ D. Bryceson, U. Vuorela, "Transnational Families in the Twenty-first Century", D. Bryceson, U. Vuorela (eds) *The Transnational Family. New European Frontiers and Global Network.* (Oxford and New York: Berg Publishers Ltd., 2002), pp. 3-30.

Conclusions

The analysis of field research data gave a multidimensional picture of the impact of GFC on transnational families and care economy in Ukraine. Thus, in-depth interviews with Ukrainian experts enabled the conclusion that neither the phenomenon of increasing out-migration of females as principle carers, nor care drain as an emerging trend in migration flows, let alone its costs for family and society in conditions of 'multifaceted meltdown', are a matter of concern for the main stakeholders in the migration policy and management. Most of them

Nowadays gender must be acknowledged as a cross-cutting issue, relevant to all areas of governance and policy-making. At the same time, current political context should be considered realistically in policy design for rural employment.

did not have experience of dealing with such issues and were not ready to offer viable solutions to them. For that matter it comes as no surprise that there is hardly any awareness of the problem in the society at large. At the same time, life-course interviews with migrant women showed that they are well aware of emerging challenges exerted by the global economic downturn and managed to develop specific 'gendered mobility strategies'⁴⁹ to respond to them. But it became possible not because migrants received timely support from the Ukrainian government which usually benefits by foreign currency arriving from migrant workers, or because emergency allowances were provided to them by the

state, which makes a considerable share of GDP due to remittances. None of these aids were available to Ukrainian migrant women when the economic crunch engulfed the world. It was mainly due to their individual human qualities that they managed to preserve their employment abroad and did not allow the resilience of remittances to decrease tangibly. As followed from the interview with members of transnational households, as a result, migrants' relatives left behind in Ukraine did not experience particular financial hardships even during the turmoil of financial crisis and the quality of their care to migrants' dependents at home was not significantly affected.

In conclusion it should be emphasized that gender equality policies and gender mainstreaming as such are essential tools to understand labor market

⁴⁹ G. D'Ottavio *Shuttle Female Migration in an Enlarged Europe*, http://aa.ecn.cz/img_upload/3bfc4ddc48d13ae0415c78c78ceae108bf5/GDOttavioShuttle_Female_Migration_in_an_Enlarged_Europe.pdf.

processes and develop effective responses in both good and bad economic conditions.⁵⁰ But the prerequisites for mainstreaming gender into migration policy and management are political will and unified efforts of all the stakeholders involved. These efforts, however, might be futile without a broader organizational change, locating gender in the focus of societal transformations and aiming beyond mere adding women-specific projects at the margins. Nowadays gender must be acknowledged as a cross-cutting issue, relevant to all areas of governance and policy-making. At the same time, current political context should be considered realistically in policy design for rural employment. Specifically, in conditions of a profound political and economic chaos in Ukraine, exacerbated by the global financial crisis, when all sectors of society are pierced with corruption and state institutions are being transformed into a sort of business corporations promoting interests of the big capital, there are no grounds for illusions about a possibility of the governmental support for the implementation of these tasks. Therefore, the focus should be on self-reliance and personal initiatives of individuals and groups, mainly on the grassroots level, aimed at fostering social justice in family, community and society at large.

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⁵⁰ M. Smith *Analysis Note: Gender Equality and Recession*. (EGGE – European Commission's Network of Experts on Employment and Gender Equality issues – Fondazione Giacomo Brodolini, 2009), p. 3.

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Corruption and the Economic Crisis: Empirical Indications from Eastern Europe

Abstract: Corruption is a widely studied phenomenon in the social sciences. Although pervasive, corruption is of difficult empirical measurement since it refers to a wide range of social, economic and political practices. Moreover, there is not a single methodological approach to corruption due to its complexity and high cultural variability. In Eastern Europe corruption is described as strongly dependent on the socialist experience, as well as on the dynamics of post-socialism. Following EU accession significant changes have been introduced to fight corruption and to improve institutional performance, however, the recent economic recession, coupled with the style of EU structural funding schemes may seriously undermine the success of these efforts bringing to the forefront problems of transparency, loss of trust and credibility of state and local government administrations.

Corruption lacks a unitary definition in the social sciences. This is often related to the difficulty encountered by scientists to apply a single working definition which accounts for the several variations (in time and space) of corruption. The most commonly adopted definition is: the abuse of a public office in order to pursue private interests. This definition, however, does not apply to the case of corruption in private enterprises where the political connotation of the phenomenon is not clearly expressed.

Corruption constitutes a type of fraud, entailing illegal ways of acquiring financial or material benefits (such as money, career progress, and other assets including land, houses and buildings, cars, trips and so forth) avoiding

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fiscal control. Corruption is a social mechanism which bridges the public and the private spheres, irrespectively of the type of asset involved. This perspective allows the social scientist to make use of interdisciplinary approaches and methods which stress the benefits of individual actions, on the one hand, and the perceived usefulness of these actions, on the other.

Social scientists have tackled corruption following three general approaches. The first focuses on the rational choice of individuals. Corrupt practices are justified by the common assumption, not far from the idea of *homo oeconomicus*, under which each individual will pursue his personal interest if allowed to do so. Corruption is then the opportunity to obtain particular benefits, and their values increase in relation with some factors: the number of these benefits, the scarcity of access to resources, low levels of social trust and cooperation.¹

Corruption is a social mechanism which bridges the public and the private spheres, irrespectively of the type of asset involved.

The second approach can be termed institutionalist. Corruption emerges when particular structural features of the economic and political institutions leave space for its consolidation. A number of authors agree with the idea that a free, unrestricted market competition, for instance, lowers the incidence of trust on the democratic states.² The cases of strong state control on the economy, as well as the monopolizing behavior of political cliques over assets, benefits and resources are typically

quoted as some of the most natural breeding sources of corruption. Furthermore, the institutionalist approach can individuate the consolidation of international (or transnational) political networks (such as the EU) which operate beyond the state and impose the will of interest groups onto local politics. Also in this case corruption is expressed as functional to these particular shapes of institutional arrangements, and eventually fostered by their strength and degree of control over funding.

¹ D. Kaufmann, P. Siegelbaum, "Privatization and Corruption in Transition Economies", *Journal of International Affairs* Vol. 50, No. 2 (1996), pp. 419-458; C. Anderson, Y. Tverdova, "Corruption, Political Allegiances and Attitudes towards Government in Contemporary Democracies", *American Journal of Political Science* Vol. 47, No. 1 (2003), pp. 91-109; S. Rose-Ackerman *Corruption and Government. Causes, Consequences and Reform*. (Cambridge: Cambridge University Press, 1999).

² C. Bliss, C. Di Tella, "Does Competition Kill Corruption?", *Journal of Political Economy* Vol. 105, No. 5 (1997), pp. 1001-23; D. della Porta *Lo scambio occulto. Casi di corruzione politica in Italia*. (Bologna: Il Mulino, 1992); P. Mauro, "Corruption and Economic Growth", *Quarterly Journal of Economics* Vol. 110 (1995), pp. 681-712.

The third approach is culturalist. Corruption is a cultural variable of a society: there is a tendency to pinpoint at the historical conditions which have allowed the development of a stronger or weaker sensibility towards corrupt practices. One of the most commonly used explanations for the high variability of corruption in political and economic systems is that different cultural backgrounds may reject or justify practices such of informal social and economic relations, values attached to individualism instead of cooperation, familism, envy, mistrust.³

All these approaches, taken singularly, have revealed some form of analytical weakness. The first does not allow for a proper distinction between private and public interest, especially in cases of profound and rapid social transformation. In Eastern Europe, for instance, the rapidity and violence of the post-socialist transformation and the resilience of socialist value orientations have facilitated the spreading of corruption in the economic and political institutions.⁴ The institutionalist perspective allows for more sophisticated analyses of a political and economic nature. However, there has been a kind of circularity in this approach, particularly on the assumption that excessive state control over the economy can foster corruption, when the same result is brought about by conditions of weak state control and by the influence of political and institutional networks cross-cutting the state. The tendency to approach corruption as a functional aspect has produced detailed but often oversimplified and static models which do not account for the strong degree of national variation of these practices and their underpinning ideas.⁵

The third approach has been criticized in particular by the recent anthropological literature on corruption. One point of critique is that resorting to culture as a methodology for studying corruption may provide analytically weak.⁶ First, corruption is a form of power, and as such needs to be analyzed not only in relation with the actual practices, but also as a discursive form, following the language and

³ L.L. Cavalli-Sforza, M.V. Feldman *Cultural Transmission and Evolution: a Quantitative Approach*. (Princeton: Princeton University Press, 1981); Y. Mény *La Corruption de la République*. (Paris: Fayard, 1992).

⁴ F. Varese, "The Transition to the Market and Corruption in Post-Socialist Russia", Williams, R. (ed) *The Politics of Corruption*. (New York: Edward Elgar, 2000), pp. 547-564; A. Sajó, "From Corruption to Extortion: Conceptualization of Post-Communist Corruption", *Crime, Law and Social Change* Vol. 40 (2003), pp. 171-194; Torsello, D., "The Temptations of Corruption. Legality in Comparative Perspective: Central Eastern Europe and Southern Italy", *Journal of the Slovak Foreign Policy Affairs* Vol. VI, No. 1 (2005), pp. 92-96.

