



Workshop
on the
National Strategy
on Migration

21-22 February 2005

Selected Papers



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the International Organization for Migration (IOM), funded by the
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**WORKSHOP
ON
THE NATIONAL STRATEGY FOR MIGRATION
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SELECTED PAPERS

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PREFACE

On 21st and 22nd of February 2005, the International Organization for Migration (IOM), in close cooperation with the Albanian Government, organised an international workshop entitled "Towards a National Action Plan for Migration in partnership with the EU." The workshop was organised in Tirana within the framework of the "National Strategy on Migration," a project funded by the European Community under the programme "Community Assistance for Reconstruction, Development and Stability" (CARDS 2001) which ran from September 2003 until July 2005.

The objective of the workshop was to gather the main actors and interested parties in migration management, in order to discuss the measures proposed in the National Strategy so as to enable the elaboration and revision of proposals for the finalized Action Plan. The Strategy had previously been endorsed by the Council of Ministers on 19.11.2004 and was awaiting the approval of the corresponding National Action Plan on migration.

The workshop was opened by his excellence Alfred Moisiu, President of the Republic of Albania, and approximately 200 participants attended the event, coming from civil society, various Albanian Ministries, national and international organizations and institutions involved in migration policy. Of special note were the representatives of the Greek and

Italian Ministries in charge of migration, as well as academics and researchers specialised in Albanian migration. There were special guest speakers from the Albanian Community Abroad coming from Greece, Italy, the United Kingdom, Germany, Belgium, the USA and Canada who contributed to the adoption of the "Declaration on the mobilization of the Albanian Diaspora"

The workshop was divided into eight thematic roundtables including: Visa regime policy and the mobility of Albanian citizens; labor migration; registration of Albanian emigrants; remittances for productive investments in Albania; protection of emigrants rights; legal framework for migration policy; policy on Diaspora; and institutional framework for migration policy.

IOM would like to express its gratitude for the support of the following individuals; Mr. Namik Dokle, Deputy Prime Minister, Mr. Engjell Bejtaj, Minister of Labour and Social Affairs, Mr. Lutz Salzman, Head of the Delegation of the European Commission in Albania, Mr. Peter Schatzer, Chief of Mission IOM Italy, Mr. Giuseppe Maurizio Silveri, Director General for Immigration in the Italian Ministry of Labour and Social Policy, and Mr. Grigorios Lazarakos, Director of the Office of the Greek Ministry of Interior, Public Administration and Decentralization.

The workshop would have not been possible without the contribution of the following people to the various roundtables:

- Visa Policy: Roland Bimo (Chair), Gazmend Barbullushi, Asta Reif, Gasper Vlahakis, Francesca Santoro, Nicholas De Zwaager;
- Labour Migration: Kosta Barjaba, Majlinda Hafizi, Andi Gjonej;
- Registration of Albanian Migrants: Milva Ekonomi (Chair), Saimir Lacej, Nilollaq Markollari, Anna Di Stefano;
- Remittances: Ilir Gedeshi (Chair), Etleva Germenj, Edmond Lekaj, Liliana Nanaj, Christos Nikas, Argita Frasherj.
- Protection of the Rights of Emigrants: Emir Dobjani (Chair), Daut Gumeni, Isabella Monioudi- Pikrou, Daniel Esdras, Achilles Schordas, Pavlli Zeri, Mara Steccazzini.
- Legal Framework: Adrian Dvorani (Chair), Blerita Kraja, Arjan Rugji
- Diaspora: Artan Fuga (Chair), Stephanie Schwander- Sievers, Thimi Nika, Kole Gjeloshaj, Dina Ionescu.

- Institutional framework: Ksenofon Krisafi (Chair)

Finally, the team of IOM involved in the project collected, edited and summarized the material published, namely Mr Philippe De Bruycker, International Consultant, Ms Andrina Sol, Assistant Project Manager, Ms Luljeta Ikonomi, National Legal Expert, Ms Elona Bokshi, Project Assistant, Ms. Miriam Neziri, Public Information Officer, Ms Elizabeth Warn and Ms. Katerina Drenova for editing.

IOM is pleased and honored to have organised a workshop, which paved the way to the adoption of the National Action Plan of Migration, by the Albanian Council of Ministers on 6th May 2005. It is hoped that the publication of this book in Albanian and English will continue to contribute to the migration policy debate of Albania in the country and in the European Union.

Maurizio BUSATTI
IOM Chief of Mission, Tirana

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WELCOMING SESSION



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OPENING WORDS OF THE PRESIDENT OF THE REPUBLIC, ALFRED MOISIU

Ladies and gentlemen,

From the beginning, I would like to express my belief in the great importance of this issue and to give my full attention to the migration issue and the aspects that are related to it. This topic has been, and remains an inherent part of all my important speeches addressed to the nation, of the meetings of the National Security Council, and of the annual meetings with the Albanian ambassadors in the world and of official visits in other countries. Emigration could be seen as a natural development and integration factor to great countries. But to Albania, which maintains a very high level of the emigration fluxes, it takes on an extraordinary importance. Fifteen years ago we were the most isolated country in Europe; now almost one third of the population has emigrated. The greater numbers of them are youngsters and active labor forces.

With the expansion of this phenomenon over the last years, of "the brain drain" the consequences of this emigration limited also our university and executive capacities.

In front of this reality, it become evident that there is an urgent need to create and implement policies that will enable the transformation of emigration from a financial and numeric factor, into an active partner for

the decision making concerning the development and the integration of the country. The National Strategy on Migration and the Action Plan, composed by the Albanian Government, the European Commission, and IOM, mark a new and indispensable phase in the treatment of migration issues. These documents analyze in general, the state also offer ideas and concrete deadlines for the institutions. I am convinced that the two days of this debate will help to know deeper the actual state of affairs and will lead to the enrichment of the action plan and the determination of the concrete challenges for the future. On this occasion I would like to assure my full support, by promising that I will play an active part in the promotion of the work to fulfill and support the many engagements stated in these very important documents.

Until recently, Albanian emigrants in the world have been viewed by the state and society as sources of financing, because of the high incomes that were acquired through the assistance to the family and their investments in the homeland. Lately, I observe with optimism that society, the executive, the media and the politics have corrected this stance. Now emigrants are considered more and more the way they really are: valuable

and undivided human resources of society. The first students have received their degrees abroad and have returned. Other are nearing the end of their studies and wait to see clear signs of opportunities in order to return, to integrate and implement their knowledge in the homeland. The emigrants of the first years are already returning with concrete investment projects; the political forces are directing their hopes more and more the emigrated and qualified intellectual elite in the western countries.

These positive developments, although still fragile, deserve to be read and appreciated with the relevant importance in order to transform them into a general social tendency. Efforts undertaken up to the present have left a lot to be desired, and that is why it is necessary for migratory policies to receive a fundamental change. The time has passed when the state and its institutions did not do anything more than counting the ships full of emigrants as they sailed away. Today's level of emigration requires the state to take upon itself more responsibilities, in order that every Albanian emigrant in the world has the attention of the state. This is a constitutional obligation and a national necessity. I am pleased to observe that the organisers have supported my proposal to found a Ministry for the Albanians in the world, whose duty will be the coordination at the highest levels of all the responsible state structures for the problems of emigration and also the management of the policies of migration.

Another constitutional obligation of the Albanian authorities is to guarantee the right to vote to the Albanian citizens. As the Head of State, I join the up to the present initiative to demand from the legislative and executive powers to undertake all the necessary legal and administrative steps, in order to create the conditions and to guarantee the right to vote

for every Albanian citizen, wherever he might be. Albania cannot continue anymore to exclude the right to vote of one third of the voters. These potential voters are realistically are the main contributors to the financial income of the country.

