

# CONFLICTS AND MIGRATIONS

## A Case Study on Albania

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### **1. Introduction: conflicts and migrations**

1.1. In the era of instability that has followed 1989, the causal interplay existing between two of its most evident features - conflicts and migrations (both internal and international) - has undoubtedly become stronger.

The study of such interplay appears to be necessary in order to develop coherent and effective *stabilization policies*, which can only be the result of a closer coordination between migration policies and conflict prevention actions. These two policy areas can not be kept separated any more, particularly in regions with both a high migration potential *and* a high conflict potential such as the Mediterranean basin. The more so since scholarly analyses on the relationships between conflicts and migrations are still few and inadequate, particularly in Europe.

1.2. The potential connections between conflict situations and migratory phenomena are complex and by no means univocal. In order to outline a tentative typology, four types of causal relationship can be identified:

A) *forced mass migration can be a consequence of conflict*. Migrations caused by conflicts have marked in a dramatic way the history of contemporary Europe. This applies even more to post-Cold War conflicts, often characterized by low military intensity and high risks for civilians;

B) *forced mass migration as a goal of conflict*. This has become dramatically evident in the increasing number of contemporary conflicts where the 'ethnic pretext' is used both as a trigger of violence and as a legitimizing factor for political *élites* lacking democratic support;

C) *mass migration as a worsening factor or as an ordinary cause of conflict*. mass migration, whatever its causes, can be a destabilizing factor for both the sending and the receiving society. The actual destabilizing potential of mass migration depends on several variables, such as its dimension, composition, rapidity and degree of predictability.

D) *mass migration as an appeasing factor and a means of conflict solution*. Finally, migration can also be 'the solution' or at least part of it. In a tense or unstable context, in fact, migration can play a stabilizing role in various ways: firstly, it can contribute to ease up social and political tensions in periods of economic crisis; secondly, though, migration can help preventing armed conflicts: this is the case - or at least the hope - whenever a 'peace plan' implies transfers of people as an instrument of peace-keeping. It is a pragmatic, but highly controversial model of intervention, that threatens eventually to legitimize the situation under B).

### **2. The Albanian transition and migration**

2.1. Inside the Mediterranean migratory basin - which has correctly been defined "one of the two most volatile fault lines for major migration in the world"<sup>1</sup> - post-communist Albania has an

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<sup>1</sup>M.S.Teitelbaum - M.Weiner (eds.), *Threatened Peoples, Threatened Borders. World Migration and U.S. Policy*, W.W. Norton and Company, New York - London, 1995, quoted in N.Safir, *La dynamique migratoire au Maghreb*, paper

important position. On the one hand, the small Balkan country appears as one of the Third Mediterranean Countries (TMCs) with the highest actual migratory rate<sup>2</sup>, but also with the highest migration propensity<sup>3</sup>. On the other hand, Albania has emerged - since 1991 - as one of the crucial 'transit countries' for non-authorized migration from non-EU countries to the EU.

The centrality of the migratory phenomenon in recent Albanian history and the (relative) centrality of Albania on the map of trans-Mediterranean migrations cannot be explained without considering the peculiar course of the Albanian transition, its highly dramatic and conflictual nature. Internal conflicts and instability are fundamental variables for a better understanding of the uneven pattern of migration *from* and *through* Albania. For these reasons, the small Balkan republic is an excellent test-case for analysing the interplay between conflict situations and mass migrations in the post-bipolar globalized context.

The starting point for the analysis will necessarily be a sketchy reconstruction of the history of migration from Albania since the onset of the transition. *Four main stages* can be singled out:

- I. 1990: the stage of protest-migration;
- II. 1991-1992: the stage of uncontrolled migration;
- III. 1993-1996: the stage of 'sensible' migration;
- IV. 1997: the stage of flight-migration.

2.2. *Protest-migration*. Under the communist regime, in Albania as in many other countries of the Eastern bloc, expatriation was considered as a criminal offence. In the case of Albania, though, such a restriction had a much harder impact on the actual life of people, due to the small dimensions of the country and, above all, to its extreme international isolation<sup>4</sup>. It is therefore not surprising that one of the very first episodes of rebellion against the regime chose the restrictive legislation on expatriation as a specific target. In July 1990, about 5,000 demonstrators - qualified as "hooligans" by the authorities - sought refuge in some Western embassies in Tirana demanding valid passports and the authorization to expatriate. The crisis did not last long: after a few days, the Albanian authorities yielded and allowed the first Albanian migrants of the recent era to reach the European countries of destination (Italy, Germany, Czechoslovakia, etc.), where they were granted political asylum.

2.3. *Uncontrolled migration*. At the end of 1990, when the political transition and the democratization process started officially, the migratory flow reached great intensity in a relatively short period. According to the most careful estimates, during the initial three years of the transition (1990-1993), more than 300,000<sup>5</sup> Albanians left the country<sup>6</sup>.

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presented at the Conférence méditerranéenne sur la population, les migrations et le développement, Palma de Mallorca, 15-17 October 1996, Council of Europe, Strasbourg, 1996, p.3.

<sup>2</sup>At the end of 1996, according to UNDP estimates, 350,000 Albanians were steadily resident abroad: it is roughly equivalent to 10% of the total population.

<sup>3</sup>Migration Information Programme, *Profiles and Motives of Potential Migrants from Albania*, OIM, giugno 1995.

<sup>4</sup>Besides, in the Albanian case, the impact of the 'sealed borders policy' was hardened by equally rigid restrictions on internal migrations. By maintaining an artificially high share of the population in rural areas (64% in 1990, the highest share among all Southern, Central and Eastern European countries), the communist authorities hoped to make social and political control easier and to increase productivity in the agricultural sector. The calculation was short-sighted, as it was shown in a dramatic way by the collapse of rural economy and the massive wave of migration towards urban areas during the 1991 crisis.

