

The Concept of Solidarity in the European Union's Asylum Policy

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Abstract

Refugee protection is not only an individual responsibility of the countries, but it a global obligation of the international community. The concept of solidarity is a globally recognized value by the international community in the field of asylum and a basic principle of the Law of the European Union. The aim of the thesis is to answer the following questions: What are the motives of the EU Member States to take an active part in the asylum policy? How is this related to the concept of solidarity as a basic value of the European Union?

In order to explore the possible motives of a state for taking an active part in refugee protection, I analyzed the discourse related to the creation of an emergency transit centre in Romania. The aim of the case study is to answer the following questions: What are the motivations behind Romania's participation in this project, providing interim protection for the refugees? How is this related to the concept of solidarity as a basic value of the European Union?

By analyzing the concept of solidarity in the asylum policy and by presenting the case study about the Romanian Emergency Transit Centre, the thesis contributes to a better understanding of the system of motivations which determine the Member States to take an active part in this field.

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Introduction

Refugee protection is not only an individual responsibility of the countries, but it a global obligation of the international community. The concept of solidarity is a globally recognized value by the international community in the field of asylum and a basic principle of the Law of the European Union, the community being built on the “desire to deepen the solidarity between the peoples”.¹ The obligation to provide protection to the refugees cannot be treated as an individual obligation of the Member States of the European Union, because the action or inaction of a Member State in this field can affect the other states. For this reason, it is the EU’s interest to promote the cooperation among the Member States by every possible tool, to harmonize the asylum policies and to act based on the principle of solidarity in the field of refugee protection.

As Jane McAdam expressed, the Directives in the field of asylum are “frequently adopting lowest common denominator standards instead of aiming for the higher standards afforded by some Member States”.² According to the Council’s conclusions relating to the asylum policy, there is a need for “practical and genuine” solidarity among the Member States, based on mutual trust, where the actions at EU level are complemented by bilateral cooperation.

The aim of the thesis is to answer the following questions: What are the motives of the EU Member States to take an active part in the asylum policy? How is this related to the concept of solidarity as a basic value of the European Union?

¹ Treaty on the European Union, Official Journal of the European Union, 2008/C 115/01, Volume 51, 9 May 2008, Preamble.

² MacAdam, Jane. “*Regionalising International Refugee Law in the European Union: Democratic Revision or Revisionist Democracy?*” 2007 <https://www.victoria.ac.nz/law/research/publications/vuwlr/prev-issues/pdf/vol-38-2007/issue-2/regionalising-mcadam.pdf>. (accessed May 3, 2014), 256.

For answering the research question first of all I analyzed the primary sources (international and EU legal instruments, conclusions and communications of the EU institutions) to find out the EU's position on the necessity of burden-sharing and solidarity, and the possible tools provided in the framework of the EU asylum system. As secondary sources I used academic articles and reports to present the definition of solidarity in the literature and practice in the field of European asylum policy.

The second step is to analyze the speeches and declarations the Romanian authorities and the officials of international organizations related to the creation and functioning of the Emergency Transit Centre set up in Timisoara, Romania. The aim of the analysis is to explore the possible motivations of Romania behind taking an active part in responsibility-sharing in the framework of the EU asylum system. Some of Romania's motivations may be considered as possible motivations for other member states of the EU or motivations of member states in general.

The possible causes of Romania's active role in the field of refugee protection are: obligations under international and EU law, principles of the EU, building reputation, possible political gains (Schengen accession, deeper EU integration), financial gains (funds).

Chapter 1- The concept and common framework of solidarity in the field of asylum policy in the international and European law

The concept of solidarity is a globally recognized value by the international community in the field of asylum and a basic principle of the Law of the European Union. First of all I will present the concept of solidarity in the light of the most important international legal instrument in the field, the Geneva Convention Relating to the Status of Refugees. In the next section it will be presented the concept of solidarity in the light of the Lisbon Treaty. It also essential to examine the decisions of the Court of Justice of the European Union, the next section being dedicated to the analysis of the judgments related to the concept of solidarity in the field of asylum policy. From the point of view of the countries beneficiating from the acts of protection, solidarity has two different forms. In the next section I will present these forms and the tools of solidarity used by the EU.

1.1. The concept of solidarity in the Geneva Convention Relating to the Status of Refugees

Refugee protection is not only an individual responsibility of the countries, but it a global obligation of the international community. The Geneva Convention Relating to the Status of Refugees is the most important international legal instrument in the field of refugee protection, promoting solidarity among the global actors.

First of all it is important to mention that both the English and French texts of the Convention “are equally authentic”.³ The term “solidarity” cannot be found in the English version of the Convention. When referring to the intergovernmental collaboration, the contracting parties used the term “co-operation”, having similar meaning with solidarity. The French text uses

³ Final act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons and text of the Convention relating to the status of refugees. With an introductory note by the Office of the United Nations High Commissioner for Refugees. Geneva: Office of the United Nations High Commissioner for Refugees, 1966.

both the terms “solidarité” and “coopération”. According to Paul Weis, the term “solidarity” has a wider meaning, including countries that are not parties of the Convention, but who are willing to collaborate. In his interpretation cooperation “refers (only) to States which would accede to the Convention”.⁴

One recommendation of The Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons is stressing the importance of receiving refugees and acting in the “spirit of international co-operation”.⁵ The French version of this recommendation uses the term “solidarité” instead of the English “co-operation”.⁶ In the Preamble of the Convention the parties underlined the importance of international collaboration in order to achieve the objectives set out by the treaty. While in the English text they are using the structure “international co-operation”⁷, in the French version we can find “solidarité internationale”⁸. We can argue that in the field of refugee protection the international collaboration is not limited to the parties of the Convention, but it can be understood, using Weis’s interpretation, in a wider sense, referring to global action by the whole international community⁹.

Article 35 refers to the conditions of the “co-operation of national authorities with the United Nations” and the obligations of the parties to the Convention to provide “information and

⁴ Weis, P. *The Refugee Convention , 1951: the travaux préparatoires analysed , with a commentary.* <http://www.unhcr.org/4ca34be29.html> (accessed May 3, 2014), 23.

⁵ Final act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons and text of the Convention relating to the status of refugees. With an introductory note by the Office of the United Nations High Commissioner for Refugees. Geneva: Office of the United Nations High Commissioner for Refugees, 1966. Recommendation D.

⁶ “La CONFÉRENCE (...)recommande aux Gouvernements de continuer à recevoir les réfugiés sur leur territoire et d’agir de concert dans un véritable esprit de *solidarité* internationale, afin que les réfugiés puissent trouver asile et possibilité de réétablissement.” Acte final de la Conférence des plénipotentiaires des Nations Unies sur le statut des réfugiés et des apatrides et texte de la Convention relative au statut des réfugiés avec une introduction du Haut commissariat des Nations Unies pour les réfugiés. Genève: H.C.R., 1966. Recommandation D.

⁷ Convention Relating to the Status of Refugees, 1951, Geneva, Preamble.

⁸ CONVENTION relative au statut des réfugiés, 1951, Genève, Préambule.

⁹ Weis, P. *The Refugee Convention , 1951: the travaux préparatoires analysed , with a commentary.* <http://www.unhcr.org/4ca34be29.html> (accessed May 3, 2014), 23.

statistical data requested” by the “competent organs of the United Nations”.¹⁰ In this provision the French text uses the same term, “coopération”. Using Weis’s interpretation, we can say that both versions use the same term, “co-operation”, because this provision refers to the obligations of those countries, which are parties to the Convention.¹¹

1.2. The concept, tools and motives of solidarity in the European Union

1.2.1. The concept of solidarity in the Treaties of the European Union

Solidarity is a basic value of the European Union, the community being built on the “desire to deepen the solidarity between the peoples”.¹²

Solidarity is a general principle of the EU declared in article 2 of the Treaty on the European Union.¹³ According to article 3 of the TEU, the EU has as an objective the promotion of “solidarity between generations”, on interstate and international level.¹⁴ The concept of solidarity has a great significance on the level of Common Foreign and Security Policy. According to article 21 of the Treaty on the European Union solidarity is a guiding principle in this respect.¹⁵ The concept of solidarity does not only create moral obligations for the countries, but it “binds Europe”, being incorporated in the Treaty on the Functioning of the European Union.¹⁶

The principle of solidarity can be found in many provisions of the Treaty on the Functioning of the European Union, in the field of economy,¹⁷ energy policy,¹⁸ defense and security.¹⁹

¹⁰ Convention Relating to the Status of Refugees, 1951, Geneva, art. 35.

¹¹ Weis, P. *The Refugee Convention , 1951: the travaux préparatoires analysed , with a commentary.* <http://www.unhcr.org/4ca34be29.html> (accessed May 3, 2014), 23.

¹² Treaty on the European Union, Official Journal of the European Union, 2008/C 115/01, Volume 51, 9 May 2008, Preamble.

¹³ Ibid., art.2.

¹⁴ Treaty on the European Union, Official Journal of the European Union, 2008/C 115/01, Volume 51, 9 May 2008, art.3.

¹⁵ Treaty on the European Union, Official Journal of the European Union, 2008/C 115/01, Volume 51, 9 May 2008, art.21.

¹⁶ Treaty on the Functioning of the European Union, Official Journal of the European Union, 2008/C 115/01, Volume 51, 9 May 2008, Preamble.

¹⁷ Ibid., art. 122.

Based on the principle of solidarity there were established EU funds to support the expenses related to the asylum policy.²⁰ It is clear that solidarity can be considered a possible motive for the Member States to cooperate and share responsibilities in the field of asylum policy.²¹ According to art. 67 par. 2 of TFUE, solidarity and fairness towards non-EU citizens should be the basic principles on which a common asylum policy should be built.²² Title V on the Area of Freedom, Security and Justice of the TFUE stipulates that the policies of the EU in the field of asylum should have as a governing principles the “solidarity and fair sharing of the responsibility, including its financial implications, between the Member States”.²³ Based on the provisions of the Lisbon Treaty, it can be stated that the „European legislation is not limited to minimum standards”. Instead of a common minimum level of protection, the aim of the EU should be to achieve higher common denominators in the field of asylum policy.²⁴

¹⁸ *Ibid.*, art. 194.

¹⁹ *Ibid.*, art. 222.

²⁰ Chalmers, Damian, G. T. Davies, and Giorgio Monti. *European Union law: cases and materials*. 2nd ed. Cambridge, UK: Cambridge University Press, 2010, 506.

²¹ European Commission, „Study on The Feasibility of Establishing a Mechanism for the Relocation of Beneficiaries of International Protection,” Final report, July 2010, 139.

