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Adres redakcji:
Nowy Świat 67, pok. 110
00-927 Warszawa
Tel./fax 0-22 826-66-52
www.problemy polityki społecznej.pl
problemy.ps@uw.edu.pl

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Dom Wydawniczy ELIPSA,
ul. Inflancka 15/198, 00-189 Warszawa
tel./fax 635 03 01, 635 17 85, e-mail: elipsa@elipsa.pl
www.elipsa.pl

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Introduction

Central and Eastern Europe

— selected social challenges

The last decade of the 20th century and the first decade of the 21st century helped the CEE region transform from a region shaken by conflicts into a politically and economically stable one. In many respects, the states of the region do not differ from other EU member states, although there are still significant gaps with regards to living standard levels. CEE region faces challenges related to bridging the living standard gaps, but also to the necessity to look for answers to social processes currently taking place. Those can be found mainly in the area of public policies.

Public policies deployed in CEE countries are addressed relatively rarely in academic literature. This might result from the fact that in terms of the development goals there are rather West European countries which serve as a benchmark for single Central European Countries. More rarely, the comparisons within CEE countries — the neighbours which additionally have had shared experiences of post-WW2 period are to be found. Consequently, such an approach results in inadequate knowledge of transformations taking place in CEE countries among Polish and foreign researchers. This issue of the *Social Policy Issues, Studies and Discussions* attempts to shed the light on this research topic. This goal seems particularly relevant in the context of the events in recent years, which again have made the CEE region a topic of political and media debates. The growth of international attention to CEE countries results from the fact that politicians of the region play an ever-growing role in the decision-making process of the European Union. A visible economic successes of the CEE countries on the one hand, and positions taken on the issue of refugees and controversial political reforms reducing the headroom for civic society on the other contribute to this situation.

This issue of the quarterly contains articles describing the situation in various CEE countries. The volume starts with an essay article by Attila Agh, who analyses the functioning of social organisations and social movement and their role in political processes taking place in Hungary. The next part starts with article by Włodzimierz Anioł

discussing the major social challenges from the Polish perspective. The author reflects on what actions have to be undertaken to avoid, or at least reduce, adverse outcomes of social processes that will be taking place in the coming years. Karolis Žibas presents the migration situation in Lithuania and attempts to find an answer to emigration greater than expected. He analyses Lithuanian migration policy in the context of the main social challenges and expectations. As they are one of the topics arousing the greatest controversies in the public debate, a large part of the volume is devoted to migration issues being. Radostina Pavlova and Diana Radoslavova analyse the role of Bulgaria as a transit and destination country for refugees fleeing, among others, Syria and other states affected by political and military conflicts. In the subsequent article Christin Schweiger presents political development of the states of the region that has taken place since their accession to the European Union. The author attempts to answer the question whether membership in the European Union increased the influence of the states in the region on the topics addressed during European Council meetings. In consequence, are the interests of those states better taken into account in the decision-making process? Addressing these issues, he uses the argumentation developed in the discussion about social models in the European Union in recent years. The focus on migration process and policy is present also in the text of Vanya Ivanova, who discusses presents emigration and migration in Bulgaria after this country's accession to the EU. Complementing the earlier text on Bulgaria, it provides the readers with a comprehensive picture of the difficult situation in this state.

We hope that our readers find the articles published in this issue relevant and thought-provoking. If this is the case, the topics of social and economic situation in CEE countries will become a regular part of the *Social Policy Issues*.

Attila Ágh

Corvinus University of Budapest¹

Redemocratization efforts in Hungary as a second try: civil society organizations and mass movements

Summary

This paper tries to argue that Hungary has been the classical case for the decline of democracy, including the marginalization and the state control of civil society that may be turned into the redemocratization efforts in the spirit of “bottom-up democratization”. This decline of democracy has been accomplished by the Orbán governments since 2010 given their two-thirds supermajority that has allowed them to introduce a new Constitution without national consent and without approval by referendum. The radical change in legislation has also concerned the regulation of civil society organizations and the freedom of the media. As a result, a strong resistance has emerged against this increasing authoritarian rule, producing a series of democratic innovations and has promised a second try of democratization.

Key words: democratic innovations, redemocratization, bottom-up democratization, participatory movements, regular mass demonstrations

Introduction: Hungary as a classical case for democracy decline

The point of departure for this paper is that the new member states have gone through a triple crisis in the quarter-century, the transformation crisis in the 1990s, the post-accession crisis in the 2000s and the global crisis since 2008 (see Ágh 2013, 2015b).

¹ Email: attila.agh@chello.hu

These three subsequent socio-economic crises have generated deep political crises and have led to the decline of democracy and to the “critical elections” changing the party systems in NMS (Ágh 2014b, 2015a, 2016). Based on these analyses, this paper turns to the topic of the renewal of civil society as a reaction to the decline of democracy. First, it points out the specificity of Hungarian development as the worst case scenario in NMS. Second, against the general background of the democratic innovations’ theory that has been based on the concept of civil society and its informal institutions as the main drivers of democratic society (Morlino 2009, 2012; Newton 2012, and Pogrebinschi 2014), this paper sees some kind of renaissance of the informal politics in Hungary. Third, it argues that these informal, civic institutions have played a democracy-supporting function against the authoritarian tendencies. Fourth, the paper gives an overview of the participatory movements in Hungary, and finally it outlines the perspectives of the redemocratization as a “Second Try” through a new kind of bottom-up democratization².

This concept among the young democracies can be best overviewed in the Hungarian case. Hungary has largely been considered the worst case scenario of declining democracy in NMS (see e.g. Herman 2015), although it might have turned to a drive for redemocratization by the current mass demonstrations as regular participatory movements. The Hungarian developments as the worst case scenario have demonstrated that the politico-business clientele networks — or “kleptocracy” (Varga 2014) — have led beyond state capture to complete “democracy capture”. In the regional overview of the Next Generation Democracy (NGD) prepared by the Bertelsmann Foundation (2015), Hungary has slid back to the 26th place out of the 28 EU member states in democratic institutions’ rankings, to the 24th place in inclusiveness (political and social integration) and to the 27th place in the management of policies (strategic capacity and consensus building). What is more, in the consensus building the score is very low — 2 out of 10 — the worst case in this NGD scoring³.

According to the NGD analysis, in recent years, Hungary has developed a “considerable democratic deficit [...] Hungary thus represents the most troubling case” (Bertelsmann 2015,

² In my former papers I dealt with the socio-economic processes in NMS focusing on the Hungarian case in the regional context, and I have prepared a data-book on the NMS developments — see Ágh, Attila (2013) *Progress Report on the New Member States: Twenty Years of Social and Political Developments*, Budapest: Together for Europe Research Centre, p. 104. I have written in parallel with this paper a recent overview of the socio-economic developments (Ágh 2015b) with the latest data of the big international ranking institutions (Bertelsmann, EIU, Freedom House etc.).

³ This paper analyses the civil society and informal politics in Hungary, and deals first of all with the Hungarian NGOs that have actively engaged in preparing and supporting the current participatory movements. There is special literature on the social movements as well, see first of all Krasztev and Van Til (2013), both as an “import” international scholarship and the elaboration of the Hungarian experiences. According to the Hungarian Statistical Office (KSH) there are 57,000 civil, voluntary organizations in Hungary with 41,000 employees and 457,000 volunteers (see MACI 2015, p. 3). MA-CI is an abbreviation for Magyar Civil Szervezetek (Hungarian Civil Organizations, HU-CI), otherwise “maci” means teddy bear.

p. 6, 9). The deep “socio-economic unbalances” have resulted in the “disappointment in European integration and in the associated modernization processes promoted by political elites”. As to the civil society and informal politics, in “Hungary (under the Orbán government) civil society participation and consultation has significantly deteriorated”. Namely, political liberties and civil liberties exist mostly as “formal terms”, but not in actual terms as exercised by the population, therefore both political participation and societal participation have declined (Bertelsmann 2015, p. 11, 20, 27). The World Report 2015 of the Human Rights Watch has summarized the present situation in Hungary in very negative terms: “Rule of law and human rights further deteriorated in 2014. [...] There was fresh pressure on media and civil society. (...) Civil society came under pressure in June when the state audit office conducted surprise inspections of three NGOs that administer foreign donor money [...]. In September raided two NGOs”. As a reaction to this intimidation campaign and to the decline of democracy in Hungary, there has been an international wave of protests, at the top of these reactions even the “US President Barack Obama identified Hungary in a September speech about pressure on civil society.” (2015, p. 7)⁴.

Democratic innovations in Hungary: the renaissance of informal politics

Altogether, the Orbán governments have “nationalized” the civil sector with the increasing state control of the interest representations and by practising politically-biased funding for civil organizations. They have created some large, pro-government pseudo-civil organizations on one side, and have launched intimidation campaigns against the independent NGOs as the last bulwarks of the autonomous civil society on the other. In the second Orbán government (2010–2014), the first effort dominated and the big, pro-government and pseudo-civil umbrella organization emerged, while in the third Orbán government (2014–2018) the second effort has come to the fore to stop the still resisting civil organizations from operating. In fact, the Orbán governments have created a Potemkin democracy as a façade not only at the level of the big formal institutions, but also at the civil society level as the “domestication” of civil society (Nagy 2014). They have organized and lavishly financed the Civil Unity Forum (CÖF) as a huge pro-government and pseudo-civil organization. As a central “civil” organ of the Orbán government, it has carried out a total takeover of control over civil society organizations and it has sponso-

⁴ In international political science the worst case scenario is Hungary, and rightly so. Even more, in the international press there are sayings about Hungary that “Hungary has always marched to a different drummer,” or “It is Europe at its most exotic.” This anecdotal approach has been confirmed by the big international ranking institutes — Bertelsmann Foundation, The Economist Intelligence Unit, Freedom House and World Economic Forum — that the decline of democracy has been the biggest in Hungary. In my former papers (Ágh 2013, 2014a,b) I have discussed the large literature of democracy decline and the authoritarian renewal with “hybrid” regimes (Armingeon and Guthmann 2014; Bridoux and Kurki 2014; Cassani 2014; Charron 2014; Demos 2013; Denk and Silander, 2012, EIU, 2014, 2015; Moeller and Scanning 2014; Papadopoulos 2013).

red almost exclusively the pro-government civil associations: “In Hungary, the analytical capacity of non-economic interest associations has suffered from the government’s control of the sector. The National Civil Fund (NCA), a body in charge of monitoring and supporting civic organizations and NGOs, was taken over by the Orbán government and transformed into the National Cooperation Fund (NEA). As the latter has only financed associations loyal to the government, there have been some small, but very important NGOs with substantial political expertise. One such NGO is the Hungarian Civil Liberties Union (TASZ), which has documented and evaluated in detail the anti-democratic actions of the Orbán government.” (Bertelsmann 2015, pp. 18–19)⁵.

At this point the general overview on the poor situation of democracy can be completed with a closer view of the civil world in Hungary, focusing on social activism. In its first part, the *EEA and Norway Grants Report* (Grants Report) gives a description of the NMS region, and in the second part of the Report, there are country chapters. The chapter on *The NGO Programme in Hungary* starts with the strong statement that “the model of an *illiberal democracy* is indicative of how the influence of government-promoted ideology also affects NGOs [...] the government alludes that the organizations are ‘promoting foreign interests’ with agendas and values undermining interests of Hungary”. The intimidation campaign against the NGO sector supported by this programme has resulted in a huge protest wave both domestically and internationally: “There were also police raids on the offices and personal homes of two of the consortium partners. An appeal signed by 975 NGOs from over 32 countries called on the higher institutions of the European Union to take a stand against the recent anti-democratic actions in Hungary”. (Grants Report 2015, second part, pp. 28–29)⁶.

As the Report demonstrates, in the Hungarian case, both the “international” and “domestic” democracy supporting and innovating institutions have appeared in large numbers and they have closely been interwoven. The Report outlined three major profiles of NGO activity in social activism: (1) “Building strategic capacity among civil society organizations” (ideas generation, professional training and cooperation of different sectors), (2) “Citizens’ interests, representation and voice” (consultation with government, mass media contracts and civic-led advocacy) and (3) “The value propositions that NGOs are bringing to society” (active citizenship, social justice and inclusive society) (Grants Report 2015, second part, pp. 38–40). The activities of the four foundations sponsored by the Norwegian Civil Fund indicate the main directions of the democracy-supporting

⁵ Trade unions are rather weak in Hungary. They have been engaged in organizing their own smaller demonstrations in 2015 but their members have usually participated in those big and frequent demonstrations organized by the NGOs.

⁶ A consortium of four foundations forms the Fund Operator of the Norwegian Civil Fund (NCF) in Hungary. Actually, “The four foundations have similar roots, being initiated by US private and public charitable organizations, each having more than 15 years of experience in grant-making and civil society development. They have comparable organizational cultures and attitudes, grounded in values respecting principles of democracy, human rights and environmental sustainability. This supports their effective partnership and close cooperation” (Report 2015, second part, p. 32).

informal institutions and civic organizations in general, since all the Hungarian NGOs concerned (see *Annex*) have been specialized in democratic innovations and in their implementations. In the declining democracy, they have provided both the spiritual ammunition and political leadership for the renewal of democracy in general and for the current mass mobilization in particular, and as a result they deserve special attention. Even a cursory view of the Hungarian informal politics in the *Annex* is only a modest compilation of the large variety of the NGOs that still demonstrates the increasing salience of the informal politics of the declining Hungarian democracy and it allows the drawing of some conclusions.

Reactions of civil society to the emptied democracy in Hungary

First, there have been two waves in the institution-building of these NGOs, with the first wave in the nineties and the second wave in the 2010s. In the first period, political attention was paid to establishing large formal institutions. In Hungary this process reached some perfection constitutionally with a democratic order for a checks and balances system. The (democratic and/or independent) NGOs appeared already in the nineties, usually as national varieties of international networks such as Amnesty International, but they did not yet play an important role. In the second period, when the big formal institutions had been occupied and emptied by Fidesz in the Potemkin democracy, however, a series of new, independent, non-profit NGOs emerged. In the 2010s, the “older” NGOs have been activated on one side, and the “new” democracy-supporting NGOs — with some “think tanks” or independent policy institutes — have entered the scene on the other (McGann 2015).

Second, the basic difference between the two periods is in the special role and salience of the media. In the first period, the printed media was still more important, while the increasing electronic media were pluralised with the appearance of new commercial stations competing for the market and having more and more influence on public opinion and public discourse. In the second period, most of the printed and electronic media has been occupied by the politico-business elite and they have heavily manipulating the public discourse. Actually, the “Fidesz world” as Potemkin democracy has been built up as an “unholy alliance” of corrupt business interests and the manipulative media. The leading tycoons of Fidesz have built up an overwhelming dominance in media step by step through “joint ventures” in the printed and electronic media orchestrated by the same oligarchs. However, electronic media has gained dominance over printed media, and even more so the internet world has become vital, including the appearance of social media. The new democratic informal politics in the 2010s has mostly relied on the internet world and social media that has facilitated its success in accessing and influencing the general public to a great extent. The internet world and social media have proved to be an effective means of access for the democratic NGOs to the public at large, first of all to young people⁷.

⁷ The internal tensions in Fidesz due to “the war of oligarchs” about distributing the gains from the politico-business “state capture” reached its peak in early February 2015 with an open conflict between Orbán and Lajos Simicska, the almighty business oligarch and media tycoon. As

Third, in the informal politics, the generation gap and intergenerational tensions have come to the fore. The middle-aged and the older generations have become more encapsulated in the present regime, both politically: in the formal democracy, and economically (job-wise): in the market economy. They have preserved the relatively optimistic mood of the nineties for some time in the following decades due to their life-long memory of the contrast between the old and new regimes. The incoming young generations, however, have found this new “post-communist” regime of the formal democracy and the market economy “normal” and taken for granted. Therefore, they have been confronted more and more with its deficiencies, finally with the entire system of the emerging authoritarian rule. Moreover, they have been socialized in the internet world and social media for the self-expression of their generation-cohorts. Likewise, it has been the way for the expression of their dissatisfaction with both the declining democracy and the decreasing socio-economic perspectives. Although the informal politics is not a “natural monopoly” of the incoming young generations, it is closer to their mentality. Usually, some of their brightest representatives have chosen a career in the informal oppositional politics as a generational vocation. Thus, on social media, they have very assertively formulated that they represent “a lost generation after these lost decades” in the catching up efforts of Hungary to “Europe” and they have demanded to rethink the last quarter-century’s top-down democratization⁸.

Fourth, the clash between the authoritarian Orbán government and the democratic NGOs has been unavoidable from both sides in any circumstances. After the occupation of the big formal institutions the authoritarian Fidesz governments have turned against the informal institutions, as the remaining big obstacle to exercising their quasi-monopolistic power, and these democracy-supporting institutions have also been mobilised against the increasingly authoritarian character of the government. While the different sorts of human rights’ violations in the nineties were sporadic, consequently, the protection of civil and political liberties was not in the forefront of political life and the media. In the 2010s, the attacks on civil society and human rights have become a systemic feature of the new authoritarian rule in Hungary. Hence, for the democratic NGOs, the defence of civil society and their own self-defence have been merged against the aggressive government actions.

Fifth, the international context, as the nested game of the external-internal linkages, has changed beyond recognition in the 2010s. In general, the two main current megatrends of the Reverse Wave in democratization and the deepening in Europeanization have collided in NMS in an acute, long-term contradiction. The Europeanization — and/or globalization — has opened up new perspectives and widened the domestic frames into international ones. Compared to the nineties, there has been new openness towards the world by the

The Economist (2015) comments, “The split between Mr Simicska and Mr Orbán is rooted in the question of whether business or politics will have privacy in the Fidesz dominated political order”.

⁸ The largest generational cohort of the mass demonstrations has been the group of youngsters below 35 years, the second one of those above 60 years. Obviously, the mid-generation between 35 and 60 has been more engaged in other activities and has felt more concern about the political repercussions.

internationalization of education and communication producing some kind of the globalized/Europeanized public discourse in NMS. However, the regional trend of de-democratization in NMS has closed the domestic perspectives and distorted the former national frames of politics and communication. In particular, there has been a decreasing attention to the NMS region in the EU and world-wide compared to the nineties, when it was considered a promising area of democratization. This lost significance of the region has only been slightly compensated for by the global/European attention due to the worry about the declining democracies. Nevertheless, the crisis of the young democracies has generated increasing interest from the Western public and bigger financing by the international sponsors that has resulted in a more intensive integration of the domestic NGOs into international networks. This enhanced international integration has produced some kind of competitive cooperation among the Hungarian NGOs under scrutiny. Therefore, the joint activity has dominated their support for democracy, whereas there has also been some competition with slight differences in their political and policy approaches, or public efforts.

Democracy-supporting functions of the civic organizations and NGOs

Actually, all NGOs listed in the *Annex* provide most democracy-supporting functions, although in various proportions. Each of them still has its own main profile that can be described in the terms of the “traditional” democratization and the new redemocratization functions. Obviously, the former ones have been exercised in NMS from the early nineties and they have been re-enforced in declining democracies. The latter ones have only appeared in the current redemocratization efforts under the unprecedented circumstances of the authoritarian renewal.

The “traditional” functions of the NGO sector in the “young” democracy were:

- (1) “*watchdog*” for general public in human rights protection in all dimensions: fundamental rights, minority and gender,
- (2) “*assistance*” in legal, professional and technical fields in organizing the activities of NGOs and cooperation among them,
- (3) “*research*” in constitutional-legal aspects of democratic order, moving towards the think tank or policy institute role.

The new, redemocratization functions in the declining democracy are:

- (4) “*second publicity*” to confront the official media domestically and internationally, mainly on the kleptocracy understood as the systemic feature of the authoritarian regime,
- (5) “*self-defence*” of democratic NGOs against the attacks of the authoritarian government and informing the international organizations on this conflict,
- (6) “*popular mobilization*” of large masses through the available public and social media, also involving Facebook groups more and more (Ryan 2013)⁹.

⁹ These functions may appear in the other NMS as well, but this list emphasizes their priorities in Hungary, while in other countries some different functions may come to the fore. Social media

The most important NGO document is the *Disrespect* declaration (Hungarian Helsinki Committee 2014), in which the four leading Hungarian “research-oriented” NGOs — EKINT, HCLU, HHC and MMM, also joined by 18 other NGOs — have formulated their assessment on the authoritarian behaviour of the Orbán government. The declaration points out that “fundamental values have been systematically disrespected in Hungary” and it offers a comprehensive overview of the present Hungarian situation. Understandably, the legal approach prevails in these NGO activities, including the *Disrespect* declaration, but research-oriented NGOs and independent policy institutes have also completed the picture of the declining democracy in Hungary with their socio-economic and (party) political analyses. From the legal side, it has been proven that both *effective* competition and *meaningful* participation has been excluded for the population at large in this Potemkin democracy. In the latest elections in 2014, the competition conditions have been distorted by the manipulated electoral legislation favouring Fidesz, the ruling party. The dominant, pro-government media misinformed the population and prevented genuine participation in the elections to a great extent (Muiznieks 2014)¹⁰.

Although in the NGOs some reasonable pragmatism has prevailed in their day-to-day activities following and criticizing the events in this Potemkin democracy, the serious deficiencies of the “top-down” macro-democracy have also been analysed by the democratic NGOs at the theoretical level of the representative democracy. The big theoretical issues for the “Next Generation Democracy” like decentralization (Multilevel Governance, MLG) and policy coordination with synergy (Multidimensional Governance, MDG) have only been discussed in these research-oriented NGOs and think tanks and not yet by the independent NGOs, but the creation of the “bottom-up” concept of redemocratization has been very high on their agenda¹¹.

The four main fields of democratic innovations can be briefly summarized in Hungary by its basic features.

First, discussing free and fair *competition* for the representative and substantive democracy:

- (1) revealing that the competition is more than a party issue and even more than an election issue, since the effective competition in a representative democracy has to embrace all levels of society and all forms of organizations (MLG),

have gone through rapid changes (see its “map” by Cohen-Setton 2015). In Hungary, as usual, Facebook groups have been instrumental for mobilization in the mass demonstrations.

¹⁰ On the participation-competition issue see the comprehensive analysis in the volume of Demetriou (2013), in which several chapters discuss the general situation (Lamprianou 2013) and the European developments in East and West (Markanntonatou 2013 and Kirbis 2013).

¹¹ In Hungary there are also some eminent “think tanks” or policy institutes that have described and analysed the current participatory movements, but they have not been actively involved in organizing these events. Nevertheless, they have been very active in presenting the novel character of the authoritarian Orbán regime for the international public and academia. I have attached the list of the most active policy institutes to the *Annex* but there is no space in this paper to discuss their special research profiles.

(2) offering proposals for the democratic parties as to how they can compete and cooperate, how they can still regain control over the “captured state” in this dire situation, e.g. through pre-elections for the fragmented opposition, and independent prosecutions at the courts in the blatant corruption cases (MDG).

Second, discussing active and meaningful *participation* for inclusive and sustainable democracy:

(3) the demonstration of the several levels and forms of participation as new social spaces for democratic actions in self-determination, like local communities and professional interest representations (MLG),

(4) the prioritization and thematization of the newly emerging environmental, minority and gender issues in order to give incentives for participation by presenting the deep concern of the large strata of population in promoting those issues (MDG)¹².

These four types of activities have their domestic and international varieties:

(1) grant-making and professional assistance to the various civic associations enabling them to organize political actions (MLG) and to enhance their policy performance in managing the public events, demonstrations and community life (MDG),

(2) the elaboration of the new big narratives for redemocratization based on the comprehensive research projects for the political actors (MDG), and the turning to the international audience in the EU and the Council of Europe to indicate the violations of the European rules and values by the Orbán governments (MLG).

The democratic innovation literature in the West indicates the new trends against the decline of democracy. The “citizens are finding new ways [...] to engage with each other”, since new spheres of activities have been opened up beyond the traditional forms of societal and political participation. There are new ways, particularly in the young generation, to engage in the political process. The “engaged citizens” are “active in civil society groups, in protest and boycott campaigns, or interested in more deliberative forms of engagement. This may mean that they are withdrawing from the electoral process (as shown by turnout trends among younger citizens), but they are not withdrawing from the political process” (Farrell 2015, p. 3; see also Hall and Rickard 2013).

In Hungary similar trends can now be noticed. Instead of traditional forms of political participation, some new forms of societal and political participation have emerged. Political and societal/civilian participation in mass demonstrations and in building informal institutions have been high on the public agenda, as well as the intensive activity in social media, e.g., in the investigative journalism for free reporting. They are the most frequent topics of common discourse presented by the independent NGOs, yet public protests and civil disobedience actions have been limited by the fact that they would presuppose large and strong solidarity among those concerned. Basically, the inter-generational and inter-strata solidarity as the harmonization and aggregation of different interests is still weak in Hungary. The negative cohesion against the authoritarian regime is insufficient, and

¹² The international research efforts and the practical institution-building in NGOs have also relied on the IDEA (2014) and Landman (2007). On the increasing salience of informal institutions see Rothstein (1998).

the democratic opposition at its several levels and in many forms is still very fragmented, therefore the democratic forces are not yet unified and organized enough to form a positive coalition. But finally the authoritarian regime has lost the hearts and minds of the population at large and Hungarians are on the move. The NGO sector in Hungary is in a situation of flux, undergoing a rapid transformation, but it already plays a more and more relevant role in the redemocratization process.

The participatory movements in Hungary from the “Hot Autumn” in 2014

Starting with a “Hot Autumn” in October 2014, there has been a wave of mass demonstrations in Hungary, although rather cyclically. Hungary has become the worst case scenario in the NMS democracy decline, but it has still shown some signs of democracy revival by these participatory movements. In 2014 there were three elections in Hungary: parliamentary ones in April, the EP in May and the municipal elections in October, and the governing authoritarian-populist party, Fidesz, won all of them. Due to these lost elections it became evident that the existing democratic opposition parties were unable to offer an alternative against this “elected autocracy” of the Orbán government. The former democratic elite that had governed the country until 2010 has been proven to be politically impotent and senile, since its leading political figures could not break the apathy of the impoverished population against the aggressive populism of the Fidesz rule (Átlátszó 2015). Thus, in this special “party vacuum” — i.e. in the lack of strong democratic opposition parties with meaningful political alternatives — the former Orbán government could mobilize the “majority of minority” at the elections, having the dominance in both public and private media. With cynical legal instrumentalism and sophisticated abuse of law, i.e. by violating the rules of the fair elections (Mudde 2014 and OSCE Report 2014), it won the parliamentary elections in 2014 by gaining a two-thirds supermajority with 25 per cent support of the electorate¹³.

The Hot Autumn right after the municipal elections October 2014 was the reaction of the Hungarian population both to the “hubris” of the newly entering third Orbán government and to the impotence of the small and fragmented democratic opposition parties. After the series of three — parliamentary, EP and municipal — elections, with the pre-fabricated and regained two-thirds supermajority, the re-elected Orbán government has seen no limits to its power and has acted accordingly. Its “hubris” has become overwhelming with the unrestrained exercise of power, notably with the new manifest, unscrupulous corruption cases and the ostentatious, luxurious consumption habits of the flaunting Fidesz elite (EC 2014f and ACRN-CRCB 2015). Moreover, this captured state governed by the parasitic elite has passed a tough austerity budget in 2015 for the common people with the drastic decrease of education and healthcare allocations, only the internet tax has been withdrawn after mass manifestations. The wave of demonstrations from

¹³ I have analysed the Hungarian party system with special regard to the 2014 elections in several papers, for a regional comparison, see (Ágh 2015a, 2016).

October 2014 turning into participatory movements meant the end of the “permissive consensus”, or the deep apathy of the large masses. These mass demonstrations have been organized by the NGOs and civic activists and not by the parties. Altogether, in late 2014, there were more than ten demonstrations within a month in Budapest and more in the main cities. The biggest mass demonstrations mobilized about one hundred thousand people and they basically changed the public discourse and the political landscape in Hungary. The mass demonstrations have continued throughout 2015, and the demonstrations have become a constant feature of the Hungarian politics, delegitimizing this “elected autocracy”¹⁴.

External reactions to the democracy decline in Hungary

In the external-internal linkages’ system, the Orbán governments have also provoked long and serious conflicts with the EU due to the constant and serious violations of the European rules and values, first of all in the media freedom that has also been discussed by the EP several times (e.g. by LIBE, the committee on civil liberties, justice and home affairs on 22 January 2015 and 2 July 2015, see EP 2013). This long story would also deserve a separate analysis, but here, it is enough to mention that these conflicts have only been cautiously managed by the European Commission, but were deeply frozen by the European Council. There have been many other conflicts in the Eurozone between the Core and Periphery that have marginalized all issues in NMS by giving preference to those issues important for the biggest and most influential member states. Therefore, these EU institutions have developed a policy of conflict avoidance, over-respecting, in the NMS cases, the sovereignty of the member states, since they have not wanted to set a precedent. Thus, these conflicts with Hungary — and also with the other declining democracies — have been pushed aside, although they have caused contaminating effects in many other member states. Although the Barroso Commission took some steps in the spring 2014, the confrontation with the damages done by the Orbán governments — and by the other NMS governments — has still been waiting for the Juncker Commission. Nevertheless, the violations of the European rules and values have been widely discussed in the European Parliament and this process will certainly continue¹⁵.

¹⁴ As Hungarians on the move, the wave of mass demonstrations began on 23 October 2014 (the national holiday for the October Revolution in 1956), continued with the three biggest demonstrations against the internet-tax (or in general against the 2015 budget with severe austerity measures in education and health care) on 26, 28 and 31 October that have been closely followed by the international media. The demonstrations have continued in 2015, but more in a cyclical pattern. The refugee crisis has diminished the participatory movements on one side, at the same time has created a new form of assisting the refugees with tens of thousands of people, organized e.g. by the Migration Aid.