Going back to the policies on migration, I think that this policy should be worked more with the host countries, especially with our neighbours Greece and Italy. Further communication with our neighbours will transform our migrating communities in active cooperation, development and integration factors by transforming them into real bridges of communication. The democratic standards in these countries have provided positive results in the more and more dignifying treatment and integration of the emigrants. However, there are still problems to be solved which should be taken into consideration and where not only the contribution of the Albanian state is needed, but also of the host states and international organs. Our emigrants should not be allowed to fall prey of racist behavior, of violence and differentiation. Albanian children should enjoy real conditions and opportunities to learn their mother tongue through organized schools and courses, in order to learn Albanian geography, history and culture. Years worked abroad should be recognised and health insurance and pensions should be guaranteed to the Albanian laborers.

Migrants should enjoy the opportunities to have, at any time, legal consultations as guaranteed by the international conventions. Migrants should be treated in a dignifying way at the border and not to feel threatened by the political ups and downs between our countries. Every society has people who respect the law, but also people who break it. Even those convicts for various crimes should be cared for in order to not have anymore repetitions of false or double standard court processes.

Alongside these important aspects, it is the responsibility of the executive to think and to finally solve the issue of compiling a basic register with all or the data of the Albanian emigrants, of our students in other countries, of the associations and of their organisation, for the founding of cultural centers, and also for the implementation and connections and informative transparency according to the presented suggestions in the National Action Plan.

In various western countries and also in the East, I have met Albanian businessmen who because of the obstacles to conduct business here have opened their businesses in those countries.

We should work to reform business registration and to ensure a functioning system in order to not chase away, but to gain new jobs and capital from this category of successful businessmen. I am also informed that various Albanian specialists such as economists, financiers, computer scientists, etc. work with dignity in prestigious international institutions. Of course it is the right of every individual to be integrated wherever he might think and find himself comfortable, but meanwhile we hire specialists, advisers and officials of various nationalities and I think that it would be very valuable to activate for these means also the Albanian specialists who have international experience.

Ladies and gentlemen,

We talked about the better treatment of the emigration issues, because its impact might continue for as long as the compiled strategies have not been materialized in practice. The blocking of illegal trafficking should be accompanied by effective development policies, by the creation of new jobs, by the concrete fighting of corruption, by increasing the opportunities to study and be qualified, by the organizing of the legal emigration and the liberalization of visas regime and also by the strengthening of the democratic institutions and the stability of the country.

We aim to integrate into the European Union and NATO, and I am optimistic that this dream will come true if we work even harder, quicker and better, to make progress with the initiated reforms and with the achievement of the required democratic standards, which are well known by all.

Once again I would like to complement you for the initiative that you have taken and for the offered contribution in compiling the important documents on migration. I would also like to congratulate our friends from Italy and Greece for the kind words about Albanian emigrants.

Good luck in the further sessions of this workshop!

OPENING WORDS OF Mr. NAMIK DOKLE, DEPUTY PRIME MINISTER

Dear participants,

Migration issues are one of the most important phenomena that Albanians have encountered during the last 15 years. There is no family who has not faced the economic, social and human consequences of migration. According to the figures provided by the National Strategy on Migration, one out of five Albanians is an emigrant. These figures certainly make us aware of the concerns, problems, resources which emigrants themselves represent, for their families and for Albania too.

The drafting of the National Strategy on Migration and its National Action Plan is an expression of the serious commitment of the Albanian government with regards to emigrants. It follows the establishment of the Inter Ministerial Migration Committee and the commitment of all governmental institutions to draft policies and concrete plans for migration management.

The achievement of these important activities has been supported by the funding of the European Community, through the CARDS programme, and with the technical and financial support of the International Organization of Migration. I would like to express my gratitude, and also that of the Albanian government, for the significant

support these two international organizations have offered. The collaboration to the strategy for the achievement of such standards, policies and actions, is also the highest expression to enable integration.

The efforts of the Albanian Government are early days for the management of chaotic and irregular migration. In these efforts, the Albanian Parliament, the government, civil society, intellectuals, and even the simplest of citizens, have tried to alleviate the consequences.

The National Strategy on Migration approved by the Council of the Ministers, and the National Action Plan of this Strategy, approved in principle by the Inter-ministerial Committee on Migration, mark an important moment in this undertaking. These important documents undertake to support migration management, its flows and consequences, as well as to make the necessary intervention for the transformation of migration phenomenon into a phenomenon bringing prosperity.

We are walking in the steps of other developed countries in this undertaking. Other countries have also experienced periods when they could not provide for their citizens and hence the citizens were obliged to leave and

seek better opportunities abroad. This is the reason why we don't consider the Albanian migration phenomenon with all its dimensions and characteristics and as an exclusively Albanian phenomenon. We are convinced that we can manage this phenomenon by making use of the experience of other countries and by being committed. The Action Plan of the National Migration Strategy is an expression of our seriousness and accountability to follow the process and to follow the strategy step by step. This commitment to making the most

of the strategy is associated with the fact that the strategy and its National Action Plan are well coordinated with other government strategies and medium/long term programmes.

The contribution of all the participants in this workshop is very significant in making the Strategy and the National Action Plan common property. Opinions, suggestions and solutions proposed constitute a contribution, which will make these documents more rational and useful.

WELCOMING WORDS BY Mr. ENGJEL BEJTAJ, MINISTER OF LABOUR AND SOCIAL AFFAIRS

*Your Excellency, Mr. President of the Republic,
Honoured Mr. Deputy Prime Minister,
Honoured Mr. Ambassador of the European Commission,
Dear Colleagues and friends,*

I have the great pleasure today, to welcome you on behalf of the Albanian Government, to this joint forum of the Albanian National Strategy on Migration and pursuant to it, the National Action Plan. The presence of the most important local, regional, international stakeholders in migration policy shows the sensibility and our common will to address one of the most delicate and crucial topics not only for our country's social development but also for regional and international collaboration.

I wish to express my gratitude to the following individuals for their presence, especially to Mr. Salzman, Ambassador of the European Commission, to the General Director for Immigration in the Italian Ministry of Labour and Social Affairs, Mr. Giuseppe Maurizio Silveri, to the Director of the Migration office in the Greek Ministry of Interior, Mr. Gregorios Lazarakos.

On the 19th November 2004, the Albanian government approved the National Strategy on Migration, whereas the National Action Plan on Migration is in its final stage. This political action was accomplished with the

proactive support of European Commission Delegation in Tirana and International Organization for Migration, Mission in Tirana.

I would like to underline at the beginning of this speech that the Albanian Government does not encourage emigration, but at the same time observes the right, the need, and the liberty of choosing another country to work and live in. In the framework of an open economy and of globalization, the Albanian government and indeed any government, has the duty to take care of its citizens, regardless of the country where they live or work. Another obligation too, for all democratic governments and countries, is the observance of human rights irrespective of considerations of nationality, citizenship or religious affiliation.

Emigration is a great problem for Albania as over 20 per cent of its population has left the country for more than a decade now, turning Albania into one of the countries with the highest emigration flows. The current emigration policies of the Albanian Government, aim to extend the legal emigration channels in order to minimize illegal migration, to fight the trafficking of

human beings; to integrate emigrants in host countries, and aim to fully legalise Albanian emigrants abroad, in collaboration with the respective governments and countries. Furthermore the Albanian Government aims to respect the social-economic rights of migrants in conformity with international and local standards; to promote the voluntary return of emigrants through the development of the national economy, and to implement small business promotion programmes to facilitate, in fiscal terms, the conditions of migrants who want to return to Albania.