²² Treaty on the Functioning of the European Union, Official Journal of the European Union, 2008/C 115/01, Volume 51, 9 May 2008, art. 67(2).

²³ Treaty on the Functioning of the European Union, Official Journal of the European Union, 2008/C 115/01, Volume 51, 9 May 2008, art. 80.

²⁴ European Parliament, “Towards a Common European Asylum System – Assessment and Proposals – Elements to Be Implemented for the Establishment of an Efficient and Coherent System,” September 2008, 3.

1.2.2. The concept of solidarity in the Charter of Fundamental Rights of the European Union

Solidarity is a fundamental principle and “universal value” of the European Union.²⁵ The Charter of Fundamental Rights of the European Union dedicates a whole chapter to the concept of solidarity in various fields of life, concentrating especially on the rights of EU citizens.²⁶ The Charter guarantees the right to asylum in accordance with the “Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees” and the Treaties of the European Union.²⁷

1.2.3. The concept of solidarity in the field of asylum policy in the case law of the Court of Justice of the European Union

In the case law of the Court of Justice of the European Union we can observe that the concept of solidarity with regards the area of freedom, security and justice is a governing principle of the actions of Member States. According to the opinion of the Advocate General in the *Kastrati* case, all the actions “in relation to the entry and residence of third-country nationals” on the territory of the EU should be based on intra-EU solidarity, according to the Dublin Convention from 1990.²⁸

In general, solidarity is related to the concept of “loyalty to the Union” which can be realized by “sincere cooperation” characterizing “the relations between the Member States.”²⁹ The concept of solidarity is also a term related to the mutual trust between the Member States. In

²⁵ Charter of Fundamental Rights of the European Union, Official Journal of the European Communities, 18.12.2000, C 364/1, Preamble.

²⁶ *Ibid.*, Chapter IV.

²⁷ *Ibid.*, art. 18.

²⁸ Case C-620/10 *Migrationsverket v Nurije Kastrati, Valdrina Kastrati, Valdrin Kastrati*, Opinion of Advocate General, par. 48.

²⁹ Case C-105/03 *Criminal proceedings against Maria Pupino*, Opinion of Advocate General, par. 26.

the Rahmanian Koushkaki case³⁰ the Advocate General underlined in his opinion that “real solidarity” in the field of visa regulations means that the decisions taken by one Member State should be recognized in the whole Schengen Area.³¹ Mutual trust means that Member States are adopting different measures without the existence of an obligation in this respect, recognizing decisions of the other Member States, “based on the high degree of trust”.³²

The Court interpreted the EU law in favor of solidarity, making possible for the Member States to use both the financial and physical tools of solidarity.

In the Cimade case, based on the Dublin II Regulation and referring to the „financial liability for the cost of providing the reception conditions” to asylum seekers, the Advocate General underlined that, even though the reality in the field is more close to the situation of „burden lying where it falls”, „the Member States must address the issue” in compliance with their obligation for solidarity under art. 80 of TFEU and other EU legislation.³³ The Advocate General also noted that, even though in principle, the financial burden for providing the reception conditions lies on the host Member State, “financial assistance given through the Union budget is evidence of the spirit of cooperation between Member States”.³⁴ As the Court worded in the same case, providing financial help to a Member State from the European Refugee Fund can be considered a response “to the need to share responsibilities fairly between Member States”.³⁵

³⁰ Case C-84/12, *Rahmanian Koushkaki v. Bundesrepublik Deutschland*.

³¹ *Ibid.*, par. 57.

³² Joined Cases C-261/08 and C-348/08, *María Julia Zurita García v Delegación del Gobierno en Murcia and Aurelio Choque Cabrera v Delegación del Gobierno en Murcia*, Opinion of the Advocate General, par. 60.

³³ Case C-179/11, *CIMADE Grouped'information et de soutien des immigrés (GISTI) v Ministre de l'intérieur, de l'outre-mer, des collectivités territoriales et de l'immigration*, Opinion of the Advocate General, par. 83.

³⁴ Case C-179/11, *CIMADE Grouped'information et de soutien des immigrés (GISTI) v Ministre de l'intérieur, de l'outre-mer, des collectivités territoriales et de l'immigration*, Opinion of the Advocate General, par. 83.

³⁵ Case C-179/11, *CIMADE Grouped'information et de soutien des immigrés (GISTI) v Ministre de l'intérieur, de l'outre-mer, des collectivités territoriales et de l'immigration*, par. 60.

In the Halaf case³⁶ the Bulgarian court referred to the ECJ with a question with regards to the possibility of a Member State to examine an asylum application when it is not responsible according to art. 3(1) of Regulation No 343/2003³⁷. The national court also noted that the “regulation does not contain any provisions concerning compliance with the principle of solidarity pursuant to Article 80 TFEU”.³⁸ Art. 3(1) of Regulation No 343/2003 specifies that “Member States shall examine the application of any third-country national who applies at the border or in their territory to any one of them for asylum.”³⁹ By derogation from art. 3(1), according to the next paragraph “each Member State may examine an application for asylum lodged with it by a third-country national, even if such examination is not its responsibility under the criteria laid down in this Regulation.”⁴⁰ The ECJ argued that “the exercise of that option is not subject to any particular condition”, giving the opportunity to the countries to decide “sovereignly, for political, humanitarian or practical considerations”.⁴¹ In conclusion, the ECJ decided in favor of intra-EU solidarity, ruling that “the Regulation must be interpreted as permitting a Member State (...) to examine an application for asylum”, even if it is not responsible under the provisions of the Regulation.⁴² The Court also pointed out that this possibility is independent from the fact that the Member State which has the responsibility according to the Regulation “responded to a request to take back the asylum seeker concerned”.⁴³

³⁶ Case C-528/11, *Zuheyr Frayeh Halaf v Darzhavna agentsia za bezhantsite pri Ministerskia savet*.

³⁷ Regulation (EC) No 343/2003 on the Determination of the Member State responsible for examining an application for asylum lodged in one of the Member States by a third-country national.

³⁸ Case C-528/11, *Zuheyr Frayeh Halaf v Darzhavna agentsia za bezhantsite pri Ministerskia savet*, par. 25.

³⁹ Regulation (EC) No 343/2003 on the Determination of the Member State responsible for examining an application for asylum lodged in one of the Member States by a third-country national, OJ 2003 L 50, art. 3(1), first part.

⁴⁰ *Ibid*, art. 3(2), first part.

⁴¹ Case C-528/11, *Zuheyr Frayeh Halaf v Darzhavna agentsia za bezhantsite pri Ministerskia savet*, par. 36-37.

⁴² *Ibid*, par. 39.

⁴³ C-528/11, *Zuheyr Frayeh Halaf v Darzhavna agentsia za bezhantsite pri Ministerskia savet*, par. 39.

In conclusion, the Court interprets the *aquis* in the field of asylum in favor of intra-EU cooperation and solidarity, promoting mutual trust and burden-sharing by physical and financial tools.

1.2.4. The tools of solidarity in the field of EU asylum policy

The new Reception Conditions Directive emphasizes that the EU asylum policy „should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.”⁴⁴ As the Council noted, “solidarity and responsibility go hand in hand”.⁴⁵ The conclusions of the Council of Justice and Home Affairs of the European Union from March 2012, emphasize the “need for genuine and practical solidarity” among states, providing help for the members which, primarily due to their geographic position, have to deal with the most asylum applications. As the Council concludes, there is a strong relationship between solidarity and the concept of responsibility.⁴⁶ The more responsibility not directly affected member states take, the easier can the affected states deal with refugees and the more equilibrated the EU as an area of justice and freedom will become. The two key elements of solidarity are mutual trust and responsibility. According to the Council's Conclusions, a common framework of solidarity can be built on responsibility and mutual trust between the Member States. This requires the respect of international and EU obligations in this field and active participation in coping with the migratory fluctuations.⁴⁷

The concept of mutual trust is another important element of the solidarity-based asylum policies. This can only be achieved by the harmonization of this field resulting in the possibility of

⁴⁴ DIRECTIVE 2013/33/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 laying down standards for the reception of applicants for international protection (recast). The Directive is not yet in force.

⁴⁵ Council Conclusions on a common framework for genuine and practical solidarity towards Member States facing particular pressures due to mixed migration flows, 8 March 2012.

⁴⁶ Council of the European Union: Council Conclusions on a common framework for genuine and practical solidarity towards Member States facing particular pressures due to mixed migration flows. March 2012.

⁴⁷ *Ibid.*

providing the same level of reception conditions, protection and equal rights for asylum seekers in any EU country. This way mutual trust can lead to better mutual recognition of the decisions on the asylum applications in other member states.

When the affected Member States are asking for more responsibility-sharing and solidarity, the other countries, especially those which do not have external borders or do not have serious problems with the management of their sea borders are asking for more harmonization and better implementation of asylum policies in the countries having problems in this field.⁴⁸

From the point of view of the states beneficiating from acts of protection in the field of asylum policy solidarity can have two forms: refugee relocation and resettlement. We need to make a clear difference between the two concepts. While resettlement is a humanitarian action having the aim to help third countries, internal relocation is based on solidarity between the Member States, „from north and south”.⁴⁹ As it is explained in a policy brief of the Migration Policy Centre, while refugee relocation is more an example of “internal Member State solidarity”, the best example of EU Member State solidarity in relation with non-EU countries is the refugee resettlement. This way resettlement can be considered a good example of international “solidarity with countries of first asylum.”⁵⁰ We also have to mention that resettlement is gaining more and more attention from the EU countries, 16 EU Member States being involved in resettlement activities in 2012.⁵¹

⁴⁸ Andreas, Raspotnik, Marine Jacob, and Laura Ventura. "Discussion Paper the Issue of Solidarity in the European Union." <http://www.tepsa.eu/download/TEPSA%20Discussion%20Paper%20The%20issue%20of%20solidarity%20in%20the%20European%20Union.pdf> (accessed April 16, 2014), 6.

⁴⁹ Migration Policy Centre, „Between Solidarity and the Priority to Protect – Where Refugee Relocation meets Refugee Resettlement.” <http://www.migrationpolicycentre.eu/between-solidarity-and-priority-refugee-relocation-meets-refugee-resettlement/> (accessed May 2, 2014).

⁵⁰ Delphine, Perrin, „Refugee Resettlement in the EU -2011-2013” *KNOW RESET Research Report* 2013/05, 4.