⁵ B. Rothstein, D. Eek, "Political Corruption and Social Trust. An Experimental Approach", *Rationality and Society* Vol. 21, No. 1 (2009), pp. 81-112.

⁶ D. Haller; C. Shore (eds) *Corruption. Anthropological Perspectives*. (London: Pluto Press, 2005).

meanings that social actors attribute to it. Secondly, it is highly reductive to consider corruption as a form of political misconduct diffused only (or mainly) in those countries with particular economic and cultural features. Corruption is a universal phenomenon, what differs is its perceived strategic utility and moral significance.⁷ Thirdly, even when paying attention to the cultural dimension of corruption static approaches which look at corruption as a mechanism of equilibrium tends to overlook the importance of social and even cultural variations.

Analytical Problems

The present conditions of global economic recession, increase of poverty, lack of credibility and trustworthiness of international organizations and transnational

One of the reasons why anthropology has remained extraneous to grand theories of corruption and trust is that culture has been often used by other disciplines in as scarcely critical fashion to account for a number of institutional, formal and structural weaknesses and shortages.

institutions as well as the widening gaps between countries 'endemically' affected by corruption and those comparatively 'immune' call for a comprehensive interdisciplinary approach to corruption. Nonetheless, one of the reasons why anthropology has remained extraneous to grand theories of corruption and trust is that culture has been often used by other disciplines in as scarcely critical fashion to account for a number of institutional, formal and structural weaknesses and shortages. The problem of a cultural(ist) perspective of trust and corruption is that it can easily (if not comfortably) be used to fill interstices and gaps between theoretical models, often unable to account for local variations in practices, ideas and ideologies.

The social anthropologist Italo Pardo warns on the importance of analyzing the moral bases on which both the corruption and

the anti-corruption discourses are grounded.⁸ Attention to conflicting moralities, however, cannot be easily constructed on the admittance that particular cultural

⁷ A. Gupta, "The Discourse of Corruption, the Culture of Politics and the Imagined State", *American Ethnologist* Vol. 22, No. 2 (2005), pp. 375-402.

⁸ I. Pardo, "Introduction: Corruption, Morality and the Law", I. Pardo (ed) *Between Morality and the Law. Corruption, Anthropology and Comparative Society*. (London: Ashgate, 2004), pp. 1-18.

conditions may or not allow the consolidation of corruption and the low levels of social trust. Culture alone, however, is of little help since it does not provide the scholar with the necessary tools to analyze trust and corruption as global and universal phenomena. A quantitative example can be introduced to stress further the idea of the weakness of the culturalistic approach.

In the last two decades corruption has been the object of quantitative attempts to measure its impact on the functioning of political and economic institutions. Among those institutions which aim to develop this measure is Transparency International. This organization has developed the world's most quoted country index of corruption (Corruption Perception Index, CPI) according to which each country is every year ranked from 1 (most corrupt) to 10 (least corrupt). The following is an excerpt from the years 2008 and 2009.

From these data emerges a differentiation in four clusters. The first is occupied by the more 'virtuous' countries, Slovenia and Estonia, which distance by 20 positions the second cluster. The second cluster is composed by Central Eastern European countries, all scoring mid-range levels. The third cluster includes Balkan countries such as Romania and Bulgaria, with considerably

Table 1. CPI Trends in 2008-2009

Country	Ranking*	CPI (2009)	CPI (2008)
New Zealand	1 (1)	9.4	9.3
Denmark	2 (1)	9.3	9.4
Estonia	27 (20)	6.6	7.2
Slovenia	27 (23)	6.6	6.9
Hungary	46 (47)	5.1	5.1
Poland	49 (58)	5.0	4.6
Czech Republic	52 (45)	4.9	5.2
Slovakia	56 (52)	4.5	5.2
Bulgaria	71 (72)	3.8	3.6
Romania	71 (70)	3.8	3.8
Ukraine	146 (134)	2.2	2.5
Russia	146 (147)	2.2	2.1
Somalia	180 (180)	1.1	1.4

Source: Transparency International Corruption Perception Index

* in parenthesis is 2008 ranking

higher levels of corruption. The fourth cluster includes Ukraine and Russia, which score about a hundred positions below the second cluster, and are 36 positions ahead of the last in the ranking (Somalia).

As elegant and immediate this index might appear, it fails to portrait the complexity of corruption in Eastern Europe for three reasons. First, the composition of the clusters emerging out of the index seems to correspond roughly to the economic performance of the post-socialist countries. This would confirm that in principle better economic conditions lower corruption. However, this is not necessarily the case considering the contrast with the national differences in GDP. In 2009 Ukraine, for instance, had the third GDP among the quoted countries, after Czech Republic and Hungary. Estonia, on the other hand, scored last among the quoted countries with nearly one third of Bulgaria's GDP. Secondly, the index data show a degree of stability over the last two years which is higher in the more rather than in the less corrupt countries. The oscillations from 2008 to 2009 present in Estonia, Poland and Czech Republic, and to a minor extent in Slovakia, provide a complex picture in which each country, according to ongoing scandals or affairs of misgovernment can lose or gain positions within a year. Variability of these data suggests that the CPI is not absolute and cannot easily provide concrete answers on the differences at national aggregate level. Thirdly, the index perpetuates a division of the world which, except for few cases, is coincident with the Cold-War-period division in First, Second and Third World. From this perspective, corruption seems to have become a more powerful indicator than economic statistics, such as those measuring economic growth, because it justifies the need of intervention in the problematic Eastern European cases.

Empirical Indications

An anthropological study of a theoretically solid but empirically problematic notion, such as corruption, can be constructed in two directions. The first is the analysis of the practices of corruption and anti-corruption. This includes a differentiation between types of corruption (political, party-level corruption, corruption in bureaucracy and public officials and in economic enterprises), the measures undertaken to fight this phenomenon, including the country legislation and institutional arrangements such as police and Special Forces. The second approach explores how far corrupt practices are perceived as virtuous or fraudulent, how far it is morally desirable to bribe an official or a politician in order to reach a determinate goal. The issue of the public perception is extremely sensitive and needs to be addressed not only from the perspective of

the citizens and the local society, but also by paying attention to ways in which the media reproduce issues of corruption.

In Central Eastern Europe corruption is often openly perceived and depicted as a kind of evil which should be fought publicly. It is true that the state anti-corruption measures and the development of an umbrella of civic organizations against such practices were part of the EU enlargement requisites for the new member states. This has certainly favored the consolidation of an anti-corruption rhetoric in Eastern Europe which in some western European countries is still weak. In this direction the role of national media is very significant. Local media in Slovakia provide daily portraits of corruption stirring the constant attention of readers and television consumers through some standard images: the types of villas built by corrupt politicians, their luxury cars, the number of relatives in key companies and political positions and even the destinations of their vacations. These news are extremely frequent on local tabloids and opinion making magazines and the effect of this over-exposure to corruption is often quite perverse. The image provided by local media is often that of a population of political personalities dominated by greed. Greed is, however, not necessarily perceived as a vice since its individualistic drive may, in the case of corruption, become counterbalanced by the inherent social nature of these practices, used as an instrument to help friends and

relatives in a social reality in constant transformation. Corruption may easily become a powerful instrument not only to maintain alliances and political factions, but a commonly accepted social practice which is rendered familiar to the general public as 'corruption talk' and eventually acquires legitimacy as part of the political world. This perception of corruption as 'functional' to a political system is more easily accepted in contexts, such as the Eastern European one, undertaking rapid institutional transformation. It is not a wonder, then, that a survey conducted in Slovakia in 2008 shows that 71.2% of respondents justify evading taxation and 67.3% find it reasonable to accept bribes during office. On the other hand, also following the requirements towards EU accession Central Eastern European countries have followed significant steps towards the consolidation of legal and institutional anti-corruption measures. Among them,

Corruption may easily become a powerful instrument not only to maintain alliances and political factions, but a commonly accepted social practice which is rendered familiar to the general public as 'corruption talk' and eventually acquires legitimacy as part of the political world.

for instance in the case of Slovakia, is the creation of a special corps of police, committees for the control of corruption legislative developments, training for auditors and the preparation of a *Corruption Prevention Handbook*.⁹

In my ongoing research I am exploring the impact of EU structural policies in the new member states of Central Eastern Europe. In particular, the implementation of road construction projects which belong to the umbrella of

One of the most relevant problems will be whether citizens will be prone to develop cognitive and moral responses to corruption on the basis of their involvement in civic projects and collective action.

the TENT¹⁰ has brought about in the countries I examined (Slovakia, Hungary, Czech Republic and Bulgaria) high degrees of political and economic corruption. The case studies focus, on the one hand, on the consolidation of environmental civic organizations and on the transmission of knowledge about corruption. On the other hand, attention is paid to the establishment of transnational political ties within the EU which facilitates instead of prevents corruption. At the EU level corruption starts from the initial steps of the planning of the highways and railways, i.e. when the decisions have been made over which regions and cities will benefit of the development

of transport and which cartels of companies will get its territorial share. At state level, the most recurrent case of corruption is the concession of building contracts through bids to construction companies close to political figures in the national as well as local arenas. These transactions do not bypass local (municipal and regional) authorities, which are of fundamental importance for the completion of the road projects. Corruption is a transnational and trans-

⁹ "Corruption in Slovakia. Results of Diagnostic Surveys", World Bank (New York, 2001); "Follow-up of the Implementation of Phase 2 Recommendations. Application of the Convention on Combating Bribery of Foreign Public Officials", OECD (2008).