The drafting of the National Strategy on Migration and its National Action Plan, is the first serious step undertaken by the Albanian Government, in order to confront one of the biggest problems of transition in the Albanian society. I would like to declare here today that the drafting of this strategy was conducted under different conditions and a different reality in our country. Albania is not "the land of irregular migrants and motorboats" anymore, and it is not the country of catastrophes caused by the economy and the financial pyramids policies. Albania is a country where people have turned to work, people who trust their country and their government. In fact, there are fewer and fewer Albanians wanting to leave the country and more emigrants wanting to return.

In this framework, the management of migratory flows has become a component of the Stabilisation and Association Process; The upcoming Stabilisation and Association Agreement is expected to be signed in 2005, and will include many provisions for migration and asylum.

The National Strategy on Migration is a project funded by the European Community in the framework of the "Community assistance for Reconstruction and Development" Programme (CARDS). It has been implemented with the

technical support and co-funding of the International Organization of Migration (IOM), through its mission in Tirana. The Albanian Government would like to express its gratitude to these international organisations for their kind support.

An inter-institutional Working Group was established to draft the Strategy. This group has supported the coordination of work between all governmental structures, and especially the coordination of work between the three line ministries - MoLSA, MoPO and MoFA. The working group is composed of senior representatives from the Albanian Government who will elaborate, change and approve the proposals for policies which will in turn be presented to the relevant decision making levels, such as the Council of the Ministers. A mechanism will be appointed to monitor and evaluate of the implementation of the Strategy, as well a periodical assessment based on ongoing developments.

Making reference to the material you have been made available, the National Strategy on Migration and the National Action Plan proposed, we hope for a political and technical debate taking place in the round tables in the next two days, to focus on the issues related to:

- ❑ Protection of emigrants' rights abroad;
- ❑ Mobilisation and unification of Albanian communities abroad;
- ❑ Driving remittances of emigrants into investments and enterprises in the country;
- ❑ Organisation of a relevant policy for labour migration;
- ❑ Facilitation of visas for Albanian citizens for periods of short term travel;
- ❑ And finally, the development of an appropriate legal and institutional framework.

The Strategy and the National Action Plan refer to a five-year period, until the end of 2010. The Draft/Action Plan defines the measures and elements for the implementation of the Strategy-responsible structures, activities and the necessary human and financial resources, deadlines, links with other action plans in this area, and possible standards. The main objective of this workshop to elaborate a political approach on Albanian migration, to consider it a developmental issue in order to create a more effective migration management policy.

With regards to all of the above-mentioned issues, we would really appreciate your contribution to the discussion as well as closer collaboration and partnership with the

relevant governmental structures, the emigrant' community, Albanian Diaspora and civil society. As Minister of Labour and Social Affairs, I find the occasion to once again to draw the attention of all interested actors in migration, so that they provide their contribution for the completion, improvement, extension and accomplishment of this significant project of the Albanian government and state in the field of migration. The Albanian family, state and government have benefited up to now from Albanian emigration, and so have the host countries of emigrants, this has been despite of the temporary and understandable inconveniences. Now the time has come that the Albanian migrant community, which has made so many sacrifices, feels our attention and care.

Thank you and good luck!

WELCOMING WORDS BY AMBASSADOR LUTZ SALZMANN, HEAD OF EC DELEGATION IN TIRANA

*Honourable President,
Honourable Ministers,
Excellencies, Ambassadors,
Ladies and Gentlemen,*

It is an honour for me to be here today, in front of such a distinguished audience, to reflect together on a subject which I believe is of great importance.

Let me, first of all, repeat that Migration management in the Western Balkans is a major strategic policy priority for the European Union and a major concern in the framework of the current stabilisation and association process, not just as far as Albania is concerned, but for the whole region.

As you are probably aware, in the framework of the Stabilisation and Association Process, the Migration management issue has been on the agenda of the EU/Albania Consultative Task Force several times, which confirms the importance that the EU attaches to this topic.

The approval of the National Strategy for Migration, as a policy document, in November last year, is therefore a step forward in the framework of the Stabilisation and Association process.

We are aware that the Strategy is the result of an intensive cooperation and hard work performed since September 2003 by the Albanian Government, in close co-operation with both the European Commission and above all with the IOM experts. We take this opportunity to acknowledge the valuable work of the Albanian representatives involved in the Process. I would like to mention here, in particular, the input of the Ministries of Labour and Social Affairs, of Foreign Affairs, and of Public Order, as well as of all the other Albanian institutions involved in the process over the last seventeen months.

We consider that the draft Action Plan for Migration, that we are going to discuss during the next two days, has to be brought up to the highest quality standards and that there has to be real commitment in the future to its implementation, reflected in appropriate budgetary allocations. It is clear that, from the Government side, such a commitment should be expressed also in the provision of

the sufficient human resources, in number and in quality, for such implementation. As we have always emphasised, policy documents and strategies, without the necessary means to implement them, are dead letter.

It goes without saying that an effective implementation of such an Action Plan can be achieved exclusively when there is a committed political will and I am fully confident that the Albanian Government will be able to find the best way to respond to this need.

Before concluding, I would like to add that I was glad to see the inclusion of the Albanian Diaspora in the national Strategy and Action Plan, as well as in the agenda of the workshop. I would like to highlight here that it is essential for the Albanian Government to be able to define and implement a serious policy on their migrants abroad in line with both the European Council Conclusion on Migration and Development of 19 May 2003 and the European Council conclusions of Thessalonica, of June 2003. In the first document, the Council *“recalls that an effective and coherent development policy is an essential part of an effective migration policy”* and that *“if properly managed, migration can be a positive factor for growth and development*

of both the European Union and the countries concerned”, as our history has so often proved.

In addition to that, in Thessalonica, the Council stressed that “integration policies should be understood as a continuous, two-way process based on mutual rights and corresponding obligations of legally residing third-country nationals and the host societies”.

We are aware that, as stated also in the Conclusions of the Brussels European Council, held in November 2004, “insufficiently managed migration flows can result in humanitarian disasters”. It is also in that perspective that we assure our commitment to continue working with our partner, the Government of Albania, in order to provide our assistance for enhancing the management of migratory flows in ways advantageous to Albania, to the European Union, and of course to the migrants and their families.

My best wishes for this workshop and for all the participants in this important event. I am sure that the chance to make the Action Plan on Migration a comprehensive document, ready to be implemented, will not be missed.

WELCOMING WORDS OF PETER SCHATZER, CHIEF OF MISSION, IOM ROME

Excellences, Mr President, Mr Ministers, Dear colleagues, Ladies and Gentlemen,

I am very honoured and pleased to welcome you to the workshop for the National Action Plan for Migration on behalf of the International Organisation for Migration, as a representative of the delegation of IOM in Rome that has a regional function which covers Albania. IOM is the Technical Support Unit of the Albanian Government that is responsible for the elaboration of the National Strategy on migration with the financial support of the European Community.

This strategy is a unique experience of collaboration between a government and an international organisation like IOM. The method used to elaborate it, is innovative. The strategy itself is made up of two different documents. The first document is an initial policy paper, which was approved by the Council of Ministers on 19th November 2004 with the aim to launch a significant debate in the country and to call the civil society to contribute to the elaboration of the action plan. The second document - The action plan is the document which will be adopted by the Government and that we will discuss during the two days of this workshop.