⁵¹ Migration Policy Centre, “Between Solidarity and the Priority to Protect – Where Refugee Relocation meets Refugee Resettlement.” <http://www.migrationpolicycentre.eu/between-solidarity-and-priority-refugee-relocation-meets-refugee-resettlement/> (accessed May 2, 2014).

There is a wide range of solidarity measures among the Member States of the EU, “including capacity building, other forms of practical cooperation and flexible financial support, with EASO playing a key role.”⁵² According to the literature, intra-European solidarity can have three forms: “financial, material and physical solidarity”.⁵³

Financial solidarity refers to the fair sharing of costs among the Member States, by providing financial compensation to those countries which are receiving the most asylum seekers and refugees.⁵⁴ Material solidarity refers to the capacity of a Member State to build facilities and physical solidarity is related to the “re-distribution” of persons concerned “to the territory of another Member State”.⁵⁵

The number of asylum applications in a country can be influenced by the political situation and security.⁵⁶ The Arab Spring transformed the Mediterranean and South Eastern countries the most affected Member States in the field of asylum since the Gulf War.⁵⁷ As Ingrid Boccardi pointed out, the general conception is that the financial compensation is the primary tool of solidarity and physical redistribution can only be considered a secondary solution.⁵⁸ First of all, relating to the financial tools we have to underline, that, due to the high number of asylum applications, these funds do not to cover the costs related to asylum policy and they

⁵² European Asylum Support Office, „EASO Fact Finding Report on Intra-EU Relocation Activities from Malta.” July 2012. <http://www.refworld.org/pdfid/52aef8094.pdf> (accessed May 30, 2014).

⁵³ Helen, Urth, “Intra-European Solidarity EU Ministerial Conference on Asylum”, Brussels, September 2010. (Discussion paper), 1.

⁵⁴ Andreas, Raspotnik, Marine Jacob, and Laura Ventura. "Discussion Paper the Issue of Solidarity in the European Union." <http://www.tepsa.eu/download/TEPSA%20Discussion%20Paper%20The%20issue%20of%20solidarity%20in%20the%20European%20Union.pdf> (accessed April 16, 2014), 7.

⁵⁵ Helen, Urth, “Intra-European Solidarity EU Ministerial Conference on Asylum”, Brussels, September 2010. (Discussion paper), 1.

⁵⁶ Julia Mateuca, “Regional and International Cooperation in the asylum field”, *Public Security Studies* 4 / 2012, 252-268, http://heinonline.org/HOL/Page?handle=hein.journals/pseuiesp1&div=118&g_sent=1&collection=journals#1127 (accessed: 03 May 2014), 252.

⁵⁷ Andreas, Raspotnik, Marine Jacob, and Laura Ventura. "Discussion Paper the Issue of Solidarity in the European Union." <http://www.tepsa.eu/download/TEPSA%20Discussion%20Paper%20The%20issue%20of%20solidarity%20in%20the%20European%20Union.pdf> (accessed April 16, 2014), 5.

⁵⁸ *Ibid.*, 5.

are rather “symbolic than de facto compensatory”.⁵⁹ Secondly, in the case of big influx of refugees, due to “the objective limits to the logistical capacity of Member States”, the only viable solution would be the physical redistribution of asylum seekers.⁶⁰ This is why there is a need for equal share of asylum seekers across the EU Member States, view supported by the public opinion not only in the most affected countries, but in Western Europe as well.⁶¹

An important institution serving the goal of raising the solidarity among the Member States is the European Asylum Support Office (EASO), created in 2011. EASO has as objective the improvement of cooperation between the members of the EU in the field of asylum policy.⁶² The EASO’s objective is to assist the Member States with the improvement of their asylum systems and to foster the collaboration between them.⁶³

In conclusion we have to agree with Helene Urth, who argues that “intra-European solidarity” can only be efficient if it is based on mutual trust and these three tools of solidarity are completed with the “common asylum aquis” implemented and respected by the Member States.⁶⁴ When we are analyzing the concept of solidarity we have to take into consideration that this concept “is politically questioned”.⁶⁵ As the authors of a Study of the European Parliament in this field state: “Quantifying fairness is not easy.”⁶⁶ The Member States many

⁵⁹ Ibid., 5.

⁶⁰ Ingrid, Boccardi, “Europe and Refugees: Towards an EU Asylum Policy,” Kluwer Law International, 2002, 172.

⁶¹ Andreas, Raspotnik, Marine Jacob, and Laura Ventura. "Discussion Paper the Issue of Solidarity in the European Union." <http://www.tepsa.eu/download/TEPSA%20Discussion%20Paper%20The%20issue%20of%20solidarity%20in%20the%20European%20Union.pdf> (accessed April 16, 2014), 5.

⁶² The official page of EASO. <http://easo.europa.eu/> (accessed May 9, 2014).

⁶³ Andreas, Raspotnik, Marine Jacob, and Laura Ventura. "Discussion Paper the Issue of Solidarity in the European Union." <http://www.tepsa.eu/download/TEPSA%20Discussion%20Paper%20The%20issue%20of%20solidarity%20in%20the%20European%20Union.pdf> (accessed April 16, 2014), 5.

⁶⁴ Helen, Urth, “Intra-European Solidarity EU Ministerial Conference on Asylum”, Brussels, September 2010, 9.

⁶⁵ Ibid., 5.

⁶⁶ European Parliament. 2011. “The Implementation of Article 80 TFEU on the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States in the field of border checks, asylum and immigration”, 8.

times have different approach and priorities than the „EU policy goals” in this field.⁶⁷ In the next section there will be presented some of the possible motives of states for taking an active part in responsibility-sharing in the EU. Also, in the next chapter, by using the method of discourse analysis I am presenting the motivations of Romania for taking an active part in the protection of refugees.

1.2.5. The motives of the EU Member States to take an active part in the asylum policy based on solidarity

When it comes to the motives for admitting refugees, as Paul Gunther argues, states are using different arguments to support or to restrict the number of refugees they accept. When arguing for more restrictive policies, they refer to the economic possibilities of the state. On the other hand, when they would prefer to adopt policies which make possible the admission of a higher number of refugees, the authorities often refer to the moral obligations in the field of asylum.⁶⁸ Also, many times rich countries which would have economic possibilities to help the refugees have a very restrictive policy in the field. In this sense the poorer countries show better examples.⁶⁹

In this context the concept of solidarity cannot be analyzed separately from the concept of responsibility-sharing. First of all it has to be underlined that the term of “responsibility-sharing” is in many documents replaced with the term “burden-sharing”. There is no convention relating to the use of these concepts, but due to a possible negative meaning of “burden” the use of “responsibility”, reflecting the commitment of the EU for the protection of refugees, is recommended.⁷⁰

⁶⁷ Ibid., 8.

⁶⁸ Gunther, Plaut, „Asylum and Moral Dilemma,” 53-64, York Lane Press, Toronto, 1995, 54-55.

⁶⁹ Gunther, Plaut, „Asylum and Moral Dilemma,” 53-64, York Lane Press, Toronto, 1995, 54-55.

⁷⁰ Eiko Thielemann, Richard, Williams and Christina, Boswell, „What system of burden-sharing between Member States for the reception of asylum seekers?” PE 419.620, European Parliament, Brussels, 2010, 26.

According to a study of the European Commission, based on the literature in the field, there are three main motives for the Member States to take an active part in responsibility-sharing. These motives are the norms, international obligations and the correlation between costs and benefits.⁷¹

First of all, according to Thielemann, Williams and Boswell there is a relationship between “norm-guided behavior” of the Member States and their commitment for sharing responsibility.⁷² According to the authors, there are two types of norm-based motivations, the first one having as fundament the principle of solidarity among the Member States and the second motive the commitment of states to protect refugees.⁷³ Solidarity is a basic value of the EU functioning as a group, creating obligations related to the “well-being” of the other members of the community, these obligations existing in virtue of the membership.⁷⁴ According to a report of the European Commission, showing solidarity “to the efforts of the other Member States in providing protection” is the main motive for the states to take an active part in burden-sharing.⁷⁵ On the other hand, a country’s “willingness to receive refugees” can be considered a proof of its commitment to humanitarian norms.⁷⁶

Secondly, relating to the international obligations of the states, it is the EU’s interest to coordinate the asylum policies of the countries, otherwise the different individual national systems can weaken the credibility of the EU on global level.⁷⁷ The competitive behavior of the states in the field of standards of protection can have negative consequences and can lead

⁷¹ European Commission. July 2010. „Study on The Feasibility of Establishing a Mechanism for the Relocation of Beneficiaries of International Protection. Final report”, 139-140.

⁷² Eiko Thielemann, Richard, Williams and Christina, Boswell, „What system of burden-sharing between Member States for the reception of asylum seekers?” PE 419.620, European Parliament, Brussels, 2010, 159.

⁷³ Ibid., 159.

⁷⁴ Ibid., 157-158.

⁷⁵ European Commission. July 2010. „Study on The Feasibility of Establishing a Mechanism for the Relocation of Beneficiaries of International Protection. Final report”, 139.

⁷⁶ Eiko Thielemann, Richard, Williams and Christina, Boswell, „What system of burden-sharing between Member States for the reception of asylum seekers?” PE 419.620, European Parliament, Brussels, 2010, 159.

⁷⁷ European Commission. July 2010. „Study on The Feasibility of Establishing a Mechanism for the Relocation of Beneficiaries of International Protection. Final report”, 139-140.

to the breach of international obligations, a situation which would be harmful not only for Europe but for the whole international community.⁷⁸

Thirdly, there is also a correlation between the costs and benefits of taking part in responsibility-sharing in the EU. On community level, sharing the responsibilities is “a mutual insurance against the occurrence of a particular external shock”, such as mass influxes.⁷⁹

Chapter 2- Case study: The motivations of the Romanian authorities with regards to the creation of the Emergency Transit Centre in Timisoara

2.1. Context and methodology

The Emergency Transit Centre in Timisoara "is Europe's first evacuation facility of the kind", being set up in May 2008, pursuant to a Tripartite Agreement concluded between the Romanian Government, the United Nations High Commissioner for Refugees and the International Organization for Migration.⁸⁰ The refugee center has the capacity of hosting up to 200 people, as the website of the facility presents, "providing temporary shelter to refugees who are in need of immediate evacuation from their first country of refuge".⁸¹ In addition to the three concluding parties, the center cooperates with other international organizations, the civil society and with resettlement countries.⁸²

The collaboration between Romania and the UNHCR in the field of resettlement has started long before the building of the ETC in Timisoara. In the last 15 years Romania participated in

⁷⁸ Eiko Thielemann, Richard, Williams and Christina, Boswell, „What system of burden-sharing between Member States for the reception of asylum seekers?” PE 419.620, European Parliament, Brussels, 2010, 161.