<sup>5</sup>Estimate by H. Van der Pol for UNHCR, quoted in: UNDP, *Human Development Report - Albania 1995*, p.6.

<sup>6</sup>But the propensity to emigrate was much higher: a survey made in 1992 by the *International Organization for Migration* (IOM) on a sample of approx. 1,000 individuals shows impressive results. To the question if they would spend "a few months" working abroad, 77% of the total answer in the affirmative; the share becomes 71% when the question refers to "a few years"; only when the question concerns the likelihood of spending "the rest of your life" abroad does the share drop to 21% (Migration Information Programme, *Profiles and Motives of Potential Migrants from Albania*, OIM, June 1995, see charts at pages 19-20).

Since the first phase, Italy and Greece stand out as privileged destinations, but the areas of origin for emigration to either countries are different: whereas emigration towards Italy stems mostly from the central region of the country, emigration towards Greece has its main source in the Southern border region, inhabited by a significant minority of Orthodox ethnic Greeks<sup>7</sup>. Unlike the central part of the country and the South, in this first stage, “the north and north east of Albania is not as much affected by emigration”<sup>8</sup>. This is set to change in the following years: as a matter of fact, in a recent study on poverty in Albanian society, it is stated that “all administrative districts have lost people due to emigration, but the largest losses have been in the South (in the areas close to the Greek border) *and the North-East*”<sup>9</sup>. Whatever its geographical origin and its eventual destination, Albanian emigration in this initial stage has a strongly *uncontrolled character*, which generates tensions both with Italy<sup>10</sup> and with Greece<sup>11</sup>.

2.4. *‘Sensible’ migration*. The period of uneven economic growth between 1993 and 1995 had different repercussions on internal and external migration flows. *Internal migration* was stimulated, and reached peaks of intensity from the mountainous provinces of the north-east to towns like Dürres, Tiranë, Shkodër (but also Elbasan, Pogradec, Krujë)<sup>12</sup>. On the other hand, *external migration*, in the same period, was reduced and ‘rationalized’. Let us examine these *two trends (reduction and ‘rationalization’)* separately.

At the end of 1996, according to UNDP estimates, the Albanians citizens steadily residing abroad were about 350,000<sup>13</sup>. With reference to the end of 1993, the rise is modest (around 50,000 units). Two main causes can be pointed out for this reduction: on the one hand, there certainly is a *weakening of the “pull factors”*, brought about by the strengthening of border controls by some of the most important countries of destination; on the other hand, though, there is evidence of a *an alleviation of the migratory pressure*<sup>14</sup>. This partial stabilization is without any doubt to be connected with the internal economic growth in the same period and with the ‘restraining function’

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<sup>7</sup>The Albanian census of 1989 estimated this minority at 58,758 individuals; the estimates by the Greek government are much higher and speak about at least 300,000 persons. This figure must not be confused with the wider Orthodox minority in Albania, whose last evaluation, before the start of the communist regime, was of about 20% of the overall Albanian population. If the ratio had remained the same, which is unlikely after forty-five years of antireligious policy, the Albanian Orthodox minority would now count about 600,000 individuals.

<sup>8</sup>UNDP, *Human Development Report - Albania 1995*, p.7.

<sup>9</sup>World Bank, *Albania. Growing out of Poverty*, September 1997, p.3.

<sup>10</sup>In the first half of 1991, two successive waves of forced migrants, packed in obsolete ships, reached the coast of Apulia from Dürres harbour. The first wave (March), formed by approx. 23,000 persons was accepted; the forced migrants, though, were not granted refugee status, on the contrary they were given extraordinary stay permits as “workers”. The second wave (August), made up by some 20,000 people, was treated in the opposite way and repatriated without exceptions, partly by means of economic incentives, partly with coercive means. This reaction, officially justified with the improving of the internal situation since March, was sharply criticised as a violation of the international law prohibition of mass expulsions.

<sup>11</sup>In June 1993, the Greek government replies to the deportation of an Orthodox priest charged of ‘hellenizing propaganda’ with the expulsion of several thousands of Albanian illegal immigrants, mostly from the Epirus region. A similar series of events occurs in September 1994, when Greece replies to the conviction of five alleged ethnic Greek terrorists by an Albanian court with the mass expulsion of around 70,000 illegal migrants. The tension decreased only by the end of 1994, thanks to the intervention of the European Union.

<sup>12</sup>According to unofficial estimates, during the period 1992-1995, the population of Tiranë, for example, has almost doubled, growing from around 300,000 to around 550,000 units.

<sup>13</sup>United Nations Development Program (UNDP), *Albania Human Development Report 1996*.

<sup>14</sup>The reduction of migratory pressure is confirmed by a second survey made by IOM in 1995, three years after the first research (see par.3.4.): the percentage of those judging “likely” an emigration of “a few months” or of “a few years” drops respectively from 77% to 54% and from 71% to 57%. As a whole, the IOM study shows a society *less optimistic about its own future but also capable of a stronger dose of realism about the actual opportunities offered by emigration*; the IOM experts summarize the crucial transformation as follows: “Although the ‘push’ factors seem nearly as strong as three years ago, ‘pull’ factors and the attraction of life in the West seem to have diminished in importance” (Migration Information Programme, *Profiles and Motives of Potential Migrants from Albania*, IOM, June 1995, p.10).

played by the massive flow of financial remittances sent back home by the 'first wave' of migrants<sup>15</sup>.