¹⁵ The brief summary has to contain the Tavares Report (2013) and the EP (2013), the introduction of the EU Justice Scoreboard (EC 2013a and 2014f) with special respect to Hungary (EC 2013b). In Spring 2014 the Barroso Commission made a big effort to initiate a procedure (see EC 2014a, b, c, d, e); its prolongation by the Juncker Commission remains to be seen. It has to be

However, despite the relative passivity of the European Commission and the clear negligence by the European Council, the Hot Autumn in Hungary already showed particularly strong external-internal linkages. In October 2014 a serious “hot” conflict began between the US and the Hungarian governments due to the rampant corruption in the huge, pro-government firms close to Fidesz that were hurting the interests of international enterprises. In an unprecedented case, in early October 2014, the US Embassy in Budapest announced an entry-ban to the US for six highly placed government officials on corruption charges, and one of them turned out to be the President of the Hungarian National Tax and Customs Office (NAV) who was forced to resign, although only some months later. This unleashed a protracted debate between the two governments on corruption in Hungarian government circles. It went well beyond the domestic corruption affairs to the zone of the international conflicts, since the US government was also unhappy about the pro-Russian attitude of the Orbán government in the Ukrainian crisis. In late 2014 this conspicuous negative turn of the Orbán regime in international relations was the general background of the mass demonstrations, although they were still motivated first of all by the domestic reasons (Amnesty International 2015 and Amnesty International Hungary 2015)¹⁶.

In such a way, these current international and domestic processes have reinforced each other, having produced these ongoing participatory movements in Hungary. No doubt that this wave of mass demonstrations has not yet led to a breakthrough against the authoritarian regime, but the character of political life has been basically changed by the institutionalization of the mass protests. The organizers of these mass demonstrations have come from the democracy schools of the above mentioned democracy-supporting institutions or NGOs. Hungarians have been on the move since October 2014 and with these “permanent” participatory movements, Hungary may make its contribution to the democracy innovations. The mass movements have been accompanied by serious debates on the relationships between the social movements and political parties, and about the alternatives to the Fidesz regime. At the time of writing the further political consequences of these participatory movements cannot be seen as to the fate of the incumbent third Orbán government. But the public discourse and political landscape have changed in Hungary beyond recognition, since a significant part of the Hungarian society has been

added that the European Commission has taken the rampant corruption in NMS seriously and it has supported the Report of the Transparency International (EC 2014g), see recently ACRN-CRCB (2015).

¹⁶ The US actions in discovering the systemic, institutionalized corruption around the Hungarian government — and in its agencies as the NAV — were also supported and echoed by the demonstrators. In parallel with the US conflict, the Hungarian government provoked a conflict with the Norwegian government by intervening in the activities of the Hungarian NGOs sponsored by the Norwegian Civil Fund. To cut it brief, the government officials declared in the Putin style these NGO activists as “traitors” working for foreign agencies. The police raided the office of the Ökotárs Foundation on 8 October 2014, and this police raid was condemned afterwards by the sentence of the Budapest High Court. The series of attacks on the Hungarian NGOs generated a public protest and at some mass demonstrations the participants waived the EU and the Norwegian flag.

mobilized against the authoritarian government. The new generation after the systemic change has been brought up in the democratic spirit and it has tried to return to the point of departure to re-fix both the external and internal “anchors” of democratization, waving the EU flag and chanting “Europe, Europe” at the mass demonstrations. The new generation of democrats can really challenge the elected autocracy of the Fidesz-Golem and they can start a sustainable redemocratization process in Hungary¹⁷.

The prospects of “Return to Europe” in NMS as a “Second Try”

The new democracies of Central and Eastern Europe were born from the collapse of the bipolar world as Soviet rule over the region ended. The main slogan of this historical turning point was “Return to Europe” and after the failure of its first attempt in the last quarter-century this slogan has come back with a vengeance for the “Second Try”. The newly emerging democracies had naïve expectations in the nineties on the direct, quick and evolutionary application of the Western democratic model (“Western fallacy”). By now the opposite has come true, since in the NMS, both the political and policy learning process of democratization have been delayed and distorted. The newly established large formal institutions have not been filled with their genuine democratic content from the patterns of civic culture, and therefore have not been supported either with the proper informal institutions¹⁸.

Although in the eighties internal tensions were high in the “communist” countries under scrutiny, the drastic changes in the NMS region were still mainly pushed through by external megatrends such as the collapse of the bipolar world. By the following Europeanization and globalization the peoples of the NMS region have been mostly the participants of this top-down and/or “imported” democratization, but not full, conscious actors in this process. There have also been some negative external factors or spill-overs that have delayed or distorted the democratization process. First of all, the negative socio-economic changes have generated social exclusion and polarisation, causing the impoverishment of large masses as the major negative side effect of the all-out privatization in the European economic integration. The main lesson drawn from the last quarter-century is that true democracy has to be built from below as bottom-up

¹⁷ The wave of mass demonstrations against the Orbán government in 2015 reached its peak on 15 March 2015, a Hungarian national holiday which commemorates the 1848 democratic revolution. On 23 February 2015 the demonstration-organizing units met nation-wide and formed a common organization of DEMOSZ (Democratic Movements and Organizations) to prepare the mass demonstrations against the authoritarian Orbán government throughout the country. In the first half of 2015 there were dozens of special demonstrations with some thousands taking part, usually representing professions like health care or education.

¹⁸ This paper does not deal with the general development in the NMS region, but my former papers have covered the rich body of literature on democracy decline and delays in catching up in this region, see e.g. Arnould and Chandra 2014; Banac 2014; Denk and Silander 2012; Dimitrova 2010; Epstein and Jacoby 2014; ESF 2012; European Catching Up Index 2014; Innes 2014; Müller 2014; Roberts 2009; Rupnik and Zielonka 2013 and Rye 2013.

democratization through the comprehensive social reintegration facilitating the societal and political participation, leading to the genuine participatory revolution.

There is no doubt that the role of the EU in democratization and Europeanization has been overwhelmingly positive, but its negative effects have hardly been studied by the European Studies and in the NMS scholarship. The main negative effect of the EU membership is that both territorially and socially, NMS countries have been split into two parts — to the “West of the East” and “East of the East”. At the EU level the cohesion policy has been emphasized in all dimensions — economic, social and territorial — but it has not yet produced “domestic cohesion” in the NMS countries based on the common development capacities of the entire territory and all social strata in the extremely new competitive situation of European integration. The new member states have not only been more diverse but they have also been much more at a lower level of socio-economic development than most old member states. In such a way, the intensive European integration has put them under a huge competitive pressure and the large part of NMS societies has not been able to withstand this competitive pressure. The Copenhagen criteria for accession included the need for being able to withstand the competitive pressure within the EU, but this basic conditionality has been totally neglected by the domestic elites. Most elites have not been able to cope with the situation and to formulate a strategic programme in order to integrate their own countries as a whole within the EU.

Nowadays, the key issue is how to reintegrate the “East of the East” — as the internal periphery territorially and the new-old poor strata socially — to the NMS countries as a whole, since only the overall success of socio-economic catching up can lead to the redemocratization process. The decline of democracy has demonstrated that the participation issue cannot be approached exclusively from the political side, because its real roots are in the socio-economic or societal participation, dynamic job security and sustainable social prosperity. Otherwise, formal democracy becomes emptied and the people lose their interest in defending it. The formal democracy in NMS was built on weak state structures with the gap between formal and substantive democracy, therefore the true democracy or consolidated, full democracy has not yet emerged. Exactly to the contrary, the systemic decline of democracy had already begun in the nineties and the situation has worsened from decade to decade. Finally, in this internal periphery in European Governance, an intimidation campaign has taken place against the democracy-supporting informal institutions, with the NGOs as the last islands of independence, and they have been forced to fight back.

Conclusions: Reinventing mass participation for the Second Try of democratization

Hence, the shock of the “Reverse Wave” or the authoritarian revival has come in the 2010s and it has provoked a new learning process about the need for the “comprehensive” participation that allows for the organization of an adequate defence of democracy by the strong informal institutions. In the declining democracies the democracy-supporting civic

organizations have been activated and provided some models for action. The political and policy learning processes have supported and reinforced each other, which has been documented in the Hungarian case, in which the hubris of the extravagant Fidesz elite has destroyed the apathy and fear based on the permissive consensus around the elected autocracy. The ensuing political learning process has intensified the efforts of civic organizations for policy learning, to elaborate ways and means for mass demonstrations to confront the authoritarian moves of the third Orbán government. The policy learning has appeared in both theoretical studies and empirical actions, in both academic publications and public speeches. These actions have radically changed the public discourse in Hungary and new informal institutions as democratic round tables have also emerged, and with them Hungary has returned to similar organizations in the late eighties, but at the “higher level”, indeed. Under very different circumstances and 25 years later, Europeanization and democratization should be given a second try.

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- Transparency International Hungary (2014c), *CPI 2014, Hungary (in Hungarian)*, http://www.transparency.hu/A_korrupcio_2014-es_vilagterkepe.
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*Annex****List of the most important democracy-supporting civil organizations****I. Internationally based organizations — NGOs*

Amnesty International Hungary (AI-Hu, Amnesty International Magyarország, <http://www.amnesty.hu> and <http://www.amnesty.org/en/region/hungary>)

Foundation date: 1961 (international) and 1989 (Hungarian)

Mission: protection of human rights against abuses

Activities: mobilizing the public to put pressure on governments, companies and inter-governmental bodies

Sponsors: private donations world-wide

Current reports:

Amnesty International (2015a), *Authorities must end unprecedented crackdown on NGOs*, <http://www.amnesty.org/en/news/hungary-authorities-must-end-unprecedented-crackdown-ngos-2015-02-02>.

Amnesty International Hungary (2015), *Their Backs to the Wall: Civil Society under Pressure in Hungary*, http://www.amnesty.hu/data/file/756-back_to_the_walls_eur270012015_en.pdf?version=1412429919.

Carpathian Foundation — Hungary (CF-H, Kárpátok Alapítvány, www.carpathianfoundation.org)

Foundation date: 2002

Mission: Five Nations — One Community, cross-border regional community

Activities: supporting local developments and disadvantaged rural areas

Sponsors: Norwegian Civil Fund for International Carpathian Foundation Network

Corruption Research Center Budapest (CRCB, in the Anti-Corruption Research Network, ACRN, <http://corruptionresearchnetwork.org/>)

Foundation date: 2013

Activities: anti-corruption fight in an international network

Current reports:

ACRN-CRCB, Corruption Research Center Budapest (2015), *From Corruption to State Capture: A New Analytical Framework*, <http://corruptionresearchnetwork.org>

Kreatív (2015), *Hogyan működött Orbán és Simicska médiabirodalma? [How did the Media Empire of the Orbán and Simicska work]*, http://www.kreativ.hu/databanya/cikk/hogyan_mukodott_orban_es_simicska_mediabirodalma.

DemNet (Demokratikus Jogok Fejlesztéséért Alapítvány, <http://www.demnet.hu>)

Foundation date: 1996

Mission: democracy support with a special focus on civil society development
Activities: empowerment of civil society organizations, improve sustainability of NGOs and foster

civil society actors' social embeddedness Sponsors: USAid (Norwegian Civil Fund and Visegrad Four Fund, V4)

Current/main report:

About ImpACT Hungary, <http://www.demnet.hu/en/empowerment-of-civil-society/transparency-and-impact/163-about-impact-magyarorszag>.

Hungarian Helsinki Committee (HHC, Magyar Helsinki Bizottság, <http://helsinki.hu/en>)

Foundation date: 1989

Mission: Human rights watchdog organization

Activities: refugees and migrants, detention and law enforcement, access to justice, legal assistance

Sponsors: UN bodies, European Commission, Open Society (Soros Foundation)

Current reports:

Hungarian Helsinki Committee (2014a), *Disrespect for European Values in Hungary, 2010–2014*, 21 November 2014, <http://helsinki.hu/en/disrespect-for-european-values-in-hungary-2010-2014>.

Hungarian Helsinki Committee (2014b), *Governmental attacks against Hungarian NGOs discussed at OSCE human rights meeting*, 23 September 2014, <http://helsinki.hu/en/governmental-attacks-against-hungarian-ngos-discussed-at-european-conference>.

Transparency International Hungary (TI-Hu, Transparency International Magyarország, <http://www.transparency.hu/en>)

Foundation date: 1996

Mission: Anti-Corruption research and mobilization

Activities: regular reports and events, International Anti-Corruption Day (The sixth annual anti-corruption festival, “Átláccó”, 12 November 2014)

Sponsors: Freedom House, Open Society (Soros Foundation), companies

Current reports:

Transparency International Hungary (2014a), *Authorities should crackdown on corruption*, 27 October 2014, http://www.transparency.hu/Transparency_International__authorities_should_crack_down_on_corruption?bind_info=index&bind_id=0.

Transparency International (2014b), *Corruption Perception Index 2014*, <http://www.transparency.org/cpi2014>, <http://www.transparency.org/cpi2014/results>

Transparency International Hungary (2014c), *CPI 2014, Hungary (in Hungarian)*, http://www.transparency.hu/A_korrupcio_2014-es_vilagterkepe.

European Commission, Transparency International (2014), *EU Anti-Corruption Report*, Brussels, 3.2.2014, COM(2014) 38 final, http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/organized-crime-and-human-trafficking/corruption/docs/acr_2014_en.pdf.

Main sponsor:

EEA/Norway Fund (NCF, Norwegian Civil Fund, <https://norvegivilalap.hu/en>)

Foundation date: 1994

Mission: provide grants to strengthen civil society development and to enhance contribution to social justice, democracy and sustainable development

Activities: the Fund is operated by the Hungarian Environmental Partnership Foundation in cooperation with Autonomy Foundation, DemNet and Carpathian Foundation

II. Domestically based organizations — NGOs

Autonomy Foundation (AF, Autonómia Alapítvány, <http://autonomia.hu>)

Foundation date: 1990

Mission: strengthening civil society and social re-integration

Activities: Roma programs for developing skills and community building

Sponsors: Norwegian Civil Fund

Current Reports:

Annual Reports: <http://autonomia.hu/hu/rolunk/evesjelentes>, <http://autonomia.hu/hu/rolunk/evesjelentes>.

Hungarian Environmental Partnership Foundation — (HEPF, Ökotárs Alapítvány, <http://okotars.hu/en>)

Foundation date: 1995 (1991 — Environmental Partnership Association, EPA)

Mission: non-profit, politically independent organization promoting environmental improvement and awareness among civil society and the general public

Activities: grant making and training, technical assistance and expert help for NGOs, fundraising, cooperation and consultancy services for civil organizations

Sponsors: Norwegian Civil Fund, The Swiss-Hungarian NGO and Scholarship Funds

Current reports:

HEPF (2014a), *Civil Partner*, <http://www.civiljogok.hu/en>, <http://www.civiljogok.hu/en>.

HEPF (2014b), *Medium and Micro Project Proposals*, Autumn 2014, <https://norvegcivilalap.hu/en/node/10419>.

Eötvös Károly Policy Institute (EKINT, Eötvös Károly Közpolitikai Intézet, www.ekint.org)

Foundation date: 2003 (1995)

Mission: to establish novel, unconventional institutional framework for shaping democratic public affairs in Hungary

Activities: issuing positions and publications on various legal-political issues, organizing conferences, drafting policy proposals, conducting surveys on democratic institutions like courts and on public services like education and health care

Sponsors: Open Society Institute (Soros Foundation)

Current reports:

EKINT (2014), *Timeline of Governmental Attacks against Hungarian NGO Sphere*, http://www.ekint.org/ekint_files/File/timeline_of_gov_attacks_against_hungarian_ngos_20141020.pdf

Human Platform (HP, Humán Platform, www.humanplatform.hu), jointly with the **Kretarkor Foundation** (Kréta Kör Alapítvány, <http://kretakor.eu/en/home-en/>)

Foundation date: 2011

Mission: network of two dozen networks in the fields of culture, education, social policy and health care

Activities: declarations, meetings, demonstrations, public performances for strengthening the professional values and social solidarity

Sponsors: Open Society (Soros Foundation) and private donations

Hungarian Civil Liberties Union (HCLU, Társaság a Szabadságjogokért, TASZ, <http://tasz.hu>)

Foundation date: 1994

Mission: non-profit human rights watchdog NGO to promote fundamental rights

Activities: strengthening civil society, protecting freedom of information, political participatory rights, rule of law, personal data protection, Roma rights advocacy and freedom of assembly

Sponsors: Norwegian Civil Fund, Open Society (Soros Foundation), ERSTE Foundation
Current reports:

HCLU (2014a), *HCLU Litigates Hungarian Service Providers to Terminate Data Retention*, <http://tasz.hu/en/data-protection/hclu-litigates-hungarian-service-providers-terminate-data-retention>.

HCLU (2014b), *We do not want Roma here*, <http://tasz.hu/en/romaprogram/we-do-not-want-roma-here>.

K-Monitor (Korrupció Monitor, <http://k-monitor.hu>)

Foundation date: 2008

Mission: reporting on the corruption-related actions for the transparency of public finances

Activities: website and data base with the corruption stories regularly-frequently displayed on internet in close cooperation with the NGOs of the anti-corruption profile

Sponsors: Open Society (Soros Foundation), Norwegian Civil Fund, European Commission
Current report:

K-Monitor (2014), *Declaration of three NGOs: This is the minimum against corruption*, <http://www.ezaminimum.hu>.

Mertek Media Analysis Workshop (MMAW, Mérték Médiaelemző Műhely, MMM, <http://mertek.eu>)

Foundation date: 1989

Mission: against the systemic politicization of the media system and manipulation of the advertising market

Activities: regular reports on media, fight for the media freedom and for an independent public media

Sponsors: Open Society (Soros Foundation), Stichting Democratie and Media

Current reports:

MMM (2014), *What is the problem with the media laws?* <http://mertek.eu>.

MMM (2015), *Gasping for Air: Soft Censorship in Hungarian Media 2014*, <http://mertek.eu/en/reports/gasping-for-air-soft-censorship-in-hungarian-media-2014>.

Student Network (SN, Hallgatói Hálózat, HaHa, <http://hallgatoihalozat.blog.hu>)

Foundation date: 2011

Mission: representing students' interests, for the autonomy of higher education and for the job perspectives of graduates

Activities: organizing demonstrations and formulating demands from governments

Sponsors: self-financing, small private donations of participants

Current reports/blogs:

SN (2013a), *About the rule of law: Declaration of the Hungarian Student Network and the Hungarian High School Network*, http://hallgatoihalozat.blog.hu/2013/02/09/about_the_rule_of_law_declaration_of_the_hungarian_student_network_and_the_hungarian_high_school_net.

SN (2013b), *HaHa on how the 4th Constitutional Amendment effects students in Hungary*, http://hallgatoihalozat.blog.hu/9999/12/31/haha_on_the_4th_constitutional_amendment_of_hungary.

SN (2013c), *Higher education under threat in Hungary*, <https://www.opendemocracy.net/can-europe-make-it/k%C3%A1roly-f%C3%BCzessi/higher-education-under-threat-in-hungary>.

Transparency-Hu Foundation (Transparency-Hu, Átlátszó.hu Alapítvány, www.atlatszo.hu)

Foundation date: 2011

Mission: investigating, pro-transparency and anti-corruption journalism

Activities: very active and effective watchdog NGO and online media with a vivid website of social accountability, discovering many corruption cases of government in close cooperation with other NGOs of the similar profile

Sponsors: Open Society (Soros Foundation) and private donations

Current reports:

Transparency-Hu (2015a), *A new holiday resort for the Prime Minister's family*, <http://english.atlatszo.hu/2015/01/27/a-new-holiday-resort-for-the-prime-ministers-family/>

Transparency-Hu (2015b), *Atlatszo.hu unravels intricate web behind suspicious Budapest real estate sellout*, <http://english.atlatszo.hu/2015/02/10/atlatszo-hu-unravels-intricate-web-behind-suspicious-budapest-real-estate-sellout/>

Transparency-Hu (2015c), *Winning the deal is all about being in the right place at the right time*, <http://english.atlatszo.hu/2015/02/10/winning-the-deal-is-all-about-being-in-the-right-place-at-the-right-time/>

Women for Women (WW, Women's Rights Association, Nők a Nőkért Egyesület, NaNe, www.nane.hu)

Foundation date: 1994

Mission: ending the human rights' violation and the threat of violence against women

Activities: advocacy, personal support services and public education

Sponsors: Norwegian Civil Fund, European Commission, private donations

Current report:

Nane (2014), *Power to Change, manual against domestic violence (in five countries)*, <http://www.womensaid.org.uk/domestic-violence-articles.asp?section=00010001002200370001&itemid=1841>.

The Civic Decoration: The **Ars Humanica Hungarica** (www.arshumanica.org)

Foundation date: 2011

Mission: to give Hungarian Civilian Legion of Honour (Magyar Civil Becsületrend, MCB) every year to eminent persons for their civic virtue.

Activities: In February 2015 the Award was presented for the fourth time.

III. Major independent think tanks in Hungary

Budapest Institute (<http://budapestinstitute.eu/index.php/en>)

Center for Policy Studies (<http://cps.ceu.edu>)

IDEA, Institute for a Democratic Alternative (<http://ideaintezet.hu/wp/english/>)

Political capital (<http://www.politicalcapital.hu/>)

Policy agenda (<http://policyagenda.hu>)

Policy solutions (<http://www.policysolutions.hu/en>)

TÁRKI, Social Research Institute (www.tarki.hu)

(There are 41 think tanks in Hungary, see 2014 Global Go To Think Tank Index Report, p. 55, http://repository.upenn.edu/cgi/viewcontent.cgi?article=1008&context=think_tanks)

Cytowanie

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STUDIES

Włodzimierz Aniol

Institute of Social Policy
University of Warsaw¹

*A social deficit.
Poland in the face of developmental challenges
in the 2010s*

Summary

The aim of this article is to answer the question of what fundamental modernization and developmental challenges Poland currently faces. The author argues that the developmental model that has been in place in Poland for the last 25 years — and generally worked quite well, which is evidenced by many major achievements and several economic and social indices — is just exhausting its potential. Simultaneously, we are observing intensification and aggravation of several problems — either as yet unresolved or new ones — which jointly constitute something we may call a **social deficit**. The main message of the paper can be summarized in a nutshell as a thesis that under current situation and circumstances, it becomes necessary to proceed to new generation of competitiveness, launch different developmental levers, which — speaking in most general terms — are to be found mainly in the social realm.

The article consists of three parts. The first one is dedicated to the characteristics of strengths and weaknesses of Polish modernization after 1989 against the background of the situation in other CEE countries. The second one defines five key developmental challenges currently faced by Poland. The third part predominantly features the fundamental difference between the previous, **post-transformational** developmental policy and the new, **pro-innovative** modernization strategy, which places social policy in the very centre of its focus.

Key words: Poland, modernisation, social deficit, development challenges

¹ Email: waniol@uw.edu.pl

Introduction

Similarly to other CEE countries, after 1989, Poland was an area of profound and multi-dimensional modernization changes. In its broader definition, **modernization** can be understood as the process of transition from underdeveloped (less developed) countries into developed (more developed) ones (Morawski 2010, p. 18). More specifically, it can be viewed as a process of overcoming civilizational backwardness, catching up with the West, which still remains — for many people worldwide, not only in Poland and countries in its immediate neighbourhood — the archetype of broadly understood modernity. Leaving aside the classic, much narrower and more precise definitions of modernization (Max Weber's or Emil Durkheim's), let us adopt the possibly broadest, even vernacular, understanding of the phenomenon as a process of positive mental and institutional change in response to the constantly emerging new social, economic and technological challenges.

Taking this assumption as the starting point, the article attempts to find answers to the question of what fundamental modernization and developmental challenges Poland currently faces. The author will try to argue that the developmental model that has been in place in Poland for the last 25 years, and generally worked quite well, which is evidenced by many major achievements and several economic and social indices, is just exhausting its potential. In other words, the sources of the previous modernization successes seem to be drying out. Simple assets and the competitive advantages of Polish economy are near their end, if not almost completely used up. At the same time, we are observing the intensification and aggravation of several problems — either unresolved so far or new ones — which are becoming an increasingly relevant developmental barrier. There is an increasingly marked presence of what we may call a **social deficit**.

The main message of the article can be summarized in a nutshell as a thesis that in the current situation and circumstances, it becomes necessary to proceed to a new generation of competitiveness and launch different developmental leverages, which — speaking in the most general terms — are to be found mainly in the social realm. According to the author, the widely understood social policy is the fundamental developmental reserve for Poland today and in the coming years. This is where we should look for the fundamental but presently dormant, frozen resources and modernization potential. It is in the extensive area of interests of social policy that we can look for and find the main inhibitors hampering civilizational progress to Poles today.

To begin with, we will ponder briefly on the strengths and weaknesses of Polish modernization after 1989 against the background of the situation development in other CEE countries. Then, we will define a few key developmental challenges currently faced by the Polish society and state today and in the perspective of the coming decade. The third part of the paper will focus on differences between the previous, in today's conditions increasingly anachronistic, **post-transformational** developmental policy and the new, **pro-innovative** modernization strategy, which places social policy at the very centre of its focus.

I. The balance of the quarter century of Polish modernisation: pros and cons

The period after the fall of communism in 1989 brought to Poland clear, at times spectacular, progress in many spheres of social life. Tangible evidence of such development is comprised by various measures of economic and welfare growth, including those related to the rate of catching up with the best-developed West European states. The latter element is of fundamental relevance from the viewpoint of aforementioned modernization criterion (“catching up with the West”). The scale of positive changes that have taken place in Poland in the recent quarter century and which was greatly accelerated by accession to the European Union in 2004, exceeds what in many Western European countries had taken many decades. There has been a significant growth not only of objectively measured level of living standards (apart from average life span becoming a few years longer), but also of indices of subjective well-being, satisfaction and happiness in life. According to the latest report of the Social Diagnosis project published in September 2015, the sense of happiness among Poles has risen when compared to previous years — from 53 in 1993 and 69 in 2000 to more than 81 percent of respondents in 2015 defined themselves as happy².

The developmental gap separating Poland from better developed Western European states as measured by differences between GDPs per capita has significantly narrowed. Only a few times in history has this gap been as small as today, i.e. to the GDP approached half that level. Historians estimate that back in the 16th century, under Jagiellonian rule, this proportion was probably approximately 60 percent. The swift progress in this regard in recent period can be best illustrated by the fact that while in 1989 this indicator in Poland amounted to 36 percent of the value for Germany, in 2013 it had already reached 53 percent³. According to Eurostat data, in 2014 the Polish GDP per capita reached the level of almost 70 percent of the average GDP per capita of all 28 member states of the European Union. To avoid falling into the trap of excessive complacency, it is worthwhile to remember that from the viewpoint of measuring affluence so, Poland is still only fifth but last on the list of EU members. As an example, Portugal, which acceded to the European Economic Community in 1986, was at that time separated from average GDP per capita in the said group by the same gap as Poland is today.

Simultaneously, it cannot be denied that if compared to neighbours from the post-communist part of the European Union, Poland has made the biggest economic leap and the most significant progress in many other areas. In 1989, it was the poorest country in the region; presently, in terms of GDP per capita, it has overtaken a few of its previously more affluent neighbours from the former socialist bloc. According to Eurostat estimates,

² This research project investigates objective and subjective quality of life in Poland every few years. See more on this at: www.diagnoza.com.

³ The statistical data quoted in the paper are calculations publicly available, also in online sources, sourced mainly from Eurostat, OECD and the Polish Central Statistical Office (GUS). Several comparative datasets are quoted after the Polish Ministry of Foreign Affairs report (2014).

in 1989, the GDP per capita in Poland corresponded to 33 percent of average GDP per capita in the EU, in 2004 — 51 percent, and in 2012 — already to 67 percent. For the sake of comparison, in the Czech Republic, for example, those indicators in aforementioned years amounted to — 60, 78 and 81 percent, respectively, in Hungary — to 46, 63 and 67 percent, in Romania, to 35, 34 and 51 percent, and in Bulgaria, to 37, 35 and 47 percent. One of the conclusions is that, at the exit from communism, Hungarians were much more affluent than Poles as a nation, three years ago the affluence level of an average citizen became equal in both countries, and at present, it is already higher in Poland.

The economic success of Polish modernization against the background of CEE countries can be also evidenced by the fact that from 1989 to 2012, Poland had the highest GDP growth indicator, amounting to 203 percent. In this regard, Slovakia came second (172 percent) followed by Estonia (144), Slovenia (142) and the Czech Republic (140). Across the recent two decades, Poland has not recorded even a single year of recession, neither during the financial and economic crisis of 2008, which was unique across the entire European Union. Within the group of post-communist countries, even Slovenia — the richest state in the group, relatively — has recently experienced serious banking and financial troubles, the resolution of which required international aid. The economic collapse of 2008 affected three Baltic states (Lithuania, Latvia, Estonia), previously treated by many economists and experts as models of economic transformation and over a longer time, developing at impressive rate, very seriously. Today, they are recovering to previous vigour).

Relatively the poorest performances against this regional background are given by Bulgaria and Romania. Not only did those countries start their road to transformation in 1989 from a very low developmental level, but in the 1990s, they also maintained a reform pace much slower than Poland, which was greatly contributed to by resistance of powerful interest groups threatened by market transformation and post-communist parties longer remaining in power. Those two poorest European Union countries of today do not only stand out owing to poorer economic results, but were also often criticized for deficient democracy standards and serious corruption. Furthermore, privatization, deregulation, liberalization of economic turnover (including the international one), demonopolization, etc., did gradually take place in the two countries, thus, generally speaking, all post-communist countries embarked on a similar socio-economic transformation path, only they proceeded at various speeds.

On this basis one could conclude that the economic shock or “cold turkey” therapy at the turn of the 1980s and 1990s distinguishing Poland, implemented in accordance with the programme known under the name of the Balcerowicz Plan (after the name of the then Deputy Prime Minister and Minister of Finance), by account balance benefited Poles. The road of fast pro-market modernization taken by Poland secured a greater dynamics of change, particularly those for the better, bringing the country out of economic disaster and putting it firmly on a stable growth path⁴. Arguments abound in support of a thesis that —

⁴ In the recent 20 years Poland has maintained an average annual GDP growth rate over 4 percent, although a declining trend has to be pointed out.

despite all shortcomings and social costs particularly in the first phase of violent changes — all in all, this development strategy has proven effective and beneficial in the long run.

