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ILLEGAL MIGRATION, THE CURRENT ISSUE OF THE SECURITY OF NATIONS

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Abstract: Given the current international context, the security of the state cannot be realized independently, but only by developing and enhancing international cooperation. Furthermore, being a member of an international security organization comes with certain risks, considering the current escalation of international tensions and threats. Because of the complexity of the different activity fields, organized crime represents a transnational risk, which must be fought against by all of the states, given the social impact of it. Illegal migration, studied as a component of organized crime, creates a series of social and cultural issues, starting from the entities that support it during the migration process, up to the integration of the migrants in the hosting society. The individuals' behavior is unpredictable because it is mainly the result of the cultural and religious aspects of their homeland, which are significantly different from the ones of the hosting state. The religious tolerance and the solution to social integration problems can be achieved by intercultural communication. The integration of the migrants brings the hosting state the responsibility of providing a set of rights and obligations, in order to allow the migrants to be engaged in the social, economic and cultural life of the hosting community.

Keywords: illegal migration; organized crime; security; culture; integration

1. INTRODUCTION

The European security background evolved during the last years and, despite the different types of threats and challenges towards its stability, the variation course is a positive one. (Iliescu, 2003:22). The emphasized economic development differences, in behalf of unprecedented technological progress and discriminatory access to vital life resources, health defense. education. information and knowledge, causes deep social crises, stirs discontent and raises frustration. Most of the times, the new circumstances of economic globalization and the deep social crises were followed by identity crises that led to unexpected violence acts. Given this situation, it became obvious the fact that the security objectives and interests of the most of the states can be reached only by an efficient international cooperation system, that can act not only in narrow situations, but also in different contexts that consist of financial, social and economic problems of the contemporary world. This type of renewed solidarity of world countries can be expressed in multiple domains by the preoccupation of different conjugated forms of action by all the states that share the same social

values and interests. The plain disjunction of the international background evolutions with the ones of the internal environment is getting harder and harder to accomplish, considering the conjugated actions context and conflict processes crossings that are able to generate facile conditions for the unpredictable or predictable occurrence of new types of risks towards states security (Bălăceanu & Moșoiu, 2018:10).

The security objectives and interests of the European nations are not the source of generating major conflict situations, contemporary security background being positively influenced by the Euro-Atlantic and European integration activities, by the spreading of country's communities that promote and share market economics and democratic values and by the development of zonal collaboration. The facilities of integration in the European Union show effects among the whole national territory, boost the economic development, enhance and consolidate democracy, intensify the communication and tolerance, consolidate the expression of fundamental rights, ensures the minorities protection and their cultural and ethnic identity, stimulate the act of solving the communitarian problems by collective actions and communication, etc.

At this moment, considering the constant affirmation of democratic, state of law and citizens' rights principles, a real increase of population's trust in democratic states institutions has been ensured. Romania, 12 years after its adherence in European Union, takes on the rotary presidency of the European Union Council in the first semester of 2019. This event is highly important considering the fact that the European Union Council, in codecision with the European Parliament, passes bills the negotiates European legislation. and representing the governments of the member states. By continuous communication with European Parliament and European Commission, European Council coordinates the politics of the member states, develops EFSP, seals international deals and sets the European Union budget.



Fig.1 The logo of Romania's Presidency of the Council of the European Union

Even if we witness political disputes in the internal politics environment during this election year, Romania must show maturity and rise to the expectations and to the level of trust that has been put in the European political background. This aspect demonstrates the level of consolidation of the national democracy in a rather complex regional context.

The Romanian system, which is based on pluralism and political stability, ethnic diversity, ideological, political and cultural differences, respecting the human rights and citizens' freedoms, the alternatively governing experience of the political/ democratic regimes, currently represents a model for the European democratic society. Concurrently, these important democratic resources are actively involved in solving the problems regarding the risk factors and the unconventional threats of the territorial security environment. (Bălăceanu & Moșoiu, 2018).

2. NEGATIVE EFFECTS OF THE ACCENTUATION OF THE GLOBALIZATION PROCESS AND THE GROWTH OF THE STATES INTERDEPENDENCY

Nowadays, the states and the societies are facing a globalization of risks phenomenon. The main risks regarding the state security and democratic states communities find their origin within three factors: terrorism, mass destruction weapons proliferation, undemocratic or unstable regimes. The risk factors shows elements, conditions, internal or external situations that are able, considering their nature, to damage the country's security and stability by generating contrary effects or interfering with the fundamental national interests¹.