Apart from the reduction, another major trend in Albanian migration at this stage can be qualified as 'rationalization'. We can speak of 'rationalization', with two different meanings, at the individual and at the structural level. *At the individual (or micro-) level*, rationalization of emigration means that, for a vast majority of the Albanian population, the attitude towards migration becomes more mature and pragmatic, and the choice to migrate is thus submitted to stricter requirements. Moreover, the very nature of individual migratory plans changes: whereas, in the first stages, emigration was often perceived as 'a leap in the dark', without concrete return prospects, in this more mature phase it is rather conceived, as a temporary and specifically targeted experience (aimed, for example, at working one summer abroad, at visiting relatives, at doing some kind of business)<sup>16</sup>. *At the structural (or macro-) level*, however, to say that migration is rationalized means that it becomes a *more organized phenomenon*; and this appears true if referred both to legal and to illegal emigration. As for the legal channels, the most important ones are family regroupments and short stay permits (for family reasons, tourism, business, etc.) granted by the same neighbouring countries which were the destination of the main flows in the previous stages<sup>17</sup>. As for the illegal channels, a similar process of organization can be detected: whereas the unauthorized migratory flows of 1991-1992 were the result of extemporary individual or collective (as in the case of the ships docked in Italian harbours in early 1991) initiatives, in the following years "professional" organizations offering transport services for clandestine migrants are set up<sup>18</sup>.

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<sup>15</sup>According to the estimates contained in the *Human Development Report. Albania 1995* (UNDP), the ratio remittances/GDP has equalled 60% in 1992 and has by then stabilized around 25% (350/450 millions \$) in 1995. The level of official financial transfers is obviously much lower: as for remittances from Italy, for example, the figures by the *Ufficio Italiano Cambi (UIC)* are the following:

- 1992: 258 millions It.L.;
- 1993: 122 millions It.L.;
- 1994: 313 milioni It.L.;
- 1995: 867 millions It.L.;
- 1996 (January-September): 751 millions It.L.;
- TOTAL: 2.311 millions It.L..

<sup>16</sup>The existence of a *circular migratory movement* (from Albania and back) is confirmed by a simple calculation: during the year 1995, 300,000 Albanian citizens were recorded at the exit of the country (source: UNDP); as it cannot be seriously admitted that the stock of Albanian steadily residing abroad has increased to such extent, and it has also to be excluded that an equivalent return flow of former migrants (supposedly equivalent to 80% of the total stock of the Albanians residing abroad) has taken place during the same year, we must consider that a large number of those expatriated in 1995 (probably at least 60-70%, i.e. some 200,000 units) spent only short spells abroad.

<sup>17</sup>In the Italian case, the importance of family regroupment as a legal channel for Albanian immigration in the 1993-1995 period is unquestionable. In 1995, the Albanians become the second largest foreign national group for family regroupments with a total of 2,600 applications and of 1,562 permits finally granted; the rise for 1994 is strong (1,933 applications and 1,682 permits). The performance of the Albanian community in this field is topped only by the Moroccans, with a total of 4,609 applications and 2,309 permits granted in 1995. But the dimensions of the Moroccan community are much bigger (in 1995, almost three times as much: 94,237 vs. 34,706. Two years later, the ratio has changed with a more substantial increase of the Albanian community). We can therefore argue that, in comparison with other communities, the Albanian community in Italy has shown a *particularly strong propensity to family regroupment* and, consequently, to stabilization in the country of immigration.

<sup>18</sup>The formation of such *specialized criminal organizations* (which are qualified as such by the legal orders of all EU States, but not in a clear way in the Albanian legal order) has some important consequences on the nature of the migratory phenomenon itself:

- a) the main starting point of migratory movements is now the southern town of Vlorë and the surrounding area; Dürres still plays an important role, but it has lost its centrality;
- b) clandestine emigration has become an economic cost in itself. As a matter of fact, the cost of a single crossing (usually with a 'right' to a second attempt in case of failure) from Vlorë to the coast near Brindisi, Lecce or (more rarely) Bari is around 800.000-1.200.000 It.L. (450-750 U.S.\$) for Albanians and somewhat higher for third countries nationals (up to 2 millions It.L.). By being so expensive, emigration becomes an opportunity restricted to certain categories; namely people with some financial availability yet without serious economic chances at home. Typically, the emigration of one of more sons (and daughters) becomes a characteristic investment for urban middle class families.

### 3. The 1997 crisis and migration

3.1. The economic and political contradictions which affected the Albanian transition become apparent during 1996, urging International Financial Institutions (IFI) and other donors to ask the Meksi government for a neat change of course. In the following weeks, some reaction occurs: for instance, in Fall 1996, the Albanian authorities launch the first serious police operation against the 'emigration rackets' and seize a flotilla of more than a hundred fast crafts based in Vlorë. A little later, following the de facto insolvency of the private finance company *Sudja* (January 19th, 1997) and facing the massive protest of the swindled investors, the government adopts an *ad hoc* penal regulation and decides a 'freezing' of the funds of two other irregular finance companies called respectively *Populli* and *Xhafjerri* (January 28th, 1997). Government interventions on the migrants traffic and on the illegal financial sector mark the break up of a *silent 'coexistence agreement' between legal and illegal powers in Albania*. The collapse of such perverted *modus vivendi*, that had sustained the economic growth over the previous years, is at the root of the ensuing violent degeneration of the crisis that starts in the Southern part of the country at the beginning of February.