Yet, this is not the only interpretation of the balance and aggregate assessment of the achievements of Polish modernization present in domestic public and scientific discourse. Both critically inclined analysts and politicians and ordinary citizens dissatisfied with changes, frustrated by inability to fulfil their life and career aspirations, abound. Some even think that our country is presently on the verge of national, moral and economic collapse. In its extreme, harshest interpretations, usually motivated and fuelled by inter-party fighting, anything that happened in Poland post-1989 was a long chain of acts of political treason (initiated by alleged conspiracy of the post-Solidarity elite at the Round Table in the same year), economic downfalls, social exclusions and disasters. Those were the times of the old nomenclature and special services stealing away national property by mythical “arrangement”, new cliques and foreign capital. In that period, the national and state sovereignty was allegedly destroyed and transferred to neighbouring powers (a thesis that Poland became a “German-Russian condominium”) and hostile supranational structures, such as the European Union or transnational corporations. The ruling elites allegedly serve foreign forces, steal and sell national assets for peanuts, continuously lie, forge election results, etc. A prominent place in this bleak narration permeated with intelligence elements is occupied by conspiracy theories, which, for example, view the Smoleńsk plane crash of 2010, in which, among others, President Lech Kaczyński was killed, as an act of assassination organized jointly by the then Polish Prime Minister and Russian President.

Less radical, or more nuanced, assessments stress that if 25 years of transformation can be identified with the enormous individual successes of Poles, at the same time they marked a significant failure of Poland as a society and state. Civilizational advancement experienced by certain individuals — as producers, consumers and citizens — did not adequately translate into power, efficiency, effectiveness and fairness of the entire state organism. Polish social psychologist Janusz Czapiński uses in this context the graphic term of “**molecular development**”, which is supposed to indicate that the participants and beneficiaries of modernizations are mainly individuals-molecules and not the entire society as such (Czapiński 2009, p. 279).

Many commentators, experts and researchers link this situation to the excessive, even downright pathological individualism of Poles, for whom personal aspirations and successes are much more important than joint ones. According to the same opinion, Poles cope quite well as individuals, assuming responsibility for things close to them, but as an entire society and state, they fare much worse. They usually take good care of their immediate surroundings, but care much less for the wider community. Extremely important to our compatriots are their families⁵, narrow clans of friends and partners in doing business,

⁵ According to the CBOS survey performed in February 2014, 97 percent of Poles declare trust in the nuclear family. Asked if strangers can be trusted, 75 percent of the respondents answers negatively, with the share of extremely distrustful persons rising from 19 to 25 percent compared to the previous year.

while the common good, interests and public affairs always remain marginal. This brings to mind the findings of American social anthropologist Edward Banfield, who, having once studied the cultural determinants of underdevelopment of southern Italy, called this unsound favouring of narrow, family-based and particularist communities and interest, an “**amoral familism**”. He wrote that amoral familism is a good base for development of nepotism, various types of clientelism or even mafia arrangements (Banfield 1958).

However, in account balances of Poland’s last 25 years, the social aspect of transformation is assessed as much worse than the purely economic one. The most frequently quoted bleak aspects include: dramatic shocks on the labour market caused by restructuring, collapse of certain national economy sectors and premature deindustrialization, still relatively high unemployment rate (although optimists will point out that already for some time now, it has been kept at average EU levels), deepening wealth and financial inequalities, deficiency of public sector and social services (e.g. health care service), inefficiency of administration and judicature, poor quality of political life, etc. Clear deficiencies and neglects are visible in the area of social relations and collaborative governance. The shared life quality is still low, the level of social capital, mutual trust and trust towards state institutions has not improved, civic society is rather weak.

Consequently, in Poland we are dealing with peculiar **development asymmetry** — and at least a double one, if we take into account, on the one hand, two dimensions: the individual and collective one, and two aspects: the economic and social one — which many observers consider to be an increasingly serious barrier to further modernization of the country. Today, the imbalance between decent economic growth or more broadly — the “hard” economic modernisation on the one hand, and the quality of collective life — i.e. “soft” social modernization, leaving much to be desired — on the other seems increasingly worrying and anachronistic. What is more, it seems impossible to continue the former in the long run without clear progress in the latter, i.e., without proper mental and cultural changes in the ways of thinking and acting, in human attitudes and behaviours, in the design of the law and social order. Those are the main areas in Poland where, according to many observers and scholars, the inhibitors in place that hamper comprehensive progress need to be removed and eliminated. For example, the central thesis of the report prepared by the Future Studies Committee “Poland 2000 Plus” is that “the economic growth observed in Poland over the past two decades has not been accompanied to a comparable degree by the advancement of societal and civilizational progress” (Kleiber et al. 2011, pp. 7–8).

If we are to show at the end of this part of the paper a single, relevant and expressive example of the indicated social deficit, it can be illustrated symbolically by one specific modernization project, namely, the construction of the ring-road around Wrocław, the capital of the Lower Silesia region. It took 17 years from the start of the investment to its full completion (between 1994–2011), with proper construction works lasting only three years. Before that, it took five years to reach a decision on the investment’s location, another five years to combat the protests of local residents against building the road, and finally, another four years to select the contractor. This means that the construction

of the road went through the total of 14 years of social, legal and political “pains”. One could say that the entire undertaking eventually proved to be a technological success but simultaneously, a symptomatic failure of organizations, legal system and social communication.

This modest practical example demonstrates at the same time that holistic civilizational progress is not determined solely by economic successes and material (financial, technological, infrastructural) leaps. We may not and must not lose sight of the other, non-economic and qualitative criteria that should be taken into account by a holistic assessment of developmental processes. A contradicting view on the topic can be perceived as one-sided and — as a matter of fact — technocratic.

II. Five key social challenges

Today, the most frequently quoted social problems to be resolved, the biggest ailments and “bottlenecks” hampering development, and at the same time, questions requiring urgent answers, include — among others — the following issues:

- how to stop the expected **depopulation and ageing** of the Polish society?
- how to stop **emigration** of young Poles?
- how to increase **employment** rate and improve its security?
- how to reverse the trend of widening financial and social **disproportions**?
- how to improve the indicators of social **mobility** and clear **promotion** channels?
- how to improve inadequate **innovation in** economy and society?
- how invigorate **civic activity** and improve the efficiency of the **state**?

Let us now have a closer look at some of them, namely the five key developmental challenges currently faced by Poland.

1. **Demographic collapse.** Fewer and fewer children are born in Poland; the fertility rate at the level of 1.3 is among the lowest in the EU. After a short break (years 2006–2012), the birth rate is negative again. According to the forecasts of the Central Statistical Office (GUS), the population of Poland will be gradually declining in the coming decades; from the present 37.3 million, it will go down below 34 million in 2050. Moreover, the society will be ageing faster and faster. All those elements give rise to demand for pursuance of an active, comprehensive pro-family policy, restoring positive population growth — although it is worthwhile remembering that procreative decisions are extremely complex, have many determinants and actions of the state do not have a straightforward, direct impact on fertility rate.

The situation is quite similar with regards to emigration, which rose dramatically after accession to the EU. If — according to the GUS — in 2002, approximately 780 thousand Poles stayed abroad for more than three months, then in 2014 there were 2.32 million of them, and within the territory of the European Union alone, the number of Polish migrants amounts — according to various calculations from 2013 — to between 1.72 million (GUS) and 1.88 million (Eurostat). After 2004, the greatest number of people left for the United Kingdom (685 thousand at present), Germany (614 thousand), Ireland

(113 thousand), and the Netherlands (109 thousand). Regardless of certain tangible benefits related to employment migration, particularly the temporary one (within the recent decade, according to calculations of the National Bank of Poland (NBP), Polish migrants remitted to Poland approximately EUR 32 billion of earned remuneration), it brings several problems and even obvious negative outcomes (Anioł 2014). Stopping the departure of so many Poles, particularly young ones, who find more attractive conditions to live, work and start a family in the West is not an easy task, but a long-term policy of the state authorities in various areas of social policy could help a lot in this respect. Besides employment and higher salaries, Polish emigrants in the United Kingdom, Germany, or Norway, value better quality of living in those countries, i.e. better kindergartens, hospitals, public transportation systems, social benefits and services, more efficient public offices and civil servants etc. particularly high. At the same time, one must be aware that a fundamental improvement of domestic situation in those areas, regardless of the desirable state efforts, will require a more profound social and cultural change. It is about restoring splendour to such values as common good, community, equality, solidarity, mutual trust, cooperation, shared responsibility etc.

In the face of the depopulation threat, it will be also most likely necessary to formulate and implement a well-thought-out immigration policy, attracting talented foreigners, e.g. students, highly-skilled staff, outstanding researchers to Poland, (Duszczyk and Matuszczyk 2014). A separate issue are the necessary adjustments in health, pension or municipal policies to swift society ageing.

2. Uncertainty of work. Besides high **unemployment** (approximately 10 percent) and employment rate under the EU average (approximately 65 percent), serious uncertainty of work is a significant problem, manifested among others in high popularity of so-called **junk jobs and employment agreements**. According to the OECD data of 2014, among all 34 studied countries, the biggest percentage of people in temporary employment can be found in Poland: 28.4 percent, and as much as 71.2 percent of working people aged 15–24 are employed on temporary contracts, while in EU countries those indicators are twice as low on average.

Uncertain labour market situation and its excessive flexibility, the fact that some employees are pushed into the self-employment sector, growth of the grey economy and the fact that many employees are hired under hardly transparent rules and mechanisms, foul local arrangements, frequently through the chain of personal contacts — all those elements aggravate uncertainty of fate, living situation, including incomes and financial conditions (Bednarski and Frieske 2012). Those processes are enhanced by advancing marketization and commercialization of social services, including health care, education and housing. Poles increasingly use paid medical treatment and pay for studies and school, while cooperative, municipal and social housing construction is in regress. On top of that, the dual education system that emerged within the two recent decades (public and private sectors) largely missed the needs of the current labour market.

Dualism of the labour market (breakdown into people with full-time jobs and those hired for a definite time, including on the basis of civil law contracts) is accompanied by

increasing **financial disproportions** and **social stratification**, as well as territorially. Here, a division into Poland A and Poland B is maintained, roughly along the line of the Vistula River. Moreover, the gap is widening not only between the eastern and western regions of the country, but also between large urban development centres, which are transforming into peculiar “islands of modernity”, and backward-looking, developmentally retarded provincial Poland. The share of both public and social spending in Polish GDP, negatively departing from EU average, is not conducive for bridging the aforementioned gaps.

Precarization, or an increase of social uncertainty and the feeling of lack of security, not only in the labour market, has multiple negative consequences. It suffocates initiative, weakens trust, the willingness to cooperate and social cohesion, deepens fears, frustrations, complexes and intolerance, releases hostility and aggression, reduces hope and faith in the future. In Poland, sociologists record the weakening of family, neighbourhood and environmental ties. The community deficit is more and more prominent. Many people have a growing feeling of solitude, isolation, estrangement, and exclusion. For some observers, the regular growth of the suicide rate in Poland within the recent decade seems highly symptomatic.

The awareness that overuse of junk jobs in the domestic labour market should be reduced becomes universal. This entails the postulate for general salary rises, which still remain at a relatively low level against the European background. In this context, it is important to recall that in the years 1999–2014, the share of salaries in GDP dropped from 58 to 46 percent, while their rise should at least correspond to labour efficiency growth. However, according to some economists it would be presently justified if this rise was a step ahead of the rise in salaries, thus encouraging both employers and employees to proceed onto a higher level of production efficiency. On the other hand, here one should be prudent and cautious to prevent development of a “Greek scenario”, where, among other factors, uncontrolled salary growth led to dramatic increases in companies’ debt and the deepening of public debt⁶.

3. Poor innovation of the economy and society. In the Innovation Union Scoreboard of 2014, Poland occupies one of the last places just ahead of Romania, Bulgaria and Latvia (European Commission 2014). In terms of detailed indicators such as evaluation of research systems or “linkages & entrepreneurship”, Poland was rated even second but last, overtaking only Bulgaria in the former case and Latvia in the latter.

The issues of innovation and knowledge, including distribution of access to the latter are currently issues central from the viewpoint of — both economic and social — developmental prospects (including the issues of emancipation through education). One could state that Poland built the foundations for **knowledge-based society**, which can be evidenced by the fact that already approximately half of young Poles study at tertiary education facilities, but a **knowledge-based economy**, where young university graduates

⁶ Within a decade before the crisis of 2008, nominal salaries in Greece increased by 130 percent while in Germany, by mere 30 percent, accompanied by inflation and labor efficiency growth rates comparable in both countries in the said period.

could find employment consistent with their education background and aspirations, has not yet been created.

It is pointed out that one of the main reasons underlying poor innovation level is the underinvestment in science and applied research. Polish outlay on R&D increased in the period 2007–2012 on average by almost 13 percent annually, but they still correspond to a mere 0.77 percent of GDP, while the EU average is 2.03 percent, and in many countries it is much higher, e.g. in Finland — almost 4 percent. But the issue at hand is not only about the purely quantitative aspect of financing, but also about systemic frameworks and deficiencies. Venture capital funds supporting risky innovative ventures are very modest in Poland with banks being passive in this area. There is no effective system of tax exemptions for companies investing in R&D, nor of government grants for so-called pre-competitive activities of enterprises. In a wider perspective, Poland lacks a modern national innovation system, i.e. a system of interlinked institutions, which in other developed countries effectively “transpose” the effects of researchers’ work into new technologies for companies.

Cooperation between universities and business is particularly weak. Higher education in Poland today includes mostly schools and occupational training, whereas it should concentrate more on research and universities, which are also capable of playing an important role in the development of modern technologies, fulfilling the function of start-up incubators. The Polish universities of today are diploma-producing factories and conglomerates of mass occupational education rather than excellence centres shaping top class knowledge and culture, ones also capable of educating humanists to the highest levels, who cannot be substituted by managers, bankers or engineers, no matter how talented and well-educated, even if the best in class.

Therefore, rounding development on a much higher degree on innovation and modern technologies requires not only proper reallocation of resources, redirection of major financing to those targets, for example from subsidies to ineffective economy sectors, but also proper industrial, scientific, educational policies. Here, it is highly desirable, among others, to eliminate the present gaps in relevant legal regulations, e.g. ones relating to ownership rights to invented technologies. In the opinion of experts, factors such as acts concerning public procurement, public-private partnership or offset schemes presently do not have an adequately pro-innovation character. A separate issue is the necessity to stimulate social innovation at various levels of public life, the creative approach of people and institutions to resolution of various social problems.

4. Underdevelopment of civic society. A tangible indicator of this deficit can be the fact that only approximately 12 percent of Poles are active in any **non-governmental organization**, while e.g. in Scandinavian countries such activity is pursued by as many as approximately 80 percent of citizens. A similarly low percentage of Poles today are members of trade unions (for the sake of comparison, in Ireland, this percentage amounts to 45 percent, in Sweden — 71 percent and Iceland — 85 percent, while back in the early 1990s, such membership was declared by 26 percent of working Poles. **Election turnout** in Poland rarely exceeds 50 percent. For example, in the latest parliamentary elections in October 2015, it did not exceed 51 percent. In the last elections for the European

Parliament in May 2014, it reached the level of a mere 24 percent. Across the entire Union, it was only lower in the Czech Republic (20 percent) and in Slovakia (13 percent), whereas the average value for all member states was 43 percent (the highest participation rate of 90 percent was recorded in Belgium, where voting is obligatory). The quality of Polish **public debate**, political and intellectual one, is generally low, with such major contributing factors as tabloidization of the media, the weakness of the still-too-few think tanks and the inadequate activity of scientific communities in this regard.

Poor **citizen empowerment** is caused on the one hand by an insufficiently active society which marginalizes public affairs. Poles turn their back on the state, run away from it, which is sometimes termed “civic autarchy”. But on the other hand, those in power do not adequately support civic activities nor foster the development of a participatory democracy, among others through citizen budgets, empowerment of the recipients of social services, deliberative panels and other forms of social consultations. The authorities ignore those issues in the agendas of educational facilities, neglect public media. Poor **civic dialogue** today is frequently related to paternalistic approach of the state to citizens and NGOs, the inclination to lead them by the hand, disrespecting their independence and autonomy (Leś 2013). To the younger generation, for example, political communities do not offer any attractive formula for cooperation and involvement, with the notable exception of the radical nationalistic and catholic communities.

The social dialogue between employers and employees is also deficient. Since mid-2013, its main institution at the national level — the Tripartite Commission for Social and Economic Affairs — is virtually inoperational in practice. The statutory establishment of a new replacement structure, the Social Dialogue Council, gives hope for greater effectiveness of negotiations and agreements under a new organizational and competence formula. Nevertheless, the changes are also postulated at lower tiers of social dialogue, e.g., strengthening the position of trade unions through incorporation of their representatives into companies’ supervisory boards. Moreover, issues such as joint representation of multiple trade union organizations operating within a single enterprise (which now often assume multiple and contradicting positions on negotiated matters, which greatly hampers attainment of compromises), for example, need to be sorted out.

Generally speaking, not only at the level of enterprises, it seems justifiable and advisable, to faster depart in Poland from the so-called **feudal culture of management and governance**, inherited from both the distant and more recent past. Not only does its maintenance preclude the establishment of more equal and friendly relations between social partners, but also, on a broader scale of the entire state, it blocks initiatives and collaboration between various actors, fuels mutual distrust, hampers prudent reconciliation of various social rationales, needs and interest, or in other words — hampers fostering of a common good.

5. Poor state efficiency. In a nutshell, this concerns inadequate **quality of the state and its public policies**. Those weaknesses also concern the functioning of public administration, social services (particularly the most frequently criticized health care system), and judicature. The situation in this regard is not much helped by party dependency of the

civil service and officials of local governments. Administrative procedures are too slow and routinized, frequently accompanied by procrastination and poor creativity of politicians. They lack professional analytical backup, some sovereign strategic thought centre which would be capable of formulating independent, creative and original developmental policy, not limiting itself to merely reproducing EU priorities and guidelines.

Polish decision-making and opinion-forming circles still count many supporters of the minimalist thesis that the state could limit its functions to the role of a “night watchman”, taking care only of external security (the army) and internal one (the police, courts). The myth, and more widely the neoliberal narrative shared by them, asserts that by developing its activities in other areas, the state only intrudes, wastes money from taxes, and is indeed a redundant parasite (Anioł 2015a). Such clichéd, simplified approach fosters inactivity and escape of the public authorities from many significant tasks and obligations, also in the economic sphere, where it has much to do as its main regulator, supervisor, conflict moderator, promoter of changes and manager. Presently, neglect is visible in many of those fields, for example, when the state performs inadequate ownership supervision over public assets.

In social policy, the state escapes from the role of final social security guarantor for its citizens, neglects its obligations, e.g., as regards protection of working conditions or social insurance system. Certainly the state does not have to be the provider of all social services, but it also should not reject its public responsibilities in this realm. Today it frequently promotes the agenda (or rather anti-agenda) which can be summarized by the **slogan of “do it yourself”**, narrowing the mission of the authorities to a mere repetition of the appeals such as: let parents take care of the education of their children, let the unemployed start their own businesses, let everyone take care of health, retirement, and pension on their own etc. to its citizens. Without active interference and involvement of the state, no mature civil society can suddenly emerge, no human and social capital will develop on its own, no innovations in various fields of life will flourish.

Inefficient, neglected in many areas and hardly citizen-friendly, the Polish state requires modernization — debureaucratization, professionalization, better cooperation between public administration institutions, including cooperation between the central government and local governments. We need greater mutual trust and deformalization of contacts between public offices — citizens — entrepreneurs, more stable law (today it changes too frequently), improvement of the competencies of state civil servants, stricter observance by the latter of relevant standards, codes of ethics, etc.

III. Two developmental concepts: post-transformational and pro-innovative

All of the aforementioned challenges and the ensuing tasks and postulates place Poland in a new strategic situation. They are factors that prompt or even force transition to a new developmental model and stage. What would be this expected and highly probable transition from the existing to a new developmental concept? What would the main rationale of this transformation be manifested in?

In tune with the most popular recent interpretations, one could state that Poland is currently approaching a significant modernization barrier, typical for countries at a medium development level, which, after a period of accelerated growth, usually lose pace owing to the exhaustion of previous simple reserves, assets and competitive advantages. Generally speaking, it is easier for poorer countries to catch up with more affluent states with relatively simple actions, but once they attain a certain (average) developmental level, it becomes more difficult, “the hard part begins”, leaving them at the risk of slowdown or even regression. Under such circumstances, accession of these states to the a group of highly developed countries becomes difficult but not impossible. This, however, requires transiting to a new type of public policy, applying different tools and developmental leverages. On the other hand, this means that Poland is not necessarily destined to join the best developed counties. It all depends on whether we will respond to new issues and challenges on time and adequately, on how effectively we will face them.

The situation of Poland is nothing new or exceptional in the most recent social and economic history of the world. One of the papers of the World Bank about **the middle-income trap** (Im and Rotblatt 2013) indicated that from 1960 to 2008, only 13 countries managed to transit from middle to high development level; this mainly concerns East Asian states (Japan, South Korea, Taiwan, Hong-Kong, Singapore) and South European ones (Greece, Spain, Portugal). The development of other “middle performers” came to a halt, and some of them even experienced regression. Recently, this has concerned such countries as Brazil, South Africa or Russia, which lost impetus after a period of accelerated growth, falling into smaller or greater stagnation. Earlier, in the 1980s–1990s, a clear regression was experienced by, for example, Iran, which went down the “development ladder” from middle to lower level. Even earlier, in the 1950s, the Philippines experienced a similar step backwards. Let us add here that the 20th century also demonstrated that it is even possible to drop from the first league of the best developed states into the group of medium developed countries, which is best illustrated by Argentina, which was rated among the absolute top of the most affluent countries before WWII.

To better understand the essence of the discussed challenge and the desirable change in the Polish context, let us first briefly define the major features of the developmental model previously pursued in the country on the Vistula River and requiring verification today, and then we will synthetically characterize the new, and — it seems — better adjusted to current needs and conditions, developmental concept. Those two developmental philosophies are characterized by different priorities and advantages, they focus on different resources, give preference to different methods and tools in the developmental policy.

The first development concept can be named a **post-transformational one**, because genetically, it is closely related to the changes in the economic and political system in Poland at the turn of the 1980s and the 1990s (we are now leaving aside the issue of the change of the political system towards liberal parliamentary democracy). The said transformation translated into a restitution of capitalism, reconstruction of the market system, which took place under a huge pressure from extremely poor, even disastrous

economic situation in the decadent period of state socialism. This was a fundamental institutional change, consisting in establishing many previously non-existent institutions, introducing new rules of the game across the entire social and economic system.

One of the top developmental priorities was then the **accumulation of capital** required for investments, as it is difficult to imagine capitalism-building without capital. As there were no major domestic resources to rely on, it was acquired mainly, almost exclusively, from abroad. Not only does it explain the abundant incentives and methods to attract foreign investors to Poland, but also the steps beneficial for Polish entrepreneurs, including tax solutions such as virtually universal flat-rate tax scheme, advantageous regulations related to inheritance of property and donations, etc. Also from abroad, Poland imported modern technologies, new methods of production organization, management methods, often also highly-skilled managerial staff in the largest corporations. Slightly oversimplifying, one can even say that the main stress was put on the importance of (financial) **capital**, and that the role of this resource was absolutized, without ensuring proper appreciation of the other key factor of the production process, i.e. human labour. This naturally translated into underestimation and neglect of the human factor, and consequently of social policy.

Another major priority was to launch **individual resourcefulness and entrepreneurial spirit** — the features and attitudes scorned and contended within the old system, and now indispensable for effective functioning of the market system among Poles. This explains why stress was laid on importance of competitiveness, hard rivalry, frequently assuming the form of the “rat race” also in the areas more or less distant from pure economy. This also entailed discrediting the public sector, undermining its assets and denying its *raison d’être* even in social services, such as health care, housing or education. The thorough reforms of the polity and economic policy were not thus accompanied by equally fundamental and complementary changes in social policy. The actions undertaken in this realm were rather a kind of emergency social policy, with supportive role, providing just a safety net or a security blanket for the radical — and frequently painful for people — free market reforms. Only at the turn of the 20th and the 21st centuries, in view of the forthcoming Poland’s accession to the European Union, some more systemic and deeper changes in pension, health-care or education systems were initiated (Anioł 2004). However, Polish social policy still seems to be on the dualistic — both paternalistic and market-oriented — path it entered in the beginning of transformation in 1989 (Książkowski 2013; Żołądowski et al. 2015).

What were the consequences of such a development concept? It turned out that in practice, the main asset of Polish economy in the international market was **cost (price) competitiveness**, that is, a cheap and quite well-skilled labour force, receiving until today remuneration on average three-four times smaller than in Western Europe, particularly in Germany, a country of particular importance for Polish producers as a foreign investor and recipient of goods and services⁷. As a result of the full opening of the European market after the accession to the EU, the value of Polish export increased over twofold

⁷ In 2013, an average net salary in Poland expressed in EUR amounted to 29.8 percent of the average EU salary, corresponding to 24.6 percent of a German average salary and 21.7 percent of an average UK salary.

between 2004–2013, from EUR 66 to EUR 155 billion, including products worth EUR 114 billion that were sold to EU countries, out of which products sold to Germany were worth EUR 38 billion.

Poland became a significant beneficiary of outsourcing developed by Western company groups. It relied on copying the ideas, goods and services of others in a cheaper way, i.e., on competing mainly with the use of cheap labour force (relatively low salaries), and not with own productivity and innovation. Focusing on lower paid, less efficient and less advanced production sectors, it became a Polish speciality for example to assemble cars, household appliances and consumer electronics; produce food, construction goods, windows and furniture, provide book-keeping services and call centres for multinational companies. A notable fact in this context is that in the EU Poland is the biggest exporter of household appliances, such as washing machines, vacuum cleaners or fridges, while those products are sold under such brands as Bosch, Siemens, Samsung or LG. The country is the world's second biggest furniture supplier to Ikea, while Polish company Fakro is the second biggest global producer of roof windows. Poland is the European leader in, for example, descaling salmon, purchased by domestic enterprises among others in Norway, then sliced, packed and sent abroad again, etc.

One can say that having relatively cheap labour force with a quite good technical culture, the Polish economy is capable of decently processing metal, wood and alimentary goods into solid and sought-after products. It no longer produces only the proverbial wooden pallets, but also not yet state-of-the-art smartphones. Due to the fact that Poland has a subsidiary economy, Polish exports usually have little value added. This is because in the long production and distribution chain the least profitable is the middle element, i.e. assembly plants. Most money is made at the beginning and the end of the chain, i.e. on the one hand, on the concept, project, design, and on the other — on sales, marketing, advertising. Poland still lacks its own modern products under brands that are recognizable in Europe and globally, whose manufacturing and distribution would take place — also in the first and last link of the chain — with prevalent participation of and under dominant control by domestic entities.

Due to space constraints, here we will not consider the issue of whether the discussed developmental concept was a true “child of its times” and manifestation of the so-called “wisdom of the stage” and whether Poland was really condemned to it anyway and had no other alternative⁸. Perhaps there was an alternative to the development path adopted in the beginning of transformation and continued throughout the two following decades: taking better account of and appreciating to a greater degree the role of social factors in development. Or we can ask some other questions: notwithstanding all obvious achievements, could Poland's modernization process of the last 25 years have proceeded differently, even more successfully and effectively? Have all opportunities and chances been seized in the said period? Haven't there been too many mistakes, neglects, omissions, abuses on the assumed path? Without predetermining answers to similar questions here,

⁸ See also: (Aniol 2015b).

let us just say for now that following the same path, and adopting the same development philosophy currently seems more and more anachronistic and risky, threatening stagnation or even crisis in the nearest future.

Finally, let us proceed to a synthetic outline of the specifics of the second developmental concept, which one can term **pro-innovative**, because its allegedly central assumption is stimulation of social and economic innovation.

If the post-transformational model characterized above laid the main stress on quantitative, extensive, economic and “hard” aspects of development, then this model stresses the significance of its qualitative, intensive, social and “soft” factors. Under this concept the developmental priority is not just simple GDP growth, but a higher living quality (a “good life”), sustainable attainment of economic, social and ecological goals, similarly to how it is contained in the idea of sustainable development. This modernization philosophy is based on launching not simple but rather more complex reserves, in the Polish case going beyond three peculiar premiums or “rents” (of transformation, relative backwardness and EU financial support), which the Third Republic of Poland used in abundance in the last 25 years.

It is assumed that at the new developmental stage, the main asset of the economy is to be its **qualitative, technological competitiveness**. It is determined not by low labour costs, as in the post-transformational model, but first and foremost by more complex and more attractive products and services. Building a knowledge-based society and a knowledge-based economy assumes serious commitment to creation of high-quality human and social capital. To this end, we have to particularly invest in, symbolically speaking, grey matter, i.e., in the qualifications and competences of workers and citizens, and not just in grey concrete or cubature, i.e. in technical infrastructure.

Under this development concept, what truly matters are creative people with the skill to cooperate and work in a team, the ability to enter into dialogue, empathy and good communication with others. Here, the willingness to resolve conflicts amicably, high level of mutual trust, loyalty to each other, tolerance and kindness are highly valued. Compared to the previous developmental stage and model, here, the importance of “soft” resources and competences receives a huge boost, although one has to be aware that their generation takes a long time and does not bring about immediate material effects.

This concept is based on observations and conviction that in the long run, shaping a collaborative society leads to smaller disproportions and social divisions, a situation where there is more universal understanding and the feeling of common good, where there is a greater social solidarity and cohesion, where there is more social security. People who are safe, not divided and set at variance, are also more creative and innovative. Production and services based on complex technologies develop better in the countries where quality of human relations is better and social ties are stronger. To recapitulate, the pro-innovative developmental concept shifts its focus onto a different set of values, resources and priorities, with appropriately adjusted organizational patterns, regulations and institutions in place in the society.

Some hope that in Polish conditions, the above transformation would be significantly supported by a bottom-up, voluntary restoration of powerful civic and community ties, which characterized Polish society in the period of the first Solidarity movement (1980–81), and which greatly degraded after 1989 under the pressure of radical free market reforms and the related individualistic trends. However, at the same time, this hope can be treated both as a utopia and a chimera, if we take into account the exceptional nature of the aforementioned historical period, when almost the entire nation became “negatively” united in rebellion and resistance to non-democratic, authoritarian authorities.

A combination of bottom-up pressure on the renaissance of social capital with state initiative and activity based on long-term, well-thought-out and consistently deployed and — first and foremost — better adjusted to contemporary realities, development strategy seems thus rather more realistic and promising. Nobody and nothing can replace public authorities in the development and efficient implementation of modern social, family, employment, scientific, educational or industrial policies. They are the main elements capable of bringing Poles closer to resolving the aforementioned key problems and developmental challenges. A successful transition from a post-transformational to pro-innovative developmental concept in Poland depends mainly on the state, its structures and leaders.