The consequences of globalization are, among others, two simultaneous aspects: the first one is the dissipation of the limits regarding the concepts of regional, national and international, the world being very close to becoming one single state; the second one is crossing the political, economic and social issues up to the point where they are impossible to be separeted. Following this trend, the globalization also developed in the criminal domain. (Miclea 2004)

Romania is, among other states, member of NATO, integrant party of Euro-atlantic security sphere. Furthermore, the risks, vulnerabilities and dangers that the Euro-atlantic security sphere is exposed to and that are being identified by the democratic states communities are also the risks, vulnerabilities and dangers that the Romania's territory and its citizens have to face.

The characteristics of European Union adherence road, the geostrategic position and the experience gained by multiple states among which is Romania, whose territory is trafficked with many Euro-asian commercial routes, classic smuggling lines and illegal traffic, determines considering certain risk factors, such as: transnational and regional risks.

The transnational risks go past the states' borders, demanding collective countermeasures effort. The up-mentioned risks can be generated by separatists and extremist organizations, ethnic disputes and religious rivalries, and also by the violation of the human rights by certain politic regimes. The transnational organized crime, that can also be present in trans-regional forms, represents a risk factor towards every state's security because of the activity domains complexity (illegal drugs, weapons and strategic materials traffic, human trafficking, *illegal migration*, money laundry, etc.) and because of the social impact that is capable of.

Alongside the transnational risks, the regional risks can develop and embrace different forms. Some of them have been identified in literature of

¹ According to Presidential Administration. (2015). Strategia națională de apărare a țării pentru perioada 2015-2019. *O Românie puternică în Europa și în lume*, chapter 3 – Threats, risks and vulnerabilities.

specialty, such as: imbalances regarding the military potentials of the geostrategic interest area of the state; the presence of military conflicts and tensions which can develop in the nearby territory; the prolongation of economic and social difficulties that can alter the military potential and undermine the governing institutions' authority of the country; the possibility of encountering several malfunctions in financial, energetic, informatics, communications and telecommunications systems of the country; the political military rivalries between the countries; the degradation of the surrounding environment by carrying out different activities with a negative ecological impact. (Bălăceanu & Moşoiu, 2018:23).

Other risks that can provide effects regarding societies, men and European Union states are: asymmetric non-classical risks (unarmed and armed actions, done on purpose, with the aim of damaging the stability and the security of the nation, by causing direct or indirect consequences towards the economic and social activities); economics related (the control of the market, disloyal risks competition, corruption, bribery); ecology related risks² (depositing unsealed barrels that contain radioactive substances, the leaking of industrial residues nearby cities, export network organization of toxic substances); risks regarding faulty functioning of the banking financial system (money laundry, turning the illegally gained goods into apparently legal profits).

Risks with regard to the society generate as many threats as vulnerabilities. Organized crime is, by the opinion of some authors, a residual phenomenon of globalization that manifests in this way the negative effects it generates within states. According to other authors, cross-border organized crime is based on the inefficiency of governments to act with legal leverage against its manifestations, generating vulnerabilities that induce instability in the proper functioning of institutions and guarantee the security of those states.

Organized crime and human trafficking are becoming more and more complex and difficult to detect and control. Organized crime networks benefit from global communications and transport networks as well as global banking systems to mask operations. The way in which cross-border criminal networks are organized on a cross-border basis has enabled the criminal power centers to hold data and information in a timely manner, efficiently plan their operations, anticipate responses to the protection systems and police actions, national governments, as well as international organizations. The crossing of borders between states, a rather difficult issue in the past decades, has become quite insignificant in the new context of European integration. The European continent has gone beyond the militarized border of internal borders and the securing of external borders will be based on the principles of good neighborly relations, partnership and trust. Under these circumstances, stopping traffickers to the limit of European borders will become a particularly difficult problem. (Bălăceanu & Mosoiu, 2018).

The securing of borders has become one of the most pressing problems of Romania as the phenomenon of globalization implies an expansion of the boundaries between the states of the world with the related risks and consequences. (Moşoiu & Din, 2012). Given the causes, forms and the way of manifestation, the phenomenon of organized crime can be defined as the totality of offenses planned, executed and coordinated in a unitary system by a group of people reunified on the basis of common concerns on the territory of a group of states more or less corrupt, over a period of time, in order to obtain illicit revenue.