The National Action plan for Migration appears to be a very ambitious attempt to

develop a new approach on migration. Confronted with mass emigration from Albania, a substantial illegal component, the first reaction of the neighbouring Member States of the European Union has been to require Albania to stop those flows. The goals of the National Action plan on Migration are complementary but different. Its content can be summarised in three keywords: **development, protection and mobility.**

- **Development:** emigrants can be human links between their country of destination and their country of origin. They can be used as vectors of development for Albania. This is why an important part of the action plan is devoted to ways of mobilising the Communities of Albanian emigrants abroad, and to drive remittances into productive investments and business. The goal is to build a transnational diaspora that can help Albania to become part of the globalised world we are living in. I hope that the roundtable on diaspora will be successful and lead to the adoption of a declaration for the mobilisation of the Albanian

diaspora throughout the world that could be the beginning of a new ambitious policy.

- **Protection:** nobody can forget that emigrants are above all human beings. This is why another important part of the action plan concerns the improvement of the Albanian diplomatic and consular services for emigrants. It includes measures to better and implement these rights in their new home country. The most important measure planned in the future, is certainly the improvement of the civil registration of Albanian emigrants through the embassies and consulates. One can hardly expect emigrants abroad to contribute to the development of Albania if not enough is done to give them the possibility to participate in the life of their country of origin. This is why the Albanian Government must be congratulated for considering the future implementation of the right to vote in parliamentary elections through the Albanian embassies and consulates abroad. This will not be the case for the forthcoming elections in a few months, but the hope is that it will become reality for the next ones planned for 2009.
- **Mobility:** it is clear that Albanian citizens are still attracted by the possibility to travel and reside abroad and that they can be frustrated by the current difficulties to do so legally in the EU member States. The strategy proposes several measures to facilitate this, the most important one being the conclusion of a new generation of labour agreements with neighbouring countries. I am

delighted to say, following my conversation with Mr Silveri that this seems to be possible with Italy; I hope that the presence of Mr Lazarakos here today will help to make this also possible with Greece in the not too far future.

Coming to my conclusion, I want of course to thank the donor, the European Community, because nothing would be possible without the financial support given through the CARDS programme. But I cannot leave you without underlining two final elements.

First of all, the strategy for migration must be seen in the broader context on the Stabilisation and Association process in paving the way for the integration of Albania into the European Union. I hope that the EU and its Member States will take into consideration the good will of the Albanian government, that is one of the very first ones to have accepted, and to have concluded a readmission agreement with the EU. It is indeed clear that some of the measures contained in the action plan cannot be implemented without the close collaboration of the EU and its Member States.

Secondly, the presence in this opening session of the President of the Republic, Mr Alfred Moisiu, shows the interest of the highest public authorities of Albania in the National strategy on Migration. Measures to finalise the national action plan and to make available the financial and human resources necessary for implementation must now follow this demonstration of interest. One possibility of facilitating this by providing leadership for a policy on migration could be the creation of a new post for a Minister without Ministry in charge of migration.

This idea with many others, will be discussed during the 8 roundtables that will be organised during the two days of this

workshop. I hope that we will have fruitful discussions in order to define the best solutions to overcome the challenges we

currently face all together. I can for my part assure the full support of IOM.

Thank you for your attention.

**VISA POLICY AND SHORT TERM
MOBILITY OF ALBANIAN CITIZENS**



OBTAINING VISA FACILITATION FROM THE EU: THE CASE OF ALBANIA¹:

IS THE CONCLUSION OF THE READMISSION AGREEMENT A NECESSARY BUT INSUFFICIENT CONDITION?

by

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Visa policy is much too often discussed as a black and white question, but there is a middle way between the current status quo and the lifting of the visa obligations imposed by the EU on Albania (1). Indeed, after having progressively established an explicit link with readmission agreements, the EU very recently entered into negotiations with some third countries on visa facilitation (2). After having accepted to conclude a readmission agreement with the EC, Albania should in this context try to clarify the criteria imposed by the EU for obtaining visa facilitation (3).

1. What are facilitations in the visa policy of the EU?

A visa authorisation to stay in the Schengen area no more than three months is a short-term visa, distinct from a long term visa leading to a

residence permit. Visa facilitation has thus nothing to do with the notion of free movement of persons, which refers to the right to reside freely within the European Union, and not only the right to move freely during a period of maximum three months. It is well known that the core element of the European visa policy is the Council regulation EC n°539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement². This regulation contains two annexes listing the third countries whose nationals need a visa (annex 1, the so called the "black" list) or are exempt of that obligation (annex 2, the so called the "white" list). Albania appears on the black list, as do all the other western Balkans countries, with the exception of Croatia.

¹ The substance of this paper has been presented in the workshop, but its content has been revised and completed in order to take account the important recent developments that took place in view of its publication.

² O.J.E.U., L 81 of 21 March 2001, p.1.

Following point 5 of the preamble of the regulation, the classification of third countries "is governed by a considered case-by-case assessment of a variety of criteria relating inter alia to illegal immigration, public policy and security, and to European Union's external relations with third countries, consideration also being given to the implication of regional coherence and reciprocity".

Political discussions about visa policy are much too often focused on the lifting visa obligation, corresponding to a passage from the black to the white list. This best-case scenario can only be a (very) long-term perspective for Albania as it is also for Russia, despite the European perspective of Albania which has already been recognised as a potential candidate by the EU. The black list of third countries has only been changed by removing Bulgaria and Romania to the "white" list, but these two countries are in principle on the way to shortly join the EU. This does not mean that nothing can be done in the meantime. Instead of a full liberalisation of the visa regime, which will only happen at a later stage, visa facilitation can be much more realistically envisaged for Albania with the aim to facilitate the movement of Albanians towards the Schengen Area.

The notion of "visa facilitation" is very broad. To my knowledge, no documents with concrete examples have for the moment been made public, with the exception of the regulation EC n°1295/2003 of 15 July 2003 relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic or Paralympic Games in Athens³. The notion, which needs to be more defined, covers a wide range of diverse elements. In theory, one can imagine, as many types of facilitation as there are rules for the visa policy. Article 4 of

Regulation 539/2001 explicitly foresees one kind of facilitation: for Member States to exempt diplomats, civilian air and sea crew members, holders of laissez-passer issued by some international organisations to their officials and school pupils from the visa requirement under certain conditions. The Euro-Mediterranean Association Agreement between the EC and Algeria contains also an interesting article 83 on "Movement of persons" which could inspire third countries negotiating with the EU: "Desirous of facilitating the movement of persons between them, the Parties shall ensure, in accordance with the relevant Community and national legislation in force, that the formalities for the issue of visas are carefully applied and executed and shall agree to examine, within the limits of their powers, ways of simplifying and speeding up the issue of visas to persons contributing to the implementation of this agreement". This text signed on 22 April 2002 is nevertheless not yet entered into force⁴.

A distinction can be made regarding the objective of each of the different types of visa facilitation. Some types aim to facilitate the process of visa issuance, for example in order to diminish the number of documents to be submitted with the application, or to exempt the need for an interview with the applicant. Such types of facilitation can include the setting of a short deadline in which the authority should respond to the application or the introduction of an effective appeal procedure allowing a swift review of the first negative decision by an authority in the country instead of a theoretical appeal by the competent judge on the territory of the concerned Member State. Other types of visa facilitation aim to allow the holder of the visa to travel more easily, such as the issuing of a multiple entry visa allowing the traveller to go back and forth. In this type of facilitation, it

³ O.J.E.U., L 183 of 22 July 2003, p.1.