Conclusion

One cannot negate today that the **balance** of 25 years of Polish modernization after the fall of communism looks highly successful in many aspects. Notwithstanding the fundamental internal causes underlying those successes, it is worthwhile pointing out the international situation around Poland, predominantly beneficial in the said period, which greatly facilitated those successes. Two processes are particularly worth mentioning in this context. Firstly, these are the fundamental geopolitical changes following the fall of communism in the CEE region and the collapse of the USSR, which enabled Poland’s re-accession to the Western world both in systemic terms and in terms of close relations with its main integration structures (the European Union, NATO, OECD, the Council of Europe), which was carried out under the popular slogan of “return to Europe” (Anioł et al. 1997). Second — the dynamic development of economic globalization, which by opening widely the foreign markets, also generated demand for Polish goods, services and labour force, successfully competing there with their relatively low price and decent quality

In both dimensions — geopolitical and geo-economic — the most recent trends introduce much more uncertainty and instability than before. A clear renewal of neo-imperial aspirations of Russia, with such spectacular manifestations as the annexation of the Crimea in 2014 and aggressive actions in Donbas targeted at destabilization of the situation in Ukraine, most likely ended the successful period for Poland in terms of the situation in its immediate, Eastern neighbourhood. Also in the second scope, the intensifying competition in the European and international market from the countries with low labour costs (not only those located in Asia) puts some new qualitative challenges before the Polish economy.

It seems that in order to leave some kind of strategic vacuum and development drift that Poland has been falling into for some time now (Geodecki et al. 2012), today, it would be most helpful to eliminate what has been defined here as a social deficit. This entails launching the so-called soft modernization drivers and leverages related to social capital, culture of cooperation and solidarity, communitarianism, feeling of empathy, spirit of equality, respect for diversity including multiculturalism and various minorities etc. Today, the deficit of similar non-economic values and resources is deeply felt in the Polish society. But without revitalizing them — i.e. without respect for common good, improvement of the ability to close various social divides and combine various skills and perspectives — the Poles will be unable to attain a higher level of social, economic and technological innovation. Without all those elements, there will be no new inventions or individual and social creativity. And without the latter, similarly to other European countries, it would be difficult for Poland to effectively meet major developmental challenges brought about by the second decade of the 21st century.

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Karolis Žibas

Lithuanian Social Research Centre
Institute for Ethnic Studies¹

***Immigration policies in Lithuania:
institutional and legislative developments,
challenges and opportunities***

Summary

Analysing national programmes, state strategies and other documents that regulate immigration and migrant integration in Lithuania, this article provides an overview of policy priorities in this field before and after the enlargement of the European Union (EU). The main theoretical approaches of migration processes and policies are reviewed to conceptualise the field in which the Lithuanian immigration and migrant integration policies are to be analysed. The article covers different types of immigration, reveals main immigration trends and provides contextual information: policy responses and political discussions, public debates and societal attitudes towards immigration. It touches on the newest legislative and institutional developments in the field concerned and reveals that before 2014, immigration policy in Lithuania was based on the so-called *ad hoc* principle, while during the first half of 2014, a new trend emerged as the government adopted the ‘Lithuanian Migration Policy Guidelines’ and ‘Action Plan for Implementation of the Policy for the Integration of Foreigners’. At the same time, integration of foreigners as a new area of policy emerged in the Ministry of Social Security of Labour. Migrant integration is becoming a prioritised policy area. However, its challenging aspect has to be emphasised as

¹ Email: karolis@ces.lt

deeper analysis of migrant integration infrastructure revealed that project-based activities, supported by the EU funds, have already managed to ‘change’ the implementation of migrant integration policy at state level.

Key words: Lithuania, emigration, integration of immigrants, migration policy

Introduction

The decades from 1990 to 2010 mark a period of intense international migration in Europe, bringing forth various challenges for national and international state policies and calling for societies to deal with inter-cultural coexistence. The expansion of the EU in 2004 and ratification of the Schengen agreement in 2007 changed the geopolitical situation of the European continent. The ‘shifting’ of the EU border towards the East and the liberalisation of the freedom of movement within the EU became one of the most important factors encouraging the international migration processes.

In the context of international migration processes Lithuania is not an exception as it played (and still plays) an important role as a ‘sending’ country. The historical context shows that immigration in Lithuania experienced a moment of rupture over twenty-five years ago as it took on new forms. After Lithuania’s independence was restored, inter-republic immigration from Russia, Belarus, Ukraine and other post-Soviet countries to Lithuania became international. Therefore, given the political transformation, the same mobility of people took on a meaning: from immigration and migrant integration policies to attitudes toward immigration in societal and political levels. In the light of the immigrants’ countries of origin, their reasons for coming and their social and demographic characteristics on the one hand, and the technological development and EU integration processes on the other, immigration in Lithuania has become more diverse and more rapid and challenging.

International migration: theoretical approaches and concepts

The above-mentioned EU integration processes stimulated new migration patterns and, eventually, new migration systems² which emerged in the context of the increased attractiveness of Central and Eastern European countries for non-EU immigrants.

Different theoretical approaches and levels of analysis can explain such migration systems. According to Thomas Faist (2000), the research on migration processes can be divided into *macro-*, *micro-* and *meso-*level analysis. Political, economic, cultural and

² The migration system (as a process) is explained by migration system theory. This theory allows stable international migration systems to be identified. According to Massey et al. (1993, p. 454), a migration system is a stable (but not fixed) structure of migration flows over time and space, but varies across countries. Favell (2006, 2008) elaborates the processes of emergence of new migration systems after the enlargement of the EU in 2004.

demographical circumstances can be considered the indicators of macro-level analysis, individual values and aspirations to improve (or maintain) economic welfare and social status — indicators of micro-level analysis, while collective social networks and ties that are created by migrants, their friends, families, mediators and potential migrants are indicators of meso-level analysis.

In the light of multi-level analysis of international migration, economic migration theories³ explain the origin of migration and emphasise the push and pull factors that are determined by macroeconomic factors and individual decisions regarding mobility, based on cost-benefit analysis (Brettell and Hollifield 2000, pp. 51–56). Social migration theories⁴ explain the continuity of international migration and emphasise the importance of social networks, which give an indication of self-generated process to migration (Massey et al. 1993).

On the one hand, economic migration theories seek to explain the complexity of the beginning of the process; while on the other, they provide strong evidence for the importance of social aspects of migration (e.g. individually mobility based on analysis of the costs and benefits of migration). The main advantage of social migration theories lies in the explanation of migration (as a self-generating process) and migrant integration (as a follow-up of immigration) as these theories provide indicators for the analysis of migrant integration (both policies and processes). On one hand, migration networks might facilitate the decision upon migration (by providing information, assistance and services in the country of destination). On the other, it creates space for institutions and (groups of) individuals to perform different kind of activities: social assistance, employment, consultation, etc. (Massey et al. 1993). Such institutions and services create so-called migrant integration infrastructure, which is stable over time and space. The existence of social networks and integration infrastructure might increase international migration flow as it may increase the likelihood of migration by lowering integration costs.

Considering the above mentioned theoretical arguments, in this article, migrant integration is considered as inevitable result of immigration processes, with an impact on the macro- (immigration and migrant integration policies, societal and political attitudes), meso- (migration networks) and micro- (migratory behaviour) levels. If migrant integration on the meso-level is linked to the development of integration infrastructure through migration networks and activities of NGOs (which facilitates access to labour market, housing, education, health and social service sectors), migrant integration on the macro-level is linked to overcoming integration obstacles while using governmental resources. On the micro-level, migrant integration is linked to individual experiences.

Integration infrastructure, embedded in migration network of different types of immigrants, is linked to the concept of migrant integration policies, especially in countries such as Lithuania, where the process of implementing migrant integration measures is linked directly to the non-governmental sector. Integration infrastructure provides a basis

³ Such as Neoclassical Economic Theory, Theory of the New Economics of Migration, Dual Labour Market Theory, World Systems Theory.

⁴ Such as Migration Network and Migration Systems theories.

for the exchange of information and mutual assistance, enhancing migrant integration in the labour market, education and housing sectors, as well as stimulates informal networks with the majority society and other immigrants. When the migration network expands, it allows expanding integration infrastructure and ensuring integration. If integration infrastructure is linked to the non-governmental sector, migration networks and mutual assistance, governmental resources are linked to national state policies, within which migrant integration policies are developed. However, in Lithuania, the entire migrant integration infrastructure is being developed at a non-governmental level and project-based activities, supported by EU funds, have already managed to ‘change’ both the development and implementation of migrant integration policies at the governmental level. In such a context, migrant integration policies in Lithuania have to be discussed (see chapters ‘The development of immigration policies’ and ‘Migrant integration policies’).

Summarising the methodological preconditions of migration processes, the combination of macro-, micro- and meso-level analysis is essential as it indicates the complete image of the immigration process, including development of immigration and migrant integration policies, key stakeholders of implementing such policies and other relevant indicators, such as public discourse and political debates around migration issues.

Migration trends in Lithuania after the restoration of independence

The trend of emigration has been prevailing in Lithuania for many years. Emigration, which has a strong economical aspect as a motive for mobility towards the western part of the EU, continues to be the dominant migration pattern in Lithuania. After Lithuania regained its independence, net migration was negative and remained the same until now. Emigration flows were changing, with the peak in 2010. In 2010, Lithuania had the biggest negative net migration per 1000 population in the EU⁵. According to the data from Statistics Lithuania, in 2010, 83,000 people declared their departure from the country (compared with over 15,000 in 2005). Together with global economic changes and high unemployment rates, these trends could be explained by compulsory health insurance⁶, which started to be considered as a tool for measurement of actual emigration flows when people who had already been living abroad started to declare their departure from the country in order to avoid compulsory health insurance (EMN 2015).

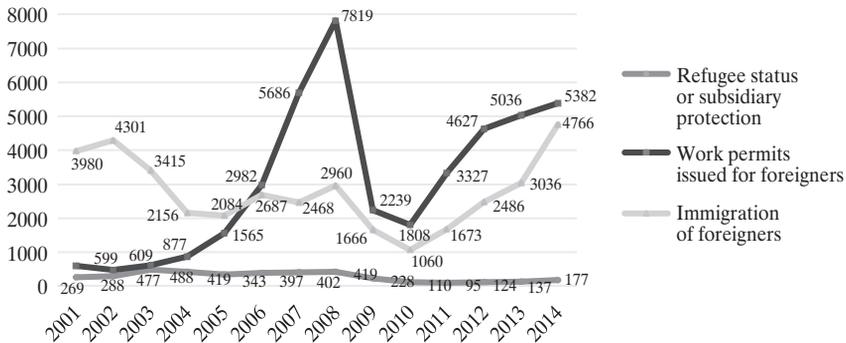
Contrary to emigration, immigration flows to Lithuania started to increase from 2001 with the peak before global economic changes in 2008. In parallel to the economic growth, the EU enlargement in 2004 and the extension of the Schengen area in late 2007 made an impact on immigration flows to Lithuania. Labour immigration became significant, while flows of asylum seekers remained insignificant and stable. After global economic changes, immigration started to increase again and almost reached its pre-crisis level (see Graph 1). Together with a growing trend of immigration, legislative and institutional development

⁵ For more detailed data, see European Migration Network. Available at: <http://123.emn.lt/en/general-trends/lithuania-in-the-eu-context>.

⁶ From January 2009, health insurance became compulsory.

in the area of immigration and migrant integration policies emerged. This development has led to political and societal debates about the socio-economic consequences of international migration in Lithuania.

Graph 1. Immigration dynamics in Lithuania, years 2005–2014



Source: Statistics Lithuania, Migration Department, Lithuanian Labour Exchange

Regardless of the increase of labour immigration to Lithuania, both the annual immigration flows and the total number of foreigners living in Lithuania remains small: 32,500 foreigners (0.98 per cent of the total population) lived in Lithuania in 2010. This number decreased to 29,600 (0.91 per cent of the total population) in 2011. However, after the global economic changes, the number of foreigners in Lithuania increased significantly: from 31,300 in 2012 to 35,500 in 2014 and 40,000 in 2015 (see Table 1).

Despite a relatively low number of foreigners residing in Lithuania and arriving in the country annually, labour-related immigration became visible in public discourse, as it has triggered debates on the demand for a new approach towards labour immigration and migrant integration policies in the media and among politicians (LSRC 2015).

Table 1. Number of foreigners in Lithuania 2010–2015 (as of 1st January)

	2010	2011	2012	2013	2014	2015
Number of residents (millions)	3 137.0	3 052.6	3 007.8	2 979.3	2 944.5	2 921.9
Number of foreigners	32,500	29,600	31,300	32,300	35,500	40,000
Share of foreigners (%)	1.04	0.97	1.04	1.08	1.20	1.37

Source: Migration Department.

While summing up the immigration flows to Lithuania, several trends could be identified. Firstly, the vast majority of immigrants living in Lithuania and arriving annually to the country for various purposes have Russian, Ukrainian or Belarusian citizenship. However, during 2006–2008, the preconditions forming new immigrant groups from

China and Turkey were observed. Secondly, the distribution of immigrants by age groups allow the argument that Lithuania is a country attractive mostly for working age people from outside the EU. Thirdly, the distribution of immigrants by gender shows prevailing trends of men's immigration. However, as Erentaitė and Pilinkaitė-Sotirovič (2012) argue, circumstances of family reunification are related to women's immigration, and economic (labour) circumstances with male immigration. Fourthly, regardless of global economic change, family reunification is usually the first or the second biggest channel (after labour-related immigration) of legal immigration to Lithuania (although immigration of students and entrepreneurs is increasing as well). Fifthly, after particular restrictions of legal immigration channels, trends of undocumented immigration usually emerge. For example, an increased number of marriages of convenience (channel of family reunification) or fake companies (channel of legal activities). Such a trend is more related to the transit through the territory of Lithuania rather than to long-term residence in the country. Sixthly, the local aspect of immigration structure revealed that immigrants are mainly concentrated in the largest Lithuanian cities as around 70–80 per cent of them live in six municipalities. This means that the major Lithuanian cities are centres of attraction of immigration (Žibas 2009, LSRC 2014).

The analysis of the data⁷ on immigrants in the largest Lithuanian cities revealed certain immigration patterns. Lithuanian cities attract different categories of immigrants. It can be assumed that Lithuanian cities have already formed certain, albeit small, migration networks. Eventually, the largest cities (Vilnius, Klaipėda and Kaunas) with more than half of all the immigrants in Lithuania and other cities with large share of them (such as Visaginas) certainly create common structural characteristics of immigration to Lithuania. For example, Visaginas could be characterised as a city with a relatively big number of permanent residents from non-EU countries and trend of family immigration, while the Vilnius region, Klaipėda and Šiauliai show trends of labour immigration and an immigration structure more diverse in terms of countries of origin (for example, migrant workers from Turkey and/or China). On the other hand, Vilnius and Kaunas are cities in which immigrants from non-EU countries are more likely to establish small or mid-sized enterprises (LSRC 2009, 2014).

The development of immigration policies

Some issues of immigration policy in Lithuania are already resolved or are at least adequately addressed. When Lithuania regained its independence, citizenship issues were successfully resolved using the 'zero option of citizenship'. The asylum system has operated in Lithuania since 1997, using the common principles of the EU asylum policies, consolidated in the conventions of Geneva (1949), Dublin (1990) and in other EU documents. Labour immigration policy is regulated in the Law on the Legal Status of Aliens and national long-term strategies.

⁷ Data from the Residents' Register Service.

In Lithuania, immigration and migrant integration policies have not happened along the change in international migration processes. Immigration policy was based on migratory behaviour or on the so-called *ad-hoc* approach (LSRC 2014)⁸. Immigration flows started to be adjusted 1991, with Immigration Law (Official Gazette, 1991, no. 27-730) coming into force. In accordance with this law, an annual immigrant quota was adopted. It receded into the background in 1999, when the Law on the Legal Status of Aliens (Official Gazette, 1998, no. 115-3236) became the main document, regulating the legal status of foreigners in Lithuania and main areas of immigration management.

After the collapse of the Soviet Union, the strategy of Lithuanian immigration policy was associated with the restriction of immigration⁹. The situation began to change gradually, when large-scale emigration, especially after the EU enlargement in 2004, started to change the structure of the Lithuanian population and labour market. According to Krupickaitė and Poviliūnas (2012), the consequences of mass outflow of population became particularly noticeable during the economic growth period of 2005–2008 and global economic changes during 2009 and 2010. During the growth period in economy, labour force shortages emerged. At the same time, emigration of highly qualified specialists decreased the potential of the Lithuanian economy. In the context of economic growth and emigration, the unemployment rate has decreased from 23.2% in 2004 to 4.2% at the end of 2007. However, due to global economic changes, unemployment started to rise in 2008 and reached a peak of 18.3% in the second quarter of 2010, when emigration was again on the rise. However, with relation to emigration of highly qualified specialists, the challenge becomes bigger as one-way migratory flow emerges, where emigrants are not substituted by immigrants, neither in a quantitative nor in a qualitative way. Eventually, consequences arise as the country's investments in education of these professionals are lost; negative changes in the local labour market and demographic situation emerge. Finally, the average qualification level of the country's labour force declines, diminishing the economy's international competitiveness (Kazlauskienė and Rinkevičius 2006).

Eventually, since 2007, considering labour market-related challenges, the business sector began to discuss labour force 'import' from third countries, while the government not only started programmes of 'detention', clawing back emigrants, but also began to debate the guidelines in immigration policy (LSRC 2015).

Until 2014, Lithuania did not have a strategy of immigration policy based on long-term goals and priorities. Until recently, the immigration policy has been formed indirectly in long-term strategies such as the Long-Term Development Strategy of the State, Strategy of

⁸ Migration policy can be divided into programmatic and *ad-hoc*. In the first case, political decisions are made in respect of the political, economic and social context and in the second one — it is focused on short-term decisions, necessary for a specific period (Marmora 1999).

⁹ While analysing immigration and migrant integration policies, the historical context has to be emphasised and considered as an absence of migrant integration policy (as well as implementation of strictly selective immigration policy) can be regarded as a political strategy related to immigration restriction in view of inter-republican migration, which took place during the Soviet period.

the National Demographic (Population) Policy and the Long-Term Strategy (up to 2015) of Lithuanian economy (economic) development' (Beresnevičiūtė and Žibias 2012). In view of the new challenges raised by contemporary migration processes, the government adopted the Economic Migration Regulation Strategy (2007), changed by the Lithuanian Migration Policy Guidelines (2014).

As Marmora (1999) argues, migration laws indicate the content of migration policies, while strategies and programmes show the relevance of migration policies in the context of the entire political agenda of the state. Eventually, while analysing all main governmental strategies¹⁰, this chapter discloses the main aims and priorities of the state in the area of migration and migrant integration policies. The aforementioned Law On the Legal Status of Aliens illustrates the administrative nature of Lithuanian immigration policies, as it is the only one document that regulates immigration and legal status of foreigners in an *ad hoc* manner. At the same time, strategies and programmes allows disclosing political attitudes towards migration issues.

The State Strategy of Long-Term Development (Official Gazette, 2002, no. 113-5029) was not directly related to the formation of immigration policies. The document highlighted emigration management and the consequences of this process. Illegal immigration was seen as a threat and the control of immigration was exclusively associated with consolidated protection from migration across the external border of the EU. The document did not provide specific measures of regulation of immigration.

The Strategy of National Demographic (Population) Policy (Official Gazette, 2004, no. 159-5795) revealed the main weaknesses of immigration management in Lithuania. However, among the opportunities, no long-term immigration policy was identified. Although the model of Lithuanian immigration policy was provided in a strategic vision (such as implementation of strict immigration policy for third country nationals), the practical means of its implementation were not declared.

In the Long-Term Strategy of Lithuanian Economic Development up to 2015¹¹, immigration policy was defined as an inevitable necessity. The strategy emphasised strict immigration control without any specific policy measures. Nevertheless, legal and illegal immigration processes were identified as challenges.

Economic Migration Regulation Strategy (EMRS) could be considered as a response to demographic challenges caused by emigration, outlining long-term priorities of Lithuanian migration policy: return migration and emigration reduction. The main objectives of EMRS were: reducing the negative net migration to zero by 2012¹², focusing on processes of return migration and regulating labour immigration from third countries. With regards

¹⁰ All main governmental strategies and programmes were taken into consideration, in addition to those in which the migration and demographic issue was even not reflected.

¹¹ Ministry of Finance of the Republic of Lithuania, long-term strategy of the Lithuanian economy (economic) development up to 2015. Vilnius, 2002.

¹² The main objective was not accomplished as the mass outflow of population reached its peak in 2010. Consequently, in 2013, Lithuania had negative net migration of 5.7 per 1000 population (in 2013, only Latvia and Cyprus had bigger negative net migration in the EU).

to the last objective, clear targets to apply a selective immigration policy by defining geographic priorities (Belarus, Moldova, Ukraine and South Caucasus) and, at the same time, emphasising the regulation of immigration from non-EU countries were revealed.

In addition, a long-term vision of Lithuanian migration policy was defined in other related documents: Principles of Lithuanian Immigration Policy¹³ and The Resolution on Confirmation of Landmarks of Lithuanian Migration Policy¹⁴. These documents set out the two dimensions of economic migration: regulation of regular immigration flows and migrant integration.

The analysis of the content of EMRS and other documents revealed six main questions. Firstly, before the implementation of EMRS, there were certain priorities of immigration policies which changed only gradually. Before and, to a certain extent, after 2004, the development of Lithuanian migration policies was concentrated on reducing emigration and promoting return migration. Secondly, after 2007, Lithuania's long-term immigration policy started to emphasise not only the challenges raised by emigration, but also the management of labour immigration. Thirdly, the management of legal immigration flows was the main priority. However, it only remained in the framework of the Law On the Legal Status of Aliens. Moreover, long-term immigration policy measures were not provided. Fourthly, migrant integration remained in the framework of priorities without any specific action plan. Fifthly, a 'selectively open' immigration policy was applied with the main aim of stimulating circular (temporary) migration. As temporary immigration 'safe' integration means, immigrants were (and still are) considered economic "recourse", which (without potential permanent residence and, at the same time, integration) are able to satisfy labour force demands. Sixthly, labour immigration policies were (and still are) are connected to the Lithuanian labour market, regulated in order to 'protect' internal labour force from external competition.

It has to be mentioned that EMRS and related documents were formulated under conditions of rapid economic growth and intense emigration. Many objectives that were set up in EMRS were relevant only for 2007 and 2008. Consequently, after 2008, when global economic changes emerged, there was no action plan to accompany EMRS. It could be explained by both a lack of funding and a high level of unemployment.

While analysing the content of immigration policies in Lithuania, one important distinction with regards to the time frame has to be made. Before 2014, migration policy was based on the so-called *ad hoc* principle. During the first half of 2014, a new trend emerged as the government adopted the Lithuanian Migration Policy Guidelines (Register of Legal Acts, no. 79, 22.01.2014), where the main priorities in an area of immigration were identified. The guidelines cover emigration, return migration, immigration, migrant integration, asylum, the fight against illegal migration and issues related to the institutional policy development. Regarding immigration policies, few key areas have to be emphasised: harmonising immigration policies with the EU legislation, attracting labour force from

¹³ Available at: <http://www.urm.lt/>.

¹⁴ Resolution on Confirmation of Landmarks of Lithuanian Migration Policy. 03.12.2008, No. 1317. Available at: http://www.lrv.lt/bylos/Teises_aktai/2008/12/11884.doc.

third countries (with some reservations¹⁵) and better regulating the different legal immigration channels. While analysing the legislative development of migration policies in Lithuania since the restoration of independence, it seems that the recent guidelines should be considered a backdrop to or the first step towards establishing a long-term migration vision. However, recent institutional developments (particularly, the initiative to close the Migration Department under the Ministry of the Interior) has to be mentioned as it raises concerns about the effective implementation of migration policies in Lithuania¹⁶.

Migrant integration policies

Contrary to immigration, the implementation of migrant integration policy was (and still is) based on the project-based activities of the EU integration funds. In the legal framework regulating immigration policy in Lithuania, immigrants are not singled out as a target group for integration policy. Although the Law on the Legal Status of Aliens declares integration into the country's political, social, economic and cultural life, priority is only given to foreigners who have received asylum in Lithuania.

In EMRS, migrant integration was described neatly by associating this process with a common EU policy (mainly with the EU funds). EMRS marked the absence of authority responsible for the coordination of migrant integration processes and long-term approach towards migrant integration policies. However, in 2007, 8 out of 35 migration policy implementation measures, and in 2008, 4 out of 22 were designed to regulate immigration and only one to integrate, which was related to the European Fund for the Integration of Third-Country Nationals (EIF).

The Principles of Lithuanian Immigration Policy provided guidelines for economic migration policy, while migrant integration was treated as a secondary factor, of which implementation was not necessary, but desirable in order not to lose 'investments' into immigrants. It was also noted that trade unions should be assigned with functions which could enable them to ensure the protection of immigrants and help distribute immigrants according to the demands of the labour force. The document declares that the integration processes should be carried out only for foreigners who have permanent residence permits in order to stimulate "brain circulation".

The Resolution 'on Confirmation of Landmarks of Lithuanian Migration Policy' (no. 1317, 03.12.2008) confirmed the necessity of long-term integration measures. It was stated that integration measures should be imposed only on foreigners with permanent residence permits. This document showed integration as one of the directions of

¹⁵ Regulations should not stimulate employers to use cheap labour from third countries without making all possible efforts to use the internal workforce.

¹⁶ According to the Ministry of the Interior, all functions related to asylum procedures will be transferred to the State Border Guard Service, while the immigration procedures — to the Police Department. With such a reform, it seems that immigration policies are turning towards securitisation without an emphasis on human rights.

immigration policy development with a focus on implementing these principles with social partners (employers and trade unions) and, at the same time, using funding from the EIF.

New approach towards migrant integration policies

As it was mentioned above, during the first half of 2014, a new trend emerged as the government adopted Lithuanian Migration Policy Guidelines, where migrant integration issues were emphasised and, for the first time since Lithuania regained its independence, received a special status as prioritised policy area. According to the guidelines, migrant integration policies should ensure benefits offered by immigration, while foreigners should actively contribute to strengthening the state by participating in its economic, social and cultural life. In addition, the fight against xenophobia, discrimination and racism was emphasised, with the development of a tolerant society and multicultural attitudes. The most important principles of migrant integration are the following: ensuring human rights and equal opportunities in all areas of life, providing permanent residency and (or) citizenship, reducing social inequality, vulnerability and exploitation, observing work and living conditions, improving representation.

Along the Lithuanian Migration Policy Guidelines, Action Plan for Implementation of the Policy for the Integration of Foreigners (Register of Legal Acts, no. A1-683, 31.12.2014) and Decree of the Government of the Republic of Lithuania on the Composition of Coordinating Working Group for Integration of Foreigners (Register of legal acts, no. 54, 22.01.2014) were adopted. At the same time, a new area of policy emerged in the Ministry of Social Security of Labour — integration of foreigners. Moreover, migration experts and practitioners started to develop the Strategic Document for Integration of Third Country Nationals¹⁷.

Such legislative developments show that integration of foreigners should become a prioritised policy area. However, regardless of the recent positive legislative developments, in the context of such policies applied in other EU member states, Lithuanian migrant integration policy evidences stagnation. According to Migrant Integration Policy Index¹⁸, no progress has been made in the field of implementation of migrant integration policies since 2007. In 2007, Lithuania ranked 20th among 28 countries, in 2011 — 27th out of 31, while in 2015 — 34th out of 38. The newest Migrant Integration Policy Index revealed that the country's labour market is not attractive to migrants who want to stay in the country and integrate. Schools are poorly prepared to accept children of immigrants, lacking basic infrastructure. Immigrants do not have equal access to general health services. Moreover, these people's right to participating in the country's political life is restricted as they cannot join political parties and associations. Finally, immigrants have to undergo a long and complicated process to become citizens.

¹⁷ For more, see: <http://ces.lt/en/projects/current-projects/the-strategic-document-for-integration-of-third-country-nationals/>.

¹⁸ For more, see: www.mipex.eu.

National and regional level immigration research (Kovalenko et al. 2010, Bartušienė 2011, Žydžiūnaitė 2012, LSRC 2014) results also allow generalisations on the challenges of immigration in Lithuania. It revealed social differences between the migrants and the majority of the society and showed that integration measures are not applied with respect to immigrants living in Lithuania, which means that these individuals solve difficulties without support from the state. In such contexts, NGOs play a crucial role in implementing migrant integration policies. NGOs that received financial support from the European Refugee Fund have made well-coordinated efforts towards a common integration strategy as the number of refugees in Lithuania is minor and the infrastructure of integration is already in place. NGOs that received financial support from the European Fund for the Integration of Third-Country Nationals have been dealing with other categories of immigrants from non-EU countries. In this case, it is more complicated to achieve a full-fledged outcome as the number of immigrants concerned is much higher, and the needs of certain immigrant groups are different in terms of legal status and the integration obstacles that immigrants face in Lithuania. Looking deeper at project-based activities supported by EU funds, it is clear that they have already managed to 'change' both the development and implementation of migrant integration policies at the governmental level. However, considering the new approach towards migrant integration policies discussed above, it seems that in the future, there should be synergy between state policies and non-governmental activities.

According to Leončikas and Žibias (2010), shortcomings in the area of immigration policies are: vulnerability of labour immigrants in the labour market¹⁹, limited implementation of integration policy measures, negative attitudes in the society, lack of information about living and working conditions, limited participation of immigrants in trade unions and negative reflections of immigration in the media. In addition, studies of public attitudes²⁰ demonstrate the growing social divide between immigrants and the host society and the prevailing negative hierarchy of attitudes towards different migrant groups.

In the context of integration challenges, refugee integration issues have to be emphasised. According to Žydžiūnaitė (2012), due to the absence of accommodation policy and restricted mobility in the country, refugees suffer from poverty and insecurity. Owing to the lack of political and public debates, the notion of a refugee is becoming political, encouraging hostility between refugees and the majority of the society. Due to the lack of consistency in the activities of non-governmental organisations, assistance to refugees is fragmented, unsystematic and short-term. Moreover, the analysis and systematisation of information about the implementation of the EU asylum acquis in

¹⁹ Vulnerability of migrant workers in the Lithuanian labour market was confirmed by Kaźmierkiewicz (2009) and in the newest research of the Lithuanian Social Research Centre (LSRC 2015).