The main components of organized cross-border *crime are the following*³: illegal trafficking and drug use; qualified smuggling; the legal regime of raw materials used in the manufacture of drugs; human trafficking and illegal migration; illicit electronic commerce; counterfeiting of values or currencies; money laundering; cybercrime; traffic with cars that had been stolen before; nuclear material trafficking, weapons, explosives, ammunition, toxic waste, and radioactive substances. Under the current conditions of increased convergence of national interests with those accepted and promoted by Western democracies, opportunities are created for the development and enhancement of international cooperation in order to strengthen security both at the global level and especially at the regional and sub-regional level. All society must adapt to the new conditions. (Gherman et al., 2016).

In conclusion, organized crime, according to the specific objectives, can have an unpredictable evolution that, through dynamics, scale and consequences, exceeds the odds of a serious crime, becoming an asymmetric threat with potential for generating tensions or social crises which,

² According to the Romanian parliament's Bill no. 6/1991, pentru aderarea României la Convenția de la Basel privind controlul transportului peste frontiere al deșeurilor periculoase și al eliminării acestora.

³ According to the Romanian parliament's Bill no.39/ 2003, *privind prevenirea și combaterea criminalității organizate*, art. 2

amplified and diversified, can create vulnerabilities in the national security environment.

Asymmetric threats of organized crime are no longer confined by national borders, they are increasingly cross-border, crisis-generating and conflicting in different environments and their settlement is based on the concerted action of states. The diminishing of the negative influences of this asymmetric risk that induces multiple vulnerabilities to state security can only be achieved through multidimensional and multinational actions based on the defense of democratic values and fundamental human rights.

Illegal migration as part of organized crime generates a series of problems for migrants and target states with an effect on the culture of people and states involved, while at the same time becoming a source of illegal income for human traffickers.

3. THE CULTURAL DIMENSION OF THE ILLEGAL MIGRATION

The phenomenon of migration can only be fully understood if the concept itself gets a logical dimension based on real facts and realities whose proofs become palpable and understandable if they are properly explained and sequentially. The question which is rightfully asked is: Does the migration, as a continuous and sequent aspect, consist of a repeating sequentially aspect or how does it behave? It is a sure thing that the migration did, still does and will be strongly expressed, considering the fact that the evolution of human societies is based on mobility.

Men had been migrating from the oldest periods of time in search for food for themselves or their animals, better jobs and a better lifestyle. The migration is indispensably tied with human existence (IOM, 2018). Wars, natural or human calamities, and existence needs determined and will determine further on the movement of population from one place to another, either on regional small surfaces, great distances between countries or from one continent to another, from east to west and also from south to north. (Bălăceanu, Moșoiu, 2018:94)

The main aspects that determine the population to migrate from one place to another depend on time, countries and regions and can be: demographic, economic, political, socio-cultural, religious and *natural* (*climatic reasons*). The causes, however, generate the different types of migration.

Migration is a complex process and, depending on the territorial area which is in question, there can be two types of migration: internal migration and external or international migration. The national security attention tends more towards international migration (Dascălu, 2018:14). Migration can be legal and illegal, as well. The terms that can be used to explain the phenomenom of migration are immigration and emigration, the first one referring to the persons who enter a state or a territorial area and the second one referring to the persons who leave the up-mentioned structures. (National Geographic society).

The illegal arrival of refugees in Europe is not a occurrence. European Union was not new sufficiently prepared for the refuges mass migration that took place in 2015 and in the following years. Given the current context of refuges crisis, the most of the migrants come from the Middle East and the northern part of Africa. The increase can be considered to be a result of a sum of "push and pull" factors that stacked up during the last years, examples of factors that determined the people to leave their home country are the development of the riots, protests, bloodied conflicts known as Arab Spring, that took place at the end of 2010 and continued in the following years, the Siria, Iraq and Afghanistan wars, poverty and famine. The reasons because of which the immigrants chose Europe are the peace, the prosperity, better job conditions and the education. The main migratory routes to Europe that have been identified on the migration map by the Border Police and Coast Guard European Agency are (Frontex, 2019): the West Africa route, the West Mediterranean Sea route, the Middle Mediterranean Sea route, the east Mediterranean sea route, the Western Balkans route, the Eastern Europe borders route, the circular route from Albania to Greece. The details regarding the routes that have been followed by the migrants flow in Europe, the number of arrivals, the actions and the infrastructure of the organized crime network involved in illegal migration, as well as the accessed founds, are being highlighted in the Europol-Interpol reports (Europol, 2016).