⁴ See the text on the web site Europa of the EU.

supposes a long term validity of visa as opposed to a single entry visa which allows only one single entry trip in a very limited period of time. One can also distinguish between types of facilitation on the basis of the concerned persons travelling. Some facilitation concern all categories of persons, others target specific groups considered as bona fide travelers, like for instance diplomats, businessmen, employees of big companies or international organisations or, why not, holders of a certain number of visas who have shown by coming back that they respect the rules and should not be considered as a potential illegal immigrant in the EU.

2. Which third countries for the granting of visa facilitations by the EU?

The position of the European Union regarding visa facilitation has evolved very recently. During the five years of implementation of the Tampere programme aimed to build the foundations of the common policy on immigration, almost nothing has been said or done about visa facilitation. There have however been some limited allusions in Commission's communications. One can read in the part on migration and development of the Communication "Integrating migration issues in the European Union's relations with third countries" of 3 December 2002 that "Compensatory measures in the field of migration such as a more generous visa policy with respect to the co-operating countries or increased quotas for migrant workers seem equally difficult to negotiate at the level of the Community, not least since it would suppose substantial co-operation and co-ordination from and between the Member States"⁵. A clear change of appraisal can be noticed in the Commission study on the links between legal and illegal migration of 4 June 2004: "the study has shown that, as regards several third countries, visa policy measures have a preventive impact

on illegal migration flows. This change of position is especially important for categories of persons who are potential overstayers. However, there are categories of persons who do not represent any risk from the point of view of illegal migration and who have no intention to abuse short stay possibilities. For these categories, to be defined country by country, the possibility of considering some kind of facilitation in the delivering of visas could be explored, taking into account the efforts of the country concerned to cooperate with the EU in the fight against illegal migration. The Commission could therefore propose to explore the question of negotiating visa facilitations for certain categories of persons (such as permanent representatives from third countries involved in structural dialogue; sportsmen, etc). A pilot exercise will be the adoption of a mandate for the negotiation of visa facilitation with Russia⁶.

Two reasons can explain the evolution of the EU regarding visa facilitation. Firstly, the Commission and the Member States, who have made of the conclusion of readmission agreements the absolute priority in their external relations policy regarding immigration, have now the benefit of cruel experience. They have discovered that it is quite difficult to convince third countries to accept such treaties unilaterally in favour of the EU. The need to find incentives to obtain third countries' consent in signing such treaties has transformed visa facilitation into the main bargaining tool of the EU for negotiations on readmission agreements. Secondly, visa facilitation is precisely what some third countries want to receive from the EU in order to facilitate the movement of their citizens towards the Member States. This is the case of Russia and Ukraine following the Commission report of 9 July 2003 on the implementation of the Council conclusions on intensified co-operation on the management of migration flows

⁵ COM(2002)703, p.26.

⁶ COM(2004)412, p.20.

with third countries of 18 November 2003⁷. The Commission has consequently been mandated by the Council to negotiate visa facilitation with Russia should receive soon a similar mandate regarding Ukraine. The second report of 28 July 2005 on the same subject shows that, in addition to Morocco, other countries like China and Tunisia have also expressed their interest in visa facilitation. Following the Commission, "Moreover the Council will also be aware that many third countries view discussions on illegal migration as being indivisible from broader issues of migration management such as visa facilitation/waiver, legal channels for migration, the provision of funding and border surveillance equipment (or closer links with the EU in general)"⁸. A very interesting element in that report is that an explicit link made in the case of China, Russia and Ukraine between readmission agreements on the one hand and visa facilitation on the other.

The link between visa facilitation and readmission agreements had already been made in the Hague programme "Strengthening Freedom, Security and Justice in the EU" of November 2004 establishing new priorities for Justice and Home Affairs after the Tampere conclusions of October 1999. At the end of the point 1.7.3. concerning visa policy, the European Council "invites the Council and the Commission to examine, with a view to developing a common approach, whether in the context of the EC readmission policy it would be opportune to facilitate, on a case by case basis, the issuance of short-stay visas to third-country nationals, where possible and on a basis of reciprocity, as part of a real partnership in external relations, including migration-related issues"⁹. On the basis of the Commission's proposals on the priorities for the next five years¹⁰, the Council adopted in

May 2005 an action plan implementing The Hague Programme. The programme included "specific recommendations for negotiating directives on visa facilitation on a case by case basis with third countries in the context of the EC readmission policy, where possible, and on the basis of reciprocity, in view of developing a real partnership on migration management issues (2005-2009)"¹¹. This cut and paste of The Hague programme seems to mean that mandates taking into account the particularities of each concerned third country will be adopted by the Council to guide the Commission in the negotiations of agreements on visa facilitations during the envisaged period.

In conclusion, it seems clear for third countries that obtaining visa facilitation can only be envisaged in exchange of a readmission agreement with the EC. Albania satisfies this condition. It remains nevertheless unclear if there are any other requirements in the case of the Western Balkans in general.

3. Which criteria have third countries to satisfy for obtaining visa facilitation?

In the EU-Western Balkans Summit of 21 June 2003 held in Thessaloniki, the Heads of State or Government of the EU and of Albania, Bosnia, Croatia, Macedonia and Serbia "acknowledge the importance the peoples of the Western Balkans attach to the perspective of liberalisation of the EU's visa regime towards them. We recognise that progress is dependent on implementing major reforms in areas such as the strengthening of the rule of law, combating organised crime, corruption and illegal immigration, and strengthening administrative capacity in border control and security of documents. The Western Balkan countries

⁷ Commission staff working paper on the management of migration flow with third countries (SEC(2003)815).

⁸ COM(2005)352, p.10.

⁹ O.J.E.U., C 53 of 3 March 2005, p.7.

¹⁰ COM(2005)184.

¹¹ Council Document 9246/2/05 JAI 184 dated 31 May 2005, point 2.9, measure (m), p.12.

welcome the intention of the Commission¹² to hold discussions, within the framework of the Stabilisation and Association Process, with each of them, regarding the requirements for how to take those measures in concrete terms". The same words are repeated in the Thessaloniki Agenda for the Western Balkans, in which the EU insists that it is "aware of the importance the peoples and governments attach to the perspective of liberalisation of the visa regime".

Despite the efforts of the Greek Presidency to put the point on the agenda in conformity with the agenda of Thessaloniki, it seems that nothing happened regarding visa facilitation for Albania. On the contrary, the negotiations on the readmission were finalised on 5 November 2003 and the text signed on 14 April 2005¹³ without any corresponding visa facilitation. How has this been possible? Following the conclusions of the Thessaloniki Summit, visa liberalisation for the Western Balkans countries is linked with major reforms regarding strengthening of the rule of law, combating organised crime, corruption and illegal immigration, and strengthening administrative capacity in border control and security of documents. All this goes much further than the conclusion of a readmission agreement, even this element is at the core of the fight against illegal immigration. This raises at least three questions. Firstly, is it clear that a difference is done between visa liberalisation in the Thessaloniki conclusions and visa facilitation in the programme of The Hague? Secondly, depending on the answer given to the first question, could it mean that the conclusion of a readmission agreement is for Albania a necessary but insufficient condition to obtain visa facilitation? Thirdly, as Albania is (with the

exception of the small entities of Hong Kong and Macao) the second third country to have accepted to conclude with the EU a readmission agreement after Sri Lanka, could it mean that Albania does not comply with the other elements and should have not accomplished enough progress in the other fields of Justice and Home Affairs? Some elements of an answer are given to the third question in the already quoted Commission communication in the monitoring and evaluation mechanism of the third countries in the field of the fight against illegal immigration: after recognising progress in the control of illegal migration/trafficking, the Commission insists upon the need for further and continued efforts, the lack of the necessary underpinning secondary legislation in the area of migration and asylum and the limited administrative and financial capacity which results in under-implementation of existing legislation, and recommends Albania to take all the necessary steps to ensure implementation and enforcement of its current legal framework in the fields of migration, asylum and connected areas (for example penal legislation against organised crime and trafficking in human beings)¹⁴. The fact that the Stabilisation and Association Agreement has not been concluded despite the finalisation of the negotiations on the content, can also be interpreted as an element showing insufficient progress of Albania on the very long way towards the integration in the EU.