¹⁰ Under the terms of the Maastricht Treaty, signed in 1992 and enforced in 1993, the European Union elaborated a complex plan of development of its transport network, named the Trans-European Transport Network (TEN-T). The project, which became operative in 1996, aimed at improving the transport of people and goods among the European Union states and along two main axes: the Mediterranean and Eastern Europe. The early project list, which included ameliorations to highways, speedways, bridges, sea and river transports, airports, harbors, included 14 interventions, all located in the western European member states. In 2004, following the EU Enlargement, the TEN-T has been extended to a total of 30 priority projects, a half of them including Central Eastern European countries.

local phenomenon which gains strength because of the very nature of the EU structural funds.

Although corrupt practices are in these countries exposed to public and general attention (there is here a higher formal level of data transparency than in some western European countries), and the general public is inclined to hear about them, more than about the environmental damage of these road projects, this does not lead to overt denunciations of corruption. Public concern about corruption is not necessarily a deterrent to institutional trust and, eventually, those politicians who have stronger political networks with lobby groups are still the most popular among citizens looking for support and patronage. Civic organizations in some cases (for instance in the Czech case) have been able to make use of corruption as a fruitful instrument of communication with local citizens and even with Brussels. In other cases, however, local political institutions, thanks to the control of media, have discredited the civic organizations (for instance in Slovakia and Hungary) bringing their activity within a general conflict of private versus public interests. Corruption, in this case, has been of little help since it has been rendered unclear whether those fostering environmental activism are completely out of its temptations. Finally, in the Bulgarian case, where corruption has led the EU to adopt the unprecedented decision to suspend funding to the whole country, public talk about corruption is presently so widespread that I noticed a general tendency to use it as a populist rhetoric. Here the distinction between grand and petty corruption is so blurred that it becomes extremely difficult to manifest to the public the harms and negative consequences of concrete cases of corruption such as those related to the construction of highways.

Conclusion: Corruption in Times of Economic Crisis

The main difficulty of dealing with corruption in empirical terms is that the gap between institutions, laws and political actions against corruption and the actual public perception of the harms of corruption is often too wide to be filled. In Eastern Europe there are the conditions to bring positive institutional contributions to the fight of corruption due to the pace of the institutional transformation and the higher degree of transparency in the media coverage of these problems. However, the degree of social uncertainty and the profound changes in values which have accompanied post-socialism provide a fertile ground to the public acceptance of these practices. To this one adds that the economic crisis has strengthened the widespread ideologies of heavy state intervention in the political and economic spheres. There is the risk that higher

state control will limit the scope and dynamism of anti-corruption institutions and movements, promoting the justification of planning in economic intervention and hence hampering transparency. Moreover, the degree of transnational intervention which characterizes EU structural funding may significantly affect the proper functioning of political institutions bringing to the forefront issues of transparency, informality and political apathy. One of the most relevant problems will be whether citizens will be prone to develop cognitive and moral responses to corruption on the basis of their involvement in civic projects and collective action. Evidence from empirical research on this issue leaves hopes for a critical standpoint with regards to the alleged 'virtuous' functions of corruption and informal practices in times of economic crisis.

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Dominik Jankowski, Tomasz Kowalik

NATO-Russian Relations in the New International Security Environment

Abstract: The aim of the article is to present both perspectives on the NATO-Russian relationship through the lens of recent events as well as some official documents. Indeed, NATO-Russian relations still undergo the recalibrating process. There are, therefore, three crucial issues to be analyzed. Firstly, one should present how the international security paradigm has evolved in the last decade and changed NATO-Russian relations. Secondly, authors try to answer the question whether Russia is ready to face together with NATO the new type of ever-evolving challenges and threats. Thirdly, a final crucial question arises: Is NATO prepared to forge a long-lasting consensus on a common stance towards Russia, which could be labeled in short as engagement and reassurance, or will internal divisions within the Alliance remain or even grow?

There is something unique and ambivalent about the NATO-Russia relationship. During the Cold War it was clearly a hostile and counterweighing one. After the dissolution of the bipolar world this relationship was supposed to evolve and change. Currently, NATO-Russian relations, even if more formalized, still do not meet the expectations of both sides. On the one hand, these two main

The opinions, findings and conclusions expressed herein are those of authors and do not necessarily reflect those of the Polish Ministry of National Defense or the General Staff of the Polish Armed Forces.

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international affairs actors have never been closer, mainly due to the significant changes in the world security context after September 11, 2001. Indeed, NATO and Russia in reality face many similar challenges to their security, including transnational threats such as global terrorism, or the proliferation of weapons of mass destruction. To properly address them it should be in their mutual interest to forge a new relationship, based on a genuine partnership. On the other hand, such relations would have meant that in order to reach a consensus both parties should take into account the interest of all European states, including those in Central and Eastern Europe. This however, after the Russian invasion into Georgia in August 2008 and several other occurrences remains difficult to achieve.

The NATO-Russian relationship, recently overshadowed by the American 'reset' policy towards Moscow, still undergoes the recalibrating process. For Russia, the NATO enlargement – from the 1997 decision to enlarge two years later to the debate about Georgia and Ukraine in April 2008 – continues to be the main complaint. The American plan to install a missile defense shield in Poland and the Czech Republic was another sore point. For NATO and the West more broadly, Russia's stance towards its neighbors and countries in its geographic vicinity, such as Georgia, Ukraine, the Baltic States and countries of Central and Eastern Europe, has spurred a steady stream of accusations about Russian hegemony.

The aim of this article is to present both perspectives on the NATO-Russian relationship through the lens of the recent events as well as some official documents. There are three crucial questions that arise. Firstly, how has the international security paradigm evolved in the last decade and changed NATO-Russian relations? Secondly, is Russia – especially in light of the recent Strategy for National Security and its Military Doctrine – ready to face together with NATO the new type of ever-evolving challenges and threats? Thirdly, is NATO prepared to forge a long-lasting consensus on a common stance towards Russia, which could be labeled in short as engagement and reassurance, or will internal divisions within the Alliance remain or even grow?

The New Paradigm of International Security

When the Cold War ended two decades ago it has become largely clear that the global power constellation will evolve into a less predictable one. Despite the optimistic predictions of the *end of history*, a term coined by Francis Fukuyama, international relations have not become less volatile and more rational. On the contrary, the recent two decades have been marked by *the return of history*

and the end of dreams.¹ Hence, with this shift international security has also changed. Bipolarity, in spite of many negative aspects, ensured some global level of predictability in security. The new security paradigm has been mainly characterized by the impossibility to predict how challenges will emerge and what form they might take.² In this original environment both NATO as well as the then dominant powers, the United States and Russia, have had to relearn to act and react on the international stage. This mission has not yet been accomplished with success. Thinking about the future, however, requires an understanding of both what is timeless and what will likely change. Many features remain the same. As Thucydides suggested in the 5th century BC, “the events which happened in the past will some time or other in much the same way be repeated in the future”.³ That stated, it must be underlined, that despite the intellectual climate in much of the Western world, conflicts will not disappear. Therefore, the international actors, being an organization or national state, found themselves trapped between the necessity to promote peace and stability and the need to fight against the powers which disrupt the political, economic and military stabilization to their own ends.

Despite the optimistic predictions of the end of history, a term coined by Francis Fukuyama, international relations have not become less volatile and more rational.

The first decade of the 21st century has become a testimony of the following premise in international relations: conflicts – whatever their nature is – are the principal driver of change over the course of history, triggering both disruption and insecurity. There is no reason to believe that the upcoming decades will differ in this respect. In the course of these ten years we could observe several disturbing aspects: spread of terrorism leading to irregular warfare, conflicts in Afghanistan, the Gaza Strip, Georgia, Iraq, Lebanon, Somalia, Sudan, and Yemen, the race for energy resources as well as the economic crisis marking the turning point of globalization.⁴ Despite all aforementioned aspects what the world has witnessed in the last decade is not a resurrection of classic anarchism. Currently the power of stabilization has its roots in international organization of

¹ R. Kagan *The Return of History and The End of Dreams*. (New York: Knopf, 2008).

² J.D. Kiras “Irregular Warfare: Terrorism and Insurgency”, J. Baylis, J. Wirtz, C.S. Gray, E. Cohen (eds) *Strategy in the Contemporary World: An Introduction to Strategic Studies*. (New York: Oxford University Press, 2007), pp. 163-166.

³ Thucydides *The History of the Peloponnesian War*. trans. by R. Werner. (London: Penguin Books, 1954), p. 48.