⁷⁹ Ibid., 160.

⁸⁰ The Official Website of the UN Refugee Agency for Central Europe. <http://www.unhcr-centraleurope.org/en/what-we-do/resettlement/etc-timisoara.html> (accessed May 16, 2014).

⁸¹ Ibid.

⁸² Ibid.

the evacuation of refugees from Kyrgyzstan and Bosnia-Herzegovina.⁸³ Romania is also collaborating with the EASO, at the EASO delegations last visit in March 2014 they discussed about the country's "capacity and national operational preparedness" in the field.⁸⁴

From the opening of the institution the officials of the centre and other actors of the public life in Romania emphasize in their discourse that the centre's role is to prove Romania's commitment for solidarity in the field of European asylum and migration policy. A possible motivation for taking an active part in refugee protection can be that the authorities are expecting to use the international funds for the country's basic issues in the field which had to be covered by the government. The aim of the case study is to explore the motives of Romania to take an active part in the asylum policy. For this reason I am trying to answer the following questions: What are the motivations behind Romania's participation in this project, providing interim protection for the refugees? How is this related to the concept of solidarity as a basic value of the European Union?

In order to understand the link between the country's possible motivations, first of all it is essential to analyze the legal background of the creation of the Emergency Transit Centre in Timisoara and the purpose of its adoption. For this reason, before the analysis of the speeches of the Romanian authorities and the international actors, a section is dedicated to the presentation of the "*Law on the Ratification of the of the Agreement between the Government of Romania, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration Regarding Temporary Evacuation to Romania of Persons in Urgent Need of International Protection and their Onward Resettlement with UNHCR*". Can the adoption of this law be considered "an act of solidarity" of the Romanian

⁸³ United Nations High Commissioner. "Guidance note on Emergency Transit Facilities."

<http://www.refworld.org/pdfid/4dddec3a2.pdf> (accessed May 28, 2014). 1.

⁸⁴ <http://easo.europa.eu/wp-content/uploads/Press-Release-Romania-visit.pdf> (accessed May 18, 2014).

Parliament? From the point of view of the concept of solidarity and the motivations of the country it is also important to present the legislative procedure of the adoption of this Law.

In the next section the possible motivations of the Romanian authorities are explored by answering several questions related to the interests of the country. First of all, I examine the motivations of Romania from the point of view of the EU integration. In this respect the following question has to be answered: What is the relationship between the country's EU integration and its active participation in this project? The project can be considered a good example of responsibility-sharing in the field of asylum. But why is a new Member State participating in an emergency evacuation program, when many of the old Members are not taking such responsibility? On the other hand, from the humanitarian perspective, what kind of rights is the country providing to refugees in urgent need of protection? The humanitarian perspective is very important, but when it comes to the planning of a project, the costs and possible sources of funding can be the decisive element. For this reason the next question that has to be answered refers to the motivations of the country relating to the costs of the project. The project can be beneficial not only from the point of view of the compliance with international and European norms, but it can have positive effects on the Romanian society as well. This is why I consider essential to examine whether taking part in this project can have effects on the construction of national identity in Romania.

To answer my questions, I am using the method of discourse analysis. I am analyzing the declarations and speeches of the actors of the Romanian political arena, concentrating on how do they approach the concept of "solidarity"? In parallel I am analyzing the speeches and statements of the representants of UNHCR, other international organizations in the field and politicians from other countries, relating to the creation of the Centre.

I devoted special attention to the declarations of the Romanian officials on the creation of the Emergency Transit Centre with special regards to the concept of solidarity. I collected all the

declarations of the officials that could be found on the online portals of local and central newspapers and on the website of UNHCR. In addition, I collected articles from the online portals of the most well-known Romanian newspapers from the period 2007-2014, searching by the terms "solidarity, refugees, EU", "burden-sharing, refugees, EU". Choosing only one or two newspapers was not possible, due to the fact that there has been no significant debate on the issue of refugees in Romania.

I collected around 20 declarations and statements of the Romanian politicians and of the representants of the international community, comparing their declarations and point of view regarding the motivations for creating the centre.

I analyzed the discourse related to the need for this institution and related to solidarity in refugee issues in general. Finding out what were the motivations of Romania for setting up the Timisoara Emergency Transit Centre is really important, because the institution was set up in a period when the state faced big economic problems and had to solve more urgent social problems.

2.2. The legal background of the creation of the Emergency Transit Centre and legislative procedure of the adoption of the Law on the Ratification of the Tripartite Agreement

„The Law on the Ratification of the Agreement between the Government of Romania, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration Regarding Temporary Evacuation to Romania of Persons in Urgent Need of International Protection and their Onward Resettlement with UNHCR” (in the following Law on the Ratification of the Agreement) consists of six articles concerning the entry and residence conditions and the competences of the different authorities. The competent Chamber to adopt it was the Chamber of Deputies of Romania, because the subject

of the law is the ratification of an international agreement.⁸⁵ The Law on the Ratification of the Agreement represented a priority, appearing on the list of legislative priorities of the Romanian Government.⁸⁶ This law was an ordinary law, this means that it could be adopted by the majority of the members of Chamber of Deputies that are present.⁸⁷

The Statement of Purpose for the adoption the Law on the Ratification of the Agreement contains many keywords referring to the concept of solidarity and the importance of collaboration. Some of these structures are: “active collaboration”, “previous positive experience”, “availability”.⁸⁸ The document does not present the possible risks for the public order or national security, even stating that the agreement “does not have any social, economic or environmental impact and it does not affect the national budget”.⁸⁹

The debate on the adoption of the *„Project of Law on the Ratification of the Agreement between the Government of Romania, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration Regarding Temporary Evacuation to Romania of Persons in Urgent Need of International Protection and their Onward Resettlement with UNHCR”* took place in the Chamber of Deputies of Romania on 30 September 2008.⁹⁰ Going through the legislative process, the Law on the Ratification of the Agreement has been examined by the Juridical Committee of the Chamber of Deputies, the

⁸⁵ The Constitution of Romania, Published in the Official Journal of Romania, Par I nr. 767 / 31 October, 2003, art. 75.

⁸⁶ Government of Romania, „Project of Law on the Ratification of the Agreement between the Government of Romania, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration Regarding Temporary Evacuation to Romania of Persons in Urgent Need of International Protection and their Onward Resettlement with UNHCR,” 2008. <http://www.cdep.ro/proiecte/2008/500/30/1/em531.pdf> (accessed April 30, 2014), 1.

⁸⁷ The Constitution of Romania, Published in the Official Journal of Romania, Par I nr. 767 / 31 October, 2003, art. 75.

⁸⁸ The Government of Romania. 2010. „Statement of Purpose.” <http://www.cdep.ro/proiecte/2008/500/30/1/em531.pdf>, (accessed May 01, 2014), 1.

⁸⁹ The Government of Romania. 2010. „Statement of Purpose.” <http://www.cdep.ro/proiecte/2008/500/30/1/em531.pdf> (accessed May 01, 2014), 3.

⁹⁰ <http://www.cdep.ro/pls/steno/steno.stenograma?ids=6533&idm=39> (accessed May 10, 2014).

competent Chamber to adopt the law. The Committee approved it with unanimity.⁹¹ The Committee of the Chamber of Deputies for Defense, Public Policy and National Security also examined the project of this law and approved it with unanimity.⁹² We can also see that there has been no real debate in the Chamber of Deputies. The presentation of the Law on the Ratification of the Agreement by the initiator and the comments of the president of the special committee examining it was not followed by any intervention from the part of the Deputies. There were also no amendments.

Even the results of voting can be interpreted as an „act of solidarity”, reflecting Romania’s commitment for the case. The Law on the Ratification of the Agreement was adopted with 196 positive votes, no vote against and no abstention.⁹³ One Deputy did not exercise his right to vote.⁹⁴ By that time the Social Democrat Party (PSD) had the majority of representants in the Parliament (75), followed by the Democratic Liberal Party (PD-L) with 44 Senators and the National Liberal Party (PNL) with 29 representants.⁹⁵ The initiator of the Law has been the Government of Romania.

2.3. The motivations of Romania for the creation of the Emergency Transit Centre in Timisoara

Question 1: What are the motivations of Romania from the point of view of the EU integration in taking part in the project?

H1.1.: Romania is willing to take an active part in the EU asylum policy

According to Thielemann, Williams and Boswell solidarity operates as a basic value of the EU as a group. This is why taking part in the EU policies based on the principle of solidarity

⁹¹ The Chamber of Deputies of Romania. 2008. „Note of the Juridical Committee.” <http://www.cdep.ro/comisii/juridica/pdf/2008/av531.pdf> (accessed April 26, 2014).

⁹² The Chamber of Deputies of Romania. „Raport nr. 32/612/2008 of the Committee for Defense, Public Policy and National Security.” <http://www.cdep.ro/comisii/aparare/pdf/2008/rp531.pdf> (accessed May 12, 2014).

⁹³ <http://www.cdep.ro/pls/steno/steno.stenograma?ids=6533&idm=51,42&idl=1> (accessed May 16, 2014).

⁹⁴ <http://www.cdep.ro/pls/steno/eVot.Nominal?idv=4544> (accessed May 16, 2014).

⁹⁵ <http://www.cdep.ro/pls/steno/eVot.Nominal?idv=4544> (accessed May 16, 2014).

is an obligation for the states in virtue of the membership.⁹⁶ The political program of the National Liberal Party, the governing party at the time of signing the agreement, states that the party considers important the functioning of the institution in the field of asylum according to the EU standards.⁹⁷ They also considered the European integration a “primary goal of all the governing political parties” in Romania, setting as a goal the creation of public policies in accordance with the EU Law and policies”.⁹⁸

The Romanian prefect, Ovidiu Draganescu emphasizes in his declaration in 2008, that the democratic transition of the country has been successful, Romania being characterized by the rule of law and the protection of human rights, two basic values of the EU.⁹⁹ In a documentary of UNHCR about the Centre, State Secretary for Global Affairs Department, Doru Costea pointed out that Romania is capable of taking responsibility for refugees, thus it deserves the trust of the other member states of the EU.¹⁰⁰ The State Secretary for Strategic Affairs, Bogdan Aurescu is also emphasizing the country’s ability to take an active part in the field of asylum policy, suggesting that the process of transition from a totalitarian regime to democracy was successful, and Romania has „regained (its) humanitarian spirit” and it is able to guarantee rights for refugees in accordance with the EU and International Law.¹⁰¹

At the time of the creation of the centre, Romania was intensively preparing for the Schengen accession. According to the Statement of Purpose for The National Strategy on Immigration

⁹⁶ Eiko Thielemann, Richard, Williams, and Christina Boswell, „What system of burden-sharing between Member States for the reception of asylum seekers?” PE 419.620, European Parliament, Brussels, 2010, 157-158.