3.2. *Flight-migration*. This is the context in which what we have called "the fourth stage of Albanian emigration" begins. It is extremely difficult to analyse, both in quantitative and in qualitative terms, this wave of emigration, due to the chaotic and mostly clandestine way in which it has developed. Nevertheless, two general features and two different phases can be stressed. The *two main features* of 1997 migratory flow from Albania are the following:

- a) first, we can broadly speak of '*forced migration*'. The sociological distinction between forced and voluntary migration is problematic, but it is nonetheless essential to analyse the causal relationship between a given conflict situation and emigration<sup>19</sup>;
- b) second, as for the direction of 1997 emigration, Italy has been by far the privileged destination (at least, as a country of first destination). Differently from the second stage of Albanian emigration (1991-1992), according to the limited information available on this, Greece has not emerged as a destination for large-scale emigration during this fourth phase. The reasons for such variance are not entirely clear and further analysis is needed: geographical factors have certainly affected population movements at this stage, but it is likely that also political factors (namely the different treatment of clandestine migrants in Italy and Greece) have played a role.

3.3. Apart from the above mentioned general features of 1997 emigration, a rough distinction can be made between *two different phases*. The two phases, that differ for the mode and the composition of the flow, are the following:

- I) *March 5th-14th*. In this initial phase, the departures concern mostly middle-class families from Vlorë and the surrounding area, who organise the trip by themselves, on crafts bought on the occasion, in order to escape violence;
- II) *March 15th-end of the month*<sup>20</sup>. In this second phase, the flow gradually changes: on the one hand, the pressure shifts northbound and Dürres harbour becomes the main shunting station; on the

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<sup>19</sup>It is worth stressing here that the concept of "forced migration" has no definite normative sense either in general international law, or in most municipal legal systems of the States who are members of the European Unions. The forced character of migration is not sufficient - for example in the framework of the 1951 Geneva Convention and of the attached 1967 Protocol - to arise an individual 'right to asylum' or a 'duty to give asylum' upon a single State. Nonetheless, it is useful to remind that, in some regional treaties, the forced character of migration is considered, under certain conditions, as a sufficient base for asylum, even in the absence of an individual persecution. This is in particular the case of the *1969 Convention on the Specific Aspects of Refugees Problems in Africa* of the Organization of African Unity, whose definition of "refugee" encompasses "every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality" (the italic part of the definition would probably match the 1997 Albanian situation).

other hand, a forceful control on large-scale movements is established by criminal organizations that turn the emergency situation into a highly profitable business. Furthermore, in this phase, the social composition of the flow evolves as well: urban middle-class families are replaced by an atomized mass of individuals, most of them youth coming from rural areas or having recently moved to town<sup>21</sup>.

3.4. It is quite clear now that, in the 1997 Albanian crisis, a strong and constant interplay between conflict and migration has occurred. Going back to the typology sketched in paragraph 1.2., such interplay proves to be a highly complex one; in particular, the following types of relationship between the two main variables can be detected:

I) first (and quite obvious) relation: forced mass migration has emerged as a *consequence of conflict*;

II) second (and less obvious) relation: mass migration has acted as a *worsening factor of conflict*. In an already precarious context, migration has played such a destabilizing role in different ways:

i) a great deal of the liquidity invested in the irregular financial circuit was created by remittances sent by Albanians residing abroad. This does not mean, of course, that the remittances are 'responsible' for the crack; what is interesting to note, though, is that the high emigration rate has generated a massive remittance flow, which has not found a proportionate outlet in the legal investment opportunities offered by the Albanian economy<sup>22</sup>; this discrepancy has turned out to be a crucially destabilizing factor;

ii) international migration, towards Italy in particular, has become an important source of revenue for criminal organizations. Again, this does not mean that emigration is a source of crime. Still, it has to be acknowledged that a strong migratory pressure creates an imbalance that is easily exploited by criminal organizations. International migration, therefore, acts as a strengthening factor for the illegal powers and as a destabilizing factor for the democratic institutions and for the legal economy;

iii) migration can play a destabilizing role at an even deeper level. This may occur when a huge migratory flow issuing from a small country alters the demographic balance of a particular society. When this happens, negative consequences affect the labour market (lack of skilled youth, 'brain drain') and/or the political arena (reinforcement of an *élite* already in power due, for example, to a massive expatriation of educated urban youth, which would have represented a potential opposition force). This kind of structural destabilization could have been a risk in the Albanian situation, if the 1997 flow had taken substantially bigger dimensions, which was fortunately not the case;

III. third (and final) relation: it deserves to be asked whether, in the Albanian case, mass migration has acted also as an *appeasing factor and as a means to solve the conflict*. The answer seems to be negative, at least for the stage of flight-migration (beginning 1997). Nevertheless in the phase of reconstruction, a moderate but constant outflow of legal emigration could act as a stabilizing factor and help prevent further conflicts.

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<sup>20</sup>The flow is strongly reduced after March 25th, when a naval patrolling by Italian military craft, both in international and in Albanian territorial waters, is agreed upon by the Italian and the Albanian governments. After this date, and particularly after the tragic sinking of the Albanian ship "Kater I Rades" and the death of a large number of its passengers (March 28th), the flow comes almost to an end. The only important exception is represented by a large ship arriving in Italy on May 4th from the Shkodër area.

<sup>21</sup>In mid-1997, when the worst days of the crisis are over, 16,798 Albanian citizens have entered Italy since the beginning of the turmoil (estimate by the Italian Ministry of the Interior). 1,072 among them will turn out to be already holders of a regular Italian stay permit at the moment of their entry in the Italian territory. Therefore, the total dimension of the 'wave' of forced migration to Italy caused by the 1997 crisis proves to be limited, after all, especially if compared with the two extraordinary migration 'waves' to Italy that had occurred during the second stage of Albanian emigration (March-August 1991).

<sup>22</sup>A suitable financial outlet could have been represented, for example, by large-scale privatizations, which were nevertheless blocked by the reluctance of the coalition in power.