²⁰ For more, see: <http://www.ces.lt/veikla-2/ziniasklaidos-stebesena/visuomenes-nuomones-apklausa/>.

Lithuania (Ethnicity Studies 2013²¹) identified the key shortcomings in implementing EU directives in Lithuania: limited and fragmented area of application, restrictions on the freedom of movement, material conditions of refugee reception and provision of medical services. The data have revealed specific shortcomings in the national legal regulation and practices that need to be addressed in order to avoid conflict between the EU asylum *acquis* and the national legal basis.

Current political debates, public discourse and societal attitudes

Different ministries were involved in shaping migration policy in Lithuania. However, apart from the governmental level, immigration and migrant integration issues were not reflected in programmes of political parties and electoral campaigns. The Lithuania Social Research Centre (LSRC 2014) confirmed it. Contrary to immigration issues, which were not visible in political debates, emigration and its consequences were emphasised and discussed in view of challenges such as population decline, labour force shortages, stimulation of return migration, 'detention' of (potential) emigrants and maintenance or consolidation of networks with Lithuanian diaspora. In the latter case, Lithuanian migrant communities abroad are very active in lobbying for liberal dual citizenship policies. However, NGOs which are operating in Lithuania are more active in an area of implementation of migrant integration measures rather than in implementation of Lithuanian diaspora policies.

In terms of labour force shortages and increase of labour immigration in 2006–2008 and 2012–2014, intense debates on the need of labour force from third countries emerged. Among different interest groups, employers were the most active. Employers were in favour of more liberal admission policies in order to bring in migrant workers from outside the EU²². Demands for liberalisation of labour immigration policies had an impact on specific legal procedures. For example, the term of issuance of work permits for highly qualified migrant workers has been shortened and, at the same time, the requirements for the documents needed in such cases have been reduced (Leončikas and Žibas 2010).

In 2012, the intense political debate was revived, concerning the amendments of the Law on the Legal Status of Aliens. According to the European Migration Network (EMN 2012) report, a number of politicians considered the amendments too liberal. Evaluating a delay in transposing the Directive 2009/50/EC, the Minister of the Interior claimed that the delay in passing the law was determined by unwillingness of the Seimas to take over the legal norms of the EU, while employers considered labour immigration policy

²¹ Articles are available online at <http://www.ces.lt/etniskumo-studijos-2/isleisti-zurnalai/etniskumo-studijos-20131/>.

²² However, according to the report of European Migration Network (2010), the prevailing viewpoints in the public discourse showed that instead of satisfying labour force demands by bringing migrant workers from outside the EU, Lithuania should make efforts to facilitate the process of return migration.

as restricting. The criticism was related to the bureaucratic procedures of employment of migrant workers and the *ad hoc* approach in satisfying labour force demand.

Along the debates discussed above, public and media attention to labour immigration processes significantly increased during 2006–2008 as publications on immigration processes became more frequent. As Leončikas and Žibias (2010) argue, the publications on immigration issues appeared after certain events. Most articles were triggered by certain legislative developments. No significant differences among media channels in terms of subjects covered were identified. Perceptions of threats (such as terrorism, crimes, riots, unemployment) and challenges (such as cultural incompatibility, racism and illegal work) prevailed in all topics concerning immigration issues²³. However, the refugee issue and recent migration crisis in the Mediterranean revealed that the media attention might be even bigger than that related to labour immigration. In 2015, the largest increase in immigration-related articles and broadcasts in the media, which reflected the issue of refugee quota²⁴ in detail, deserve particular attention²⁵. In this case, the division of opinions was revealed as public commentators and politicians had different attitudes towards the quota system and voluntary acceptance of the refugees. It seems that resistance to taking on the responsibility is much greater than willingness to accept the quota.

Despite the negative coverage of emigration issues, Leončikas and Žibias (2010) conclude that the media remains the only channel where challenging situations of the migrants can be at least given publicity. However, due to stereotypical coverage of certain immigrant groups (refugees or migrant workers in particular), such publicity tends to have negative connotations. For example, labour immigrants from third countries (especially from China and Turkey) were mentioned when covering the issue of illegal work, migrant exploitation and criminalisation. Immigration of the Chinese (unlike other immigrant groups) was clearly visible in the media and it has led to a debate about supposedly raised immigration challenges²⁶. The Institute for Ethnic Studies confirmed such media response in 2014²⁷.

²³ For example, 'Immigration is a delayed action bomb', delfi.lt, 25.06.2006; 'A hundred thousand migrant workers will flood Lithuania', delfi.lt, 07.07.2007; 'Newcomers from the East are occupying free work places', delfi.lt, 02.08.2005; 'The test of globalisation is waiting', delfi.lt, 11.04.2005.

²⁴ Over the next two years, Lithuania will accept 325 refugees.

²⁵ For more, see: <http://www.mipas.lt/lt/naujienos>.

²⁶ For example, 'Chinese dream is their own Chinatown in Vilnius', Balsas.lt, 21.11.2007; 'Waiting for Chinatown', VZ.lt 26.11.2008; 'Chinese occupy garden-plots of Vilnius', Alfa.lt, 10.05.2008; 'Police of Vilnius dealt with problems of half a hundred Chinese at midnight', VE.lt, 14.08.2008; 'Chinese workers began raising the concerns', VE.lt, 06.04.2009; 'Lithuanians rent the Chinese', Vilnausdiena.lt, 31.05.2008; 'The slave market in Vilnius', Vilniausdiena.lt, 14.06.2008; 'Mobsters from Klaipeda victimise Chinese workers', Lrytas.lt, 31.07.2008; 'Workers from China in the spotlight of Migration Service', 15min.lt, 18.08.2008, etc.

²⁷ For more, see the 'Trajectories and Evaluation Mechanisms of Integration of Third-country Nationals' project. Available at: <http://ces.lt/en/projects/archive/migration-research/the-trajectories-and-evaluation-mechanisms-of-integration-of-third-country-nationals/>.

Concerning political discussion and public discourse on migrant political participation, two main issues has to be emphasised: debates on the changes of the Law on Elections to Municipal Councils and on access of foreigners to political parties (Migrant Participation Project 2015).

On 20 June 2002, the Seimas amended the Constitution in order to extend electoral rights in local elections to all permanent residents of municipalities, including EU citizens and third country nationals. In 2002, the Article 119(2) of the Constitution was amended. As a result, similar amendments to the Law on Elections to Municipal Councils were adopted. It enabled EU citizens permanently residing in the country to vote and stand for election at the local level. According to Žalimas (2013), this measure was rather uncontroversial as it was considered an integral part of Lithuania becoming an EU member state. Moreover, it did not raise intense discussion as the number of foreigners with permanent residence permit in Lithuania was (and still is) very small²⁸.

Contrary to the debates on allowing permanent residents to vote passively and actively at the local level, the possibility for foreigners (particularly EU citizens) to become members of political parties raised intense discussions among politicians and public commentators²⁹. The EU also 'joined' the debate. As Seimas has banned foreigners from membership in political parties, Lithuania received a warning from the European Commission³⁰.

As experts from the Lithuanian Red Cross Society argue, considering the recent debate and initiative of a referendum in order to decide whether foreigners should have the right to buy Lithuanian land³¹, it is clear that each attempt to give more rights to foreigners in different areas will face more resistance (Migrant Participation Project 2015).

Entire political debate around immigration issues could be illustrated through public opinion polls (or attitudes towards immigration). The analysis of public opinion polls

²⁸ However, looking at recent debates on the access of third country nationals to political parties (see below), the argument of the small share of foreigners with permanent residence permits does not seem to be relevant any more.

²⁹ 'Seimas resisted to the EU requirement allowing foreigners to establish political parties', *Infolex.lt*, 08.10.2013; 'Foreigners will join political parties', *Lžinios.lt*, 01.07.2013; 'Europe forces Lithuania to elect foreigners. We will not be owners any more. We will be flunkies', *Respublika.lt*, 10.05.2013; 'Government agreed, that EU citizens would have a right to become members of political parties', *Ekspertai.eu*, 17.07.2013; 'Seimas bans foreigners from membership in Lithuanian political parties', *Lithuaniantribune*, 08.10.2013.

³⁰ The European Commission asked Lithuania whether the rejected proposal was in line with the Community's standards allowing EU citizens run for the European Parliament and municipal councils. In this case, emphasis should be put on the fact that the amendment was related to the electoral rights of EU citizens rather than to third country nationals or all foreigners residing in the country on permanent basis. Such a debate gives an opportunity to look at the general political attitude towards political participation of foreign population in Lithuania.

³¹ 'Land-sale to foreigners: will the ban be cancelled?', *Delfi.lt*, 01.12.2013; 'Who is buying Lithuanian land?' *Delfi.lt*, 12.09.2013; 'Seimas is in favour to ban land-sale to foreigners', *Delfi.lt*, 12.09.2013.

(Beresnevičiūtė and Leončikas 2009; Žibas 2010; Vildaitė and Žibas 2010; Pilinkaitė-Sotirovič and Žibas 2011) revealed a more negative than positive image of immigration (along with immigrants). On one hand, a hierarchy of constant (negative) attitudes prevails in society towards different groups of immigrants (the analysis of generally prevailing public attitudes showed cultural insularity, which manifests in perceiving the migrants “differently”). On the other hand, the society is not well informed about the immigration processes in Lithuania. The mass media is, perhaps, the most important and mostly widespread form of public contact with immigrants. It can be argued that the information provided by mass media and the attitudes prevailing in public discourse have bigger importance to the approach in respect of immigrants so far, but not the social (direct) contacts. Finally, the prevailing opinion of the public reveals concerns about possible social upheaval or potential threats caused by the presence of immigrants in Lithuania.

Conclusions

Summarising the analysis of the theoretical assumptions for migration and its continuation, it can be claimed that with regard to contemporary migration, social and economic migration theories must compliment one another. Economic migration theories emphasise the economic nature of migration, focus on migration motives at individual and family level and consider presence on the job market as the paramount factors conditioning migration. Social migration theories consider the migration process to be a continuous and integral part of life in contemporary society, where migration is situated in a network, that is to say, in the rules and societal norms of the countries of origin, transit and destination.

On one hand, the main Lithuanian immigration law illustrates the administrative nature of immigration policies, as it is the only document to regulate immigration and the legal status of foreigners. Furthermore, such policies are regulated in *ad hoc* manner. Although strategies and programmes allow the disclosure of political attitudes towards migration issues, immigration and migrant integration policies were not developed as a priority in the long-term strategies of the state as an emphasis was given to emigration and its consequences. The situation changed when the government adopted the Lithuanian Migration Policy Guidelines and other related documents, which can be considered as the basis of a long-term immigration policy.

The newest legislative developments in the field of migration management illustrate that migrant integration issues are emphasised as a prioritised immigration policy area. However, EU funds are considered the most important development tool for migrant integration. Consequently, the fragmented and project-based character of migrant integration processes without any progress from the political perspective evidences the absence of a systematic mechanism for implementation of migrant integration policies.

Regardless of the involvement of different ministries, employers could be considered a group most active and engaged in the development of labour immigration policy. However, employers are not active in providing integration measures for migrant

workers. When it comes to the development of migrant integration infrastructure, the non-governmental sector is directly involved in implementing integration policies thanks to EU funds. Regardless of this involvement, migrant workers remain one of the most vulnerable migrant groups in Lithuania.

While analysing political debates on immigration issues, one important aspect has to be emphasised: if debates on immigration are usually related to immigration dynamics, media coverage and legislative developments, discussions on emigration usually receive emotional character. Before 2008, the media concentrated on challenges posed by immigration to Lithuania in the general context of experiences of Western European countries, while after 2008, the focus shifted towards migrant workers and labour immigration. However, after 2009 and even global economic changes (2011–2015) the attention to labour immigration decreased, while the focus on emigration and its consequences remained visible. It could be explained by very intense discussions on refugee quotas in 2015.

The analysis of public opinion polls revealed that the biggest structural obstacle to integration is the negative attitudes towards immigration in general and different immigrant groups in particular. Such an obstacle affects different types of immigration, especially refugees and migrant workers. The analysis of public attitudes illustrates the cultural insularity of the society. This cultural insularity manifests itself in “perceiving the immigrants differently”). Along with the cultural aspect of attitudes, shaping the public perception is a strong economic aspect. It is related to the myth that taxpayers support immigrants. Moreover, there is a feeling of competition in society, considering both labour market and equal opportunities while accessing different social services.

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Radostina Pavlova and Diana Radoslavova

Center for Legal Aid — Voice in Bulgaria¹

*Central and East European countries
as transit or final destinations of migrant
and refugee flows in Europe — trends, causes
and social impact from the Bulgarian perspective*

Summary

Focusing on the case of Bulgaria, this paper examines the trends, causes and social impacts of transitory migration, and especially that of asylum seekers and refugees, in Bulgaria as part of the Central and Eastern European (CEE) region and the broader EU context. It provides a statistical overview of refugee flows since 2012 and indicators of the rates of retention or transition. The paper also describes the legislative frameworks on the EU — and national levels which define the required reception conditions and the procedural treatment of asylum seekers and refugees, and elaborates on their practical application, including deficiencies in the conditions for receiving refugees, procedural flaws and the lack of integration measures. Finally, the paper discusses the impact of these processes on Bulgarian society, including the role of civil society.

Key words: Bulgaria, migration, refugees, asylum policy

¹ Email: radostinapav@gmail.com, daskalova.diana@gmail.com

I. Introduction

Freedom of movement, migration and migratory regimes are at the core of the EU value system and its policies. Coming from a common political background of severely limited migration prior to 1990, the countries in the region of Central, Eastern, and South-Eastern Europe have shown similar trends of migratory behaviour, in spite of variations in their socio-economic development in the transition period. The region is generally still marked by a significant rate of emigration and a limited return rate, which, by and large, has not been influenced by EU accession as significantly as expected. Continued emigration trends have had a detrimental effect due to the loss of educated and highly skilled human capital in the region and rapidly ageing societies (Patriutu-Baltes 2014, European Commission 2008, pp. 6–8). Accession to the EU, on the other hand, has had an effect in several directions. The CEE region was gradually transformed from the immediate eastern EU neighbourhood to the guardian of the EU's eastern and southern borders with all the ensuing tensions related to that new responsibility. New significant “pull factors” for economic immigrants from third countries have emerged, but at the same time, the region has become the destination of migrants forced out of their countries for political reasons, together with an increasing number of irregular migrants. Yet, particularly in the case of refugees and asylum seekers — numerically, the most significant type of migrants to Bulgaria in recent years — CEE countries appear to be countries of transit, rather than final destinations. Using the case of Bulgaria, this paper will discuss some basic trends, causes and impacts of the recently radically increased refugee migration flow into the region, and how they have influenced and re-shaped the transitional character of the area over the past years.

This paper argues that in recent years, Bulgaria has become a territory of transit for migrants, and for asylum seekers in particular. It aims to assess the size and nature of these transitory movements and to determine the causes for this phenomenon, including the underlying legal provisions and their application. The paper starts by summarizing the relevant legislative provisions at the international, EU and national levels. It then provides an overview of the trends in several statistical indicators of transitory migration in the region, such as terminated asylum procedures, requests under the Dublin Regulation and illegal border crossings. The probable causes of the transitory nature of recent migration flows through Bulgaria are discussed next, mentioning Bulgaria's asylum policy and the reception conditions it provides to refugees. The paper concludes with a discussion of the impact of the phenomenon on Bulgarian society, including giving rise to citizen activism and the role of civil society.

II. Legislative framework

The 1951 Refugee Convention spells out that a refugee is someone who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that

country” (UNC Convention 1951). Unlike immigrants, especially economic immigrants, who choose to move in order to improve the future prospects for themselves and their families, refugees have to move in order to save their lives or their freedom.

Bulgaria, just as the rest of the countries in the CEE region, is part of the common EU legal system and is bound by its primary and secondary legislation, namely the founding treaties of the EU² and all regulations, directives and decisions of EU institutions with legislative competencies, including the interpretative decisions of the Court of Justice of the European Union in Luxembourg. Art. 5, par. 4 of the Bulgarian Constitution³ determines that any international treaty which has been ratified, promulgated and which has entered into force for the Republic of Bulgaria shall take priority over any conflicting standards of domestic legislation. The same principle of priority of international over domestic norms is embedded both in the Bulgarian Constitution and in the EU Treaties⁴. As a result, Bulgaria is obliged to comply with the set of norms which at the EU level regulates the minimum standards in the domain of asylum — the so-called *EU asylum acquis*. Since the mid-80s, the EU Member Countries have been developing a Common European Asylum System (CEAS), aiming at levelling out the large differences in the asylum systems and practices in the EU, thus preventing “lottery” movement of refugees within the Union. The system includes three main directives, recently modified, and one regulation, namely: *Directive 2011/95/EU* (Directive 2011) determining the standards for the qualification of international protection and for the content of the protection granted; the *Directive 2013/32/EU* (Directive 2013a) determining the common procedures for granting and withdrawing international protection; *Directive 2013/33/EU* (Directive 2013b), which set standards for the reception of applicants for international protection; and *Regulation 604/2013* (EU Regulation 2013) determining the Member State responsible for examining an application for international protection. The three directives listed above reaffirm and develop the main principles from the 1951 Refugee Convention (UNC Convention 1951) with regard to asylum — the *non-refoulement* principle, which protects refugees from being returned to places where their lives or freedoms could be threatened; the *non-punishment* principle for illegal entry or stay of asylum seekers; the principle of *free access to justice* in asylum proceedings and legal support throughout the process; the application of the “*burden of proof*” principle in favour of the asylum seeker; *individual assessment* of every asylum claim in the light of the specific circumstances and country of origin’s situation; *freedom of movement* for asylum seekers and performing detention only

² The Treaty on European Union (TEU, Maastricht Treaty, effective since 1993) and the Treaty on the Functioning of the European Union (TFEU, Treaty of Paris, effective since 1958), texts available at: http://europa.eu/eu-law/decision-making/treaties/index_en.htm.

³ Constitution of the Republic of Bulgaria, text available at: http://www.vks.bg/english/vksen_p04_01.htm.

⁴ The principle of supremacy of Community law over inconsistent law of Member States has been established by two fundamental cases of the ECJ: case *Van Gend en Loos* (Case 26/62 NV Algemene Transport en Expeditie Onderneming van Gen den Loos v Nederlandse Administratie der Belastingen [1963] ECR 1) and case *Costa vs. ENEL* (Case 6/64 Flaminio Costa v ENEL [1964] ECR 585).

as exceptional measure in specific cases; provision of specific guarantees in the treatment of *vulnerable groups* among asylum seekers and *unaccompanied minors*. Determining the mechanisms and criteria for selecting the country responsible for reviewing the asylum claim, the Dublin Regulation has caused a lot of controversy and discussion related to the solidarity principle of the EU and the proportionate distribution among the EU Member States of the responsibility of accepting the increasing refugee flows⁵. Since the general principle of the Dublin Regulation is that the first country of entry is responsible for reviewing the asylum claim, for the time being it obliges the return of large numbers of asylum seekers transiting the CEE region. Despite the progress made with the modification of the described instruments, the EU has still failed to build to the needed degree a single asylum system, as proscribed by the Hague Programme with a deadline extended to 2012.

Related to the basic asylum instruments mentioned above is *Directive 2008/115/EC* (Directive 2008) listing the common standards and procedures for returning third-country nationals illegally staying on the territory of the Member States. The Return Directive applies in cases of failed asylum applications or in controversial cases when genuine asylum seekers are treated as irregular migrants. That is why this *directive* is mainly mentioned in relation to the interpretation and application of the *non-refoulement* principle.

The basic asylum principles and the EU requirements in the listed asylum directives and instruments have been transposed into the Bulgarian national legislation through the Bulgarian Law on Asylum and Refugees (LAR), adopted in 2002, as well as the related Law on Foreigners (LOF), adopted in 1998. The LAR determines the procedures of application and assessment of asylum claims and the rights of refugees and asylum seekers on the territory of Bulgaria, as well as the competent national authority in regard to asylum — the State Agency for Refugees (SAR) at the Council of Ministers. Both the LAR and the LOF were amended several times and the LAR was changed in October 2015 in order to transpose the recast Reception Directive and Procedural Directive. An important recent step forward in this direction was also the amendment of the Law on Legal Aid in 2013, which introduced free legal aid for asylum seekers at all stages of the status determination procedure, including the first-instance administrative stage, to be financed with the state budget⁶. Before the law was amended, state-funded legal aid was only available to asylum seekers for appeals, which are dealt with by courts. Unfortunately, the lack of sufficient state budget dedicated to the expanded provision of legal aid to asylum seekers has left the amendment unimplemented.

The transposition of the minimum standards into the national legislation, although technically in approximate compliance with the set requirements, has demonstrated

⁵ For more on the topic see: *Protection interrupted: The Dublin regulation's impact on asylum seekers' protection* (The DIASP project), The Jesuit Refugee Service, published in June 2013, text available at: https://www.jrs.net/assets/Publications/File/protection-Interrupted_JRS-Europe.pdf; as well as „The Telegraph” News: *Germany drops EU rules to allow in Syrian refugees*, 24 August 2015, text available at: <http://www.telegraph.co.uk/news/worldnews/europe/germany/11821822/Germany-drops-EU-rules-to-allow-in-Syrian-refugees.html>.

⁶ Law on Legal Aid, art. 22, par. 8.

serious deficiencies, especially during the latest period of increased refugee flows in the country. Bulgaria has been broadly criticized⁷ for inadequate reception conditions provided in 2013 and 2014 and the recovery from the initial collapse of the asylum system is still an ongoing process, both in legislation and in practice.

III. Transitory migration through Bulgaria: statistical indicators

Official statistics on the number of migrants who transit through Bulgaria to continue on to other EU Member Countries are not available, since it is not possible to track their exit through the borders, particularly when such an exit is an illegal crossing through the green borders, and they do not get apprehended. Several other indicators in conjunction with each other can be used to estimate the size and trends of the transitory migration through Bulgaria: the number of people who have asked for asylum, the number of suspended and terminated procedures, the number of people apprehended while attempting to illegally cross the border exiting Bulgaria, and the number of requests that Bulgaria has received under the Dublin Regulation. Before discussing each of these indicators in turn, we should note that the overall picture they paint would necessarily underestimate the size of transitory migrant flows through Bulgaria, as it does not capture the people who manage to cross the borders unnoticed and to settle in the country of destination without being identified there as subject to the Dublin Regulation, or to a readmission agreement.

*Asylum applications*⁸

The enormous increase in the number of asylum applications received by Bulgaria, starting in 2013 and continuing to this day, is likely the most important development in the area of migration in the country, and perhaps one of the most significant social phenomena of the decade for Bulgaria and the region. It was brought on by several key factors such as the crisis in the Middle East, which has produced millions of refugees, primarily from Syria, and Bulgaria's position as the EU's southern border, geographically close to the conflict in the Middle East and sharing a border with Turkey (which receives, but does not grant full protection to asylum seekers from outside of the European continent)⁹. A closer look at the trends in asylum applications in Bulgaria shows that its membership in the EU did not lead to a significant increase in the number of asylum seekers, even

⁷ See, among other, *Containment Plan: Bulgaria's Pushbacks and Detention of Syrian and Other Asylum Seekers and Migrants*, Human Rights Watch, April 30, 2014, available at: <https://www.hrw.org/report/2014/04/28/containment-plan/bulgarias-pushbacks-and-detention-syrian-and-other-asylum-seekers> and *UNHCR observations on the current asylum system in Bulgaria*, UNHCR, January 2, 2014, available at <http://www.refworld.org/docid/52c598354.html>.

⁸ All statistics in this section, unless specified otherwise, were provided by the Bulgarian State Agency for the Refugees (SAR) and/or published on its website <http://www.aref.government.bg>.

⁹ Turkey has not signed the 1967 Protocol to the 1951 Convention and has therefore retained the geographic limitation contained in the original text of the Convention.

though, as a EU member, Bulgaria would be a more attractive destination country and should also provide more robust protection with the transposition of the *asylum acquis*. Nevertheless, in 2007, 975 people filed asylum applications in Bulgaria; 746 did so in 2008; and 653 in 2009. The numbers did not rise significantly until 2013, with 7,144 applications. In 2014, as many as 11,081 people entered Bulgaria and asked for protection, and over 10,000 did so in the first nine months of 2015, which indicates that 2015 will very likely mark the highest ever number of asylum applications since 1993, when records started to be kept. Throughout the period from 1993 to 2012, the top countries of origin of the asylum seekers were typically stateless, Armenia, Iraq, and Afghanistan. The patterns shifted with the conflicts in the Middle East and from 2013 through 2014 and into 2015, the leading countries were Syria, Iraq, Afghanistan, Iran, and most recently, Pakistan, where Syrian applicants have been the predominant group by far.

Refugee status decisions and transitory migration

Whether or not an asylum seeker is granted refugee or humanitarian status in Bulgaria affects the transitory migration patterns of that individual. Even though in both cases there is high likelihood that they will at least attempt to move on from Bulgaria as the first country of entry, the timing and manner, as well as the reasons and the consequences, differ.

Table 1. Persons Seeking Protections and Decisions Made by the State Agency for the Refugees (SAR)

State Agency for the Refugees						
Information of the persons seeking protections and decisions made						
for the period 01.01.2006 to 31.07.2015						
Year	Persons seeking protection	Refugee status granted	Humanitarian status granted	Refusal	Procedure terminated	Total decisions
2006	639	12	83	215	284	594
2007	975	13	322	245	191	771
2008	746	27	267	381	70	745
2009	853	39	228	380	91	738
2010	1025	20	118	386	202	726
2011	890	10	182	366	213	771
2012	1387	18	159	445	174	796
2013	7144	183	2279	354	824	3640
2014	11081	5162	1838	500	2853	10353
2015*	9217	3222	538	475	4998	9233
Total	33957	8706	6014	3747	9900	28367

* 1.01.2005 to 31.07.2015

Source: adapted from table available on the SAR website, accessed on Aug. 15, 2015.

Refugee status holders

The Law on the Asylum and Refugees (LAR) grants refugee status holders the right to be issued a travel document¹⁰, with which they could legally travel to other EU countries, though it does not grant a right to live and work in the EU, just to visit for a limited period¹¹. Even though Bulgaria does not keep such statistics, it has become widely believed that refugee status is used by asylum seekers as a ticket to Western Europe. In 2015, several protests took place in the reception centres of the SAR where asylum seekers protested¹² against the alleged delays in the issuing of refugee claims decisions on the part of the SAR, with the undertone of discontent for having to stay in Bulgaria longer than necessary. Refugee and humanitarian status holders are not subject to the Dublin Regulation, as it only applies to asylum seekers still in procedure, those with a refusal, or those who never claimed asylum but were fingerprinted upon entry into the country and their data was recorded in the EURODAC database. However, recognized refugees can still return under “safe third country” agreements or readmission agreements, such as the Readmission Agreement between Germany and Bulgaria signed in 2006. No official statistics are kept on the number of refugee and humanitarian status holders who returned specifically under readmission agreements; anecdotal information and observations from the work of practitioners from 2014 and 2015 suggest a small but growing number of cases of such returns, primarily from Germany. Another important consideration in the examining of refugee status holders’ transitory migration is that, due to an apparent policy bias in the claim assessment process, very few applicants from countries other than Syria are granted refugee or humanitarian status by Bulgarian authorities: statistics obtained from the SAR under access-to-information legislation show that for the 2009–2013 period, even though the overall rate of positive decisions by the SAR was relatively high at 48.5%, it was only 22% for non-Syrians and zero or close to zero for nationals of certain countries, particularly from the African continent. These findings paint a profile of asylum seekers who leave Bulgaria legally versus those who must resort to illegal border crossings (whether their procedure is still ongoing or has resulted in a refusal), risking incarceration under the Bulgarian Penal Code.

Persons with refusals of refugee status

A failed asylum seeker in Bulgaria who has exhausted all levels of appeal has very limited options for regularizing his or her status. Many file subsequent refugee status claims, for which the likelihood of success is smaller than for the initial claims, as evidence of new

¹⁰ Law on the Asylum and Refugees, Art. 40 and Art. 42.

¹¹ Holders of humanitarian status are granted the same rights as foreigners living long-term in Bulgaria (Law on the Asylum and Refugees, Art. 36 and Art. 42), and while they are issued a travel document, their ability to enter other EU countries depends on the policy of each country.

¹² See, for example, *Another Refugee Protest at the Ovcha Kupel Centre*, bTV News, April 29, 2015, available at: <http://btvnovinite.bg/article/bulgaria/obshtestvo/otnovo-protest-na-bezhanci-v-centara-v-ovcha-kupel.html> and *The Immigrants in Ovcha Kupel Protest for an Accelerated Asylum Procedure*, News.bg, July 23, 2015, available at: http://news.ibox.bg/news/id_779620544.

circumstances is required¹³, i.e., the claim cannot be based on the same persecution story. If a subsequent claim is not filed and the negative decision enters into force, the migrant is issued a deportation order, may be detained, and is eventually returned to the country of origin. According to the Ministry of the Interior, 250 persons were scheduled for a voluntary return in 2014 and would receive assistance for the return by the International Organization for Migration (MVR 2013). In 2013, 149 people left the country under the voluntary return assistance programme (MVR 2013). Regarding deportations, from the beginning of 2013 to mid-December the same year, the “Migration” Directorate at the Ministry of Interior participated in 15 joint international flights, in which 36 Nigerians, 5 Pakistani, 2 Georgians and 1 Ecuadorians were deported (MVR 2013). In the end of 2013 and beginning 2014, Bulgaria took part in a Frontex-led return mission, deporting another 13 people; another mission, described as particularly successful by the Ministry of Interior, took place in November 2013, when 54 Iraqi citizens were flown back to Iraq (46 from Bulgaria and 8 from Greece) by a charter flight (MVR 2013).

Given the threat of deportation and lack of regularization opportunities, undocumented persons have a strong incentive to leave the country illegally and to try settling elsewhere. In 2013, the SAR issued 354 refusals (9.7% of all decisions) — as pointed out above, almost all of them to non-Syrian applicants, such as applicants from African countries, Iran and Afghanistan, received refusals; in 2014, there were 500, or 4.8% of all. The partial data for 2015, for the period for the first nine months of the year, shows 442 refusals out of 9742 decisions, which represents 4.5%. The small share of refusals reflects the fact that in the years 2013–15, the majority of applicants were Syrians, who are considered *prima facie* genuine asylum seekers and are granted status nearly uniformly, while most others are refused across the board. The trend of a decrease in the percentage of refusals, observed in 2014 and continuing into 2015, was due to a steep rise in suspended and terminated procedures, which are discussed next.