⁹⁷ National Liberal Party. „Political Programme” <http://www.pnl.ro/subpagina/capitolul-2-administratia-afacerile-interne> (accessed May 13, 2014).

⁹⁸ Government of Romania. „Program of Government 2005-2008” http://www.aippimm.ro/files/otimmc_files/71/172/programul-de-guvernare-2005-2008.pdf (accessed May 16, 2014), 7.

⁹⁹ <http://www.ziare.com/stiri/frauda/10-ambasadori-asteptati-joi-la-timisoara-685792> (accessed May 16, 2014).

¹⁰⁰ The translations of the declarations are made by the author of present thesis. <http://vimeo.com/72811023> (accessed May 22, 2014).

¹⁰¹ Bogdan, Aurescu, "Statement," 2010. <http://www.mae.ro/en/node/4216> (accessed April 18, 2014).

for the period 2011-2014, the Schengen accession would lead to an increase of the number of illegal migrants and asylum applications in Romania. The country would also become a transit country for migrants entering the EU illegally in Bulgaria and Greece and trying to get to other Member States.¹⁰²

In conclusion, by the creation of the Emergency Transit Centre in Timisoara, Romania had the opportunity to send a positive message towards the EU, proving that they are ready from a legal, administrative, public policy and technical and point of view to deal with the number of persons entering the country after the Schengen accession.

H1.2.: Romania is trying to increase its prestige as a new Member of the EU

For a country like Romania, as a new member of the EU, taking part in responsibility-sharing can be a matter of prestige, trying to gain the trust of other member states and institutions of EU.

Bogdan Aurescu, Secretary of State for Foreign Affairs emphasized the availability of the Romanian authorities to share their experience with other countries willing to build an emergency transit center. This way Romania appears as an experienced actor, giving example to other European countries willing to help refugees in a similar regime.¹⁰³

On the other hand, solidarity is recognized as a basic value by all the states of the European Union, being “embedded in the Member States' traditions”.¹⁰⁴ By using examples of successful operations from the past, such as the temporary relocation of more than 400 refugees from Uzbekistan in 2005, the Government emphasizes Romania’s availability to take an important role in the field.¹⁰⁵ It also underlines the importance of the country’s engagement and positive

¹⁰² Statement of Purpose for The National Strategy on Immigration for the period 2011-2014, <http://www.cdep.ro/proiecte/2014/000/00/7/em3.pdf> (accessed April 29, 2014), 3.

¹⁰³ <http://www.ziare.com/stiri/frauda/10-ambasadori-asteptati-joi-la-timisoara-685792> (accessed April 18, 2014).

¹⁰⁴ European Commission, „Study on The Feasibility of Establishing a Mechanism for the Relocation of Beneficiaries of International Protection. Final report,” July 2010, 139.

¹⁰⁵ Government of Romania. 2008. „Project of Law on the Ratification of the Agreement between the Government of Romania, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration Regarding Temporary Evacuation to Romania of Persons in Urgent

international image in the field based on previous responsibilities taken by the state, such as the mandate of the president of the UN Human Rights Council held by the country between June 2007 and June 2008.¹⁰⁶ An important argument in favor of the adoption of the Law is the collaboration's contribution to building a positive image of the country on international level and raising the prestige of the country in the European community.¹⁰⁷

The State Secretary for Global Affairs Department, Doru Costea presents the same view in a documentary of the UNHCR about the Centre. He transmits the message that from yesterday's student Romania has transformed into today's teacher in the EU, serving as a good example for other EU countries in the field of asylum policy, especially in the region.¹⁰⁸

Toma Rus also emphasized Romania's role as a leader in this field, affirmed by the "positive responses" and the "appreciation coming from EU Member States".¹⁰⁹

State Secretary for Strategic Affairs, Bogdan Aurescu closes his speech at the opening ceremony of the international Working Group on Resettlement in Timisoara with a story of a refugee from Congo who was hosted in the center and who told a Dutch newspaper that he „is in love with Romania, (..) the place where he made his first step to freedom and to a new life”.¹¹⁰

Need of International Protection and their Onward Resettlement with UNHCR”
<http://www.cdep.ro/proiecte/2008/500/30/1/em531.pdf> (accessed April 30, 2014), 1.

¹⁰⁶ Ibid.

¹⁰⁷ Government of Romania. 2008. „Statement of Purpose”
<http://www.cdep.ro/proiecte/2008/500/30/1/em531.pdf> (accessed April 18, 2014), 3.

¹⁰⁸ <http://vimeo.com/72811023> (accessed April 10, 2014).

¹⁰⁹ <http://www.unhcr-centraleurope.org/en/news/2009/emergency-transit-center-etc-officially-opened-in-timisoara-romania.html> (accessed April 12, 2014).

¹¹⁰ Marloes, de Konig "Refugees from all over the world find shelter in Romania."
http://vorige.nrc.nl/%20international/article2492864.ece/%20Refugees_from_all_over_the_world_find%20_s_helter_in_Romania (accessed May 4, 2014).

In conclusion, in the speeches of the politicians it can be identified the effort of the authorities to create a positive picture of the country and to show how great importance does the activity of the country have.¹¹¹

Question 2: What are the motivations of Romania for taking part in responsibility-sharing in the field of asylum in the framework of this project?

Solidarity, meaning the redistribution of responsibility and resources, is a basic principle of the EU from the foundation, refugee protection being considered an ‘international public good’, one country’s action affecting the other countries and the whole community.¹¹² According to a report of the Know Reset team from 2013, Romania’s involvement in refugee resettlement can be explained by the “political will of strengthening Romania's status as an important global partner”.¹¹³ By setting up a new facility, the Emergency Transit Center, in collaboration with the international organizations and national NGOs, the Government had the intention to prove its ability to work together with the international community and the civil society.

As we can see in the country report about Slovenia from 2013, solidarity is used as a motivation for taking an active part in refugee resettlement.¹¹⁴ A country can use the opportunity of resettlement and relocation to gain experience and more trust from the European community, which can be used in the future to access further funds.

¹¹¹ Bogdan, Aureescu, "Statement," 2010. <http://www.mae.ro/en/node/4216> (accessed April 18, 2014).

¹¹² European Parliament. "The Implementation of Article 80 TFEU on the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States in the field of border checks, asylum and immigration," 2011, 8. See also: Suhrke, A. 1998. „Burden-sharing during Refugee Emergencies: The Logic of Collective versus National Action." *Journal of Refugee Studies* 11(4).

¹¹³ Madalina, Moraru and Andrea, Mocanu. "Country Profile-Romania ." *KNOW RESET Research Report* 2013/06, 9.

¹¹⁴ Delphine, Perrin, „Refugee Resettlement in the EU -2011-2013" *KNOW RESET Research Report* 2013/05, 246.

H2.1.: Romania is cooperating with the EU and the international community and it promotes fair-sharing of responsibilities in the field of asylum

One possible motivation for the creation of the institution is related to the principle of solidarity by taking an active part in burden-sharing on the level of the EU. According to a report of the Know Reset team from 2013, Romania's involvement in refugee resettlement can be explained by the "desire to assume more responsibility as an EU Member State".¹¹⁵

According to the official publication, the Emergency Transit Centre is an evidence of Romania's "dedication to the protection of refugees" and it reflects the country's efforts to take an active part in burden-sharing.¹¹⁶ The parties consider the center a good example of "solidarity and responsibility-sharing".¹¹⁷ Through the Center Romania takes an active part in refugee evacuation, taking refugees from "first countries of asylum" which cannot be considered safe for them. According to the official publication of UNHCR about the Center, the main objective of Romania by this institution is to raise the possibility of resettlement for the refugees.¹¹⁸ In his speech held at the opening ceremony of the international Working Group on Resettlement in Timisoara, State Secretary for Strategic Affairs, Bogdan Aurescu uses many terms referring to the humanitarian side of refugee protection. He uses twelve times the term „humanitarian” in different contexts (for example: „humanitarian vision”, „humanitarian tools”). He uses six times the concept „humanitarian space” which in this context is referring to the cooperation among humanitarian actors in providing aid and protection for those in

¹¹⁵ Madalina, Moraru and Andrea, Mocanu. "Country Profile-Romania ." *KNOW RESET Research Report* 2013/06, 9.

¹¹⁶ The Emergency Transit Centre in Romania, „Bringing refugees to safety” http://www.mae.ro/sites/default/files/file/mae_old/poze_editare/unhcr_brosura.pdf (accessed March 1, 2014), 4.

¹¹⁷ *Ibid.*, 16.

¹¹⁸ *Ibid.*, 16.

need of it¹¹⁹ and it reflects Romania's commitment for the values and objectives of UN and the international community. He uses the term „solidarity” to emphasize that the country is fully supporting the idea of „multilateral cooperation promoted by the United Nation” in order to provide adequate protection to the refugees.¹²⁰

Romania's efforts for refugee protection are recognized by the international community. The ambassador of Canada, Philippe Beaulne emphasized the importance of the “openness and generosity” of Romania in the good collaboration in resettlement.¹²¹ Pasquale Lupoli, representing the IOM, considers the center is “a unique template and an example of the European Union solidarity”, using the word “family” to describe the community of the countries which take part in refugee resettlement.¹²²

In conclusion, even though this activity is not intra-EU relocation, the evacuation of refugees from third countries is encouraged by the EU and taking part in this kind of activities is considered by the Union as making big efforts in the field of solidarity.

H2.2.: Romania is trying to compete with other Member States, the country is willing to have better results than other countries in this field

In 2010, State Secretary for Strategic Affairs, Bogdan Aurescu held a speech in the opening ceremony of the international Working Group on Resettlement in Timisoara.¹²³ In his statements we can identify the elements of the „competing mentality” of the Romanian Government. The State Secretary starts his speech by emphasizing that Romania is the first country outside Switzerland (Geneva), where a Working Group event on resettlement has

¹¹⁹ Cynthia, Brassard-Boudreau and Hubert, Don, “Shrinking Humanitarian Space? Trends and Prospects on Security and Access.” *The Journal of Humanitarian Assistance*, 2010. http://sites.tufts.edu/jha/archives/863#_edn71 (accessed April 12, 2014).