Better answers to the two first questions will only be given when Albania will clearly request from the EU a precise position about the question of visa facilitation. The answer which will be given to the first question above is of course the

¹² See also the Commission Communication on the Western Balkans and the European Integration in which the Commission expressed its will to lead concrete discussions on the subject (COM(2003)285 of 21 May 2003, p.3).

¹³ See the text of the agreement on the readmission of persons residing without authorisation published in the O.J.E.U., L 124 of 17 May 2005, p.22.

¹⁴ Op.cit, p.3.

key one. After the absence of results of the plan of measures for the improvement of the free movement of citizens adopted on 8th July 2003 by the Albanian Council of Ministers regarding visa facilitation, this will be the task of the new government, which came into power in September 2005 after the elections of July 2005. The National Strategy on Migration gives an analysis of the current situation about visas, a presentation of the current policy, an evaluation and prospects of the current policy and finally five concrete proposals for measures of implementation. The National Action Plan on Migration contains a measure, n°50 to undertake bilateral negotiations with eight EU member States. The very quick evolution of the position of the EU described above which intervenes during the elaboration of those policy documents, should immediately push the new government to put the priority on the opening of negotiations on visa facilitation at the EU level. This requires a precise position on the kind of facilitations that Albania will ask for (which type and for whom?) and possibly the identification of the right interlocutor. Identifying the right interlocutor is a bit difficult due to the fact that the distribution of competences between the EU and its Member States is not always so clear because of the complexity of the jurisprudence of the European Court of Justice about external relations as well as of the European and Schengen acquis in the field of visas made of quite flexible rules under evolution¹⁵. The Albanian Government will be supported by the European Parliament which concludes in its

report on the proposal for a Council decision concerning the conclusion of the readmission agreement adopted on 22 June 2005 with the idea that "Consideration could also be made of rewarding Albania for the signing and future implementation of the Agreement, potentially with visa facilitation at the bilateral level, or in other spheres of the EU's relations with Albania"¹⁶.

It is quite clear that the negotiation of the readmission agreement between Albania and the EC appears to have been a missed opportunity to obtain visa facilitation. Strangely enough, it seems indeed that, according to the information available until now, the readmission agreement which was politically and symbolically very important for the EU as well as for Albania for which it represents considerable commitments, including financial ones, has been concluded by Albania without compensation. Current sources have suggested that no bargaining was raised with relation to either migration policy or other policies, despite the agreement is unilaterally in favour of the EU. If Albania takes the implementation of its commitments seriously, it will clearly be time for the EU to show that the "real" partnership it intends to promote in the management of migration flows is correctly and effectively well balanced by offering to Albania some kind of visa facilitation. On the contrary, the offer of visa facilitation to a country which should not have concluded a readmission agreement with the EU would be seen by Albania as a betrayal.

¹⁵ The Common Consular Instructions (O.J.E.U., C 310 of 19 December 2003, pp. 1-108) which will be revised by a community act to be proposed by the Commission.

¹⁶ Report of Ewa Klamt, Session 2004-2009, A6-0214/2005, p.7.

COMMENTS ON THE VIZA POLICY FOR ALBANIAN CITIZENS

by

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Embassy of the Hellenic Republic in Tirana*

Mr Chairman, distinguished participants;

The issue we touch upon today is very important and I cannot but express deep satisfaction for IOM's initiative to organise this excellent workshop, as well as helping the Albanian authorities draft the National Strategy on Migration, which is a comprehensive text with concrete proposals for action.

Visa policy is a very delicate subject, both for the EU and Albania. Let me; first of all, make a clarification regarding my role in this panel, as representative of an EU member state. As you all know, common positions of the EU are expressed by the Presidency, so it is not for me or any other representative from a single EU member state to discuss issues such as visa liberalisation or visa removal. These are issues handled by the competent EU authorities in Brussels and decided upon when it is believed that a number of standards are met. So, what I shall try to do today is explain some things about my country's visa policy for Albanian citizens.

There is a number of, I believe inaccurate, presumptions regarding the visa policy of Greece vis-à-vis Albanians; but today it's time to speak with numbers and concrete data, rather than quote hearsay and hypotheses.

The first such presumption is that every Albanian citizen applying for a visa at an EU Consulate is a potential illegal migrant; it goes without saying that this is an exaggeration; we left the time when the term "Albanian tourist" sounded like a joke behind us, and there are many Albanians (businessmen, students, professors, etc) who have the will and the means to travel abroad for business or pleasure. This is an excellent development and Greece, as a destination-country welcomes this kind of movement of people and tries to further enhance it.

Nevertheless, it would be naïve to presume that there are no Albanians who apply for a

short-term visa, having in mind moving to an EU country. To say the least, Greece has some tens of thousands of Albanians, now legalised, who used the short-term visa they got from one of our three Consulates (in Tirana, Gjirokaster and Korçe) to prove it. What should also be kept in mind is that the presence of more than 700.000 Albanians in Greece makes it very easy for someone wishing to misuse a visa issued for a short stay, given the fact that almost every Albanian has one or more relatives in Greece, whom he/she can use as a "base", waiting for a hoped-for legalisation. What makes the above even more relevant is that, as rightly pointed out in the National Strategy on Migration, the presence of relatives/friends, along with proximity, is one of the most important factors for the choice of the country one decides to migrate to.

The second inaccurate statement is that it is very hard for an Albanian citizen to get a Schengen visa, and, when this happens, the visa is almost always a short-term visa. I have here some very interesting figures, which, I believe, paint a clear picture of the situation. From 2002 to 2004, there has been a rise of about 20 per cent of the total number of visas (both Schengen and national) issued by Greek Consular authorities in Albania, from roughly 52000 to 61000. This is even more important when one considers two additional factors: a) that there also was a qualitative difference, with far more long-term, multiple-entries visas issued in 2004 than in 2002 "almost half of the Schengen visas issued by the Consular Section of the Embassy in Tirana were long-term visas, most of which one-year visas", and; b) the overall refusal rate is about 20 per cent, meaning that **only one out of five applicants was refused to enter the Schengen area**.

The above fall into place if one considers the findings of the recent IOM survey on visa-

policy, presented only some minutes ago by the previous speaker. It is clear from the survey that Albanian citizens consider the collection of the necessary documentation, when they come across the bureaucracy of different services, and not the time they have to spend at the Consulates, as being the most difficult part of the application process. It is also very interesting that applicants believe that their access to the Consulates is unhindered and timely, and that the time elapsing from the application to the reply (3-7 working days, depending on the Consulate; it is 3 days in our case) is not long. The fact that the survey was conducted by an independent organization makes its findings even more important.