Terminated asylum procedures

According to the LAR, a procedure for the assessment of a refugee status claim may be suspended if the applicant misses interviews scheduled at the SAR, or is not found at the address declared to the authorities¹⁴. If the applicant does not provide a satisfactory explanation within three months of the suspension, the procedure is terminated and the asylum claim is considered closed¹⁵. The most common factual reason for suspended and terminated procedures is that the applicant has left the country while his or her case is still under review. Data provided by the SAR shows that the number of suspended and terminated asylum procedures in Bulgaria rose sharply over the last 1.5–2 years: of the final 10,353 final decisions on asylum claims made by the SAR in 2014, 2,853 (27.5%) were terminations (compared to 22.6% in 2013); from January 1 to September 30, 2015,

¹³ Law on the Asylum and Refugees, Art. 13, point 5.

¹⁴ Law on the Asylum and Refugees, Art. 14.

¹⁵ Law on the Asylum and Refugees, Art. 15.

over half — 5,464 (56%) of the 9,742 decisions — were terminations. This increase clearly indicates a shortening of the amount of time spent on Bulgarian territory by asylum seekers. It also speaks of their pre-determination to continue on to other EU countries — perhaps combined with a lack of belief in the likelihood that their claim will be successful in Bulgaria — before they have given staying in Bulgaria long-term a chance. The trend of asylum seekers increasingly leaving the country while still in procedure is confirmed by a monitoring report for 2014 by the Bulgarian Helsinki Committee (2014). According to the report, in the beginning of January 2014, the SAR listed 4,694 asylum seekers residing in its reception centres and 4,421 living at external addresses¹⁶. By the end of June 2015, the number of those at external addresses had decreased to 2,664, presumably due to almost 40% having left the country (in most circumstances, it is not possible to return to a reception centre having once moved to an external address)¹⁷. The SAR admitted that the percentage could be as high as nearly 70%, since they had not been able to contact about half of the 2,664 asylum seekers at the addresses stated as they had likely left Bulgaria in the winter of 2014¹⁸.

“Dublin” returns

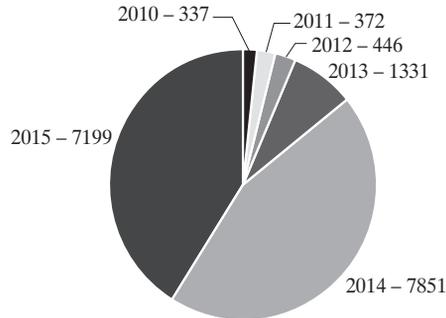
Under the Dublin Regulation, asylum seekers who are still under procedure in Bulgaria, as well as those with a refusal, which has come into force, are in most circumstances subject to being returned to Bulgaria, if they file a new asylum claim in another EU Member State. The same applies to migrants who are found on the territory of another EU state without the required documents and a check in the EURODAC database determines that they have passed through Bulgaria first, even if they have not filed an asylum claim there. In 2013 and 2014, the requests made by other EU Member States to Bulgaria for possible returns of migrants were, respectively, 1,331 and 7,851, according to the SAR; for the first nine months of 2015, the requests were 7,199, indicating a significant increasing trend. The actual returns to Bulgaria under the Dublin Regulation were just under 100 in 2013 and 174 in 2014, according to Eurostat (Eurostat 2014). The reason the numbers of Dublin requests are important to assess and understand the transitioning migratory patterns through Bulgaria is that each request corresponds to a person who has used Bulgaria’s territory as a transitory route. According to information from the SAR, the EU countries with the highest number of Dublin requests to Bulgaria were Germany, Hungary and Austria¹⁹.

¹⁶ Art. 29, par. 6 of the Law on the Asylum and Refugees allows asylum seekers to live at an address they choose instead of a reception centre, whereby the asylum seeker forfeits the right to housing, food and other supports.

¹⁷ Bulgarian Helsinki Committee, see footnote 15 above.

¹⁸ Ibid.

¹⁹ News from 05/01/2015, SAR, available at: <http://aref.government.bg/?cat=13&new-sid=866>.

Graph 1. Numbers of requests under the Dublin Regulation received by Bulgaria (to Sept. 30, 2015)

Source: State Agency for the Refugees, 49th Coordination Meeting, 08.10.2015.

Illegal border crossings

According to media quoting the Ministry of Interior, responsible for border management, from the beginning of 2015 until the end of July of the same year, 4,420 individuals were apprehended while trying to cross the border illegally to leave Bulgaria, which represents a fourfold increase compared to the same period in 2014 and is 46% higher than the entire number for 2014 (Blitz 2015). Other media sources state that the number of people stopped at Bulgaria's external border in 2014 was 3,009 (bTV, Sega, 2015). These numbers suggest a rapid growth of the irregular migration flows transiting the country and indicate that the trend and impact discussed in this paper will only gain in scope and importance in the near future. According to the 2014 risk analysis report by the Bulgarian Border Police (MVR 2014, p. 4), in 2013, the main entry point into Bulgaria, which is on the so-called Eastern Mediterranean migration route as a transit country on the way to the Western Europe, with Istanbul serving as a distribution hub for migrants from the Middle East and Africa into the EU, was the land border with Turkey. The number of migrants intercepted at that border reached a peak in October 2013, when 3,657 were arrested while trying to cross illegally (MVR 2014, p. 4). According to the report, the usual plan of the migrants is to avoid being intercepted by Bulgarian border police and to try to reach the inside of the country, where contact is made with organizers of the journey onwards to other EU countries (MVR 2014, p. 8). The most common exit point was the land border with Serbia, with 1,975 people stopped at exit there in 2013 (five times more than in 2012), followed by the land border with Romania with 501, also with about a five-fold increase for the same period (MVR 2014, p. 9). According to the report, in the interviews conducted by border police with the intercepted migrants, Syrian nationals, the most numerous of the illegal entrants (57%), stated that they were fleeing the war in the home country and intended to ask for asylum (MVR 2014, p. 8). Afghani nationals (17%) gave both socio-economic and political reasons; most of them wanted to receive refugee status in Bulgaria and then move on to Germany, Norway, Austria, Holland or Sweden (MVR

2014, p. 8). North African migrants crossing into Bulgaria (from Morocco and Algeria) typically gave economic reasons for their journey and had no intention of asking for asylum in Bulgaria or to remain in the country, but planned to move on to France, Italy, Sweden or Switzerland (MVR 2014, p. 8). Sub-Saharan Africans (from Ghana, Eritrea, Nigeria, etc.), on the other hand, gave socio-economic and religious reasons for leaving their countries of origin, and increasingly claimed the intention of asking for asylum and remaining in Bulgaria, but tried to leave the country illegally later on (MVR 2014, p. 8).

IV. Causes for transitory migration in Bulgaria

The described trends in the refugee flows in Bulgaria and, similarly, in the CEE region, can be partly explained with long-standing economic reasons, as well as personal ones. The majority of migrants to the region, not excepting asylum seekers and refugees, use the Eastern border region of the EU as an entry point towards the Western, more economically developed countries, where they can receive better opportunities and social supports. The long-existing and much larger diasporas from the migrants' countries of origin in the West European countries are also a substantial pull factor for migrants and asylum seekers who try to join their family members and to exercise in a legal or illegal way their granted right of family reunification. But beside these well-known and long-standing causes for transitory movements in the region underlies a deeper and more disturbing tendency. The last 2–3 years have clearly shown that the goal of reaching the common EU area with open borders and freedom of movement where countries share the same fundamental values and the Member States provide uniform high standards for the protection of refugees would be much more difficult to achieve than expected. The CEAS and its fundamental objectives of “solidarity” (achieving a more balanced distribution of asylum seekers across Member States) and “fairness” (uniform decision-making across the EU on asylum cases)²⁰ has faced some unresolved challenges, particularly evident lately in the uneven reception and treatment of asylum seekers from Syria. The case of Bulgaria is an example in this regard.

In the face of one of the world's biggest refugee crisis in recent times Bulgaria, as many other European governments, failed to respond adequately to the challenges raised. On 20 December 2013 the Council of Europe Human Rights Commissioner called for a stop on returning Syrian refugees to Bulgaria from other EU countries under the Dublin Regulation (COE HR Commissioner 2013). On 2 January 2014, due to observed systemic deficiencies in the reception conditions and asylum procedures in the country, the UNHCR also called for the suspension of all transfers to Bulgaria under the Dublin Regulation (UNHCR 2014a). On 15 April 2014 UNHCR lifted the temporary suspension, but it noted that serious gaps in the system still remained, and that there might be reasons not to transfer certain groups or individuals, in particular those with specific needs or vulnerabilities, encouraging countries to individually assess every case (UNHCR

²⁰ The solidarity and fairness principles are defined in the TFEU, art. 80.

2014b). The latest report of the COE Human Rights Commissioner, following his visit to Bulgaria from 9 to 11 February 2015 (COE HR Commissioner 2015a) reports continuous pushbacks of asylum-seekers and migrants at the border with Turkey, prolonged detention of asylum seekers at the initial stage of their entry due to legislative gaps and delay in their registrations, lack of legal aid at any stage of the administrative procedures, lack of early identification, assessment and referral system of vulnerable asylum seekers and unaccompanied minors again due to gaps in the law and practice of institutions. The annual report of the Bulgarian Helsinki Committee for 2014 (Bulgarian Helsinki Committee 2014) elaborates further on the procedural flaws in the asylum system and discrimination in the assessment of non-Syrian asylum seekers; Dublin and accelerated procedures being carried out in conditions of detention. The situation of refugees with granted status appear to be even more serious than the situation of asylum seekers, as for the year 2014 there was no integration plan adopted by the Bulgarian authorities. The year 2014 became known as the “zero integration” year (MultiKulti 2014) and the lack of integration measures continued into 2015. Correspondingly, there have been no institutional or policy grounds for the social support of foreigners with refugee or humanitarian status. Thus the motivation for leaving the country remains stronger even after receiving status, or exhausting the routes to do so.

At the end of May 2015, the European Commission proposed a new migration agenda for the EU, which envisioned the redistribution of 40,000 refugees from Italy and Greece to other Member States, and the resettlement of another 20,000; Member States would receive EUR 6,000 for each refugee redistributed or resettled (European Commission 2015). Bulgaria’s quota of 1.25%, calculated on the basis of factors such as gross domestic product and number of refugees already accepted, would amount to 788 people. The Bulgarian government’s initial reaction was one of disagreement with the assigned quota, and a demand that Bulgaria is accorded the same special status as Italy and Greece, as its geographic location close to the sources of migration made it particularly vulnerable (Darik News 2015). Later on Bulgaria supported the proposed quotas, approved by the EU interior ministers on 22 September 2015. Considering that the number of asylum seekers that Bulgaria has already received — without additional financial support per person from the EU — is much greater than the quota, Bulgaria’s initial statement and concerns should be seen as a position on principle, rather than one based on practical considerations. It speaks of the way the current Bulgarian government sees the country’s role within the EU’s migration policy: a passive position for a country, victim to its geographic location, who should be relieved of the refugee burden, rather than a leader or active participant in shaping the migration policy agenda. In this sense, it is hardly surprising that asylum seekers receive the message, directly or indirectly, that the appropriate thing to do would be to move on to another destination country, better suited and more rightfully responsible for their accommodation.

V. The impacts of the transitory migration processes on Bulgarian society

In the summer of 2013, when the first sizeable wave of asylum seekers reached Bulgaria, the Bulgarian institutions were unprepared to receive them and provide even for their immediate needs, such as food and shelter. Bulgarian society responded by stepping in with unparalleled levels of civic initiative and volunteerism, through material and monetary donations and volunteer work at the reception centres. Notably, the informal group Friends of the Refugees²¹ was formed, now numbering over 4,500 members and serving as the main hub for exchange of information on migrants in Bulgaria, organization of events and campaigns and broad-based advocacy on issues of migration and asylum. The National Coordinating Mechanism under the initiative of UNHCR was also formed in 2013. Within it, representatives of NGOs working with refugees, international organizations such as the UNHCR and the Red Cross, and the SAR have been meeting every two weeks since the autumn of 2013. The forum provides an opportunity for consultation, exchange of information and resolving issues arising from working in the field, directly with the authorities. Thus, the transitory nature of the asylum seekers' migration through Bulgaria does not seem to have deterred civil society and regular Bulgarians from providing support to the refugees; on the contrary, in some instances, Bulgarian volunteers have even assisted in connecting relatives of refugees living elsewhere in the EU in family reunification cases. It seems, however, that the transitory character of the migration flow has an impact on policy implementation and on official discourse. While it cannot be disputed that implementing an integration programme without being able to rely on the participating individuals' commitment to remaining in the country long enough to complete it would be challenging, it has also served the responsible institutions as an excuse for failures to provide any integration supports, not even language classes²². It has also provoked pejorative discourse on the part of officials: for example, in November 2014, the then-chair of the SAR Nikolay Chirpanliev commented before the media that *the refugees in Bulgaria are worse than the Roma: they are segregated, they don't want to learn Bulgarian; the rich ones want to go [to other EU countries] and [Bulgaria is] left with the Kurds, who are much worse than [the] Gypsies* (Dnevnik 2014). Lastly, the change in policy in 2014 to award refugee rather than humanitarian status to large numbers of asylum seekers fleeing the conflict in Syria, evident in the SAR decisions statistics (see Table 1 above), is rumoured (and anonymously admitted by officials) to have been aimed at facilitating their moving on and out of Bulgaria so that the Bulgarian state is not responsible for their integration. There have also been accounts, albeit difficult to investigate or prove, on the part of asylum-seekers from the African continent that any requests they make to reception

²¹ Friends of the Refugees, Public Group, Facebook: <https://www.facebook.com/groups/585850168115019>.

²² For instance, according to information, provided by the SAR in the 44th Coordination meeting on July 30, 2015, 901 of the 1,268 children and youth under 18 years of age in the reception centres were "uncaptured", i.e., not attending school or otherwise engaged in any educational activities; there were no Bulgarian classes offered in any of the reception centres.

centre management are met with hostility and urges to leave for another country; there is a perception among these asylum seekers of a deliberate policy to make the reception conditions so unbearable for them, that they choose to go elsewhere.

Conclusion

The transitory nature of the increased refugee flow through Bulgaria, and the region more generally, has important policy implications at both the national and EU levels. Domestically, with the support from EU and UN institutions, EASO and the European Refugee Fund (ERF), Bulgaria was able to improve its asylum system significantly since 2013. In spite of the still existing legislative and practical deficiencies, accommodation for up to 6,000 asylum seekers was created, technical and sanitary conditions were improved, the administration capacity of the State Agency for Refugees was increased and thus the registration and assessment process of asylum applications was accelerated. Nevertheless, the improvements in the national asylum system are very fragile and unstable, and the prognosis of a continuous increase in refugee flows, including executed “Dublin returns”, might bring a repetition of the crisis from 2013. If all EU asylum mechanisms are strictly applied, more and more people must be forced to remain in Bulgaria or the region and not use it just for transit.

Within the existing realities, will the CEE region remain transit or rather be turned forcibly into a final destination for passing refugee flows, and what would the social implications of such imposed integration be? The answer to this question is increasingly a matter of a pressing need for new interpretation of how the “solidarity” and “fairness” principles should be applied within the entire EU. The migrant crisis might be turned into a good opportunity for the re-establishment of basic values and principles of the European Union. It can provide an opportunity for positive legislative developments, but even more so for a stronger emphasis on practical co-operation and exchange of experience and expertise among Member States, in which the European civil society will play a vital role.

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Christian Schweiger

Senior Lecturer in Government
School of Government and International Affairs¹

*The CEE countries' first decade of EU membership:
from policy-takers towards agenda-setters?*

Summary

The accession of the group of eight post-communist Central and Eastern European member states who joined in 2004 marked a historic watershed in the development of the European Union. The subsequent enlargements in 2004 represented the biggest expansion of the EU's membership base since the beginning of the institutionalised process of institutional European integration after the end of WW2. Even more importantly however, it constituted the official end of more than four decades in which the European continent had been artificially divided into two ideological and military blocs by the Cold War. This article concentrates on the 2004 enlargement and analyses how the CEE-8 group has integrated into the EU's institutional and policy *acquis* over the past decade. In this respect the impact of the global financial crisis of 2008–09 represents a major challenge for the countries of the region in their ongoing political, economic and social transformation since the fall of communism. The paper examines to what extent the CEE countries have managed to tackle the multiple challenges of the post-communist transition and which factors have determined their status as predominantly passive policy-takers. Special emphasis is put on the impact of the 2008–09 global financial crisis, which poses the risk of backsliding the CEE's domestic political and economic transition process and growing alienation from the increasingly complex new coordinative EU policy mechanisms. The article also considers the potential future role of the semi-institutionalised cooperation

¹ Email: christian.schweiger@durham.ac.uk

amongst the Visegrád 4 group (Czech Republic, Hungary, Poland and Slovakia) in effectively promoting the interests of the wider CEE region in the EU. The main challenge in this respect lies in the persistent diversity of national interests and varying levels of commitment towards transnational cooperation amongst the V4 and the wider CEE group. This especially applies to the regional leader Poland, which has been torn between the ambition to intensify regional cooperation and the desire to become a leading player in the EU alongside France and Germany.

Key words: CEE countries, European Union, financial crisis, transformation

Introduction

Since its foundation under the Treaty of Rome in 1957 the European Community steadily grew from the original six member states towards nine in 1973, 12 in the 1980s and 15 in 1995. The most recent historic enlargements towards Central, Eastern and South-Eastern Europe substantially enlarged the EU to 25 in 2004, 27 in 2007 and most recently 28 member states when Croatia joined in 2013. This article examines how the 2004 and 2007 CEE accession groups have integrated into the EU and how their status has been affected by changing internal dynamics. The article also considers the potential role of the Visegrád 4 cooperation in strengthening the voice of the CEE region in the EU's process of intergovernmental strategic bargaining.

The 2004/07 enlargements — a historic 'big bang' expansion of the EU

The historic enlargement of the EU towards eight new member states in Central and Eastern Europe in 2004 marked the end of sixty years of artificial Cold War ideological division of the European continent. Leading voices amongst the EU-15 governments, such as the British prime minister Tony Blair and the German chancellor Gerhard Schröder, strongly supported the decision to allow a whole group of CEE countries to join the EU in a single wave of enlargement. Blair spoke of 'equal partners' joining who would help to build a 'new Europe' (Blair 2000). Schröder emphasised that the CEE-8 group which joined in May 2004 are countries which 'are finally returning to Europe's community of state, to the European family' (Schröder 2004).

The CEE pre-accession process: Strict conditionality

The pre-accession process was nevertheless dominated by public discussions in the EU-15 which concentrated on the extent to which the prospective member states would be prepared to join the EU's *acquis* and what the overall implications for the EU's internal dynamics would be. The special Eurobarometer which was conducted by the European Commission in the EU-15 countries one year before the accession date for the CEE-8 in

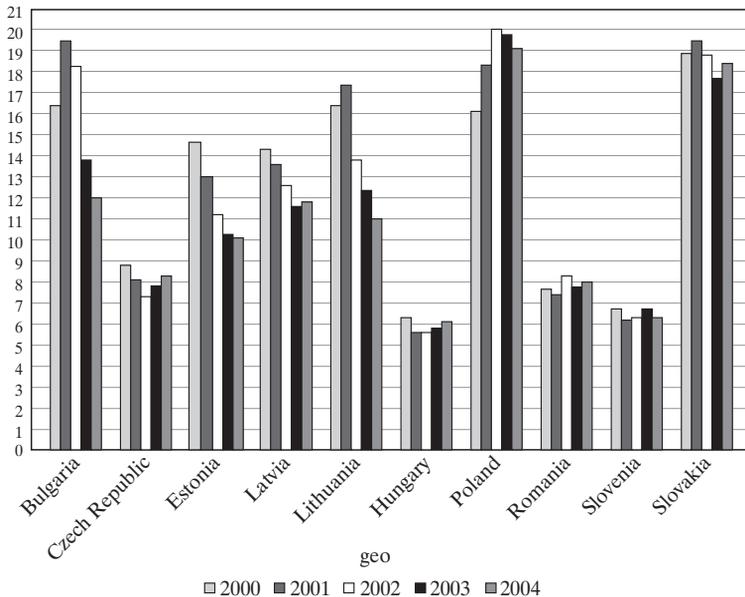
March 2003 showed that around 80 percent of all citizens in the existing member states were aware that the EU's membership base was about to be expanded substantially. The poll also showed that the majority of citizens in the existing member states considered the EU not well prepared for the big bang enlargement consisting of the CEE-8 plus Cyprus and Malta in May 2004. 48 per cent of citizens in the EU-15 countries considered the EU to not be ready for the next wave of enlargement. In France, Italy and Germany this stood even higher, with 51, 52 and 48 per cent of the population respectively expressing this view (European Commission 2003, p. 9 and p. 80). This was a reflection that the EU-15 governments had failed to reach a consensus on EU institutional and procedural reform before enlargement actually took place. None of the major intergovernmental conferences on treaty reform since Maastricht had managed to achieve a breakthrough in establishing an institutional status quo which could ensure that the EU remained operational after the next enlargement. The stony road of post-Maastricht reform discussions from Amsterdam in 1997 to Nice in 2000 and Laeken in 2001 was characterised by the persistent gap between national government rhetoric and action (Grabbe and Hughes 2000, p. 104). At Laeken the EU-15 governments had reached the point where they had to concede that major reforms could not be reached in intergovernmental negotiations (European Council 2001). It therefore ultimately fell to the Constitutional Convention which was only established in 2001 to work towards an EU reform treaty. The Convention under the leadership of former French president Giscard d'Estaing gave EU governments breathing space but as it did not start its work until February 2002 it was clear that a reform treaty proposed by the Convention could not be completely ratified before the May 2004 accession date.

The relatively fruitless reform discussions amongst EU-15 political elites on institutional and procedural reform took place against the background of substantial public concerns regarding the financial, economic and social impact of the forthcoming enlargement. Once the shape of the impending eastward enlargement was determined in detail, the public debate shifted towards the potential impact the accession of a large group of post-communist countries on the economies and societies of the EU-15. Parallel concerns about the potential financial burden had previously been addressed during the *Agenda 2000* enlargement package negotiations under the German EU presidency in the first half of 1999. The European Council meeting in Berlin on 24/25 March 1999 effectively determined a spending cap of €213 billion for the 2000–2006 period on the EU's structural and procedural funds (EUR-Lex 1999). At the same time the Berlin Council summit decided to limit the pre-accession instruments for the group of ten CEE candidate countries (including Romania and Bulgaria) and also Cyprus to €3.1 billion per year between 2000 and 2006. Expenditure for the actual accession was limited to €45.2 in total, in both cases including agricultural spending (European Council 1999). The CEE candidate governments accepted this financial settlement, which left them substantially worse off than accession candidates during previous enlargements, without much public resistance. It was nevertheless expected that some of them, especially Poland, would demand an increase in the overall budgetary provision for post-accession financial support once they had joined the EU (Barysch and Grabbe 2002, p. 26). Overall the

public view prior to the 2004 enlargement in the EU-15 was that the expansion of the EU’s membership base would result in a significant burden on the national budgets. 68 percent of citizens in the EU-15 expressed the opinion that this enlargement would be ‘very expensive’, in France and Germany over 70 per cent of the population voiced such concerns (European Commission 2003, p. 44).

One issue that gained increasing prominence in the public debate around the preparation for the May enlargement was that of the expected high levels of labour migration from the CEE countries. The majority of citizens in most of the EU-15 countries expected this enlargement to result in the influx of a large number of people from the new member states. Between 60 and 80 per cent of the population expressed such an opinion in most member states, with the exception of the UK, the Scandinavian countries, Belgium, and the Netherlands, where the levels of public concern were lower. In a number of EU-15 countries there was also the expectation that the enlargement would lead to rising levels of unemployment (Portugal: 64 per cent, Spain: 62 per cent, Germany: 56 per cent, Luxembourg: 53 per cent, and Austria: 51 per cent) and that the standard of social welfare would decline, (Germany: 56 per cent, Portugal: 52 per cent, Spain: 50 per cent) (Eurobarometer 2003, p. 60 and p. 69–70). The background to this were the high levels of unemployment in some of the CEE-8 accession candidates. The major concern amongst the group was Poland, where unemployment had approached 20 per cent by 2002–03 (see Graph 1).

Graph 1. Total unemployment rate CEE-10 candidate countries 2000–2004



Source: Eurostat, available at <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tsdec450&plugin=1>.

The bleak labour market situation in many of the CEE-8 accession group combined with a noticeable gap in the wage structure between these countries and the EU-15 pushed concerns about the potential impact of a large wave of labour migration to the forefront in the run-up to the May 2004 enlargement. This 'race to the bottom' debate portrayed unfair wage competition from the East as the potential death knell for long established Western European social standards, essentially the European social model (Barysch 2006, p. 1). It was based on the observation that the 'economic earthquake' of transition from centrally planned state socialism towards economic liberalisation resulted in noticeable detrimental social effects in the CEE region (Black and al. 2010, p. 19). These concerns were augmented by the fact that the May 2004 enlargement (including Cyprus and Malta) represented the biggest expansion of the EU's population ever, with over 71 million new citizens joining the Single Market in one instant, representing an almost 20 per cent relative increase of the EU's population. At the same time the group of new member states only reached around 25 per cent of the EU's GDP per capita, which was substantially lower than any of the previous accession countries (Kvist 2004, p. 304). The majority of national governments in the EU-15 reacted to these concerns by demanding that the accession treaty for the May 2004 enlargement determined the ability to impose national transitional periods of up to seven years up during which the freedom of movement for the new member states would be limited (European Commission 2004). As a result twelve of the EU-15 decided to impose temporary restrictions on the freedom of movement for citizens from the CEE-8. The exceptions were the United Kingdom and Ireland, whose considered enlargement as an opportunity to fill vacancies in their booming labour markets with migrants and after some deliberation also Sweden (Dobson and Sennikova 2007, p. 124).

The CEE countries faced strict conditionality as part of their accession process. The Copenhagen membership criteria, which the EU had determined for future members back in 1993, were applied in a more stringent manner towards the assessment of the CEE membership application than this had been the case during previous enlargement. This reflected the numerous concerns the EU had towards the accession of a large group of predominantly post-communist member states (Goetz 2005, p. 256). Beyond the issues outlined earlier in this article the EU-15 governments and the Commission were adamant to ensure that the CEE countries would make sufficient progress in their ongoing domestic political and economic transformation to be able to fit into the EU *acquis* smoothly. The accession process, which has generally been described as one of external governance through conditionality, is based on the incentives that come with EU membership (Schimmelfennig and Sedelmeier 2011). In the case of the CEE countries this conditionality manifested itself in the emphasis on political conditionality, especially a relative broad definition of good governance (Sedelmeier 2015, p. 427). This allowed the EU to adopt a 'regatta' approach where preference for accession was given to those countries that were considered to be most advanced in their progress of approximation towards the EU *acquis*. Romania and Bulgaria and the Balkan countries were hence left out from the 2004 accession group because they were considered to have made insufficient

progress on political criteria such as reducing corruption and administrative inefficiency, and the fight against organised crime (Bojkov 2004, pp. 518–519). This was almost ironic given the fact that the Southern members of the EU-15 group especially, most of all Italy and Greece, have persistent problems with administrative inefficiency, clientelism and corruption.² One could therefore argue that this strict and broadly defined conditionality on behalf of the EU towards the CEE countries, which by far exceeded the accession demands placed on previous applicants, essentially treated them as second class members (Aslund 2010, p. 8). This was accentuated by their exclusion from the core Single Market principle of the free movement of people for quite extensive periods in some of the EU-15 countries. This contradicted the principle of equal treatment for all member states, which the EU previously had consistently applied, and de facto at least temporarily created a two-tier EU (Lippert and al. 2001, p. 74).

After accession: the CEEs as ‘good citizens’ in times of crisis

Those that had predicted that the accession of eight post-communist countries would result in the major disruption of the EU’s business were proven wrong. In spite of the widespread concerns about the potential adverse impact of allowing a relatively large group of post-communist transition countries to join at once, the CEE countries’ overall conduct in the EU after accession was largely constructive.

*Integrating into the EU’s *acquis**

The majority of the CEE-8 complied with the EU’s strict monitoring regime towards their performance in terms of the transposition of EU’s *acquis*. Exceptions were Poland under the Justice and Law government during the period 2005–2007, the Czech Republic during the era of president Václav Klaus (2003–2013) and more recently Hungary under the second and third Orbán government since 2010. Once they had joined the EU, the CEE-8 therefore largely demonstrated ‘good citizenship’ (Dimitrov 2012). Concerns nevertheless remained about the actual gap between formal transposition and actual domestic implementation of EU law in its intended spirit, especially in the area of social policy. The basis for this concern about ‘dead letters’ emerging from the transposition process focused on the lack of effective institutional capabilities and mechanisms of scrutiny from a functioning civil society (Falkner and Treib 2008). The overall official transposition record of the CEE countries nevertheless remained better than in many of the EU-15 member states. In practice the CEE countries restricted themselves to the position of passive policy takers who did not actively challenge the political status quo in the EU (Dimitrov 2012, p. 298) and displayed a good record on compliance with EU law transposition (Dimitrova and Toshkov 2009). In its July 2005 Internal Market Scoreboard the European Commission

² The Demos Democracy Index ranks Greece and Italy as the third and fourth worst performers on the control of corruption and implementing the rule of law in the EU (Demos 2013, p. 101 and 104).

praised the CEE-8 countries for their better performance 'in transposing Internal Market directives on time than the EU-15 Member States, despite having had to absorb the whole *acquis* in a short time frame' (European Commission 2005, p. 5). After Romania and Bulgaria had joined the EU in 2007 they showed a similarly good transposition record. Both countries have, however, subsequently been accused of 'post-accession hooliganism' due to their alleged backtracking on governance reform (Ganev 2013). The CEEs good transposition record, especially in the area of Single Market directives, can to a large extent be explained by the fact that the EU policy agenda in fact coincided with the 'post-Communist dynamic of democratization, marketization and liberalization' (Goetz 2005, p. 259). The CEE countries therefore generally have shown much stronger support for the EU Single Market liberalisation and reform agenda than many of the EU-15 who keep displaying a noticeable and persistent commitment-implementation gap (Schweiger 2014, p. 24).