⁴ F. Gağor, “NATO jednej prędkości”, *Gazeta Wyborcza* (March 12, 2010), p. 22.

different kind and with varying aims. NATO, as well as the United Nations or the European Union, can be considered as the *forces stabilisatrices*, persistently struggling to transform the surrounding environment or to adapt to it when the transformation seems unattainable. As Immanuel Wallerstein once stated: “Chaos, to be sure, never goes on forever. Chaotic situations eventually breed their own resolution in what Prigogine and Stengers called ‘Order Out of Chaos’ in the English title of their classic work.”⁵ As the authors emphasized, in the midst of a bifurcation, there is creativity, there is choice, but we cannot be sure what choices will be made.”⁶

The questions for the world today – including primarily international organizations (UN, NATO, EU) and current as well as future global state powers (US, China, India, Russia) – are just that: what shall we choose, how shall we choose, and how may we try to achieve the result that our choices shall prevail? The relationship between ends and means drives the logic of potential answers. However, to acknowledge them one must analyze the main threats and challenges for the upcoming decades. Therefore, there are at least seven potential ‘battlefields’ for the international actors:

- international terrorism and threats of unconventional power;
- proliferation of weapons of mass destruction;
- geopolitical competition among conventional state powers;
- mineral resources (foremost energy resources and water) scarcity;
- rapid technological development leading to cyber threats and possibly other dangers;
- climate change and global warming;
- geoeconomic changes after the recent global financial crisis

Firstly, while states and international organizations will remain the principal brokers of power, there is an undeniable diffusion of power to unconventional, non-state or trans-state actors.⁷ The main tool of the above mentioned groups remain the utilization of terrorism against populations to achieve their aims. In such case this type of international actors possess no regard for international agreements and norms. In the recent decade terrorist attacks have occurred in almost all parts of the world, as the international terrorist organizations act irrespective of national borders, political systems, ethnicity or religion. Whether in Afghanistan, where NATO is heavily involved, or in the Northern Caucasus

⁵ I. Prigogine, I. Stengers *Order Out of Chaos: Man’s New Dialogue with Nature*. (New York: Bantam, 1984).

⁶ I. Wallerstein, “Where is the World Heading?”, *Dialogue of Civilizations Bulletin* (2008); <http://www.wpfdc.org/en/analytical-materials/163-wallersteinwhengl>.

⁷ J.D. Kiras, *op. cit.*, pp. 163-166.

where the Russian government struggles to fight the local jihadist movements also known as 'home-grown Islamic fundamentalism'⁸, the threat remains the same. It is with a very high degree of probability that this challenge will remain at the forefront of the global security concerns, especially if the new terrorist groups have learned from al Qaeda's shortcomings and mistakes. The new radical cadres and operational fields have already been formed.⁹

Secondly, the structural weaknesses of the global non-proliferation regime (especially the Nuclear Non-Proliferation Treaty) have translated into growing proliferation challenges, especially since the Cold War waned. Without the bloc discipline of the bipolar international system, it has become ever more challenging to 'keep potential proliferators in the box'. The viability of US nuclear security guarantees has decreased in the volatile international system dominated by regional geopolitical struggles. This has prompted some US allies to give serious consideration to develop indigenous nuclear deterrent capabilities. Meanwhile, countries traditionally hostile to the US have begun to adopt an even more intransigent stance, especially once Washington adopted a policy of pre-emptive strikes after the attacks of September 11, 2001.¹⁰ The map below presents the current state of affairs in the nuclear arms domain.

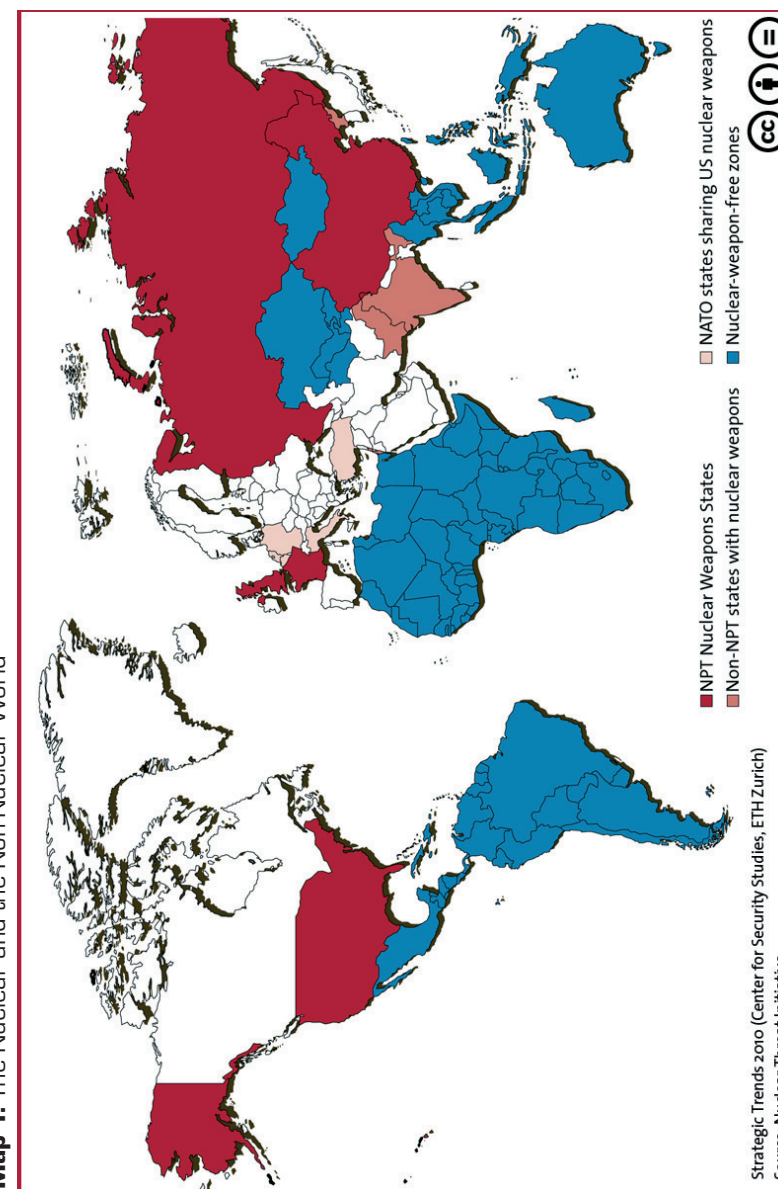
Thirdly, it has apparently become very common to suggest that state actors have considerably been losing their influence on the global scene. However, one needs to point out the recent revival of the geopolitical struggle between nation states. Indeed states in almost any form, especially those with mature and effective governance institutions, have been the foundation of all human affairs since the dawn of history. Moreover, the dysfunctionality of failing or weak states – such as Afghanistan, Haiti, Iraq, Sierra Leone, Somalia or Yemen – is further testimony to the utility of a working

⁸ "Russia and its Regions: Beyond the Kremlin's Reach", *The Economist* (January 30, 2010), pp. 36-37.

⁹ S. Metz, "Destroy the Taliban's Sanctuary", *Joint Forces Quarterly*, Issue 54/09, p. 62.

¹⁰ D. Möckli *Strategic Trends 2010. Key Developments in Global Affairs*. (Zurich: Center for Security Studies, 2010), pp. 72-74.

Map 1. The Nuclear and the Non-Nuclear World



Source: D. Möckli, *Strategic Trends 2010. Key Developments in Global Affairs* (Zurich: Center for Security Studies, 2010), p. 71.

state. China's rise, the 'unipolar moment' of the US as well as the demise of Russia represent the most significant state-related events on the international horizon since the collapse of the Cold War. The new geopolitical rivalry, which is mostly resources driven, has already commenced in Central Asia and the Caucasus (vide the 2008 Georgian-Russian conflict¹¹ as well as the 2010 Kyrgyzstan revolution), in Africa (vide Chinese political and economic outreach on the whole continent) or finally in the Arctic region (Russia, US, Canada as well as other polar states).

Fourth, the new paradigm of international security includes the growing dependency on energy resources on one hand and their scarcity on the other. Therefore, the potential implications for future strive for oil, natural gas as well as water are ominous. At the turn of 2009, the political outlook for oil-producing states was not optimistic. The oil price had dropped to below \$35/b, having stood at \$147/b a mere six months earlier. It was widely expected that this decline would take a number of political casualties with it. After all, the logic that high oil prices are the route to political stability and economic growth of producer states at home and enable them to project power abroad applied not only to the Persian Gulf, but also to Venezuela, Russia, West Africa, and, to a lesser degree, the Gulf Cooperation Council (GCC) states. Contrary to expectations, however, regimes in producer states did not fall.¹² Therefore, if the major developed and developing states do not undertake a massive expansion of production and refining capabilities, a severe energy crunch is still more than inevitable. For example, the current capacities and the development of the existing oil reserves cannot keep up with permanently increasing demand.

Moreover, one should not ignore the prospect of wars over water. The Six-Day War in 1967 between Israel and its neighbors was partly related to the Jordanian and Syrian efforts to dam the Jordan River. So has the persistent crisis in Darfur region been spurred by water scarcity causing the destabilization of both Sudan and its neighbors: Chad and the Central African Republic.