#### ***4. International and national (Italian) responses***

4.1. The 1997 Albanian crisis has been neither perceived nor treated, by EU institutions, as a 'European problem'. As a matter of fact, in the Conclusions of the Council meeting of March 24th, European Union ministers have limited themselves to:

- i) acknowledging the two main international initiatives already under way (by Italy and other European States, under the aegis of the United Nations<sup>23</sup>, and by the OSCE<sup>24</sup>);
- ii) deciding to send an Advisory Mission to Albania in order to plan further actions;
- iii) authorizing ECHO to intervene in order to alleviate the most immediate needs of the Albanian population (food and medical aid).

The narrow scope of such approach - sharply criticized by, among others, the European Parliament<sup>25</sup> - is obviously not the outcome of a reluctance or of the underestimation of the situation by the EU institutions as such. In this case, as in many others, the incapacity to act under article J3 of the European Union treaty depended on the lack of unanimous political consensus among member States about the necessity to intervene. Some member States have indeed reckoned that the Albanian crisis was too entangled and too distant from the core of their own national interests to justify the risks on an intervention.

Lacking a common action by EU States, the international strategy towards the crisis has hinged on the two initiatives mentioned above: the armed intervention of a (mostly) 'Southern European group' of States under UN mandate, and the OSCE diplomatic intervention. The reasons for action, of course, were different in the two cases: whereas for OSCE the need to refresh and consolidate the institution's identity was paramount, for the Multilateral Protection Force international prestige and national interest (including the field of migration policy) were the decisive factors for all States involved.

Generally speaking, therefore, the characters of the international response to the Albanian crisis have showed that "flexibility" is already a reality in European foreign policy, even beyond the contents of the treaty. Such acknowledgement has to be taken into account in the debate about the outcome of the Intergovernmental Conference and about the future implications of the Amsterdam treaty.

4.2. Even though the 'migratory risk' has been one of the main 'hidden variables' affecting the international response to the Albanian crisis, no international initiative has tackled the issue explicitly. In particular, control of migratory movements was not included in the mandate of the multilateral force authorized by the UN Security Council<sup>26</sup>. Moreover, it has to be stressed that a different solution would have been both *politically unviable* (as the interest to prevent mass emigration was shared only by some of the intervening countries) and *legally questionable* (as potentially conflicting with anyone's right "to leave any country, including one's own" enshrined in article 13 of the Universal Declaration of Human Rights).

The task of managing migratory movements during the crisis, therefore, has been left to individual States, and particularly to those more directly affected by the consequences of a massive flow, namely Italy and Greece<sup>27</sup>.

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<sup>23</sup>Security Council resolution, March 28th 1997, n.1101.

<sup>24</sup>Permanent Council decision, March 27th 1997, n.160.

<sup>25</sup>European Parliament, Resolution on the Situation in Albania, April 10th 1997, B4-0300, 0336, 0338, 0339 and 0340/97.

<sup>26</sup>It can nevertheless be said that, by facilitating "the safe and prompt delivery of humanitarian assistance" and by helping "create a secure environment for the missions of the international organizations in Albania, including those providing humanitarian assistance", the multilateral military force acted *indirectly* also a *preventive factor against uncontrolled and large-scale forced migration*.

<sup>27</sup>In the second half of 1997, though, UNHCR has launched a *Mass Information Campaign* (radio and TV programmes, workshops for Albanian opinion makers, publications in Albanian about visa and asylum procedures to be distributed in Western embassies in Tirana, etc.) aimed at preventing further mass movements out of Albania and to support the return

4.3. It seems useful, before trying to draw any conclusion, to outline the main features of the Italian response to the 1997 Albanian crisis. The Italian policy can be better analysed by focusing on three main elements separately:

- I) criteria and conditions for admission;
- II) criteria and conditions for repatriation;
- III) actions to prevent additional flows.

4.4. I) the Italian government adopted a line of conduct that could be labeled as of *temporary and selective admission*. This means that forced migrants from Albania have not been treated as permanent refugees<sup>28</sup>; on the contrary, they have been granted only temporary protection. In particular, the governmental emergency decree n°60/1997 (later converted into law n°128/1997) authorized the *questori* (top police authority at town level) to grant a sixty days (extensible to ninety<sup>29</sup>) stay permit to all

“stranieri di cittadinanza albanese bisognosi di assistenza umanitaria e di protezione, se esposti in patria a grave pericolo per l’incolumità personale”<sup>30</sup> (article 2, par.1).

The scope of the norm was limited by a rather vague exclusive clause, involving all

“cittadini di Stati non appartenenti all’Unione europea segnalati per attività connesse all’organizzazione o all’agevolazione dell’immigrazione clandestina, della prostituzione, del traffico di armi e di sostanze stupefacenti o psicotrope, ovvero per attività comunque pericolose per la sicurezza pubblica o per gravi reati contro la vita e l’incolumità delle persone”<sup>31</sup> (article 2, par.2).

4.5. II) The criteria and conditions for the repatriation (of both those Albanian citizens who did not meet the requirements illustrated above and those who were regularly admitted, after the expiration of the permit) were complex and not always unequivocal. The following points can be stressed:

i) *a state of emergency was declared* (Decree n°60/1997, article 1, paragraph 1) in order to authorize police authorities to deport Albanian citizens not entitled to stay without being subjected to ordinary legislation about expulsion;

ii) the programme of forced repatriation, however, was enforced in a *gradual and selective way*. Namely, in a first phase (until August 31st<sup>32</sup>) some categories were left outside:

- “persone per le quali persistano esigenze eccezionali ed attuali di protezione temporanea” (article 5, directive of the President of the Council of Ministers, June 18th)<sup>33</sup>;

- “persone assistite da familiari entro il quarto grado, regolarmente soggiornanti, ovvero che partecipano alle attività di formazione professionale di cui all’articolo 1, comma 3, del citato decreto-legge n.60 del 1997” (art.6, directive of the President of the Council of Ministers, June 18th)<sup>34</sup>.