Since we participate in a workshop for the National Strategy on Migration, let me say only just a few words about **legal migration** and our visa policy. The issue of seasonal and permanent work permits for Albanians to Greece is very important and, since we started dealing with numbers, here are some very interesting figures: last year the three Greek Consulates in Albania issued **more than 17.000 visas for work** (seasonal and longer-term). One should add to that visas issued for family reunification, for spouses and children of Albanians working legally in Greece. Just the Consulate in Tirana issued more than 8000 such visas in 2004! These are visas issued for the applicant to obtain a stay-permit in Greece. I believe this cannot by any means be considered as a policy posing obstacles to legal migration. But, let me stress that there is a difference between a rational migratory policy on the one hand and complete lack of control on migration flows on the other. We should also keep in mind that all Schengen countries bear responsibility not only for themselves but also for the whole Schengen area.

Not wanting to take up more time, let me now

come to the National Strategy and its proposals regarding the visa policy. A previous speaker cited the measures that Schengen rules allow a single member state to take when it decides to apply a more flexible visa policy for the nationals of a third country, such as exception for holders of diplomatic and service passports, issuance of long-term, multiple-entries visas etc. And if one reads the part of the Albanian National Strategy on Migration where are cited the Albanian starting-points at a future negotiation with the EU and its member states (page 60 of the Strategy), it is easy to figure out that Albania needs to knock on other doors and not the Greek one, given that everything cited there is already implemented by Greece. Let me be more specific:

- ❖ The issue of clear **information** about the required documentation for the issuance of visas is already dealt with. Clear hand-outs for every kind of visa (tourist, professional, and student) are available at the Consulates. Information is also provided for by telephone. Furthermore, within the week, Albanian citizens will have access to such information also by home, via the internet, at the Embassy's web site (www.greekembassy.al).
- ❖ The identification of bona fide persons for whom it is possible to obtain **multiple entry and, long term visas** is already a policy of Greek Consular Authorities as proven above. Thousands of Albanian businessmen, scientists and bona fide citizens possess this kind of visa.
- ❖ The issue of the **deadline** for an answer (negative or positive) is

dealt with satisfactorily; for the Greek Consulate in Tirana it is 3 working days (while Schengen directives refer to 7 days). The other two Greek Consulates in Albania follow more or less the same policy. Given the fact that we need to go through the S.I.S. consultation before issuing the visa, there are no unreasonable delays; quite the opposite.

- ❖ The improvement of **logistics** in our Mission, given that we issue by far the most visas to Albanian citizens, is something I personally would be more than happy to see. Our personnel works daily long past working hours to cope with the demand, as any Albanian citizen who has applied at our Consulate knows. Unfortunately, as every civil servant present in the room knows, the wishes of the central authorities do not always coincide with ours.
- ❖ **Decisions of refusal** are always justified and notified in writing to the applicant, and the possibility and means of **appeal** are clearly stated. It is true that the document containing the reasoning for rejection is standard (we tick the right box) for practical reasons (it would be a huge burden to draw up an individual document of refusal for each applicant); nevertheless, clarifications for the exact reasons of refusal are orally available in every case the applicant so wishes.

Forgive me for taking up all this time, but I really wanted to show that the issue of making the life of every bona fide Albanian citizen who wants to apply for a visa to Greece is very

high in our agenda. In this direction, the Greek Consulate in Tirana has recently changed the way Albanians are able to apply: no more long queues and hours of waiting in front of the Consulate's entrance, which also fostered unwished for phenomena (such as people selling their place in line, accusations regarding Albanian police-officers tampering with the queue etc); now everyone has a specific date when he/she is expected at the Consulate to apply. This development was highly appreciated by applicants, as shown also in the survey conducted by IOM. It is our wish to make the system even simpler and more convenient in the very near future.

There are, nevertheless, some steps for the Albanian side to take in order to remedy the existing problems; First, the role of the state is crucial; further steps should be made to secure the **authenticity of certificates**; combating phenomena like the ones detectable outside some EU Consulates (people selling applications which can be obtained for free inside the Consulates,

people who claim to be "mediators" between the applicant and the Consulate and get money from Albanian citizens for their supposed "help" in issuing the visa); these phenomena damage the image of the Consulates although taking place outside and out rooting them is a responsibility of the Albanian authorities. The **role of the media** is also highly important: demonising EU Consulates just because they apply Schengen rules is an unneeded and unproductive exaggeration.

I could keep on talking for this issue for quite some time, but, not wanting to take up more of your time I'll stop here; I'm just going to say that **respect for all Albanian citizens is the backbone of our visa policy**. Better control should not be viewed only from its negative but also its positive aspect: it helps detecting the bona fide Albanians who should be facilitated to move in the Schengen area, because this will be good for Albania and for the EU.

Thank you for your attention.

**LABOUR EMIGRATION
OF ALBANIAN CITIZENS**



LABOUR EMIGRATION:

FROM POLITICAL WILL TOWARDS COLLABORATION OF MIGRATORY MARKETS

by

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I. TYPOLOGY AND PHENOMENOLOGY OF THE ALBANIAN MIGRATION PHENOMENON

1.1. Dimensions of migration flow

Migration constitutes one of the most acute problems of Albanian society.¹⁷ As the multi dimensional phenomenon that it is, Migration is related to other developmental aspects of the country, such as: economic, social, cultural and political concerns.

Economic and Labour Migration are one of the main trends and largest difficulties of the

emigration process. This is related to the fact that the push and pull factors remain the main causes for economic emigrants migrating for employment purposes, which constitute the majority of Albanian emigrants.¹⁸

Many problems have been identified based on the experience of Albanian migrants in integrating into the host country, these include; the need to humanise migration policy, the provision of free mobility as a basic human right, the facilitation of entry and insertion of emigrants in the labour market, the respect of their human dignity, the

¹⁷ Albanian Emigration is a phenomena which is frequently discussed but as a phenomeon less is known about. This knowledge is relatively non scientific and non professional. The interest in emigration and the impact on society and political institutions is reflected in the form of rhetorics, rather than in the form of comprehensive knowledge or answers related to sustainable and long term measures and policies.

¹⁸ A proportion of the Albanians emigrants living abroad, are refugees or asylum seekers. A number of economic emigrants have also taken advantage of thier status as asylum seekers or refugees in order to benefit from admission, regularisation, and integration in the host country. Many others declare themselves to be kosovar in order to benefit from facilitation of entry and ensure their admission in the host countries,. Mostly frequently Albanians have declared themselves to be Kosovar in Great Britain, Germany, Switzerland, Canada etc.

creation of appropriate living and work conditions in the host countries, and facilitator for good relations factor for the host and origin countries.

Albania is the country with the highest emigration flow in Europe. At present, 22 per cent of the overall population, or approximately 35 per cent of the active population, is abroad.¹⁹ Thus, the emigration flow of Albanians remains five times higher than average emigration flows in developing countries.²⁰ Meanwhile, although the absolute number of emigrants has not undergone an evident increase, still, the migratory potential remains high.

The government and institutions do not possess precise data regarding the size and the composition of the migratory flow in Albania. The approximate data of researchers have served as a reference source not only for governmental institutions, but also for non-governmental organizations and other civil society stakeholders that addressed migration issues. Despite the lack of accurate data, the general migration map of Albanians abroad is as following; Greece-600,000, Italy-200,000, other EU countries, USA, Canada-100,000.²¹ It can be said that the areas of Albania characterised by the highest emigration flows are the southern areas, seaside towns and big cities, whereas remote and mountainous areas have lower emigration flows. The dimensions of the migration flow have been influenced not only by pull factors, but also by the access different population groups have to be able to emigrate.