Economic transformation under the conditions of the eurozone crisis

Before the onset of the global financial crisis the CEE-8 group had also made significant progress in its economic transformation. All of the CEE member states, including the later joiners Bulgaria and Romania, displayed good levels of economic growth between 2004 and 2008. The highest level of growth could be seen in the Baltic States Estonia, Latvia, and Lithuania, which had swiftly opened their economy to foreign FDI, especially in the area of financial services, and also in Slovakia (Farkas 2013, p. 67). The exception was Hungary, one of the countries amongst the CEE group who immediately after the fall of the iron curtain had initially shown a good record of economic transition. Hungary had maintained a greater level of economic liberalisation than other Warsaw Pact countries under communism and developed a strongly 'outward orientated' economic transition model which relied heavily on the attraction of foreign direct investment (Pogátsa 2009, p. 597). Hungary, however, quickly became trapped in a vicious circle of sluggish economic growth, rising levels of public debt, and an imbalanced two-tier economy, which relied heavily on dwindling foreign investment and failed to build up a viable domestic base for growth (Kovács 2015, p. 133). Hungary's dependence on FDI was not uncharacteristic for the post-accession development of the wider CEE group.

While the Baltic countries' FDI was originally more orientated towards Scandinavia, especially the Visegrád-4 countries, the Czech Republic, Hungary, Poland, and Slovakia quickly established themselves as manufacturing hubs for the German automobile industry (Galgoczi 2009, p. 623), which has become an essential but certainly not the only pillar of their economy. The strong dependence on externally financed growth generally poses a risk for the long-term economic stability of the CEE region. This was reflected by the sharp downturn in the Baltic states following the onset of the global financial crisis in 2008–09. Especially for the V4 group, with the exception of Hungary, the close affiliation with the German economy, which managed to maintain a good export performance during the crisis, turned out to be beneficial. The prime example of this is Poland, which turned

out to be the only country in the whole of the EU that did not fall into recession at any time during the financial crisis and the subsequent eurozone sovereign debt crisis. The Polish government was able to use its comparative advantage of being closely connected with Germany's economy in combination with targeted investment, which was substantially funded from the EU budget, to steer the country's economy successfully through the crisis (Duszczuk 2015). Poland's recent economic success cemented its role as the leader amongst the CEE group and supported the leadership ambitions that the Civic Platform government under the leadership of prime minister Donald Tusk had set out for the country after he became prime minister in 2011. Under the Tusk government Poland managed to overcome its initial position as an economic and political problem case amongst the 2004 accession group. It had emerged on the basis of the mounting domestic unemployment problem and the nationalist and eurosceptic demeanour of the Law and Justice Party government between 2005 and 2007. During this period Poland adopted the role of an obstructive player in the EU. It tried to undermine the negotiations on the emerging Constitutional Treaty and challenged what the government perceived as the EU's 'liberal consensus' (Szczerbiak 2012, p. 17). In stark contrast to this approach, the successor Civic Platform government which won power in 2007 made efforts to rebuild relations with EU partners. Civic Platform prime minister Donald Tusk openly expressed the ambition to turn Poland into 'a central player' in the EU and to ultimately join the Franco-German strategic leadership axis as part of the cooperation in the 'Weimar triangle'.

For this purpose the Tusk government developed close relations with Germany and openly advocated a German leadership role in the EU (Sikorski 2011). Joining the euro was promoted as a core strategic goal of the Tusk government to enhancing Polish influence in the EU. Radoslaw Sikorski, who was foreign minister in Civic Platform governments between 2007 and 2014, emphasised this: 'Even though we are already a member-state to be reckoned with, to further boost our significance we should be ready to adopt the euro.' (Sikorski 2013). This clearly distinguished Poland from the rest of the CEE group who refrained from actively trying to shape the EU's policy agenda. Even the Polish government has, however, struggled to enhance the country's influence in the EU under the lingering conditions of the eurozone sovereign debt crisis. The Tusk government had originally planned to adopt the euro by 2012 (Schweiger 2013, p. 13) but was faced with the reality that the Stability and Growth Pact criteria could not be met under the conditions of the economic crisis, where targeted investment became crucial to steer the country clear of recession. Poland had met the eurozone SGP annual borrowing target in 2007, when it borrowed less than three per cent of its annual GDP. By 2009/10 this had increased to over seven per cent. Although Poland's overall deficit has also risen under the conditions of the financial crisis (from 45 to 55 per cent of the GDP), it still is within the 60 per cent SGP deficit limit (Eurostat 2015). The government led by Tusk's successor Ewa Kopacz has therefore adopted a 'wait and see' approach towards eurozone entry (Goetting and Sobczak 2014). Even if Poland would meet all the SGP entry criteria, including the targets on inflation, the Polish government now faces

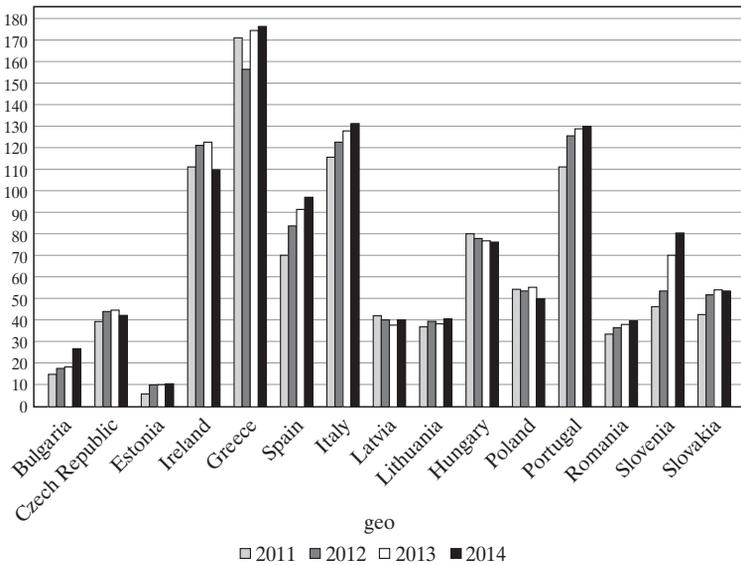
an increasingly sceptical Polish public when it comes to eurozone entry. The persistent crisis symptoms in the eurozone have eradicated the slim but steady public support for euro entry in Poland, which had established itself before the financial crisis in 2006/07 (European Commission 2007, p. 37). The latest Eurobarometer opinion polls conducted in March 2015 show that a clear majority of Poles is now against economic and monetary union (54 per cent) and only 10 per cent consider the euro to be the most positive result of European integration (European Commission 2015, p. 26). This explains why already in 2013 Tusk committed himself towards holding a referendum on eurozone entry (Sobczak 2013).

The eurozone has witnessed continuous enlargement during the period of its most existential crisis. The new member states who joined between 2007 and 2015 were all from the 2004 enlargement group, including Cyprus and Malta. The accession of Slovenia (2007), Slovakia (2009), Estonia (2011), Latvia (2014) and Lithuania (2015) to the euro core group during this period reflects the remarkable economic transformation process these countries were able to achieve within more or less a decade since they had first joined the EU. This was even more so the case as these countries were confronted with the stricter appliance of the stability and growth pact criteria by the European Commission than this had been the case during the establishment of the original eurozone core between 1999 and 2001. Then Southern European countries with significant structural public deficits of over 100 per cent of their GDP were admitted. Moreover, the initiators of EMU's original design, Germany and France, became the first to break the SGP deficit criteria (Hodson 2015, p. 175). The political developments in the eurozone since the onset of the sovereign debt crisis in 2008/09 have made entry for the current CEE outsiders far less attractive than it was a decade ago. With increasing levels of supervision of national budgetary and macroeconomic policies by the European Commission under the new *European Semester* cycle of policy coordination, eurozone countries face further constraints on their sovereign policy-making autonomy. Moreover, under German leadership the eurozone has established a financial support system which requires solvent countries to act as debtors for members with solvency problems under the permanent European Stability Mechanism (ESM) loan system. CEE outsiders such as the Czech Republic, Hungary, and Poland are therefore asking themselves 'whether it is possible to strengthen the economic security of a country by joining the EMU, which is unstable and faces the problem of the insolvency of its member states' (Stryjek 2013, p. 59). Graph 2 illustrates the stark difference between the budgetary situation of the CEE countries and the GIIPS (Greece, Italy, Ireland, Portugal and Spain) eurozone countries. Even Hungary, which continues to struggle to bring its public finances under control, and the recent problem case Slovenia have a relatively sound budgetary situation when compared with the GIIPS.

It is therefore no surprise that both the CEE insiders and the outsiders have been critical towards the political mechanisms the eurozone has adopted in response to the sovereign debt crisis. In this respect the eurozone crisis represents a turning point for some of them. The CEE countries have generally been supportive of Germany's insistence on fiscal rigidity in response to the crisis (Handl and Paterson 2013, p. 332). As part of

their role as predominantly passive policy-takers they have also not tried to challenge the EU's post-crisis policy status quo, which confronts governments with the increasing dilemma of having to meet the eurozone SGP and now also the Fiscal Compact budgetary spending limits while at the same time they realise the need to address mounting social pressures such as increasing levels of structural unemployment and poverty (Hemerijck 2014, p. 148).

Graph 2. General government gross debt (% of GDP) in the CEE member states and the GIIPS group 2011–2014



Source: Eurostat, available at <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tsdde410&plugin=1>.

The complex system of multi-level policy coordination the EU has adopted since 2010 nevertheless raises profound concerns about the effects on national budgetary and policy-making autonomy and democratic accountability, as unelected supranational bodies such as the European Commission and the European Central Bank have gained increasingly independent supervisory powers (Dyson 2012, p. 182; Borrell 2015, p. 240; Hodson 2015, p. 188). Especially the Czech Republic, Hungary and also Slovakia have therefore adopted a more critical tone towards the eurozone's new political architecture. The Czech Republic adopted an increasingly eurosceptic attitude under during the presidency of Václav Klaus (2003–2013). Klaus repeatedly publicly expressed his scepticism towards what he considered to be plans for the establishment of an EU federation. This culminated when the German chancellor Angela Merkel attempted to convince EU partners to agree towards the inclusion of a binding debt brake into the existing treaty structure. The Czech Republic led by the centre-right government of prime minister Petr Nečas consequently

joined the United Kingdom in opting out from the 2011 Fiscal Compact. Nėcas did not follow British prime minister David Cameron in vetoing the inclusion of the Compact into the EU treaty structure. He nevertheless openly expressed his scepticism towards attempts to instil deeper political integration in the EU under crisis conditions (Kráľ 2013). Hungary's prime minister Viktor Orbán has also been an outspoken critic of what he considers to be the EU's federalist direction under German leadership. Orbán expressed his euroscepticism by comparing the EU with the Soviet Stalinist interference during the Cold War and portraying it as a disturbing external influence (Agh 2012, p. 71 and 73) He has steered towards an increasingly nationalist direction and even questioned the fundamental values of the EU by proclaiming that Hungary's future would be that of an 'illiberal state' (Mahony 2014). Slovakia, which had only just joined the euro, surprised many EU partners when prime minister Iveta Radicova objected to the establishment of the EFSF in 2011 (Pidd 2011).

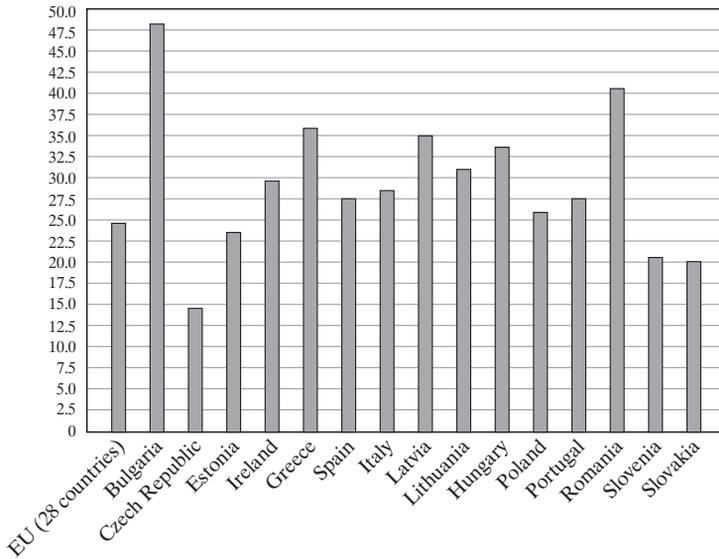
New risk of reform fatigue

These events illustrate growing levels of alienation in the CEE region from a process where they are expected to contribute to financial support for countries which are considered to have failed to initiate essential structural domestic reforms. Given the current circumstances the euro outsiders amongst the CEEs are hence likely to continue to concentrate on improving economic growth and living standards over convergence with the euro SGP criteria (Dyson and Marcussen 2009). There is therefore a real danger that the CEE countries start considering the EU to be 'on collision course with their political traditions, expectations and material interests' (Auer 2015). This danger presents itself in tandem with the growing division of the EU between the eurozone core and multiple peripheries. Both Southern Europe and the Central and Eastern European region are currently considered to be peripheries in the EU, mostly because of the lower levels of social cohesion (Galgoczi 2015). The latter manifests itself in noticeable divergence of wage levels, education standards and levels of poverty from the EU-15 average. Figure 3 shows the dilemma the majority of the CEE countries are facing. The latest comparative figures from 2013 on poverty and social exclusion in the EU illustrate that all but the Czech Republic, Slovenia, and Slovakia have a higher percentage of people who are considered to be at the risk of poverty or social exclusion. The figures are particularly high in Bulgaria and Romania and the CEE-8 group is currently only exceeded by Greece.

Recent studies on the social and political development of the CEE region in the past twenty years emphasise that the countries in the region were caught by the global financial crisis in the process of incomplete welfare state transformation, which left them with persistently high levels of social exclusion. The aggravation of the social adjustment crisis risks endangering the relatively fragile democratisation in the CEEs, which is described as "thin" Europeanization' (Agh 2013, p. 38). The backsliding of democracy in the CEE countries under crisis conditions in recent years, most noticeably in Hungary with incursions against independence of the media and judiciary and the rise of the popularity of the far-

right Jobbik party (Birdwell et al 2013), in combination with unresolved social problems, poses a substantial risk for the influence of the region in the EU in the long term. The main risk is that backtracking on political and social transformation successes may result in ‘the increasing peripheralization of the ECE region with its sharply decreasing weight in the EU decision-making process’ (Agh 2014, p. 36).

Graph 3. People at risk of poverty or social exclusion (% of total population)



Source: Eurostat, available at http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=t2020_50&plugin=1.

The risk of the spread of ‘reform fatigue’ in the CEE region is real as the decline in the public’s trust in and satisfaction with the problem-solving capacity of national and EU-level politics increases. The High Level Reflection Group on Central Europe emphasises this risk but at the same time points out that so far the region has not witnessed an overall shift towards euroscepticism (High Level Reflection Group 2013, p. 28). A major factor which may contribute towards the rise in eurosceptic populist politics in the region is the ongoing discussion about alleged poverty and welfare migration from CEE countries towards the EU-15.

This issue has been relentlessly pushed by the Conservative British prime minister Cameron in the context of his attempts to achieve the renegotiation of his country’s EU membership. Cameron demands the renegotiation of the core Single Market principle of the free movement of people with the aim of permitting countries to impose permanent restrictions on the freedom of movement of citizens from other EU states. His focus in this respect has been clearly on citizens from the new member states, especially Bulgaria and Romania: ‘With their economies considerably poorer than ours — and with almost

every other EU country opting to keep controls — it made the UK a uniquely attractive destination for the citizens of those countries' (Cameron 2014). Cameron claims that there has been a widespread abuse of the British welfare system by CEE migrants, a claim which is not backed up by actual figures (Nowaczek 2010, p. 295). Yet these claims are discriminatory and ultimately politically dangerous as they feed the prejudiced view of the CEE countries as peripheral second-class members and fail to acknowledge the efforts they have made in their post-communist transformation.

Enhanced Visegrád cooperation as an opportunity to avoid the peripheralisation trap?

The CEEs will have to make concerted efforts to counter this stigmatisation as peripheral countries in the EU. A potentially crucial role in advocating the interests of the region and to generally raise the profile of the CEE members could potentially be taken up by the semi-institutionalised cooperation between the Visegrád 4 countries (Czech Republic, Hungary, Poland and Slovakia). The four have intensified their cooperation immediately after the fall of the iron curtain in 1991, when they began to coordinate their transition efforts in preparation for application for EU membership. The V4 cooperation remains loose and predominantly intergovernmental with only very limited supranational institutionalisation. The lack of rigid institutionalisation offers the opportunity for the V4 to swiftly adapt the format of their cooperation to new developments, including by adopting a V4+ format which allows outsiders to join the cooperation, such as has recently been the case with Austria (Törö et al. 2014). The V4 cooperation nevertheless faces substantial constraints as it is frequently undermined by a divergence of national interests (such as most recently over the Ukraine crisis) and also the EU's general reluctance to officially recognise member state groupings (Kavický 2012, p. 12). Under Polish leadership the V4 have taken an active role in the development of a number of EU initiatives, most of all in setting up the 2009 Eastern partnership under the emerging European Neighbourhood Policy and more recently in the area of defence and security by planning to establish a Visegrád battlegroup (Šuplanta 2013). In spite of this the V4 have repeatedly been criticised for not being ambitious enough in making a concerted effort in establishing their cooperation as an agenda-setting mechanism which actively and openly promotes the interests of the wider CEE region (Fawn 2013, p. 348). The main persisting weakness of the V4 in this respect is the fact that it is still considered as 'a platform of choice and not necessity' (Törö et al. 2014, p. 391). That the V4 are capable of taking this choice when they consider their national interests to be at stake was shown when they united in their opposition against the German government's approach towards the refugee crisis. The V4, who have traditionally been close partners of Germany, openly stood against the German government's proposals for the introduction of a binding refugee quota system in the EU. The joint statement by the V4 prime ministers issued on 4 September 2015 emphasised that they were supporting deeper EU cooperation on migration issues but only on the basis of voluntary participation of individual member states: 'any proposal

leading to introduction of mandatory permanent quota for solidarity measures would be unacceptable' (V4 Trust 2015, p. 3). The background to this is the persistent gap in the levels of social cohesion between the CEEs and the EU-15 which explains why the governments in the region are concerned about the influx of considerable migration which may aggravate existing social problems and pressures on domestic infrastructure and welfare states.

The V4 cooperation poses a particular dilemma for Poland as it tries to find a balance between its role as regional leader and its ambition to establish itself as strategic EU agenda-setter in a structural leading partnership with France and Germany. Poland has in recent years shown the determination to play an active part in shaping the future of the EU. In this respect it has been the expectation amongst the CEE group that Poland will act as V4 agenda-setter. Since the departure of Donald Tusk as prime minister the Polish commitment to the V4 has, however, weakened. His successor Ewa Kopacz ultimately broke the V4 ranks at the special EU migration summit on 15 October 2015 when she supported the German plan for the immediate distribution of refugees from Syria. Her decision to show greater openness towards the acceptance of refugees in Poland contributed to the massive defeat of the Civic Platform at the Polish national election on 25 October 2015, which resulted in an absolute majority for the oppositional Law and Justice Party under the leadership of Beata Szydło (Duval Smith 2015). The new government is strongly influenced by former prime minister Jarosław Kaczyński (Foy 2015) and is therefore likely to pursue a nationalist and euroscepticist agenda (Wiatr 2013, p. 334). It is therefore doubtful if Poland under the new government will show the same commitment towards engagement in the V4 and in the EU as it did under its predecessor. Continued Polish engagement and leadership will, however, be indispensable to strengthening the voice of the CEE countries in the EU in the future and to ensure that their interests are effectively promoted. The EU is currently suffering from a deepening legitimacy crisis which predominantly results from the failure of the 'joint decision trap', which effectively forces member state governments to reach unanimous decisions in the process of interstate bargaining in the Council (Scharpf 1988), to produce effective policy outcomes. The refugee crisis has once again illustrated that EU governments have for too long neglected the development of joint capabilities in strategic areas such as border control, asylum applications and also more generally the EU's external defence and security (Menon 2012). Like the eurozone crisis and the various external challenges the EU has been facing in recent years, the refugee crisis has also illustrated that Germany is increasingly overburdened with acting as the EU's "hegemonic stabiliser" (Bulmer and Paterson 2013, p. 1392; Schweiger 2015). Angela Merkel's "cautious incrementalism" (Meiers 2015, p. 51) will not be sufficient in resolving the profound internal and external challenges the EU is facing. Germany is therefore in desperate need of strategic partners at a time when France is economically and politically weakened and the United Kingdom has once again started to retreat into splendid isolation. The CEE countries and particularly the Visegrád group, with its close economic, cultural, and political affiliation with Germany, in principle offer Berlin such strategic partnerships.

Conclusion

The CEEs have come a long way since they first joined the EU more than a decade ago but they are still learning to find their feet in the EU's increasingly complex intergovernmental diplomacy and multi-level system of decision-making. Poland is the only country of the CEE-10 which is potentially able to exercise influence in the EU without the support of others in the region (Copeland 2014, p. 483). The CEE governments should make every effort to continue their domestic political, economic and social transformation processes with the long-term goal to abandon their status as periphery countries. The EU's current crisis is as much one of economic mismanagement as it is a crisis of overall political direction and purpose. This poses risks but also a unique opportunity for the CEE region. If it manages to avoid backsliding on the transition process already made and makes further progress towards the economic, political, and social consolidation it will establish a viable fundament on which CEE interests can be actively promoted in the EU. Enhanced Visegrád cooperation, which stretches consultation and policy coordination across the region and externally promotes these interests by engaging in an active dialogue on the grand strategic issues facing the EU with other partners, could be the decisive factor in moving the status of the CEE members to a new level. 'More active policy-making and stronger shaping of the EU's future agenda' (High Level Reflection Group 2013, p. 47) between the CEEs and in close cooperation with their immediate neighbours such as Austria, the Scandinavian countries, and most of all the crucial strategic partner and leading player Germany could make all the difference in achieving this transformation.

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Vanya Ivanova

University of National and World Economy Sofia¹

Return policies and (r)emigration of Bulgarians in the pre- and post-accession period

Summary

The article elaborates the concept that Bulgaria's 2007 EU accession didn't itself produce large emigration waves, but rather brought new understanding and value to Bulgarian citizenship, through intensified mobility and return processes, within the context of the economic crisis. The text is structured in two parts: the first one reveals the Bulgarian emigration phenomenon after 1989 and its specifics, and the second one — the core of the article — is devoted to the return dynamics and policy answers with focus on the highly qualified. Thus the analysis answers the research question of whether the state affects the processes of remigration of highly qualified Bulgarian young people through its return policies and instruments.

Key words: Bulgaria, emigration, remigration, return migration, EU accession, highly qualified migrant

Introduction

2007 was a special year for Bulgarian citizens for at least two reasons — first, accession to the EU meant EU citizenship — that is, an “upgrade” allowing them to move and reside freely within the EU, and second, as A. Krasteva writes, *it gives (Bulgaria) a pass to the*

¹ Email: vanya_ei@yahoo.com

club of “the central”, which raises the price and attractiveness of Bulgarian citizenship and to Bulgaria as a destination country, and a transit one on the road to the more “European” Europe, and a stop to a growing number of expats, and a final one [stop] (Krysteva 2014, p. 636). Europeanization also produces two different forms of migration in the Bulgarian context, with different geographic origins: (1) the expats — all the Europeans moving freely within the EU and (2) migrants from countries like Macedonia and Moldova motivated by the attractiveness of Bulgarian citizenship as a European one (Krysteva 2014, p. 472) who can claim Bulgarian origin and at the same time become citizens of both Bulgaria and the EU. Thus, in the context of migrations and the EU accession, the value of the “new” Bulgarian citizenship is one of the main outcomes and an ultimate gain. Still, this fact does not change the predominant emigration tendencies of the country, so what can be observed as a plus is another characteristic of the period after 2007 (although it can be argued that this is also a result of the economic crisis) — an increasing tendency of mobility and return that will be a focus of further analysis in this article.

The theoretical framework of the article follows Lowell and Findlay policy typology, analysing and presenting the six possibilities of highly qualified migration management as a possibility of preventing brain drain through regain or other, more restrictive, mechanisms. The analysis is presented from the point of view of the country of origin, or the so-called “losing state”, except the recruitment strategy, which reviews the process through the lens of the destination country. The six policies, also known as “the six Rs”, are return, restriction, recruitment, reparation, resourcing expatriates, and retention (Lowell, Findlay 2001). Only the return policy/approach will be a focus of this article.

Paolo Ruspini elaborates four main motives to explain the recent rising interest in return migration on the policy and research agenda, with the second and the fourth particularly applicable in this case: (1) *retired circulation/remigration of former guest workers and possible “remigration” of the second and third generations*; (2) *the sound out-migration of skilled migrants from new Central and Eastern EU members which raises concern about brain drain and the question of possible regain of human capital through remigration*; (3) *the cost and benefit of host and origin countries resulting from assistance or repatriation programmes addressing rejected asylum seekers, irregular migrants or refugees at the end of their protection programmes*; and (4) *the recession into which the world’s advanced industrial economies slipped one by one in 2008 contributed to the prospect of return migration in immigrant-receiving states around the world* (Ruspini 2009). This article tries to shed more light on the intensified debate on return migration of highly qualified persons to their countries of origin, in particular using the case of Bulgaria. Return migration here means a move from industrialized to a post-socialist emigration country — a process that is seen by young professionals as an opportunity for a new start, new development, a new life with all the resources (money, experience and knowledge) gathered abroad.

The research is based on in-depth interviews with Bulgarian returnees from Western Europe, the USA, and some other countries from all over the world. The returnees are young people aged between 20 and 40 who have stayed at least a year abroad with the aim of studying or working. Most of them have already completed their university education

in Bulgaria, or they have finished it abroad. There also are some cases of young people who went abroad with the aim to gain further qualifications (an additional MA, PhD or specialization in their specific professional field).

The text is structured in two parts: the first reveals the Bulgarian emigration phenomenon after 1989 and its specifics, and the second — the core of the article — is devoted to the return dynamics and policy answers with a focus on the highly qualified. Through both parts the analysis answers the research question of whether the state affects the processes of remigration of Bulgarian highly qualified young people through its return policies and instruments.

I. Emigration after 1989

1989 marks a great shift in Bulgarian contemporary history in political, economic and social terms, including the sphere of migration. From a post-socialist state with closed borders, the country opened for democracy, free market economy, and free movement of people. Immediately after the changes, the migration frame was characterized by the first huge wave of emigration, with the highly qualified leading in numbers, although there are no precise statistics on that matter. It is important to specify that when the terms “Bulgarian emigration”, “Bulgarian diaspora” and “Bulgarians abroad” are mentioned, two groups of people in general have to be taken into consideration — the so-called historical Bulgarian diaspora in some countries like Moldova, Ukraine, Romania, etc., where communities were formed during the process of establishment of the Bulgarian nation, and the so-called new emigration (the emigration of Bulgarians in the years after 1989). The second one will be the focus of the article.

Waves of emigration

It is hard to say how many people have left Bulgaria in the period since 1989. There are various studies that research different specific groups in a particular period of time in depth (Mancheva 2008, Maeva 2010, Chongarova 2010). N. Ragaru distinguishes four periods of migratory movements in the years after 1989, defining them as follows: 1) rediscovery of the foreign country in a situation of economic crisis (1989–1993); 2) diversification of the migrants’ experience (1995–2001); 3) after the fall of the Schengen visas (April 2001); and 4) the consequences of the accession of Bulgaria to the European Union (EU) (Ragaru 2010). Thus, N. Ragaru determines the developments of the Bulgarian migrations after 1989 in a triple context: *the fall of communism and the imposing of the free market economy; the globalization that influences the national economies among all else, the idea of borders and space and of the imaginary possible and thinkable; and the changes in the geographical contours and priorities of the European Union (the increasing importance of security in public policy)* (Ragaru 2010, p. 247).

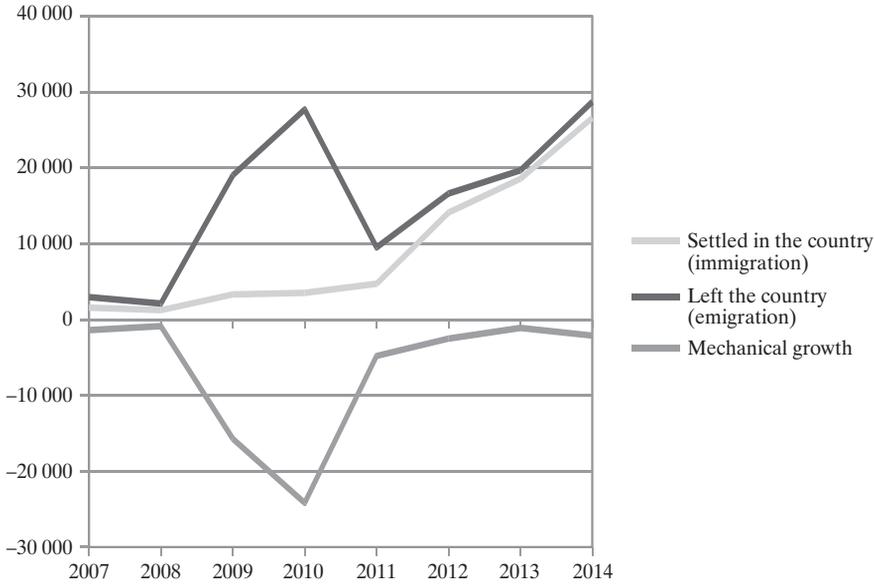
In the first years after 1989, Bulgarian emigrants can be viewed as part of the big waves of migration from East to West. Up until the middle of the 90s, the Central European

states, such as Germany and Austria, were preferred. The interest towards Germany can be explained with the legal framework for giving asylum up to 1993, and because of the bilateral agreements of temporary working contracts between Bulgaria and Germany from 1991–1992 (Ragaru 2010, p. 251).