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of Albanians to their home country; moreover, UNHCR has started, following a request by the Albanian government, a programme of technical assistance to support the establishment of an asylum system in Albania. As stressed in the “Consolidated Paper of the Dr. Vranitzky Working Group on the International Effort to Support Albania” (14 October 1997), the request coming from the Albanian government “has to be seen in the context of a considerable transit migration of asylum seekers through Albania (about 10,000 persons per year) and forthcoming readmission agreements which will affirm Albania’s responsibility to readmit third country nationals/stateless persons who illegally crossed from Albania into Western countries”.

<sup>28</sup>Asylum has nonetheless been demanded by 1,685 Albanian citizens during the 1997 crisis. Their applications are still under examination.

<sup>29</sup>The deadline for repatriation has been moved forward by successive administrative measures (directives of the President of the Council of Ministers of 18 June 1997, 31 August 1997, 29 November 1997).

<sup>30</sup>“...Albanian citizens who are in need of humanitarian assistance and protection, when in their country of origin they would be exposed to a serious threat to life or physical integrity”.

<sup>31</sup>“...non EU citizens reported for activities connected with the organization or the support to clandestine immigration, prostitution, arms or drug traffic, serious crimes against life of physical integrity, or any other activity representing a danger for the public security”.

<sup>32</sup>See the directive of the President of the Council of Ministers issued on that date by Mr. Prodi and concerning “Repatriation of Albanian Citizens”.

<sup>33</sup>“...persons who are still in a special need of temporary protection”.

Later on, the scope of the repatriation programme was enlarged; in this second phase, the only categories still exempted were: Albanian displaced persons still in need of medical care; those entitled to family regroupment; those deserving further protection for extraordinary humanitarian reasons; those who were offered a regular job in Italy by an employer; asylum seekers who are still awaiting a reply to their request<sup>35</sup>.

iii) finally, a set of *incentives* was introduced in order to foster spontaneous repatriation. At first (late June - early July), financial incentives were tested with very little success; later on, the privileged insertion in the yearly quota for admission of seasonal workers was provided<sup>36</sup>. On the basis of the currently available information, though, this kind of incentive has not yet been put into force.

4.6. III) As for the latter aspect of the Italian response concerning the prevention of further flows a distinction can be drawn between two levels of action:

i) on the one hand, specific measures were taken (at both the bilateral and at the multilateral level) in order to help Albanian authorities to restore total control over harbours and coastal areas where most clandestine population movements had started from<sup>37</sup>;

ii) on the other hand, measures were adopted, on the basis of bilateral agreements, to deter illegal transport of migrants across the Adriatic. For this purpose, an exchange of diplomatic notes between the two governments (March 25th, 1997), followed by a more circumstantial protocol (April, 2nd) authorized ships and aircrafts of the Italian Navy and of the Italian *Capitanerie di Porto* (harbour authorities) to patrol both international and Albanian territorial waters in order to deter illegal emigration. The objective of such patrolling activity was agreed as such:

“... il fermo in acque internazionali ed il dirottamento in porti albanesi da parte di unità delle Forze Navali italiane di naviglio battente bandiera albanese o comunque riconducibile allo Stato albanese, nonché il fermo in acque territoriali albanesi di naviglio di qualsiasi bandiera che effettui trasporto di cittadini albanesi che si fossero sottratti ai controlli esercitati sul territorio albanese dalle Autorità a ciò preposte”<sup>38</sup>.

This kind of deterrence, although based on bilateral agreements, was criticized by the United Nations High Commissioner for Refugees, who reminded that:

“UNHCR’s position on interdiction has traditionally been and remains that it is not an appropriate way to respond to a mass outflow especially when, among those leaving, there may be people who have genuine concerns about their physical security and safety. There must be a possibility for these people to reach safety and have their protection needs assessed and appropriately met. Interdiction and compelled return preclude this”<sup>39</sup>.

Whatever the legal assessment of the patrolling activity agreed upon by the Italian and the Albanian governments, it can not be forgotten that, in one single case, such deterrence had tragic consequences. On March, 28th, the Albanian motorship “Kater I Rades” sank in the Otranto channel in consequence of a collision with the Italian military ship “Sibilla”, that was following it in the attempt to force it to reverse its course. 52 bodies of migrants who were on board of the Albanian ship were recovered.

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<sup>34</sup>“...persons who are assisted by relatives within the fourth degree who are regularly staying in Italy and persons who, during their temporary presence in Italy, attended training courses organised in accordance with article 1, paragraph 3, of the decree 60/1997”.

<sup>35</sup>See the directive of the President of the Council of Ministers issued on November 29th, 1997, articles 3 and 4.

<sup>36</sup>During 1998, following the decree of the Minister of foreign affairs containing the criteria for the “Planning of migration flows” (issued on 24 December 1997, published in *Gazzetta Ufficiale, Serie generale*, 2 January 1998, n°1, p.13), no more than 20,000 non-EC citizens will be admitted in Italy for work reasons (including seasonal work).

<sup>37</sup>A wide effort aimed at restructuring the police (including border police) is performed by the Albanian government in liaison with the Council of Europe, the WEU (*Multination Advisory Police Element-MAPE*), the European Commission and Italy).

<sup>38</sup>“...stopping in international waters and deviating towards Albanian harbours of ships flying the Albanian flag or of ships anyhow ‘connected’ with the Albanian State, and stopping in Albanian territorial waters of ships flying whatever flag which are transporting Albanian citizens having avoided controls on the Albanian territory by local authorities”.

<sup>39</sup>UNHCR position on developments in Albania, Press release, Geneva, 27 March 1997.