Fifth, the pace of advances in technology has vitally contributed to the emergence of the new challenges and threats for international security. The most clear and undisputed example is the cyberspace – an already existing operational battlefield in the fifth – after land, water, air and space – dimension. In the context of almost exponential changes in information technology the great risk of using the technological advances to attack, degrade, and disrupt communications and the flow of information will prevail. If the pace of these

¹¹ R. Asmus *A Little War that Shook the World*. (New York: Palgrave Macmillan, 2010), pp. 216-234.

¹² D. Möckli, *op. cit.*, p. 86.

advances holds true, the already emerging necessity of addressing the new cyber challenges will be greater than ever both for international military organizations as well as the nation states.

Sixth, the impact of climate change, especially global warming, has become a major international concern. Climate change should be therefore perceived as any long-term significant change in the 'average weather' that may have an impact on international relations.¹³ In this context climate change might cause natural disasters, such as tsunamis, typhoons or hurricanes as well as other harmful phenomena including rising sea levels.

Finally, the financial and economic crisis has been a defining trend of international affairs over the past two years. It has provoked an undisputed shift in economic power – from the West to the East. Currently the West has huge liabilities from stepping in to save the financial system and took a further fiscal hit when launching stimulus measures to rekindle economic growth. The East's newly found geo-economic clout will take a long time to translate into clear geopolitical gains, but international institutions have to adapt sooner rather than later to these power shifts. The new world economic chess-board has just emerged recently, but will stay as a determining security factor in the following decades.

The new international security paradigm, characterized with the above mentioned challenges, has already vitally and considerably affected both NATO, including all member states, as well as its neighbors – foremost Russia. Thus, NATO will be challenged to maintain its primarily deterrent posture without, however, depriving itself from the capabilities to be engaged outside the transatlantic area. Furthermore, the Alliance will also have to learn how to cooperate with its largest and most powerful neighbor. Only a mutually benefiting relationship, based not only on mutual interests, but also on respecting fundamental values and principles, could help both sides to counterbalance the aforementioned ever-evolving challenges and threats.

The financial and economic crisis has been a defining trend of international affairs over the past two years. It has provoked an undisputed shift in economic power – from the West to the East.

¹³ "Multiple Futures Project. Navigating towards 2030", *Final Report*. (Norfolk: Allied Command Transformation, 2009), p. 16.

The Current Debates on the Russian Vision of NATO-Russian Relations

In order to understand the context of the NATO-Russian relationship in the new global security environment one has to refer to the unique character of this relation. Indeed, NATO-Russian relations have come a long way which has been marked with numerous obstacles and challenges. From the regional confrontation in Europe in the Cold War time, the relationship has since then gone through controversy and cooperation in both regional as well as more global aspects. Geographically, relations range from the Mediterranean to Central Asia, from the High North to Caucasus. NATO-Russian relations – viewed from the Kremlin perspective – are, however, rather an ambiguous term. The Russian perception is, therefore, comprised of ‘mixed geopolitical feelings’ as on the one hand, NATO still remains – at least in official documents – the greatest danger to Russian security. On the other hand, Russia in the last decade has been seeking to regain its image and esteem on the international stage by among others bilaterally cooperating with the main regional and global powers, such as the United States, Germany, France or Italy – all of them being significant players within the North Atlantic Alliance. How should Russia, therefore, be understood and interpreted in terms of its relations towards NATO in the new security environment? What crucial documents address challenges and threats as well as describe the future of NATO? In light of these documents, how is Russia’s military and political threat perception presented?

The end of the Cold War gave a new, mostly unexpected, impetus to the NATO-Russia relationship. Boris Yeltsin declared in December 1991 that the new democratic Russia might even consider joining NATO. In fact, the text of his address to the North Atlantic Cooperation Council was retroactively revised because the request met with a lack of understanding.¹⁴ Since then the situation has evolved in a rather different and less visionary direction. Firstly, it has to be underlined that NATO and Russia are now officially partners, linked by the NATO-Russia Council (NRC). Transformed from the NATO-Russia Permanent Joint Council in 2002, the NRC meets regularly and provides the trappings of equality for Russia in this relationship, bringing together now 28+1 members. Moreover, both sides have now established a permanent presence with the other; given the Russian mission to the NATO headquarters, an office at Supreme Headquarters Allied Powers Europe (SHAPE) and NATO’s Liaison Mission and

¹⁴ A. Zagorski, “Russia and the West”, *Russian Analytical Digest*, Issue 26/07, p. 2; D. Trenin, “NATO and Russia: Partnership or Peril?”, *Current History* (October 2009); <http://www.carnegie.ru/publications/?fa=24039>.

Information Office in Moscow.¹⁵ The relationship has, therefore, obtained its necessary formal exterior image, granting Russia the possibility to influence the debate with the Alliance as a whole. However, it seems that NATO-Russian relations in the NRC format¹⁶, could be easily characterized by its constantly growing superficiality and the lack of concrete, consensus-based and long-term projects. Thus, it seems therefore that for Russia – in the new geopolitical context – bilateral relations with global and regional powers are of a more considerable importance than its cooperation with multilateral organizations, including both NATO and the EU. Russian foreign policy has therefore adopted a mixture of ‘selective multilateralism’, especially towards NATO, coupled with so called ‘coercive bilateralism’ towards some of the Central European states. The successful implementation of that strategy has allowed Russia to gain more international attention.¹⁷

To understand more clearly the Russian stance towards cooperation with NATO one should recall the New START Treaty, signed between the United States and Russia on April 8, 2010 in Prague. Even though this treaty is a modest step in terms of the actual reductions, its signing is nevertheless the first major foreign policy achievement for Dmitry Medvedev as president. It also symbolizes two important psychological achievements for the Kremlin. First of all, the new treaty discards the START 1 Treaty which was criticized by Russia, foremost for the intrusive verification regime – the symbolic confirmation of the Russian international weakness in 1991.¹⁸ Secondly, the New START recognizes Russia and the United States as equal partners that decide about the future of international relations. Therefore, the new treaty makes an appearance as if it had restored Russia’s formal superpower status.¹⁹

Russia is, however, no doubt, aware that the New START Treaty itself will not shape the image of the international agenda. The ever-evolving challenges and threats, which constantly mould international relations, are to be addressed to some extent within the national capabilities. Therefore, it is necessary to analyze

¹⁵ A. Monaghan, “Prospects for Developing NATO – Russia Relations”, *Russian Analytical Digest*, Issue 26/07, p. 14.

¹⁶ The official NRC works and meetings were suspended from August 2008 to December 2009 in the wake of Russia’s invasion into Georgia in early August 2008.

¹⁷ M. Leonard, N. Popescu *A Power Audit of EU 27-Russia Relations*. (London: European Council on Foreign Relations, 2007), p. 15; See also P.B. Doran, “Central European Atlanticism: Eroded by Russia?”, *Central Europe Digest Issue Brief*, No. 110, p. 4.

¹⁸ J.P. Anders, “A Good START”, *ISS Analysis*, EU Institute for Security Studies (2010), p. 2.

¹⁹ *Ibid*, p. 2; S. Rogov, “Shestaia popytka strategicheskogo mira”, *Nezavisimaya Gazeta* (April 8, 2010); http://www.ng.ru/politics/2010-04-08/1_6th_try.html.

the three following documents which constitute the basic fundamentals of the Russian vision of both national and international security, namely:

1. Strategy for National Security to 2020;
2. Military Doctrine;
3. Plan for a New Pan-European Security Regime.

The Strategy for National Security to 2020, which president Medvedev signed on May 12, 2009, singles out the domestic and foreign threats and indicates the possible ways of extracting the country from the current

Moscow devoid of significant allies with an economic output comparable to that of France, and a standard of living that is far below that in Europe at large, must find the means to secure a huge territory and long borders, end the violent conflicts in the Northern Caucasus as well as to secure its international position and esteem.

challenging situation. The state of affairs in Russia is not entirely an enviable one. Moscow devoid of significant allies (apart from several post-Soviet republics, such as Armenia, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan or selected Central and South American states, such as Bolivia, Cuba, Nicaragua or Venezuela), with an economic output comparable to that of France, and a standard of living that is far below that in Europe at large, must find the means to secure a huge territory and long borders, end the violent conflicts in the Northern Caucasus as well as to secure its international position and esteem.²⁰ Russia also seems to be facing a significant demographic challenge in the years to come. Despite these facts, the new strategy depicts Russia as a country that has almost overcome its domestic crisis, has resurged economically, and demands to be accorded an equal position with the other

global players. Russia perceives itself as a new centre of economic growth and political power. Thus, the country expresses its conviction that the European regional security architecture, based on NATO as its cornerstone, is outdated and must be amended accordingly. Moreover, threats to Russia's national interests are seen as emanating from the unilateral use of force in international relations – an obvious reference to the US and NATO – but also from the proliferation of weapons of mass destruction, illegal activities in the fields of

²⁰ H. Schröder, "Russia's National Security Strategy to 2020", *Russian Analytical Digest*, Issue 62/09, p. 6.

cybernetics as well as global information warfare. It should not be surprising that the US and NATO are mentioned as the main adversaries and potential dangers, leaving aside the rise of Chinese power. According to Moscow NATO enlargement bears no relationship to European security, but is an attempt to divide its sphere of influence and threaten Russia.²¹ Therefore, Russia expects NATO member states to put a complete end to direct and indirect elements of their 'anti-Russian policy' both in the field of military planning as well as in the context of political declarations.²² In other words, Russia's current military posture is being driven by the continuing expansion of US and NATO activities into the so called Russian traditional sphere of influence.