¹²⁰ Bogdan, Aurescu, "Statement," 2010. <http://www.mae.ro/en/node/4216> (accessed April 18, 2014).

¹²¹ <http://vimeo.com/72811023> (accessed April 10, 2014).

¹²² <http://www.unhcr-centraleurope.org/en/news/2009/emergency-transit-center-etc-officially-opened-in-timisoara-romania.html> (accessed April 12, 2014).

¹²³ Bogdan, Aurescu, "Statement," 2010. <http://www.mae.ro/en/node/4216> (accessed April 18, 2014).

taken place. He considers his country is an active member of the humanitarian community, which is able to collaborate with the UNHCR and the resettlement countries.¹²⁴ At the joint press conference held in 2009 by the three parties, Toma Rus representing the Romanian Government, emphasized Romania's capability to provide this kind of protection to the persons in need, based on the country's experience in the field, starting from 1999 with the temporary resettlement of refugees from Croatia and Bosnia-Herzegovina.¹²⁵

In a documentary on the Emergency Transit Centre in Timisoara, realized by the UNHCR, State Secretary for Public Order and Safety Department Ioan Dascălu emphasized that Romania is among the first countries in the world building an emergency transit center and it can be a leader in this field in the region, "supporting the international efforts in protecting the refugees".¹²⁶ The prefect of county Timis, Eugen Dogariu also declared that the collaboration with the UNHCR is a fruitful one, the center being considered a model worldwide and the work of his colleagues at the center is highly recognized by UNHCR.¹²⁷ On the other hand, the country's good performance is confirmed by the partner organizations too. At a press conference held in 2009, Erika Feller from part of the UNHCR underlined that the center is creating a "good precedent" for the other European countries.¹²⁸

As the Romanian prefect, Ovidiu Draganescu declared in 2008, "Romania is a country where people can regain their lost liberty". The country has the ability to take an active part in the international refugee policies and it is ready to get more and more important tasks and more competences in the field. In his conception we can talk about solidarity when "a state provides the liberty for those who lost it in their home country. By his definition of solidarity he

¹²⁴ Ibid.

¹²⁵ <http://www.unhcr-centraleurope.org/en/news/2009/emergency-transit-center-etc-officially-opened-in-timisoara-romania.html> (accessed April 12, 2014).

¹²⁶ <http://vimeo.com/72811023> (accessed April 10, 2014).

¹²⁷ <http://www.tion.ro/centrul-de-tranzit-pentru-refugiati-de-la-timisoara-ar-putea-fi-mutat/1193936> (accessed April 10, 2014).

¹²⁸ <http://www.unhcr-centraleurope.org/en/news/2009/emergency-transit-center-etc-officially-opened-in-timisoara-romania.html> (accessed April 12, 2014).

emphasizes the individual role of each state in the field of asylum, this way reflecting the “competing attitude” of Romania on international level in this field.¹²⁹

State Secretary for Strategic Affairs, Bogdan Aurescu is using the term “solidarity” to emphasize Romania’s performance in the field, concentrating on inter-state competition, naming three countries (Romania, Slovakia, the Philippines) as good examples for opening emergency transit centers. In the same context, as an advice to other countries, which are behind these three for not concentrating that much on this issue, he points out that the key to success is „will and determination”, two values that characterize the country. He considers the center is a leading example for countries „around the world”, which has the power to use the experience gained in the field to convince other states to build emergency transit centers. Aurescu continues with addressing criticism to the EU, underlining that there are not so many other countries like Romania, having clear resettlement objectives and programs. He says that „the EU can and should do more”, this is why Romania, by learning from the successful examples of other EU Member States is trying to take a leading role in this field.

In conclusion, by a deeper analysis of the text we are able to identify the „competition spirit” of the national authorities. They are using the totalitarian „experience” from the recent past to prove that Romania is even more competent in the field of refugees than the other European countries (especially from the West), because it has a better understanding of the issues concerning the refugees from the totalitarian countries.¹³⁰

¹²⁹ <http://www.ziare.com/stiri/frauda/10-ambasadori-asteptati-joi-la-timisoara-685792> (accessed April 18, 2014).

¹³⁰ Bogdan, Aurescu, "Statement," 2010. <http://www.mae.ro/en/node/4216> (accessed April 18, 2014).

Question 3: What are the motivations of Romania relating to providing rights to refugees in urgent need of protection?

In its political program the National Liberal Party considers asylum policy an important area of public policy. The Government set as a goal the “extension and improvement of live conditions in the refugee centers under the control of the National Office for Refugees” and a better collaboration with NGOs in the integration of refugees.¹³¹

According to Michael Salomons, representing UNHCR in Romania, the need of building the emergency transit center can be explained by the influx of refugees coming to Europe from Libya. The objective of UNHCR and IOM together with Romania is to give the refugees temporary accommodation in the center and to provide the possibility of resettlement for them.¹³²

H3.1: Romania is committed to the refugee rights and it provides protection to refugees in urgent need of evacuation

According to Thielemann, Williams and Boswell, a country’s “willingness to receive refugees” can be considered a proof of its commitment to humanitarian norms.¹³³ In the document of the Government signed by the Prime Minister, presenting the motivations of the country for signing the tripartite agreement, it is explained the desire of the national authorities „to take an active part, as part of the international community, in sharing the responsibility with third countries, by providing help to persons in urgent need of international protection”.¹³⁴ In a declaration State Secretary for Foreign Affairs, Bogdan Aurescu interprets solidarity from the point of view of the rights and protection provided for

¹³¹ The Political Program of the National Liberal Party 2005-2008. http://www.aippimm.ro/files/otimmc_files/71/172/programul-de-guvernare-2005-2008.pdf (accessed April 25, 2014), 134.

¹³² <http://www.ziare.com/stiri/eveniment/refugiati-libieni-ar-putea-ajunge-in-romania-1081109> (accessed May 03, 2014).

¹³³ Eiko Thielemann, Richard, Williams and Christina, Boswell, „What system of burden-sharing between Member States for the reception of asylum seekers?” PE 419.620, European Parliament, Brussels, 2010, 59.

¹³⁴ Government of Romania. 2008. „Statement of Purpose” <http://www.cdep.ro/proiecte/2008/500/30/1/em531.pdf> (accessed April 18, 2014), 1.

those is need. In his conception, solidarity means “the availability of a country to accept on its territory refugees in need of international protection”.¹³⁵ When State Secretary for Strategic Affairs, Bogdan Aurescu is referring to the „generosity” of the international community towards the country in the past, in reality he is trying to describe Romania’s current and strong commitment for refugees, the country’s „support, sympathy and desire to help”.¹³⁶

In his speech held at the opening ceremony of an international workshop in Romania in the topic of refugee resettlement, State Secretary for Strategic Affairs, Bogdan Aurescu is also talking about the concept of „human security” and the importance of building Emergency Transit Centers in „areas (...) far from conflicts”. He considers that Romania has the capability to guarantee safe living conditions that is why the country’s main motivation in this project is to provide real protection to the refugees from the dangers they would face in the first country of refuge.¹³⁷ When talking about security, he is deliberately neglecting the possible security risk that hosting around 200 refugees would mean for the national authorities. As an article in a Dutch newspaper argues, „security is minimal” in the center, but the main argument against the risk of absconding is that the center is involved in resettlement programs with many Western European and American states, this way providing the hope of a safe future for many of the refugees.¹³⁸ From the point of view of the fundamental human rights Romania can be considered a safe country for the refugees. As a refugee living in the Centre declares, Romania is a safe country, where he does not have to face discrimination

¹³⁵<http://www.ziare.com/stiri/frauda/oficial-onu-centrul-de-refugiati-de-la-timisoara-va-deveni-un-model-european-686797>.

¹³⁶ Aurescu, Bogdan. "Statement," 2010 <http://www.mae.ro/en/node/4216> (accessed April 18, 2014).

¹³⁷ Aurescu, Bogdan. "Statement," 2010 <http://www.mae.ro/en/node/4216> (accessed April 18, 2014).

¹³⁸ Marloes, de Konig, "Refugees from all over the world find shelter in Romania." http://vorige.nrc.nl/%20international/article2492864.ece/%20Refugees_from_all_over_the_world_find%20shelter_in_Romania. (accessed May 4, 2014).

based on his race or religion.¹³⁹ Camelia Nitu, the Head of UNHCR in Timisoara considered the Centre “an oasis of peace”.¹⁴⁰ Reflecting to the rights provided to them here she declared that “people who had no identity and no hope (...) have found respect and safety here.”¹⁴¹

The different declarations show that the politicians are emphasizing Romania’s commitment and support for refugee protection, without mentioning what kind of rights is the country providing in practice for them.

H3.2: Romania is willing to guarantee only a minimum level of interim protection for the refugees

We have to point out that, even if the resettlement for many refugees means a chance for a new life, according to the tripartite agreement, the protection provided by Romania to persons in urgent need is a temporary one and the persons accepted in the Emergency Transit Center can only stay on the territory of the country for six months. Also, Romania requested from the partners to guarantee to take all the efforts in order to resettle the persons accepted by Romania as soon as possible.¹⁴²

The Agreement only guarantees interim shelter for the refugees in the Emergency Transit Centre. The aim of the program is not their integration in Romania. Those who are not resettled to Western countries are forced to leave the country after a determined period of time.¹⁴³

¹³⁹ <http://www.evz.ro/romania-tara-fagaduintei-pentru-zeci-de-refugiati-924943.html> (accessed May 4, 2014).

¹⁴⁰ Mihaela, Rodina, "In Romania, refugees from Libya find oasis of peace." http://www.yourmiddleeast.com/news/in-romania-refugees-from-libya-find-oasis-of-peace_1795 (accessed May 4, 2014).

¹⁴¹ Ibid.

¹⁴² Government of Romania. „Project of Law on the Ratification of the Agreement between the Government of Romania, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration Regarding Temporary Evacuation to Romania of Persons in Urgent Need of International Protection and their Onward Resettlement with UNHCR,” 2008. <http://www.cdep.ro/proiecte/2008/500/30/1/em531.pdf> (accessed April 30, 2014), 1.

¹⁴³ „Agreement between the Government of Romania, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration Regarding Temporary Evacuation to Romania of Persons in Urgent Need of International Protection and their Onward Resettlement with UNHCR”

Question 4: What are the motivations of Romania for taking part in refugee protection from the point of view of national identity construction?