The perception regarding migration is generally associated firstly with a negative fact, but, facing such a millennial phenomenon, the society raises *a series of justified questions* such as: what contribution can the immigration bring to the host society, can it influence in any way the host society, does it represent a threat to national and social security of any state, is the behavior of the migrants influenced by the cultural differences that are particular to their original background, does the mass emigration of our own citizens affect the social, economic and even cultural life, what would be the advantages and disadvantages of the both events that happen intensely nowadays? Many more millions of people that are caught in *the migration flow* used illegal sea navigating means, traveling from Turkey to Greece, from the northern part of Africa to Italy or Spain, being helped by the members of organized crime groups. It is estimated that, since 2015, thousands of people lost their lives in the effort of reaching Europe.

The Western world has responded to the phenomenon of migration and a series of restrictions have been set over time at the borders of the EU Member States, which made it difficult for migrants to reach their destination. In this context, migrants have used various methods and travel routes both on sea and on land, sometimes putting their lives at risk. Forced by circumstances, most of the time, refugees have accepted to be led and accompanied by various guides, members of organized crime exploiting their situation, providing them with inappropriate means to cross the water or to be transported on the road. Risks are enormous for people who want to reach Europe due to the inaccessibility of safe routes and routes used by citizens with legal documents. (Europol, 2016).

Statistically speaking, the most dangerous things that can happen and which have generated the most deaths are drowning and asphyxia due to the transport of people under inhumane, overpopulated conditions. Many boats have sunk in the Mediterranean Sea or the Aegean Sea, but there were also many cases of asphyxiators in cargo cars carrying airless people. At the same time, refugees risk being held prisoners, abducted or even killed due to additional charges imposed by traffickers and which ordinary people are unable to pay or because of illegal crossings across borders. Between them there are multiple sexual and physical abuses, even tortures, amplified phenomena and guides at various points along the travels.

Once they arrive in the destination countries, administrative, logistical, spiritual, cultural issues also arise for all states that have received migrants. In Europe, the refugee crisis seems to be more a matter of culture and attitude than a problem of overcrowding. Cultural conflicts are more difficult to address, especially since immigrants leave the asylum districts. Some European governments that have received migrants have not taken cultural differences seriously on issues such as minority rights, women's rights, family honor, and individual freedoms among asylum seekers, especially from the Middle East and Africa, have omitted the issue of the religion of migrants who, many situations are not Christians and try to impose the places where the religion and customs of the country of origin come.

The conditions in some refugee camps and *Hotspots* are extremely difficult. Refugee accommodation centers are often located in remote or isolated localities, migrants are confronted with space and insufficient food problems, expired food, lack of privacy or family, lack of space and equipment necessary for children's recreation. In some accommodation establishments, refugees are not allowed to prepare their own meals or there are no spaces where they can cook (UNHCR, 2018).

On the other hand, more and more analyzes confirm that refugees do not adapt to the European environment of living and security, and that more and more crimes are caused by them. As a measure, the political class approved harsher sanctions for convicted crimes and more restrictive asylum laws (UNHCR-Europe, 2019).

The security/safety of European people and societies is being raised more and more frequently. In host countries, especially in Germany, many citizens are concerned about how the presence of refugees will affect the local community, thus promoting racial prejudices among some segments of the population. Many specialists believe that with the intensification of migratory flows, the number of people who can participate in terrorist acts in Europe has increased. Increasing the likelihood of terrorist attacks, crime rates, increasing competition on the labor market and possible changes in their lifestyle create a negative attitude towards refugees from citizens. Many people surveyed in the locations where migrant camps are organized fear the attitudes and behavior of immigrants (UNHCR-Europe, 2019). But, on the other hand, some malicious locals benefit from the presence of refugees, forcing them to commit robbery, distribute drugs, including forcing some women to prostitute.

Contrary to what has been said, other people offer volunteers and help refugees find a home and transition to the society that adopted them (German, French, Italian, etc.). They collect donations, offer language lessons, and accompany them to local governments. Some have sponsored directly the refugees or received them in their homes. The main integration efforts are directed towards the labor force and higher education. Integration efforts have had a positive economic impact in the short term. Integrating immigrant populations into the EU is generally problematic due to language barriers, hostility to host societies and other factors. Immigrants are less successful in school compared to target country students, resulting in a low hiring rate, and when they find a job they will earn much less. (Dascălu, 2018).