On February 5, 2010, president Medvedev signed a public military doctrine of Russia and the classified *Principles of State Nuclear Deterrence Policy to 2020*. The aim of the doctrine was to give more guidelines and precision to the aforementioned strategy for national security. The doctrine, however, does not put forward a comprehensive analysis of Russia's strategic environment or the threats to its security. It mainly concentrates on the trans-Atlantic dimension and does not address for instance the crucial Chinese question. Therefore, the basic threats to Russia's security have been unambiguously linked with the West. The document puts great emphasis on NATO's ambition to take on global functions, the strengthening of its military potential and the future enlargement of the Alliance. The poignant anti-NATO tone of the doctrine is directly linked to the fact that Moscow's current political stance aims at a revision of the European security order formed in the aftermath of the Cold War. Moreover, this firm standpoint is directly linked to the fact that a larger part of the Russian establishment and executive civil servants descend from numerous Soviet secret service agencies.²³ Russia seeks to influence and shape the current geopolitical situation – primarily, preventing the deployment of infrastructure and the US armed forces on the territories of the states which joined the Alliance since 1999. The main threats to the security of Russia should be therefore interpreted in this context.²⁴

²¹ S. Blank, "Threats to and from Russia: An Assessment", *The Journal of Slavic Military Studies* (2008), p. 495; See also "Interview with Russia's Envoy to NATO Dmitry Rogozin", *Russia Today* (July 10, 2008); <http://www.youtube.com/watch?v=cpHnvR8fz0&feature=channel>.

²² *Ibid.*, p. 497.

²³ Ch. Caryl, "Russia Modernizes – the Old-Fashioned Way", *Foreign Policy* (May 10, 2010); http://www.foreignpolicy.com/articles/2010/05/10/russia_modernizes_the_old_fashioned_way; L. Shevtsova, "Zachód demoralizuje Rosję", *Europa. Magazyn Idei* (June 2010), pp. 5-6.

²⁴ M. Kaczmarek, P. Zochowski, "Russia Adopts a New Military Doctrine", *East Week. The Analytical Newsletter* (2010), p. 5.

Furthermore, according to the military doctrine the Russian military receives *carte blanche* to be employed outside of Russia to protect its citizens. A notion that raises serious questions, when considering with what ease Russia has been issuing citizenships to the Russian Diaspora in some of the neighboring countries.

Moreover, Moscow does believe that it is high time to renew Europe's security architecture. As Fyodor Lukyanov, editor-in-chief of the journal *Russia in Global Affairs*, stated: "All institutions dealing with security have their roots in the previous epoch; that is, they were established for an entirely different reality. After the Cold War, the West focused efforts on spreading the influence of its institutions, which had proved their efficacy in the years of ideological confrontation, rather than on creating structures for a new world order."²⁵ Creating a brand new model of interaction requires developing new intellectual approaches. The first of such efforts after the end of the Cold War dates back to 1994 when Russia presented the 'all-European partnership concept' which at that time was intended as a response to the possibility of NATO enlargement. The current Russian plan for a new pan-European security regime, revealed to the broader audience for the first time during the World Policy Conference in Evian (France) on October 8, 2008, has in fact no other short-term objectives as the plan from 1994. In fact, the current goals are to stop NATO enlargement and to loosen trans-Atlantic ties by dividing the Alliance as well as the European Union member states. Some of them, including Italy, Spain, Germany and France, have already positively responded to the Russian offer by expressing their willingness to open the debate.²⁶ Others, such as the United States, Great Britain, Poland, Romania, Estonia, Latvia and Lithuania, but also the NATO Alliance itself, stated that the offer should be negotiated solely within the OSCE structures under the Corfu Process. Russia's proposal is, in a long-term, aimed at depriving NATO of its role as the key security organization in Europe and creating a new pan-European forum in which any decisions taken would have to be approved by all the parties concerned, including Russia. Moscow in the

²⁵ F. Lukyanov, "Europe Needs a New Security Architecture", *Russian Analytical Digest*, Issue 55/09, p. 2; See also "Charlemagne: A New Balance In Europe", *The Economist* (November 21, 2009), p. 36. An interesting venture has been also recently launched by an American think-tank, the Carnegie Endowment for International Peace, which was to consult retired Russian, European and American politicians and diplomats on a future 'inclusive Euro-Atlantic security system'.

²⁶ M. Klein, "Russia's Plan for a New Pan-European Security Regime: A Serious Proposal or an Attempt at Division?", *Russian Analytical Digest*, Issue 55/09, p. 9; R. Śmigielski, "Rosyjskie propozycje na monachijskiej konferencji nt. bezpieczeństwa", *Biuletyn Polskiego Instytutu Spraw Międzynarodowych* 22/630 (2010).

context of the full implementation of its proposal would gain a powerful tool by which it could influence the internal NATO debate. Even though this goal seems unrealistic, the opening of the debate over the pan-European security project is in itself a vital Russian success. Russia has already triggered a discussion within the Alliance over the legitimate Russian security interests. Its result will certainly be discernible in the NATO's new Strategic Concept, to be adopted in November 2010.

Issues on NATO-Russian Relations from the Alliance's Perspective

More than a decade ago, in 1997, NATO and Russia turned history on its head and founded for the first time a special forum for regular consultation on security issues. The two sides were no longer adversaries in the official rhetoric – the difficult past was supposed to be traded into a constructive dialogue and cooperation. Since then, NATO-Russian relations have been marked both with successes and great letdowns, culminating in a complete rupture over the Russia-Georgia conflict in August 2008.²⁷ In fact, this relationship has successively generated waves of disappointment starting first with the Kosovo crisis and finishing with the current anti-ballistic missile defense system debate. Today, the NATO-Russian relationship still can be revamped. One can state that the current stance of the Barack Obama administration towards Russia – widely known as the 'reset' – is the earmark of the future cooperation. However, this reopening should be rather perceived through the bilateral Washington-Moscow ties than the multilateral cooperation between the whole Alliance and the Russian government. When it comes to analyzing challenges and threats stemming from Russia and its foreign policy, NATO remains constantly divided. For some members, with the end of the Cold War, a Russian aggression on an Alliance member was no longer possible. On the other hand, some members remain concerned that Russia will continue to pursue its assertive policies and strategies designed to enhance Russian regional domination.²⁸ Therefore, NATO Member States live in an ambivalent reality. On the one hand, they fear that Russia might become too strong and influential. On the other, a weakened Russia is not really in anyone's interest.

²⁷ "Russia's Armed Forces: Advancing, Blindly", *The Economist* (September 20, 2008), pp. 31-32.

²⁸ A. Braun, "NATO and Russia: Post-Georgia Threat Perceptions", *Russie.Nei.Visions* 40 (2009), p. 12.

In fact, an unstable Russia might prove far more dangerous.²⁹ One should therefore ask: In this context what are the current as well as potential fields of cooperation and dispute in the NATO-Russian relationship? Is NATO ready to adopt a common stance on Russia? Can Russia transform into a predictable and stable democracy that espouses similar values as its partners to the West, such as freedom of speech?

NATO, without any doubt, still remains the fundamental pillar of both European security and the transatlantic bonds. However, the frictions within the organization itself – caused by the distinct vision towards the relationship with Russia – do not enhance the international cohesion of the Alliance.

NATO, without any doubt, still remains the fundamental pillar of both European security and the transatlantic bonds. However, the frictions within the organization itself – caused by the distinct vision towards the relationship with Russia – do not enhance the international cohesion of the Alliance. Recently one could acknowledge some multiple examples of the lack of unity within the member states, namely the French-Russian discussions aiming at selling Mistral class ships to Moscow or the proposal of several influential German officials to offer Russia membership in the Alliance as well as to withdraw the US nuclear weapons from Europe, not to mention the unfortunate development of the extraordinarily expensive Nord Stream energy project that in essence circumvents four NATO Allies. In the wake of these examples, one should moreover note that bilateral relations with Russia, in some

cases characterized by a real proximity, have been recently strengthened by the global economic crisis as well as constantly growing European dependence on Russian natural gas and oil.³⁰

²⁹ D. Bandler, J. Kulhanek, "Fear of a Weak Russia", *Foreign Policy* (August 5, 2009); http://www.foreignpolicy.com/articles/2009/08/05/fear_of_a_weak_russia?page=0,0.

³⁰ One should note that Gazprom itself occupies a dominant position as the supplier of natural gas, first of all in Central and Eastern Europe as well as the Balkans. For example Croatia, Estonia, Latvia, Lithuania or Slovakia import 100% of its natural gas from Russia. This rate is slightly lower in Bulgaria (82%), Hungary (79.5%), the Czech Republic (78.1%), Poland (69.6%) or Romania (67.2%). For the other European states, gas from Russia is only one item in a diversified basket of supplies – as is the case of Germany (42.4%), Italy (22.3%) and France (14.4%). For more details see also: A. Łoskot-Strachota, "Gazprom's Expansion in the EU: Co-operation or Domination?", *OSW Report* (2009). For the other European states, gas from Russia is only one item in a diversified basket of supplies (as is the case in Germany, France and Italy).