## 5. *EU interests and policy suggestions*

5.1. One of the most important lessons taught by the 1997 Albanian crisis is that the interplay between conflict situations and migratory movements deeply affects the “common interest” of the member States of the European Union. As a matter of fact, contemporary Europe is surrounded on two sides by areas (the Russia-Caucasus-Balkans arc on one side; the Maghreb-Mashreq-Middle East arc on the other) which are, at the same time, important migratory basins and hotbeds of political instability and (as far as the ‘South rim’ is concerned) of strong, albeit decreasing, demographic pressure.

Therefore, in post-bipolar Europe, migratory policy and conflict prevention (as an increasingly important component of foreign policy) cannot be seen any more as autonomous policy fields.

5.2. Even more broadly, it may be argued that the EU is compelled, by its delicate geo-economic and geo-political position, to conceive of *stabilization and ‘common development’ strategies* towards neighbouring areas. Such strategies should have an integrated character and link together and coordinate commercial, security, conflict prevention, immigration policies etc.. In this context, the Enlargement Process, the Euro-Mediterranean Partnership and the reform of the Lomè cooperation agreements could be managed as the three main axes of an emerging *European Regional Stabilization Strategy (ERSS)*.

In very broad terms, the essential aims of such a strategic approach should be the following:

- a) *reducing the (economic and political) push-factors of international migrations affecting Europe;*
- b) *maximizing the economic utility (for both the sending and the receiving countries) of population movements between non-EC countries and the EU;*
- c) *cutting down to the minimum possible level illegal immigration and the earnings of the criminal organizations that promote and exploit it;*
- d) *preserving at the highest possible level the possibility, for non-EC citizens of whatever origin whose lives are threatened and/or whose fundamental rights are infringed in their country of origin/residence, to obtain asylum (on either a temporary or a stable basis, depending on the situation) in the EU.*

5.3. The developing of a European Regional Stabilization Strategy requires the overcoming of traditional approaches to immigration policy. Both the *purely unilateral approach* that prevailed between the early 70’s and mid-80’s and the *multilateral but strictly defensive* one (the ‘Schengen approach’) that was dominant later proved to be inadequate.

A *new form of multilateralism* is needed, based on:

- a) at the global level: the involvement of the sending countries in the international effort to regulate migratory flows on the basis of the four fundamental aims listed at par.5.2.;
- b) at the European level: the shift from a merely defensive form of cooperation (that is still necessary, but insufficient) to a common Stabilization Strategy, based not only on *repression*, but also on *prevention of illegal flows* and *optimization of residual legal flows*.

5.4. The awareness of the need of such a qualitative leap for an effective governance of international migrations affecting Europe is reflected in the Amsterdam treaty. The fundamental choices done by the Inter-Governmental Conference of I) the ‘*communitarization*’ of migration policy (in the broad sense, that includes visas, conditions of entry and residence, repatriation, asylum, etc.) and II) the *integration of the Schengen acquis into the framework of the EU* open the way to a Common Migration Policy (CMP), capable of being coordinated with other policy areas (CFSP, internal security, development cooperation, etc.) in the wider framework of a European Regional Stabilization Strategy.

5.4. The coordination between conflict prevention and migration policies potentially emerges as one of the fundamental axes of a European Regional Stabilization Strategy. The basic questions for the analysis and the development of such a connection are the following:

a) *what tools does migratory policy offer to prevent conflicts?*

And, if we assume that mass migration (particularly forced mass migration) is *not* desirable *per se*, we can also ask a second, more controversial, question:

b) *is it possible (and legitimate), to draw up conflict prevention and conflict solution strategies (including peace-keeping and peace-enforcement operations) aimed also at preventing mass migration?*

Starting from these questions, it is possible to make a distinction between two fundamental categories of policy instruments:

I. *migratory policy tools aimed at preventing conflict;*

II. *conflict prevention and conflict solution tools aimed at preventing migration.*

5.5. As for the first cluster of instruments three among them are crucially important:

i) first, the analysis of the Albanian case shows the *negative side effects* that can follow a rigid ‘closed borders’ policy (see par.3.4.). In the short-medium run, a *migratory policy based on a limited border permeability* (regulated access for students, seasonal workers, family regroupment, family visit, etc.) seems more apt to reduce imbalances and to enhance regional stability<sup>40</sup>. With regard to this aspect, it can be observed that the forecoming Common Migration Policy (CMP) could consist not only of common norms (starting from the relevant part of the Schengen *acquis*), but also of common policy guidelines, including *European immigration quotas*.

European quotas could be defined on a yearly basis by EU institutions, in order to fit in more general *regional stabilization and development strategies*, aimed in the first place at such neighbouring countries as the Balkan ones and other Mediterranean Third Countries who are members of the Euro-Mediterranean Partnership. European quotas should obviously take into account the differences in the internal economic situation of the Member States and the bilateral privileged links already existing (like, for instance, Italy-Albania, Germany-former Yugoslavia, France-Algeria, etc.). The system of European quotas should include not only ordinary flows (regulated access for students, seasonal workers, etc.), but also extraordinary flows composed by displaced persons; including such flows in a European quota system means providing for an effective cost-sharing mechanism and, if necessary, for some form of redeployment of forced migrants under temporary protection among Member States (see the next point).