As Boldizsár Nagy argued, a possible motivation for taking part in refugee protection can be related to a society's desire to define or re-define itself.¹⁴⁴ From the point of view of identity construction, by providing protection to refugees, Romania "proves to be grateful for the protection, members of his/her community received from others, earlier in the history".¹⁴⁵ As the author argues, the society feels the need of "re-payment" of the help, treating it as a "loan", taken by the predecessors.¹⁴⁶ The concept of "re-payment" appears in reports produced by the EU, emphasizing that "Europe needs to remember where it came from", underlining that in the past the continent "produced large number of refugees".¹⁴⁷

A country helping refugees is strengthening its self-identity as a rich country, having the availability and willingness to provide assistance for those who, due to their specific situation, are considered poor in this context.¹⁴⁸ On the other hand, this concept cannot be separated from the efforts of the authorities to create a good image of the country on international level.

¹⁴⁴ Boldizsár, Nagy, "Indeed why? Thoughts on the reasons and motivations for protecting refugees." In *Protecting the Rights of Others. Festskrift til Jens Vedsted-Hansen*, edited by Kristiansen, Bettina Lemann; Schaumburg-Müller, Sten; Gammeltoft-Hansen, Thomas; Elisabeth Koch, Ida, 583-607, Copenhagen: DJØF Publishing, 2013, 596.

¹⁴⁵ *Ibid.*, 596.

¹⁴⁶ *Ibid.*, 597.

¹⁴⁷ Rui Tavares, "Resettlement of refugees- A new life." Foreword, European Parliament, 2012. http://ruitavares.net/ficheiros/01_TAVARES_RESET-REFUGEEES-eBOOK_FINAL.pdf (accessed April 12, 2014).

¹⁴⁸ Boldizsár, Nagy, "Indeed why? Thoughts on the reasons and motivations for protecting refugees." In *Protecting the Rights of Others. Festskrift til Jens Vedsted-Hansen*, edited by Kristiansen, Bettina Lemann; Schaumburg-Müller, Sten; Gammeltoft-Hansen, Thomas; Elisabeth Koch, Ida, 583-607, Copenhagen: DJØF Publishing, 2013, 599.

H4.1: Romania promotes the “the more you help, the richer you are” principle

State Secretary for Global Affairs Department, Doru Costea pointed out that Romania is in a position where it has the possibility to accept the refugees in urgent need of protection in the Center in Timisoara.¹⁴⁹ We can identify the motivation of the authorities to create a positive self-image of the country, using the argument “one who helps the poor is rich”.¹⁵⁰

H4.2.: Romania promotes the “re-payment” principle

In the speech of State Secretary for Strategic Affairs Bogdan Aurescu, held at the opening ceremony of the international Working Group on Resettlement in Timisoara in 2010 we can identify the concept of „re-payment” and reciprocity.¹⁵¹ Secretary for Global Affairs Department, Doru Costea also underlines in a speech that there is a moral obligation for the country to “pay back the assistance they have been given” by the international community.¹⁵² Aurescu refers back to the communist past of the country, presenting a short history of Timisoara, which was the first city in Romania, where the revolution in 1989 has began. He uses this historical reference to point out that before the revolution many citizens of the country faced the danger of persecution on the grounds of persecution according to the Geneva Convention from 1951, especially on the ground of their „political opinion or membership of a particular social group”.¹⁵³ In the transition period after the fall of the communism, the country got a lot of help from the international community. He considers now it is the country’s „turn to give back”.¹⁵⁴ He identifies the society not with the communist party, responsible for the persecution, but with those who were fighting for liberty. This way,

¹⁴⁹ <http://vimeo.com/72811023> (accessed April 16, 2014).

¹⁵⁰ Nagy, Boldizsár, "Indeed why? Thoughts on the reasons and motivations for protecting refugees." In *Protecting the Rights of Others. Festschrift til Jens Vedsted-Hansen*, edited by Kristiansen, Bettina Lemann; Schaumburg-Müller, Sten; Gammeltoft-Hansen, Thomas; Elisabeth Koch, Ida, 583-607, Copenhagen: DJØF Publishing, 2013, 599.

¹⁵¹ Aurescu, Bogdan. "Statement," 2010. <http://www.mae.ro/en/node/4216> (accessed April 18, 2014)

¹⁵² <http://vimeo.com/72811023>. (accessed April 15, 2014).

¹⁵³ Geneva Convention from 1951 Relating to the Status of Refugees. art. 1.

¹⁵⁴ Aurescu, Bogdan, "Statement," 2010. <http://www.mae.ro/en/node/4216> (accessed April 18, 2014).

his aim is to identify today's Romanian society with the "better historic self".¹⁵⁵ Given the fact that the speech was held at an international conference, we cannot ignore the interest of the national authorities to use the opportunity to create a better image of the country in the eyes of the international community.

Question 5: What are the motivations of Romania related to the costs of the project?

H5.1: The functioning of the center does not imply high financial, legal or administrative costs for the Romanian party

From a geographical point of view, the country's position at the Eastern border of the EU and its future accession to the Schengen area determines its status as a "transit country" for many immigrants and among them asylum seekers.¹⁵⁶ Also, talking about Romania's role in the EU's asylum policy, we cannot ignore the recent statistics in the field. From the point of view of the asylum applications, the country is not among the most affected Member States in the EU. According to the statistics of EUROSTAT for the year 2013 the rate of applicants in Romania was 75 applicants per million of inhabitants, which can be considered a relatively low rate, the highest rates being between 5700 and 1900 applicants per million inhabitants and the EU28 rate being 860 applicants per million inhabitants.¹⁵⁷ This low rate of applicants can explain the country's positive attitude towards refugee recognition. From 1435 applications in 2013, 915 asylum seekers received positive decision, 385 getting refugee status, 530

¹⁵⁵ Boldizsár, Nagy, "Indeed why? Thoughts on the reasons and motivations for protecting refugees." In *Protecting the Rights of Others. Festschrift til Jens Vedsted-Hansen*, edited by Kristiansen, Bettina Lemann; Schaumburg-Müller, Sten; Gammeltoft-Hansen, Thomas; Elisabeth Koch, Ida, 583-607, Copenhagen: DJØF Publishing, 2013, 597.

¹⁵⁶ Julia, Mateucă, "Regional and International Cooperation in the asylum field", *Public Security Studies* 4 / 2012, 252-268, http://heinonline.org/HOL/Page?handle=hein.journals/pseuiesp1&div=118&g_sent=1&collection=journals#112 (accessed: 03 May 2014), 264.

¹⁵⁷ EUROSTAT. "Asylum applicants and first instance decisions on asylum applications: 2013" http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-14-003/EN/KS-QA-14-003-EN.PDF (accessed April 3, 2014).

subsidiary protection and 5 humanitarian protection. 63% of the applicants were accepted on the first instance.¹⁵⁸

During the negotiations with UNHCR and IOM, the Romanian party requested several conditions of the evacuation of persons on the territory of the state.¹⁵⁹ First of all, the Romanian Minister for Internal Affairs and Administrative Reform has exclusive competence to decide on the individual requests to enter the country¹⁶⁰ and the Romanian authorities are entitled to deal with the situations when a person represents a risk for the national security or public order.¹⁶¹ Also, Romania requested from the partners to guarantee to take all the efforts in order to resettle the persons accepted by Romania as soon as possible.¹⁶² Finally, article 6 of Law nr 291/2008 specifies that all the expenses related to the functioning of the Emergency Transit Centre are supported by the partner organizations.

It is clear from an analysis of the text and the debate that the final agreement, signed after negotiations among the three parties, is a favorable one for Romania. The country only provides administrative support for the two international organizations. The agreement does not imply high financial costs for the Romanian authorities and it also fixes the maximum number of persons that can be accepted in the center, this being 200 persons at the same time. This way the financial and material costs of solidarity are paid by the partners, Romania

¹⁵⁸ Ibid.

¹⁵⁹ Government of Romania. 2008. „Project of Law on the Ratification of the Agreement between the Government of Romania, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration Regarding Temporary Evacuation to Romania of Persons in Urgent Need of International Protection and their Onward Resettlement with UNHCR” <http://www.cdep.ro/proiecte/2008/500/30/1/em531.pdf> (accessed April 30, 2014), 1.

¹⁶⁰ Law nr. 291/2008, Published in the Official Journal of Romania nr. 777 from 20 November, 2008, art. 3(1).

¹⁶¹ Government of Romania. 2008. „Project of Law on the Ratification of the Agreement between the Government of Romania, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration Regarding Temporary Evacuation to Romania of Persons in Urgent Need of International Protection and their Onward Resettlement with UNHCR” <http://www.cdep.ro/proiecte/2008/500/30/1/em531.pdf> (accessed April 30, 2014), 1.

¹⁶² Ibid., 1.

taking a more active part in physical solidarity, which can also be related to the resettlement of refugees from third countries.¹⁶³

By examining the legislative procedure in Romania for the adoption of the Law Ratifying the Tripartite Agreement and the parliamentary debate, we can see that the convincing and only argument presented refers to the low cost of the project for the country.¹⁶⁴ At the parliamentary debate for the adoption of the Law Ratifying the Tripartite Agreement, the initiator of the law shortly presented the essence of the regulation, emphasizing that the tripartite agreement does not create extra financial obligations for the country and that the maximum number of persons that can be hosted in the center (200 persons in total) is also fixed by the agreement.¹⁶⁵

When calculating the possible benefits of the creation of the center, even though there are “administrative, financial costs and challenges of human resources”, State Secretary for Global Affairs Department, Doru Costea declares in an interview that this project is a profitable one for the country. Thanks to the financial support from the UNHCR, the costs of maintaining this center are not very high for the Romanian authorities, this is why it does not constitute an unacceptable effort and it is a valuable experience for the country.¹⁶⁶

In conclusion, by examining the legislative procedure in Romania for the adoption of the Law Ratifying the Tripartite Agreement and the parliamentary debate, it can be seen that, while in the communication towards the public the country emphasizes its achievements and important role in the creation of the center, the convincing argument in the Parliament is the low cost of the project.

¹⁶³ Urth, Helen, “Intra-European Solidarity EU Ministerial Conference on Asylum”, 13-14 September 2010, Brussels, Discussion paper, 1.

¹⁶⁴ <http://www.cdep.ro/pls/steno/steno.stenograma?ids=6533&idm=39&idl=1> (accessed April 23, 2014).

¹⁶⁵ <http://www.cdep.ro/pls/steno/steno.stenograma?ids=6533&idm=39&idl=1> (accessed April 23, 2014)

¹⁶⁶ <http://vimeo.com/72811023> (accessed April 22, 2014).