France has been one of these countries that suffered the most due to the world financial crunch. Therefore, the French government has commenced negotiations to sell one or, better, several Mistral class vessels to Russia for several hundred million of Euros a piece. The successful completion of this deal would generate both jobs at ailing French shipyards as well as could draw Russia into an as yet ill-defined 'common security space', which would bypass NATO and the EU and potentially override their common policies. Mistral-class amphibious assault ships are intended for power-projection and landing operations. The sale of one or more such ships to Russia would seriously complicate the security environment for NATO member countries in the Black and Baltic seas, if deployed there; and it could become an outright threat to NATO's vulnerable partner countries Georgia and Ukraine. Even though NATO Secretary General Anders Fogh Rasmussen seems to support the laissez-faire approach, which he considers to be a purely bilateral case, numerous voices have already criticized this approach, including the US Defense Secretary Robert Gates as well as high-ranking officials of the Baltic States. The bilateral rapprochement between Paris and Moscow does not constitute a turning point in itself. However, the sale of highly sophisticated weaponry might create a crucial precedent that in the future could undermine the cohesion as well as integrity of the Alliance.

Apart from the aforementioned case, which gave rise to the enhancement of the bilateral Russian-French ties, one should present the recent German proposals aiming at recalibrating the relationship with Russia. Both the open letter published in a leading German weekly magazine as well as the political goal to remove the US nuclear weapons from Germany did not bring more confidence and trust in the NATO-Russian relationship. German proposals, in spite of their visionary character, presented a very unique, pro-Russian point of view which did not take into consideration the Central European stance.

Four very prominent German security leaders: Volker Rühle, Klaus Naumann, Frank Elbe and Ulrich Weisser entitled their letter very significantly – *It's Time to Invite Russia to Join NATO*. The crux of their argument was: "Europe's security remains a constant task, and new challenges require different responses than in the past. The Euro-Atlantic region needs peace and stability at home, but it also needs protection against external threats. Ultimately, the emergence of a multi-polar world requires finding a way to offset the political, economic and strategic dynamics of the large Asian powers. NATO, in its current form, is not up to these tasks. In the future, the Alliance should see itself as a strategic framework for the three centers of

power: North America, Europe and Russia.”³¹ According to the authors only the trio in such a configuration can properly address the challenges and threats of the contemporary world. The door to NATO membership should be therefore opened for Russia. This might sound once again as euphoria of the 1990s when including Russia into the Alliance was seriously taken into consideration. In reality, this proposal does unfortunately not reflect the current Russian foreign and security policy stance. Russia has recently once again announced in its Military Doctrine that NATO brings more challenges than cooperation into its security policy. The Russian invasion into Georgia – a country that had only in April 2008 been assured that its ultimate accession into NATO was not a question of ‘if’, but merely of ‘when’ – only solidified that fact. Nor did it help

There is still room for pragmatic cooperation between Russia and the Alliance that could serve to the benefit of both sides.

to re-establish confidence by still violating the French-brokered ceasefire agreement which followed after the conflict.

Nevertheless, there is still room for pragmatic cooperation between Russia and the Alliance that could serve to the benefit of both sides. One could mention two important – currently still underestimated – fields of future collaboration.

Firstly, Russia might become a vital partner in the currently most important

NATO’s engagement, namely International Security Assistance Force operation in Afghanistan. It cannot be denied that for Moscow Afghanistan reminds of the catastrophic war led by the USSR from 1979 to 1989. In this context, Afghanistan will remain a difficult part of Russian history which influences its policy even nowadays. Nevertheless, Russia – without directly engaging itself into the operation – could enhance its position within the strategic partners of the Alliance by taking part in rerouting the logistics in the Afghan operation. Nine years into mission, solidifying logistical support for ISAF Afghan mission remains an issue of some concern in NATO.³² Due to the permanent vulnerability of the Pakistani logistical route to Afghanistan, NATO has started to operate on the so called Northern Distribution Network – leading from Riga Baltic port through Russia, Kazakhstan and terminating in Termez (Uzbekistan) on the Afghan

³¹ F. Elbe, K. Naumann, V. Rühle, U. Weisser, “It’s Time to Invite Russia to Join NATO”, *Spiegel Online* (March 8, 2010); <http://www.spiegel.de/international/world/0,1518,682287,00.html>.

³² J. Daly, “Rerouting Logistics in Afghanistan”, *ISN Security Watch* (May 17, 2010); <http://www.isn.ethz.ch/isn/Current-Affairs/Security-Watch/Detail/?lng=en&id=116255>.

border. Even though Russia has already signed an agreement with NATO on non-lethal transit routes, as it also did with some other individual states before, these agreements are being operated on a commercial basis. The perception of Russia would surely change among the ISAF members if Moscow commenced a fully ‘free of charge’ government-to-government cooperation on Afghanistan, as envisioned under the NATO-Russian Council. Yet, Russia deserves certain credit in cooperating with NATO in such areas as Afghan anti-narcotics officer training or some military equipment donations.³³

The second field of a potential concrete cooperation might be the implementation of the Cooperative Airspace Initiative (CAI), currently being discussed and developed under the auspices of the NATO-Russian Council. The CAI, being a confidence and security-building measure, was one of the first projects launched in the NRC framework. Within a month of the NRC’s creation, a decision was taken to set up a specific working group, chaired by NATO’s Assistant Secretary General for Defense Investment, to initiate cooperation in the field of civil and military airspace control.³⁴ The CAI aim is to foster NATO-Russian collaboration on airspace surveillance and air traffic coordination. Its underlying goal is to enhance transparency, predictability and the collective capabilities to fight against terrorist threat. A working system would also help avoiding tragic mistakes, which took innocent lives in the past.³⁵ The real time exchange of information may include, if this stance is accepted by NATO and Russia, both civil and military air traffic according to identified selection criteria. Meantime, the initiative progresses through an undergoing operational testing phase. The current CAI system consists of local coordination units in Russia and in NATO member countries. While the existing sites are deployed in a few distinct geographical areas which stretch from the far north of Europe in Bodø (Norway) and Murmansk (Russia), down to Ankara (Turkey) and Rostov-on-Don (Russia) in the south, the CAI Coordination Centers are located in Warsaw and

³³ “NATO Military Chief Seeks Russian Backing”, *The St. Petersburg Times* (January 22, 2010); http://www.sptimes.ru/index.php?action_id=2&story_id=30651.

³⁴ “The Implementation Phase of the Cooperative Airspace Initiative is Launched”, *NATO-Russia News 2* (2006), p. 5.

³⁵ E.g. the 1983 shooting of the Korean Airliner KAL007 over the Japanese sea in which 267 people died, the 1989 MiG-23M crash, after the pilot ejected, into the Belgian city Kortrijk which took one innocent life, or the 1995 Gordon Bennett Cup balloon shoot-down over Belarusian territory in which two people died, or finally the 2005 air incident over Lithuania, in which a Russian Su-27 crashed after the pilot ejected himself. In the latter case no casualties were recorded.

³⁶ “NATO-Russian Airspace Cooperation Project Undergoes Joint Tests”, *NATO-Russian Council News* (February 20, 2008); http://www.nato-russia-council.info/html/EN/news_40.shtml.

Moscow.³⁶ In the context of both strategic as well as practical cooperation benefits, the initiative deserves further political support and a spread of local nodes to other locations so as to encompass a broader coverage of information exchange. Further development of the initiative could be broadened to both NATO and non-NATO countries located along and near the border lines of Russia and NATO, such as Sweden, Finland, Estonia, Latvia, Lithuania, Belarus, Ukraine, Slovakia, Romania, and Bulgaria. Taking into account tangible confidence measure benefits, the initiative would certainly deserve funding from all NATO members, even in light of existing budget stringencies that several European states face nowadays.

Despite the above mentioned potential fields of cooperation NATO remains divided over its political and military stance towards Russia. At NATO's 2010 summit, planned for November, the Alliance's members intend to adopt a new

Strategic Concept to guide the evolution of the whole organization. A vivid consensus of the member states on NATO's relationship with Russia is at the top of the agenda. To some extent also to this aim a Group of Experts was called into life after the Strasbourg-Kehl NATO Summit in 2009 by NATO's Secretary General. Their interim report, submitted to Anders Fogh Rasmussen on May 17, 2010, was an honest

History has already taught us that Russia and NATO do not always view the same set of facts in the same way.

attempt to create an acceptable for all solution of the relationship with Moscow.