4. EUROPEAN INTEGRATED ACTIONS FOR THE LEGAL SOLVING OF THE PROBLEMS THAT ARE CREATED BY THE PHENOMEN OF ILLEGAL MIGRATION

The problems are complex and concern both the newcomers and the citizens of the target countries. It can be said that we face progressive western culture and conservative oriental or North African culture. The EU needs to deepen the integration of the Member States and one way is to maintain the values of the millennial and majority Christian culture, specific to Orthodox, Catholics or Protestants. This must not exclude acceptance of minority religions on the continent.

Religious values have coincided with and coincide with the fundamental cultural values of a community or another, which contributes decisively to preserving the identity of the respective community. Sometimes religious values have been transformed into defense weapons against external or internal aggression, and are even explicitly embedded in specific defensive strategies. This situation has radically shifted the ideological element and altered the socio-political environment. Instead, intercultural dialogue favors the phenomenon of religious tolerance and solving social integration problems.

Integration of immigrants involves the responsibility of the host state to provide a legal framework of obligations and rights for immigrants to actively participate in social, economic, civil and cultural life. Social policies on integration must be tailored to the specifics of the population concerned, local and national conditions, and be viewed from a global point of view, analyzing not only the social and economic aspects of integration, but also those on religious diversity, cultural, political rights and citizenship.

EU measures to prevent illegal migration and cross-border crime must take into account the improvement of asylum and migration policies, the integrated management of the external border security, continuing within the Community space by improving intelligence-driven search, control and surveillance, and in accordance with national law where possible on the basis of police cooperation agreements. (Moşoiu & Din, 2012).

The European Commission, *through the new European Migration Agenda* adopted in 2015, proposes immediate measures to address the challenges of migration. The agenda recommends the following four issues: reducing the causes of illegal migration; saving lives and securing external borders by better managing them and improving border procedures; rethinking and properly applying the European migration and asylum policy, stepping up efforts to eliminate abuses and identifying potential people questioned by the law; addressing a new legal migration policy, taking into account the demographic challenges that the EU countries will face.

Based on the lessons learned, on June 28, 2018 at *the European Council meeting*, *EU leaders* came to an agreement on migration in Europe following intense negotiations through consensus. The *establishment of regional landing platforms* and *the transfer of migrants to controlled centers established in the Member States* are the newest negotiated things that come to resolve the bottlenecks existing in the first-line Member States of migration and to strengthen cooperation in the EU.

In this context, *the European Commission* is promoting the idea of stepping up refugee redeployment efforts by correctly applying the *distribution key* and saying that social policies on migrant integration should be based on the following: respect for the core values on which a democratic society is based; immigrants have the right to retain their own identity; immigrants have adequate rights and obligations, as well as the rights and obligations of EU citizens; as well as EU citizens, immigrants to participate actively in all aspects of the life of European society (cultural, social, political, economic, civil).

The motto of unity in diversity must be well understood and applied within the framework of the European Union project, within the existing cultural diversity, especially in the context of the days we live in.

5. CONCLUSIONS

Considering the globalization context, the main global security threats are still the transnational risks: global terrorism, drug traffic and organized crime. Their present forms are radically influenced by the globalization characteristics: opening and fluidization of the borders, the free trafficking of merchandise and services, communication networks. Europe is in the middle of a legislative and social transformation process due to the great number of migrants that keep on arriving and the problems caused by them. The intercultural communication is still the foundation of solving the most of the problems regarding the refuges integration in the hosting nation societies.

The international community finds itself only at the beginning of understanding the social effects of the migration in the hosting country. Nowadays, international assistance that is capable to solve the problems and the causes of migration is required. (The European Institute of Romania, 2004). The uncontrolled migration flow among the currently developing and already developed countries can hamper the success of local and national development politics.

The immigrant's attitude will determine his condition in the hosting nation and, furthermore, the impact of the social structure of the state. It is well known the fact that, during some situations, the migrants continue to keep their moral values, traditions and the lifestyle that they embraced in their home country (Bălăceanu& Moșoiu, 2018).

Because of the economic offer that Romania currently provides, it is still not a target country for the migration flow, but, for the most part of it, a transit or waiting territory regarding the route to European western and northern countries.

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