The deep financial, social, and political crisis of 1996–1997 marks the beginning of the second wave of emigration. Emigration continued in-between the two waves, although not so intensively, with an upward trend of emigration for education. Typical for this wave is that people start moving to the countries in the South (Spain, Italy, Greece) instead of to the ones in the North. This can be explained with the fact that most of the migrants at the time moved to do low-qualified jobs and in these countries is observed a *chronic shortage of manpower in agriculture, construction, home services, catering, hospitality, and tourism* (Ragaru 2010, p. 252). At the same time, in the middle of the 90s, development is observed in the migration trends towards America (the USA and Canada). The migratory processes particularly to the USA were intensified by the “green card” lottery.

The EU’s December 2000 decision to abolish Schengen visas for Bulgarians is the event which marks the beginning of the third stage of Bulgarian contemporary migrations and is a landmark for the next period of emigration. Since April 2001, Bulgarians have had the right to stay up to three months without visas in the countries that have signed the Schengen agreement. This freedom is a partial one, because the citizens of Bulgaria (and Romania) are not allowed full access to the labour market of these countries, which often leads to overstaying. In this period, the most desired destinations are again the countries of the South (including Cyprus, Portugal, Malta). A quantitative survey, carried out by V. Mintchev and V. Boshnakov in November 2005, distinguishes two types of mobility: (1) seasonal movements for several months, which are typical for people who go to work in Southern Europe, and (2) longer stays of around a year and one-two months to the countries in Northern Europe, such as Germany and England (Mintchev, Boshnakov 2006). A study by M. Mancheva of the Bulgarian Turks in Germany makes the conclusion that the abolishment of the visas in April 2001 shortens the average stay of Bulgarian Turks in Germany (Mancheva 2008, p. 25–44).

The period after Bulgaria’s accession in the EU is characterized by lesser emigration than expected. According to Eurostat, in 2007 Bulgaria has a negative migration balance of 33,000 (quoted by: Ragaru 2010, p. 261). The direction of movement is again towards Spain, Italy, and Greece, although these countries hadn’t fully opened their labour markets to citizens from Bulgaria and Romania in 2007. The weak emigration wave after 2007 can be explained by several factors. The first one is that Bulgaria marks a peak of emigration in the period between 2000 and 2004 (in the pre-accession period), when the people who wished to accomplish seasonal or other type of migration *already start circulating* (Ragaru 2010, p. 262). The second explanation is connected with the economy and the fact that after 1999 Bulgaria had stable economic growth, a steadily decreasing unemployment rate (Figure 1) up to the end of 2008, accompanied by an *inflow of foreign investments, and then emergence of labour shortages in certain sectors* (Ragaru 2010, p. 262). The third factor is of an economic nature as well, but is connected with the economic and financial crisis that starts in the USA, affects the whole world and has its impact on the migration processes too.

Graph 1. Unemployment rate (% of population)

Source: National Statistical Institute, Bulgaria, 2015.

As previously reviewed, the emigration of Bulgarian citizens sustains intensity in the two decades after 1989, which leads to the establishment of considerable Bulgarian communities in some European countries, the USA and Canada. M. Mancheva and E. Troeva conclude that Bulgarian emigration today lives transnationally, as the processes of multiple belonging and self-identification that can be observed are the focus of a considerable part of present migration studies (Mancheva, Troeva 2011, p. 20).

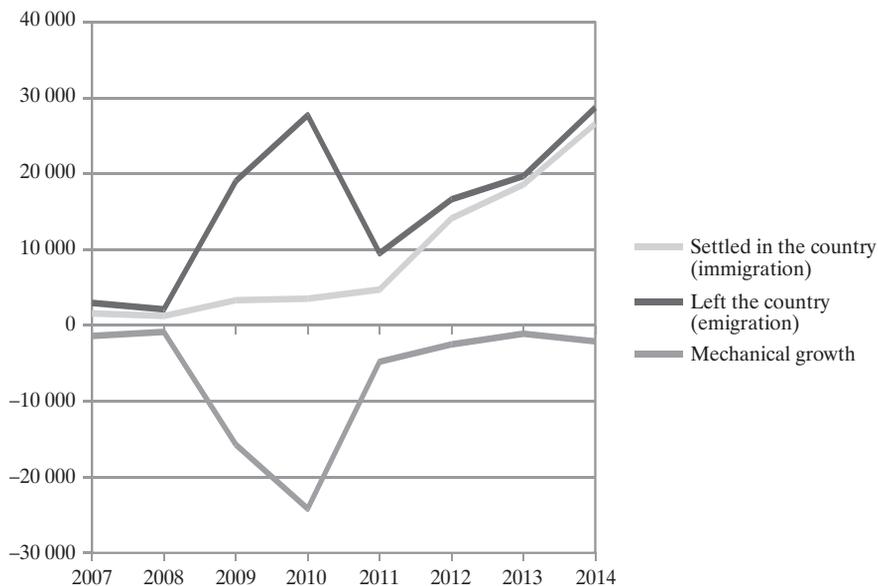
The data of the National Statistical Institute show no great wave of emigration after Bulgaria's accession to the EU. It should be noted that these figures include only those who have declared to the administrative authorities a change of their current address from Bulgaria to abroad and from abroad to Bulgaria. Even though the absolute numbers cannot be accurate, the trend is clear — emigration prevails throughout the entire period. The mechanical growth is negative for the entire period (Graph 2). There is a significant acceleration in the rate of emigration since the start of the economic crisis, which reached its peak in 2010, and then slowed down in 2011, followed by a new intensification. The gradually accelerating process of return is characteristic of the entire period.

Several studies conducted by different authors back up these observations using qualitative and quantitative data.

Research focused on two groups of Bulgarian students who moved to London between 1999 and 2009 and decided to stay and work shows interesting results. (Chongarova 2010). Among the 147 interviewed, about half arrived in London as students enrolled in a British university with 'student' status (the first focus group). The other half includes students

from various Bulgarian universities who come to Britain via the Seasonal Agricultural Workers Scheme, language courses, or other statuses (the second focus group). The majority of students from the first group arrived in 2007 — 2009. The majority of students who came with other statuses arrived in 2003, when the process of visa application was liberalized in anticipation of the 2004 enlargement (Chongarova 2010, pp. 1–2). The nearly doubled number of students who arrived in London in 2009, compared to 2007, can be explained by the equalization of tuition fees for residents and students from other EU member countries (Chongarova 2010, p. 9). This is a clear outcome in favour of the Bulgarian students, based on the benefits of the EU membership.

Graph 2. External migration — Bulgaria (2007–2014)



Source: National Statistical Institute, Bulgaria, 2015.

Another study, focused on the Bulgarian immigrants in the UK, explains that although there are no official statistics on the number of Bulgarians in the UK, since 1 January 2007 their number has gradually increased, reaching almost 200,000 in 2009 according to unofficial estimates (compared to 20,000 in 2007) (Maeva 2010, p. 178). Concerning the Bulgarian students in the UK, this study gives the following numbers — 389 in 2007, 808 in 2008 and up to 1200 in 2009, reasoning the rise in numbers with the drastic reduction of the tuition fees and *the combination of a good and prestigious education, for which British universities and colleges are famous, and easy access to student loans in the UK* (Maeva 2010, p.179). The same study also discusses the fears about Bulgarians and Romanians, concerning the expectations that “they would flood the labour market”, which became a central theme in most British media in the years immediately before and after 2007

(Maeva 2010, p. 177). These fears are well explained by C. Boswell and A. Geddes by the situation in the UK in the years before the 2004 EU enlargement, when *the Labour government was largely able to convince opposition parties and the media about the economic benefits of selective migration*, thus becoming *one of only three member states (Ireland and Sweden being the others) to grant immediate labour market access to nationals of the eight central and east European countries that joined the EU in May 2004. The effect of these changes was to lead to the largest inflow of migrants to the UK in its history and a renewed politicisation of labour migration from 2005 onwards* (Boswell, Geddes 2011, p. 89). Thus, the UK governments have shown that they have learned their lesson and used restrictive mechanisms while opening their labour market to the next enlargement countries.

A study² by the Economic Research Institute with the Bulgarian Academy of Sciences under the scientific guidance of Vesselin Mintchev revealed data from two surveys done in 2007 and 2011 in the spheres of migration potential, emigrants and return migrants, and remittances and knowledge about the Bulgarian diaspora. The research led to several interesting conclusions: 1) a rise in intentions to migrate among Bulgarian citizens in the two studied periods (in favour of 2011); 2) pointing out short-term economic gains, professional realization (less in 2011) and family reasons (less in 2011) as main factors for emigration and 3) a steady tendency of return. Between the surveys in 2007 and 2011, the relative share of the households with returning migrants increased from 10.1% to 13.1% (Mintchev 2011). The tendency of return can be explained with the effect of the economic crisis. The same study mentions Spain, Greece, Germany, England, the USA, Turkey, Italy, France, Cyprus, and Belgium in that particular order as the main destination countries in 2007, while in 2011 the main destination countries are listed in the following order: England, Germany, Spain, Greece, the USA, France, Italy, Cyprus, The Netherlands, Switzerland (Mintchev 2011). These data show a shift in the interest in predominant countries of emigration back to England and Germany, countries with more stable economies compared to Spain and Greece, which were of higher interest to Bulgarians in the previous periods.

All these studies show a steady increase in the number of Bulgarians who intend to move and actually do so within the EU in the period before and after the accession.

Share of highly skilled emigrants

It is very difficult to estimate the percentage of highly skilled migrants within the emigration flows of the last twenty years, but by the year 2000 this share for Bulgaria is 6.6% according to the World Bank (Migration and remittances factbook 2011). A comprehensive study hasn't been done, but even if done now, there are no data for some periods

² *The Bulgarian Diaspora in Western Europe: transborder mobility, national identity and development* [Българската диаспора в Западна Европа: трансгранична мобилност, национална идентичност и развитие]. The survey was done with 2725 people in 2007 and 1204 in 2011 by the Agency for socio-economic analysis — ASA OOD [Агенция за социално-икономически анализи — АСА ООД].

of time, and so wouldn't lead to concrete and accurate results. Yet, it can be said that based on everything done, from the beginning of the transition period till now, there is a constant flow of emigration and mobility of highly skilled people from Bulgaria. This trend, defined by the author as a rather constant one throughout the whole period, is due to several factors, both pull and push — the attracting possibilities of the West, and the repulsive ones because of the situation in Bulgaria. Different programmes play a certain role, supported by EU or worldwide, promoting greater mobility of researchers, teachers and students (for example, “Erasmus” and various academic programmes such as “Marie Curie”, 6th and 7th EU Framework Programmes, the “Fulbright” of the USA, etc.).

In the period after 1990, about 600–800 thousand Bulgarians have sought fulfilment abroad, predominantly young people, which directly affects the generational structure of the population. This trend is reinforced by the growing numbers of people who intend to have a foreign education whose desire is shared by their parents. *The sharp rise of Bulgarian students abroad puts us among the countries with the largest export of intellect, shows UNESCO data. According to the ranking from 2004, Bulgaria is third in Eastern Europe after Albania and Macedonia in “brain drain”* (Report Bulgarians..., 2007, pp. 9–10).

A major challenge and problem is the fact that the education system is not linked to the trends of the labour market and there is a strong backlog in the field of high technology, where investor interest is wasted because of a poorly trained workforce (Report Bulgarians..., 2007, p. 10). This in turn leads to two trends — on one hand, the outflow of young people from Bulgaria to obtain the necessary qualifications, and on the other, a need to attract highly specialized in these areas, mostly third country nationals, to meet the needs of the labour market.

Thus, the logic of the migration patterns moves from political to economic reasons. Most of the Bulgarians who left the country in recent years have done so mainly for economic and educational reasons. In the period before the global economic crisis (which was felt in Bulgaria at the end of 2008), the country had experienced steps of economic progress and stabilization for several years, also linked with the accession of Bulgaria to the EU that lead to stabilization of the economic environment in Bulgaria. In these few years before 2008, there was a desire by both the government and by economic emigrants to return, which is a natural reaction in such situations of economic progress and political stabilization.

The return of the new emigration to the country is seen as one of the answers to the demographic crisis. Attracting people with Bulgarian origin from the historical diaspora for *permanent settlement in the country* is seen in a similar way. These desirable state mechanisms for solving the demographic crisis are clearly and explicitly reviewed in the analysis of national strategies and other key documents that follow. At this stage it is important to note that when it comes to the demographic crisis and crisis of the workforce, the state relies on the connection between them and the possible resources of the diaspora through return or a more intense engagement.

A country like Bulgaria, with a population of about seven million people, can safely be called a country with an average migration potential. CEED's research from 2014

categorizes it as a country with moderate migration potential together with countries such as Poland, Estonia and Slovakia, (Duszczyk, Matuszczyk 2014), which, in terms of state institutions and their policies, further reinforces the importance of adequate management of the emigration processes and the relationship with the diaspora. In various analyses and reports the number of Bulgarians around the world ranges from one to over three million (Report Bulgarians..., 2007).

II. Return policies with focus on the highly qualified

Policy instruments

According to the draft of the national strategy for Bulgarians abroad³, there is a process of return migration of Bulgarian nationals to Bulgaria going on (including students and graduate students). In the 1992–2001 period, 19,000 Bulgarians returned to the country. Since then, about 20,000 Bulgarian citizens yearly change their residency from a foreign country to Bulgaria and in 2006 this number tripled. These data from the Bulgarian National Statistical Institute show a tendency to return. This article sheds light on the processes that are addressed at a governmental level and what programmes and initiatives are planned to facilitate them (Ivanova 2015).

Three strategic documents already mark migration policy in Bulgaria — the national strategy of the Republic of Bulgaria on migration and integration (2008–2015), the national strategy in the field of migration, asylum and integration (2011–2020) and the national strategy in the field of migration, asylum and integration (2015–2020). In all three strategies, the term “return” is used with the connotation of a *permanent return*. In the first strategy the following measure is set: *creation of a programme for permanent return of persons with Bulgarian citizenship living on the territory of other countries* (National strategy 2008, p. 19). An emphasis is put on the highly qualified (HQ) Bulgarian emigration, aiming to foster optimal opportunities for the return of Bulgarian citizens to Bulgaria. The main activities for implementing the programme are: studying the problems that young highly qualified Bulgarian emigrants face, listed as psychological, social, cultural, economic and other; attracting Bulgarian youth and business organisations abroad into direct cooperation with business organisations in Bulgaria; studying the experience of other institutions in attracting the young emigration back, etc. (National strategy 2008, pp. 19–20). Some of the planned activities are reported implemented, but not all results are available for researchers. The 2008 annual report lists implemented activities like organising a meeting with Bulgarian students in Madrid titled “Qualification and Realisation” (October 2008), a round table titled “How to Bring the Emigrants Back Home?” that took place in the Ministry of Labour and Social Policy (MLSP) and was organised by „Human Resources” magazine (National strategy 2011, p. 14).

Just three years after the first strategy on migration in Bulgaria was published, a new one was adopted, with its focus shifted from integration to security measures.

³ The draft of the strategy is available at the website of the Bulgarian Presidency.

The argumentation was that Bulgaria is an external EU border and redefining the strategy is a vital step towards entering the Schengen agreement. This 2011 national strategy also sets the ambitious aim of attracting back Bulgarian citizens who left Bulgaria in the last two decades, not allowing their migration to become “permanent”: *The migration policy in respect to Bulgarian nationals and people of Bulgarian origin living outside Bulgaria is viewed as a potential resource for overcoming the negative demographic trends in the country. The economic growth in a post-crisis period, combined with the completed reforms in important public sectors and with proactive government measures, is expected to lead to: a tendency for the Bulgarian emigrants, who left the country in the past 20 years, to return home; the permanent establishment of individuals of Bulgarian origin living outside Bulgaria on Bulgarian territory* (National strategy 2011, p. 3).

Important priorities in the “proactive” strategy are:

- *Attracting highly qualified Bulgarian nationals — emigrants, as well as foreigners of Bulgarian origin, to permanently establish and settle in the country* (National strategy 2011, p. 33);
- *Attracting Bulgarian emigrants back to Bulgaria with a view to their permanent return* (National strategy 2011, p. 45).

The highly qualified are a factor and an aim, because they are dynamic, entrepreneurial and innovative. The institutional vision of “permanent settlement” does not fit their profile, which is associated with freedom and mobility. Thus, the priorities are not only wishful, but do not adequately reflect the target group they address. In the 2011 Action Plan, 34 measures are developed and listed in total; two of them are directly related to this article. Measure 25 looks for the number of people who emigrated and the reasons for emigration. Measure 33 says *Strengthening the cooperation with Bulgarian emigrants and their organisations abroad through establishing regular contacts between them and the Labour and Social Affairs Offices (at MLSP) within the Bulgarian embassies abroad, the Employment Agency (EA) and the interested firms and corporations on a long-term basis. This measure aims at their gradual return to Bulgaria and compensation of the deficit of qualified labour specialists in the country.*

The tendency continues in the next years. One of the priorities that remain in the migration policy of Bulgaria is the activation of the policy towards highly qualified emigration, aiming for the return and professional fulfilment of the returnees to the country. One of the measures to achieve it is the development and adoption of a national strategy for Bulgarians abroad aimed at building complete, complex, long-term, and integrated policies regarding the Bulgarians and Bulgarian communities abroad, with a deadline in June 2013 and the SABA institution responsible (Action Plan 2013, pp. 16–17).

After a period of discontinuing the committed implementation of the second strategy and the years 2013 and 2014, which focused on the refugee crisis and the Syrian wave of asylum seekers that challenged the current governments of the country⁴, in June

⁴ The article of this volume of Daskalova & Pavlova is focused on that issue.

2015 a new strategy was approved with Decision 437 of the Council of Ministers, called “National Strategy in the sphere of Migration, Asylum and Integration 2015–2020”. At the core of the strategy lies the idea that the migration phenomena is a source of workforce, but also a potential threat for the national security. In the introduction it is already emphasized that the management of the migration processes’ policies are harmonized with the ones in the EU. The migration policy towards Bulgarians abroad is seen as a possible resource in overcoming the negative tendencies of the demographic crisis, thus following the aims and objectives of the previous strategies. Out of 12 priorities in the strategy, two are directly linked to the focus of the article:

- *Attracting highly qualified Bulgarian citizens — emigrants and foreigners with Bulgarian origin with the aim of permanent settlement in the country;*
- *Supporting the Bulgarian citizens to use their rights as EU citizens for free movement in the EU and EEA, as well other EU/EEA citizens for free movement in Bulgaria* (National strategy 2015–2020... 2015, p. 41).

Thus the three strategies show a continuous desire to attract the highly qualified Bulgarians who live abroad seen as a possible answer to boost both the Bulgarian economy and demographics. Hence, the three documents show nuances characterising the periods they are meant to address. Concerning return migration of Bulgarian citizens, all of them show preference to the highly qualified (explicitly mentioned in all strategies) as a mechanism to react and balance the process of brain drain from the country during the 90s, implicitly considering them as a source of income and social capital. The first strategy follows a strong ethnic characteristic, emphasizing the return of foreigners of Bulgarian origin, or the so-called Bulgarian historic diaspora. The second one is more general in its expected results — encouraging the return of Bulgarian nationals working abroad to the Bulgarian labour market, and so is the third one — attracting Bulgarian emigrants back to Bulgaria with a view to their definite return. It can be concluded that the logic of the main strategic documents try to address mainly national and ethnic ideals rather than identified labour market needs.

Based on the main milestones (Annex 2) that set the ground in terms of establishing return policy with focus on the diaspora and attracting back the highly qualified, several sub-periods can be distinguished:

- The first ten years are characterized by no dynamic actions, at that time the state mainly observed the phenomena of emigration and more specifically, the brain drain;
- 2000 is a peak of several key events;
- in the period between 2000 and 2013 intensification of the events is seen, as well as some attempts for cooperation with the diaspora and attracting the highly qualified experts who have emigrated after 1989. This tendency is visible up to 2012 — a peak year for the institutional debate on attracting the diaspora and especially the highly qualified. In the years after, there is no continuation of the undertaken endeavours that can be explained with the political crisis and changes of governments (Ivanova 2015).

Several policy instruments can be distinguished at institutional level, oriented towards attracting the highly qualified emigrants abroad (Annex 3). The most stable formats are

the forums and the fairs done both in Bulgaria and abroad. The key institutions are the State Agency for the Bulgarians Abroad (SABA), the Presidency, the Ministry of Labour and Social Policy with its Labour and Social Affairs Offices in several European capitals. At the same time, the challenges that returnees of my study face, range from reverse culture shock, collision with reality in finding work, to interpersonal relationships and most importantly the extremely difficult procedures of legalisation of their diplomas. For the returnees, a really working and meaningful instrument is the forum called “A career in Bulgaria. Why not?” that has taken place for eight years now and is initiated by returnees for returnees, who in 2008 created their own NGO (Tuk-Tam/Here-There) to try to help others with what they have learnt in their struggle to find their way back and re-adapt. Thus, the association creates a social environment for the people who have returned to Bulgaria. The main idea behind the “Career in Bulgaria. Why not?” forum is to gather employers who are interested in hiring people who’ve graduated abroad and for people with experience from abroad to meet each other. In September 2015, the eighth edition of the forum will take place. The official website of the event states that more than 7,000 young Bulgarians who work or have studied abroad have taken part in the forums in its previous seven editions since its start in 2008. More than 1,000 people participate annually. The latest forum, which took place in 2014, had 1,127 pre-registered participants coming from 47 countries worldwide and 100 more did it on the venue⁵, more than 60 companies were presenting business and other working opportunities. Surveys of the participants show that 25% claim they would return to Bulgaria, 42% have already returned, 33% are not sure, and less than 1% reply that they wouldn’t come back. The clear need identified here is that while abroad, young people receive very scarce information that is also filtered on many levels, and it is very important to meet employers’ organisations to make an informed decision. There are many people who still have not returned but go to the annual forum to see what is happening in Bulgaria, to acquaint themselves with others like them who have returned, to see how they feel in general, to communicate, and to get to know like-minded people. Other civic initiatives of this kind are the foundation “Identity for Bulgaria”, United Ideas for Bulgaria, etc.

Returnees’ point of view

Based on my research, the majority of the highly skilled young Bulgarians have returned to Bulgaria driven by three main groups of motives:

- (1) Work related motives — to start their own companies or join the Bulgarian administration — in general to start practising what they have seen, experienced and learned abroad and thus contribute to the development of the Bulgarian society and state. In reality they mostly find their realization in international companies, create their own businesses or start working in local NGOs;

⁵ Data from the official website of Tuk-Tam: <http://www.tuk-tam.bg/da-bydem-tuk-kbg/#more-3490> [access: 26.08.2015].

- (2) Family related motives — feeling nostalgic about their families or other family issues (reunification with their partners, old/ill parents or relatives, etc.) that triggered their return;
- (3) Consequences of the economic crisis — losing or being unable to find jobs, which results in a kind of “involuntary return” (Ivanova 2012, p. 13).

The motives for repeated/circular migration or desire to stay in Bulgaria are as complex as are the ones of the initial migration itself. For the highly qualified with whom I have talked, a tendency for a second/repeated migration can be observed only if is connected with personal or professional growth: *I would go again, only if I had the opportunity to develop from the place I have reached, from there up* (A., woman, 2010). The free movement in Europe is not mentioned explicitly in the study.

A determining factor for the choice to remain in Bulgaria is to create a family that prevails at least when the relationships are at the outset. For some, returning is intended to be a temporary thing, but becomes constant: *I came with a return ticket, a bit like a vacation to see what the situation is, and stayed a bit. I had very unpleasant experiences in the beginning, because of professional relationship, incorrect, how things work in the old way, depending on connections, less on professionalism* (L., man, 2010).

Those who have found fulfillment and a professional niche sound more convinced: *This is creative, meaningful work that I do, and I like that we communicate with the Commission at international level, when necessary. Going to Brussels, when there are meetings of the Committee of Solidarity and Management of the Migration Flows* (I. woman, 2010).

The balance of pros and cons remains delicate, especially when finances are concerned: *I dream of finally getting some satisfaction, not only professionally, but also financially* (I., woman, 2010).

Highly qualified young Bulgarians are mobile, adaptable, capable, and creative. Yet they are going through a period of uncertainty and re-adaptation after extended periods abroad. The reasons are various, but among the most important ones, a phenomenon that occurs invisibly in all stories, is the interruption of the social threads of understanding what is generally accepted, the unwritten rules for functioning in society as well as in the professional field, or simply the answer of the question: how does it work here? That’s why networking appears to be a major necessity that they seek to reconstruct for themselves.

Thus, in free, open and mobile Europe, the next step for highly qualified young Bulgarians can be a well-planned and pre-defined professional development, a more challenging career path or a spontaneous search for adventure, exploration and learning. Both (and many more) ways are possible in the EU. The attempts of a return policy are not the driving factor for return of that particular layer of the Bulgarian society. They just show how inadequate these measures are, aimed at “permanent return”, “permanent settlement”, etc. Still, there is a return tendency. To the question “why return?” one of the founders of Tuk-Tam replies: *My theory is that there are untapped markets and niches, and these young people are interested in developing them. They saw something abroad and said, hey, it would be really cool to do it here. People who return and want to work here often encounter difficulties. Many return with anticipation for something else — higher payment, for*

example, and then encounter opportunities which are much lower paid. But for example, my friends from the Free Sofia Tour say: «in the West this exists, and here it doesn't, it's so nice to develop something new» (V. Interview, 2012). Thus through return, Bulgaria becomes a possibility for development, innovation and creativity.

Conclusion

Analysing the pre- and post-accession periods in Bulgarian emigration processes and whether the state through its return policies and its instruments affect the processes of remigration of the highly qualified young Bulgarian people, three main points can be summarized.

First, in terms of emigration, the accession to the EU does not result in the expected increase in the number of emigrants. The phenomenon can be explained with the fact that the emigration waves had already taken place by the time of EU accession, the effects of the economic crisis, as well as with the restrictive labour market measures, imposed by some of the member states.

Second, the pre-accession period is characterised by a higher number of emigrants and no general migration policy addressing the phenomena, but with the first milestones in creating return policy mechanisms (the “Bulgarian Easter” campaign, law for the Bulgarians abroad, etc.). The post-accession period is characterised by a lack of high emigration rates, but intensified production of migration strategies and policies, all having a strong focus on return. The visible asymmetry of these two periods is characterised by a constant tendency towards showing that the return policies and instruments do not greatly affect the complex choice of return among the young highly qualified Bulgarians. It is rather a complex mix of professional and social factors that influence both return and further mobility and circulation of returnees.

Third, the EU accession and the open borders change the nature of migration trajectories for Bulgarian citizens in general. Both emigration and return are no longer perceived as permanent steps. It also fosters the institutionalization of migration, leading to the production of three strategic documents in eight years, after nearly two decades of neglecting the matter. Although a focus in all documents, the return of highly qualified Bulgarians remains on paper. Possible effective policies can emerge from the bottom-up initiatives of the returnees themselves.

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Annex I

External migration — Bulgaria, (2007–2014)

Table 1. External migration — Bulgaria, (2007–2014)

	2007	2008	2009	2010	2011	2012	2013	2014
Settled in the country (immigration)	1561	1236	3310	3518	4722	14103	18570	26615
Left the country (emigration)	2958	2112	19039	27708	9517	16615	19678	28727
Mechanical growth	-1397	-876	-15729	-24190	-4795	-2512	-1108	-2112

Source: National Statistical Institute, Bulgaria, 2015.

Annex 2
Return policy milestones in Bulgaria

Table 2. Return policy milestones in Bulgaria

1993	An Agency for the Bulgarians Abroad is established, which became the State Agency for Bulgarians Abroad (SABA) in 2000
2000	The “Bulgarian Easter” campaign ^{a)} , started during the government of Ivan Kostov Law for Bulgarians abroad is adopted
2001–2004	The government of NDSV and DPS attracting highly qualified Bulgarians living abroad to high ministerial positions; a period associated with “the return of the King” and “the return of the yuppies”
2008	Report “Bulgarians around the world and the state policy” National strategy of Republic of Bulgaria on migration and integration (2008–2015)
July 2009 — February 2011	Minister without Portfolio for Bulgarians abroad
2011	National strategy in the sphere of migration, asylum and integration (2011–2020)
November 2011	Draft law for the Bulgarians and Bulgarian communities abroad, State Agency for the Bulgarians Abroad (SABA)
18 June 2012	Council at the President (Council for culture, spiritual development and national identity), setting the frame of national strategy for Bulgarians abroad
7–8 November 2012	“Policies towards Bulgarians abroad” conference in Brussels
21 December 2013	First working meeting of the “National council for Bulgarians living abroad”
June 2015	National strategy in the sphere of migration, asylum and integration (2015–2020)

a) “The government of the former Prime Minister Ivan Kostov was the first to attempt to attract the interest and expertise of young Bulgarian emigrants to Bulgaria, organizing an event titled “Bulgarian Easter”. Ironically, just a year later, some of those invited to the event, such as financial brokers from London, became the main reason Kostov’s party suffered major losses in the elections of June 2001. As E. Markova writes: This election presented a very interesting situation: the winner was a party formed at the last minute and led by the former king (who became prime minister following the elections). Among the party’s candidates were Bulgarian emigrant professionals — including prominent participants in recent Bulgarian government initiative to attract highly skilled migrants to Bulgaria — who put on hold their careers in the West to participate in the Bulgarian politics. They formed the first government comprised mainly of returned professionals” (Markova 2010, p. 223).

Source: V. Ivanova 2015.

Annex 3***Attracting the highly qualified in Bulgaria — policy instruments*****Table 3. Attracting the highly qualified in Bulgaria — policy instruments**

Activity	Example	Responsible institution/ NGOs
Forums	Bulgarian Easter Professional realisation in the Fatherland (2002) Career in Bulgaria. Why not? (2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015)	Council of Ministers State Agency for Bulgarians Abroad (SABA) NGOs (Tuk-Tam, Back2BG, Identity for Bulgaria)
Programmes	Bulgarian dream	State Agency for Bulgarians Abroad; Ministry of Economy
Trainings	For 12 years at SABA State Administration as a whole since 2012	SABA Council of Ministers
Labour and Information Fairs	Germany, Spain, United Kingdom	Labour and Social Affairs Offices, MLSP SABA
Studies	Study of attitudes Study of needs	SABA
Dialogue	Council at the Presidency Conference in Brussels	Presidency

Source: V. Ivanova 2015.

Cytowanie

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