In the Group of Experts' analysis there was a clear statement that NATO's core commitment – Article 5 of the North Atlantic Treaty – is unchanged. This postulate, crucial especially for the Baltic States as well as Central Europe, opens the possibility to NATO's reengagement with Russia. The NATO-Russia 'reset' without the significant reassurance for the new member states would not be possible. As the Group of Experts clearly points out in order to remain credible, the Alliance must maintain not only basic military capabilities, but also ensure the contingency planning as well as focused exercises.³⁷ The Group of Experts is also crystal clear on the future of the relationship: They underline the fact that even though neither NATO, nor Russia poses a military threat to each other, both sides remain dubious about the intentions and policies of the other. "Because Russia's future policies toward NATO remain difficult to

³⁷ "NATO 2020: Assured Security, Dynamic Engagement. Analysis and Recommendations of the Group of Experts on a New Strategic Concept for NATO" (May 17, 2010), p. 8; http://www.nato.int/nato_static/assets/pdf/pdf_2010_05/20100517_100517_expertsreport.pdf.

predict, the Allies must pursue the goal of cooperation while also guarding against the possibility that Russia could decide to move in a more adversarial direction."³⁸ History has already taught us that Russia and NATO do not always view the same set of facts in the same way. Working together on maritime security, the fight against trafficking in illegal drugs or nuclear non-proliferation does not mean that there will be a consensus on NATO's 'open door' policy towards for example Ukraine, Georgia or Moldova. Moscow's occasional anti-NATO rhetoric or unnecessarily large and dubious with their scenario military exercises launched near some NATO countries in late 2009 do not help building mutual trust and predictability either. Russia and NATO might become tactical partners, but becoming strategic friends would have meant a considerable, or even seismic, shift in their approach to international security.

Road Ahead

Given the discussed changing global environment and a gradually maturing relationship between NATO and Russia, a certain level of optimism should prevail about the future of NATO-Russian relations. Given modern means of communications should certainly NATO's democratic states – counting more than 900 million inhabitants – be able to positively influence the 142 million Russian citizens. Even though Russia's future policies towards the Alliance remain difficult to predict, there are more common areas of cooperation to be aspired by both sides, then simply seeking adversarial stances and distancing from each other. While NATO needs to further engage Russia and continue to offer and expand areas of cooperation – including the joint missile defense system, combating piracy, as well as countering nuclear and missile threats stemming from Iran – Russia should try to view NATO less through a lens of danger, and more a lens of chance and partnership. Paradoxically, today it is quite challenging to reach ordinary Russians with the fundamental message, that the closer NATO moves to Russia and the stronger the cooperation is, the safer and better off actually Russia will become, as security, stability, democracy, freedom of speech and sovereignty – all values embodied by the Alliance – move to the Russian people. One should realize that a truly independent mass media, still insufficiently developed in Russia, are the cornerstone of civic society in Brussels, Berlin, Washington or Warsaw. At the same time, it will also remain important for NATO to continue observing how Russia will go about further

³⁸ Ibid, p. 16.

implementing the premises contained in its recent official documents. What will Russia's foreign policy and security direction be? As long as that vector stays ambiguous to NATO allies, as long the issues of reassurance will need to remain on NATO's agenda. A strive for military transparency and confidence building measures are right approaches for improving the future relationship. In that regard, a return to the table on a Conventional Armed Forces in Europe Treaty (CFE), from which Russia unilaterally withdrew in November 2007, would certainly be beneficial to future NRC relations as well. Of course the principle of transparency needs to go with mutuality as they are both complementary issues.

Finally, it is not out of the question that Russia joins NATO one day. A well reformed and transformed Russia, meeting all NATO criteria for membership, would of course be an added value to the Euro-Atlantic security realm, and be certainly welcomed by the entire Alliance community.

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Migračné trendy v Slovenskej republike po vstupe krajiny do EÚ (2004 – 2008). (The Migration Trends in the Slovak Republic after the Country's Accession to the EU (2004 – 2008))

By Boris Divinský. Bratislava: International Organization for Migration, 2009.

The issue of international migration in Slovakia – as opposed to the vast majority of developed countries (the OECD or EU members) – is still a marginal and relatively 'under-researched' matter. The little attention paid to the topic by the state institutions, the general and expert public can still be explained – besides the omnipresent condition that Slovakia is a small country with limited capacities – by the low intensity of migration drifts, mainly by the low number of immigrants in Slovakia. Their share on the overall population still belongs to the lowest in the entire EU and remains far behind most of the Member States. Problems associated with international migration are practically marginal and would probably be ranked very low if they ever appeared among perceived problems at all. As one would say, there is no need for water when the house is not on fire.

On the other hand, great changes in the migration trends can be witnesses in the past years, especially in relation to Slovakia's EU accession in 2004. In the future, too, even the most conservative estimates predict a growing intensity of international migration in our region. The author aimed to provide a complex review of migration trends and bridge

the gap in the expert reading, following up, in essence, on his previous expert and publishing activities. The author thereby responded to the condition that – even despite significant changes in the discipline – "In the 2004 – 2008 period, however, only few experts have specialized in the long-term and in a complex manner on the issues of international migration. This fact has laid the basis for an expert output that is one of the least researched in the context of the European Union." [p. 16] It has to be added that without Boris Divinský's contributions there would be a minimum of such outputs and there would be no systematic and comprehensive activity in this discipline.

The author's newest book consists of three main parts and a short conclusion (Chapter 4). In the introductory, the author analyzes the situation in Slovakia in the context of global as well as EU international migration issues and attempts to explain the publication's goals, structure, and the methodology. The most important and the most extensive is Chapter 2, which provides an integrated and detailed picture of migration trends in Slovakia in the post-accession period, analyzes the drifts

abroad, legal residence of foreigners in Slovakia, immigration for work and study, illegal and asylum migration, naturalization and departure of foreigners (from Slovakia). Chapter 3 summarizes and reviews the advancement of migration policy management and outlines possible scenarios for future development.

The most important and interesting parts of the book deal with some of the evident changes in migration trends. The author points to the fast increase in the amount of in-moving persons, people with residence permits, as well as employed foreigners. Although the number and share of foreigners in Slovakia (especially in the international perspective) remained marginal, from the end of 2004 to the end of 2008, it grew 2.4 times to almost 53,000 (1% of the overall population). That is caused mostly by migration for work (albeit not completely detected by the official statistics) and the free access of the citizens of the European Economic Area to the Slovak job market after the Union's enlargement in 2004 and 2007, as well as the big foreign investments (mainly into the automobile and electrical industries) and the related steep increase in demand for workforce, which in some segments of the job market could not be saturated anymore by domestic sources. (Clearly, the situation has changed significantly since the world economic crisis came at the end of 2008.) Anyways, Slovakia has become an interesting target country of migration for the first time since its inception. As the author states: "In the 2004 – 2008 period, the reviewed trends unambiguously testify

about the fact that the Slovak Republic became for foreign nationals seeking work on its territory incomparably more attractive than it had been in the previous period." (p. 42)

While legal migration peaked, the number of detained illegal immigrants and asylum seekers fell dramatically by 4.6 and 12.5 times respectively! The author lists plenty of factors which caused the unexpected decline – steps concerning the accession to the Schengen Area, implementation of the *Dublin Regulation* and the *Eurodac System* (to avoid repeated applications for asylum in several EU Member States), and the re-launch of the readmission treaty with Ukraine in 2005.

In contrast to the great changes in the migration processes, old problems persisted in some areas of migration management. The official data about out-moving persons were deeply underestimated (due to a failure by migrants to comply with the legal obligation of cancellation of permanent residence in Slovakia). According to the author's estimate, they represented only 5-10% of the actual emigrants and hence the official positive migration balance was still inaccurate. A migration doctrine absented ('the state's and the society's official position towards international migration in accordance with the interests of the country, migrants, and the EU'), and the author observes only a marginal progress in the area of migration policy and the policy of economic migration, and at the same time lacks one central authority joining the

various institutions working separately in the different areas of international migration. Divinský appreciates, on the other hand, the progress achieved in the area of migration management: 'the fairly progressive' *Conception of the Migration Policy of the Slovak Republic*, the work started on the *Conception of Integration of Foreigners in Slovakia*, the better communication between migration agents, and the adoption or implementation of plenty of legal measures. The author states, however, also that "the major role in most of these processes was taken by external agents – i.e. the Slovak Republic's international commitments mainly in the interior, security, economic integration, social affairs, protection of human rights, or statistics (and primarily towards the EU, but also towards the Council of Europe and other regional/international/global institutions)." (p. 108)

The main advantages of the book can be considered: The exact definitions of all important terms, which are comprehensible also for an amateur reader and the bulk of statistical data organized in well-arranged tables with sufficient explanations for the correct interpretation. The structure of the book and the individual components of migration that are being researched follow up on the author's previous publications, and therefore trends and facts can be compared relatively easily with the previous period. The book opens up the opportunity for analysis in a wider time frame, practically from the inception of the Slovak Republic.

There remains also the (necessary) comprehensive view of the issue; there is no lack of the author's evaluating comments and recommendations and linking the issue of migration to the expected demographic development.

A connoisseur of the author's previous publications (who is perhaps quite spoiled) can, however, somehow lack – for the reason of complexity – a more detailed analysis of the extensive job migration from Slovakia (which peaked right after the EU entry) – being based not on insufficient data about out-moving from Slovakia, but on other accessible (domestic and foreign) statistical data. Perhaps a lack of space or different primary goals avoided the author this time – in contrast to the previous book on international migration in Slovakia – to deal more profoundly with this important issue.

To conclude, it can be stated that Boris Divinský's new book joined the list of 'compulsory reading' for people interested in migration in Slovakia and in this regard, readers will certainly appreciate the traditionally free distribution and/or the placing on the Internet of the publication.

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