H5.2: Romania is willing to use the framework of the Emergency Transit Centre to access different funds (from the EU and other organizations)

One possible motivation for the authorities can be that the funds provided by the UN can be used for the country's basic needs which otherwise would have been paid from the national budget. This facility, which functioning is almost hundred per cent sponsored by the UNHCR, can also be used to get access to EU Funds for the asylum policy of the country. Unfortunately, in the framework of this research it was not possible to access information relating to other funds allocated to the Centre then those provided by the two partner organizations.

2.4. Practice

In order to demonstrate that Romania is committed to refugee protection and it is taking an active part in responsibility-sharing other actions and projects of the country in this field should be evaluated as well.

First of all, Romania had a resettlement program for the time period between 2008-2010, having as legal basis the Government Decision on resettlement of foreigners (1596 of 4 December 2008).¹⁶⁷ According to article 3 of the Decision, "Romania accepts for the period 2008-2010 a number of 120 refugees in urgent need of relocation, accepting 40 persons per year."¹⁶⁸ According to the same document, the costs of the resettlement are supported from the national budget completed with European Refugee Fund.¹⁶⁹ The selection of the candidates is based on the submission of documents in their first country of refuge, followed by interviews with the preselected candidates conducted by the Romanian Immigration Office, in order to determine their situation, health conditions and their potential to integrate

¹⁶⁷ Legal and administrative framework in Romania on asylum. http://www.know-reset.eu/?c=00292#a_00402 (accessed: 30 May, 2014).

¹⁶⁸ Government Decision on resettlement of foreigners (1596 of 4 December 2008). Published in the Official Journal of Romania, Part I nr. 831 from 10/12/2008.

¹⁶⁹ Government Decision on resettlement of foreigners (1596 of 4 December 2008). Published in the Official Journal of Romania, Part I nr. 831 from 10/12/2008., art. 13.

in the new country.¹⁷⁰ It has to be underlined that, compared to the commitments of the country, Romania resettled in total 38 refugees from Malaysia, the program being only implemented in the first year.¹⁷¹ In 2011, in the Statement of Reasons for the modification of the Government Decision on resettlement from 2008, the authorities explain that due to the economic and social situation of Romania after the financial crisis the country has to reduce the quota, but it is still willing to take part in the resettlement. The new resettlement quota is 20 persons per year. The importance of resettlement is also reflected in the National Strategy on Immigration for the period 2011-2014. The Government argues that from the point of view of the external policy, resettlement is a tool of responsibility-sharing, giving the opportunity to the country to become an international actor in this field.¹⁷²

On the other hand, the authorities and NGOs are making efforts to provide better assistance and living conditions for the refugees in Romania. For example, in 2010 all the centers in Romania got computers and Internet connection, also there were different contributions and donations used for improving living conditions.¹⁷³ The efforts of the country are recognized by the international community and the UNHCR only asks for a few improvements, including better training for the staff, better translation services and the need of more engagement from the part of NGO's.¹⁷⁴

The UNHCR Regional Representation for Central Europe asked the refugees resettled by Romania about their opinion on the living conditions and the integration programs provided by the country. According to the results, most of the refugees consider that the Romanian

¹⁷⁰ Ibid., art. 6 (4), art. 7.

¹⁷¹ Delphine, Perrin, „Refugee Resettlement in the EU -2011-2013” *KNOW RESET Research Report* 2013/05, 223.

¹⁷² National Strategy on Immigration for the period 2011-2014, <http://www.emplonet.ro/wp-content/uploads/2012/03/Strategie-imigratie.pdf> (accessed May 30, 2014), 2-3.

¹⁷³ United Nations High Commissioner for Refugees, Regional Representation for Central Europe, „Being a refugee- How refugees and asylum-seekers experience life in Central Europe, Participatory Assessment,” 2010, 50.

¹⁷⁴ Ibid., 51.

refugee program is not satisfactory and finding a job is very difficult, even for the young people because there is a complicated process of the qualifications recognition.¹⁷⁵

A report of UNHCR Regional Representation for Central Europe presents the results of the interviews conducted with the refugees in the Emergency Transit Centre in Timisoara.¹⁷⁶ The refugees who were asked considered that the conditions and assistance was satisfactory in the centre and they only had small suggestions relating to the hygiene items or sport activities or they asked for more pocket money.¹⁷⁷

In conclusion, the willingness of a country to take an active part in refugee protection and to show a good example of solidarity does not necessarily depend on the economic situation of the state. On the other hand, when it comes to the implementation of the different policies, the economic situation can influence the success of a program or project.

2.5. The results of the discourse analysis

First of all, related to the first question on the motivations of Romania from the point of view of the EU integration it can be argued that Romania is willing to take an active part in the EU policies, including the asylum policy, but it is also using this opportunity to increase its prestige as a new Member State.

The second question is directly related to the country's willingness to take part in responsibility-sharing in the field of asylum in the framework of this project. The two hypothesis complete each other and together give an explanation for Romania's active role. The country is using the framework of this international collaboration, based on solidarity, to show a good example in the EU, being better in the field than the other countries. The second hypothesis relating this competitive attitude is related to the countries efforts to have a better

¹⁷⁵ Ibid., 50.

¹⁷⁶ Ibid., 49.

¹⁷⁷ Ibid. According to the same report, in Romania the daily allowance for refugees is not more than 85 cents per day.

image in the EU and on international level. The concept of solidarity is interpreted as a call for competition by the Romanian authorities, using their achievements in this field to improve the prestige of the country in front of the global community, and especially the EU and its Member States.

Answering question number three related to the right of refugees in urgent need of protection, it has to be underlined that even though the politicians are emphasizing the country's commitment for the rights of refugees, in this Centre the Romanian authorities only provide temporary shelter to those in need.

According to question number four a possible motivation for taking part in refugee protection is related to the national identity construction. Also, it has to be emphasized that this can only be a secondary motive and it cannot be separated from the efforts of the authorities to create a positive image of the country.

Relating to question number five on the costs of the functioning of the Emergency Transit Centre, it is clear that there is a contrast between the debates related to the adoption of the Law on the Ratification of the Tripartite Agreement and the public discourse. Different motivations are presented during the parliamentary debate on the Law on the Ratification of the Agreement and in the statements of the Romanian authorities towards the public. The decisive argument for the adoption of this law in the parliamentary debate is related to the low costs, the functioning of the Centre being funded by the international organizations. According to the Agreement UNHCR "shall cover all expenses related to the presence on the Romanian territory, respectively in the ETC, of persons subject to the present Agreement".¹⁷⁸ Also, the costs related to the "international transport to Romania of persons subject to the present Agreement" and "the transportation of persons subject to the present Agreement from

¹⁷⁸ Agreement between the Government of Romania, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration Regarding Temporary Evacuation to Romania of Persons in Urgent Need of International Protection and their Onward Resettlement with UNHCR, art. 4(1) c.

the ETC in Romania to the countries of resettlement” is organized and funded by the International Organization for Refugees.¹⁷⁹

On the other hand, there is a contrast between the parliamentary debate and the communication towards the public, especially the international media. The authorities are presenting the creation of this center as a big achievement of the Romanian Government, which made significant efforts for this project. They do not mention in their discourse that the expenses are covered by the international organizations and they tend to forget to mention the help provided by the NGO’s as well. In their declarations the Romanian politicians are trying to build the image of a country which can be trusted by the European community being a model in a field which constitutes a priority for the EU.¹⁸⁰ They also emphasize Romania’s ability to cooperate with the international community, the creation of the center being only the beginning of a fruitful collaboration.

The public opinion in Romania is positive towards refugees and asylum policy. According to a study of Foundation Soros- Romania and the Romanian Association for the Promotion of Health from 2011, 39% of the Romanian population declared they are supporting the protection of refugees, or at least they are neutral in this question.¹⁸¹ By analyzing the speeches, many of them published in the Romanian online portals, it is clear that the media does not have a hostile attitude towards the refugees.

We can observe in the literature that the latest trend refers to relocation and resettlement, somehow neglecting the possibility of more integration programs in the countries which are the most affected or which take an active part in this field on a voluntary basis. This way the refugees could be integrated in the societies in those countries and they would not have as

¹⁷⁹ *Ibid.*, art. 5(1) e.

¹⁸⁰ <http://old.mae.ro/node/23377> (accessed March 14, 2014).

¹⁸¹ Moraru, Madalina, and Andrea Mocanu. "Country Profile-Romania ." *KNOW RESET Research Report* 2013/06, 9.

primary goal to move to Western or Northern countries in the EU. Similarly to the regional development programs, the integration programs for recognized refugees would lead to creating good living conditions in the first country of asylum in the EU. This way the number of migrants in the EU countries would be more equilibrated. For this there is a need for counseling services, languages courses and jobs to motivate more refugees to stay in Eastern and Central Europe. This would make possible for the Central and Eastern European societies, which many times can be characterized by hostile attitude towards aliens, to have direct contacts with other cultures and to become more empathetic and open-minded.

Conclusions

Jacques Delors stated that "Solidarity mechanisms are not based on pure generosity but on enlightened self-interests."¹⁸² Using his words as a starting point, it can be argued that the concept of solidarity is very complex and it cannot be separated from the individual interests of the Member States. When deciding whether to take part in an action in the field of asylum, the countries analyze the potential gains and profit from different perspectives. Even though the essence of solidarity is the cooperation and collaboration among the Member States, the concept cannot be separated from competition between the states and the intentions of the new Members to use humanitarian actions for improving their prestige on global and European level.

By analyzing the concept of solidarity in the asylum policy and by presenting the case study about the Romanian Emergency Transit Centre, the thesis contributes to a better

¹⁸² Raspotnik, Andreas, Marine Jacob, and Laura Ventura. "Discussion Paper the Issue of Solidarity in the European Union." <http://www.tepsa.eu/download/TEPSA%20Discussion%20Paper%20The%20issue%20of%20solidarity%20in%20the%20European%20Union.pdf> (accessed April 16, 2014), 1.

understanding of the system of motivations which determine the Member States to take an active part in this field.

As the results of the analysis of the discourse of the Romanian authorities show, inter-state competition in the EU is an important motivation for the country to take an active part in the asylum policy. This competitive attitude does not necessarily have to be interpreted as a negative behavior, as long as it is not only a set of promises and declarations, but the practice also reflects the commitment of the country. The EU should take into consideration that many countries are trying to create a better image and to change the negative perception about them on the level of the community or in particular in different Member States. This is why the competitive attitude should be used by the EU to motivate especially the new Member States and those which are situated at the external borders, giving them bigger tasks and more financial support.

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