In the medium-long run, however, some form of *integration in the EU* is still to be seen as the best solution to break once and for all the vicious circle potentially existing between conflict and mass migration;

ii) second, a European migratory policy capable of preventing negative interplay between conflicts and mass migration should necessarily be equipped with some *well-balanced and efficient mechanisms of burden-sharing* (better: *sharing of responsibility*) for cases in which one or more Member States have given (or intend to give) temporary protection to forced migrants fleeing, for example, an armed conflict or a situation of systematic violation of human rights. At last, after a

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<sup>40</sup>In the new framework built for migratory policy by the Amsterdam treaty (progressive, even though partial, ‘communitarization’), a *Common Migratory Policy (CMP)* can at last be envisaged. CMP could consist not only of common norms (like, for example, the Schengen *acquis* embodied in the EU normative system), but also of common policy guidelines, that could include *European quotas*. European quotas could be defined on a yearly basis by EU institutions, in order to fit in more general *regional stabilization and development strategies*, aimed at such neighbouring countries as the Balkan ones and other Mediterranean Third Countries who are members of the Euro-Mediterranean Partnership.

period in which the need for such mechanism was met only by non-binding instruments<sup>41</sup>, some evolution is visible towards a more binding regime<sup>42</sup>;

iii) a third migratory policy instrument<sup>43</sup> that is worth considering is represented by *in loco pre-screening procedures for the admissibility of asylum and/or temporary protection applications* and *in loco protection*. The experimentation of such procedures - which should necessarily be accompanied by the establishment of 'safe havens' under international control - seems compatible with an approach to the 'forced migrations question' that stresses the importance to preserve the "right to stay" of threatened populations, as long as this "right" is not turned into an unlawful "prohibition to flee"<sup>44</sup>.

Following UNHCR suggestions, *in loco* protection for asylum seekers has recently been included in the Action Plan adopted by the EU General Affairs Council on 26 January 1998<sup>45</sup>, as a possible tool to face the extraordinary influx to EU countries of displaced persons of Kurdish origin coming from northern Iraq and southeastern Turkey.

5.6. As for the second group of instruments (conflict prevention and conflict solution tools aimed at preventing migration), one fundamental lesson was dramatically taught by the 1997 Albanian crisis. Economic growth (meant as overall improvement of macro-economic indicators) is not sufficient to prevent either conflict or mass emigration. Such prevention requires a broader *development strategy*, made up of promotion of economic growth, but also of rule of law, democratization, education of civil society and, last but not least, *preservation of limited but substantial legal opportunities of international circulation for individuals*.

In order to translate such general orientations into practice, a radical change is needed in the fundamental attitude towards development issues and development co-operation displayed by most bilateral and multilateral donors. With specific regard to Albania such change was accelerated by the 1997 crisis and is now under way; a new attitude is, for instance, clearly reflected in the joint document presented by the World Bank, European Commission and European Bank for

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<sup>41</sup>Resolution on certain common guidelines as regards the admission of particularly vulnerable persons from the former Yugoslavia, adopted by the Ministers of the Member States of the European Communities responsible for immigration, meeting in Copenhagen on June 1st and 2nd, 1993.

<sup>42</sup>Commission proposal to the Council for a common action on temporary protection, COM(97) 93 def.. Important modifications to the proposal were recently introduced by the European Parliament (October, 24th, 1997). See also the two common actions adopted by the Council on the ground of article K3 of the European Union treaty, for the financing of specific support projects in favour of asylum seekers and persons under temporary protection in a Member State, 97/477/GAI and 97/478/GAI, both adopted on July, 22nd, 1997.

<sup>43</sup>But it is perhaps more correct to treat *in loco* protection of asylum seekers and displaced persons as a policy instrument halfway between migratory policy and the conflict prevention dimension of foreign policy.

<sup>44</sup>For such a conception, see the 1995 UNHCR Report: *Refugees in the World*, in particular Chapter One.

<sup>45</sup>European Union, Council (General Affairs), doc.5503/98 ASIM 10 EUROPOL 9 PESC 24 COMEM 3 COSEE 3). The Action Plan is an innovative document, whose main elements were summarized as follows in the press release:

- improved analysis of the underlying causes and origins of the influx;
- development of an action-oriented dialogue with the Government of Turkey and with the UNHCR;
- ensuring that humanitarian aid makes an effective contribution, including by ensuring improved NGO access to northern Iraq;
- effective application of asylum procedures to ensure that the humanitarian aspects of this influx are not overlooked;
- preventing abuse of asylum procedures;
- enhanced police co-operation in tackling organised crime;
- implementation of a number of steps to combat illegal immigration in these areas:
  - better exchange of information between Member States about migration and asylum;
  - improved visa issuing procedures and consular co-operation in the issue of visas;
  - posting of liaison officers and exchange of officials;
  - effective and consistent border controls;
  - immediate expulsion of persons illegally present on the territories of the Member States in so far as no right to remain exists.

Reconstruction and Development at the Donors' Conference for Albania, held in Brussels on 22 October 1997<sup>46</sup>.

In order to ensure that such an integrated approach to post-crisis recovery lasts in the medium-long term, effective forms of inter-institutional coordination are of paramount importance.

This is true even within the EU institutional framework. The Albanian crisis has showed how too rigid a division between 'pillars' can become an obstacle to the early detection of signs of instability and to an effective preventive action. It is therefore crucial that, in the future, more adequate institutional connections are established between 'pillars', when these are dealing with issues concerning the same Third country (or regional group of Third countries). This could imply, among other measures:

a) the participation of the High Representative for the CFSP to all Council meetings where the main guidelines of the Common Migration Policy are set;

b) the creation of a specialized organism for the study of all policy-relevant aspects of the migratory dynamics affecting the EU (including the role of transnational criminal organization in the traffic). Such organism (a sort of *European Observatory on International Migrations*) should:

- collect the practical knowledge formed on migratory phenomena within the institutional framework of the Community and of the Third Pillar;

- link together specialized research organisms (both public and private) already existing in Europe;

- supply EU institutions with constantly updated analysis and policy suggestions in the field of migration policy.

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<sup>46</sup>The title of the document is "Sector Investment and Technical Assistance Programs for Recovery".