1.2. Economic emigration in the context of Albanian emigration

Albanian emigration is characterised by specific features, amongst which the following can be identified: i) the high flow of economic migration; ii) the high flow of family migration; iii) the high flow of female migration; iv) the high flow of both accompanied and unaccompanied child migration, v) the high flow of highly skilled individuals ("Brain drain") ; vi) abnormal indicators in the ratio between legal emigration and illegal emigration, both in terms of departure from Albania as well as residence in the host countries; vii) difficulty in placement and integration difficulties in host countries.

1.3. Narrowing of legal migration channels

Intergovernmental agreements for seasonal employment with Greece and Italy depend mostly on the host countries. Even though there is an increase in demand for labour from both Albania and the host countries, the respective Governments are not sensitive enough to such demands and legal migration channels are not always functional. During the second half of the year 2000, approximately 40-50 persons migrated to Italy daily.²² While during the period 2001-2004 these channels didn't function as they should have, since the Italian government abrogated the legal provision on the entry of the Albanian jobseekers into the Italian labour market. The decentralised collaboration among cross border areas with Greece, on seasonal employment of Albanian citizen or inhabitants of border areas, is spontaneous.

¹⁹ Barjaba, K., 2004 Migration and Ethnicity in Albania: Synergies and Interdependencies, Brown Journal of World Affairs, Volume XI, Issue 1, Summer/Fall 2004;

²⁰ Barjaba, Kosta. 2002 Ondate senza ritorno. Rome: IOM.

²¹ Barjaba, K., 2004a Albania: Watching beyond borders, Migration Information, on-line publication of MPI, Migration Policy Institute, August.

²² Albanian Center for Migration research, Tirane, 2003.

1.4. Placement, regularisation, assimilation and the integration of Albanian emigrants

The ratio between legal and illegal migrants in Italy and Greece during recent years has been improving to favour legal migrants. In 1997 the ratio between legal: illegal migrants was 1 to 40 in Greece and 1 to 1 in Italy, whereas in 2004 this ratio dropped to 1 to 1 in Greece and 3 to 1 in Italy. 1999 is regarded as the turning point for the ratio between legal and illegal migrants, due to the beginning of the liberal legislation on immigration enforcement in the two main host countries, Italy and Greece. This legislation, despite its limitations, improved the situation for a considerable number of migrants, by transferring them from the informal labour market into the formal labour market. In both countries approximately 60-70 thousand Albanian migrants were regularised annually between 1998-2002.²³ In recent years, migration legislation in both neighbouring countries, in particular in Italy, is dominated by the philosophy controlling the fluxes.

Albanian Emigrants have been employed in manual or traditional sectors. Migrant employed in traditional jobs are located in the villages whereas the group employed in the construction and services sector is concentrated in main cities or in big suburban areas, to be later distributed in provinces. Albanians make up a major part of migrants working in the agricultural sector. Due to their skills in the labour market, their professionalism and the contribution payment they make, they have been able to benefit from the regularisation quotas of the host countries governments. Family unification has brought about a sharp increase in women and

child migrants in the host state. There is a division of jobs between spouses: women are generally employed in menial jobs such as cleaning ladies, caretakers for the elderly, housewives etc while the men are generally employed in the manual sector undertaking jobs in the construction sector, agricultural, breeding animals, gardening and driving etc .

1.5. Migration Enclaves

During the first years of migration, Albanian migrants were mainly located along crossborder areas in Greece, and coastal areas in Italy. In many cross border areas, they settled in abandoned houses, often free of paying rent. These migrants would act as guards for the building or the small property. Over time they have been displaced deeper in the territory of the host countries shaping ethnic enclaves such as those in Athens, Patras, Thesaloniki, Crete, Rodos etc. (Greece) and Puglia, Lazio, Lombardia, Emilia-Romana etc. (Italy) The attitude of Albanian emigrants is family oriented, a fact that has worsened the cohabitation of Albanian emigrants with the local population and in some cases even within the emigrant community itself.

1.6. Access to services

Migrants have benefited little from services, the quality of which is often poor. In order to resolve problems and daily inconveniences, emigrants make use of any opportunity offered by the host country: associations, volunteering etc. With regards to the extent and content quality of services, it can be said that they have been conceived FOR the emigrants, but not WITH or BY the emigrants.

II. NEED FOR INTERVENTION: DIFFERENT

²³ For additional data on the regularisation of Albanian emigrants in Italy see: Caritas di Roma. 2003 Immigrazione, Dossier Statistico. Roma: Anterem.

PERSPECTIVES

2.1. Thorough knowledge of composition and dynamics of migration flow

The size of Albanian migration is approximately known, but its composition and structure remains somewhat unknown with regard to age, gender, occupation, education, territorial etc. In such conditions, it is important to: i) compile maps to show the country of origin and host country of Albanian migrants; ii) conduct research and to identify the composition and structure of migration flow.

2.2. Promotion of vocational and language training of Albanian migrants

In spite of the fact that the promotion of emigration should not be a priority for Albania, migration flows are caused by the economic development level in Albania as well as the pull factors from regional countries and further. In a situation where there are limited policies regarding the migration Albanians in neighbouring countries, priority should be given to vocational training of future migrants on the new services and production technology. This requires a detailed study of perspective labour market needs in neighbouring countries. Orientation towards the foreign markets should be matched with the preparation of the human resources in the local market, in order not to create artificial deficiencies in the national market. At present there is distortion in the market concerning nurses, who are being absorbed on a large scale by the Italian labour market. Immigration studies show that vocational training of emigrants is diminishing. If in 1960 immigrants in the USA had a professional level of around 4 per cent higher than the local population, in 1999 the professional level of immigrants was around 23 per cent lower than that of the local population.

The media and public opinion widely speak

about the importance of learning Albanian by Albanian immigrant communities, which is important for the second generation of emigrants. For the first generation, acquisition of the host state's language is imperative, to be able to find decent jobs, but also to be remunerated in a non discriminative way. For quite some time, countries with high emigration flows (such as China or India) have started to apply supportive measures to emigrants, through the provision of information services, counselling, vocational training, and linguistic training. A major part of Albanian emigrants speaks the language of their host countries, but often it has taken them quite some time to learn and their level of language is not professional.

The upgrading of the professional, cultural, linguistic level of the emigrants will be one of the ways to improve their image. Surveys have showed that there is a direct correlation between ethnic stereotypes of immigrants and their professional qualifications and abilities.

2.3. Facilitation of economic assimilation

The most discussed topic in scientific debates on emigration, is economic assimilation, which is achieved, when the monthly payment of emigrants is equalised with the payment of local workers. Economic assimilation is the essence of the integration process, a process that often is understood and interpreted in a simplified way, being based on elements and superficial presentations, abstract terminology and rhetoric on the rights of emigrants etc. Researchers underline the fact that the difference between emigrants' payment and that of the local workers, is approximately 15 per cent and there is a tendency that this difference is deepened. Host countries are interested in this deepening, whereas the countries of origin should hamper or smooth down this differentiation.

The encouragement of economic assimilation

brings a reduction in social expenditure for emigrants, so that they will not be a burden for the local population, and, thus one of the reasons of the so-called "welfare chauvinism" is avoided. The allocation of the welfare budget to immigrants causes the cultivation of anti-immigrant feelings, as it means a reduction in funds allocated to local population. Surveys show that emigrants are not a burden for the welfare of the host countries after approximately 15 years of staying in that country. But in the case of Albanian emigrants this period is shorter, because a good part of emigrants are in the informal labour market or are remunerated with low payments in the formal sector.

2.4. Are Albanian emigrants a burden for local workers?

The demonisation of Albanian emigrants has happened due to the fact that they are considered to be the cause of a reduction in income and the worsening of the economic situation of local workers. In fact, this is not true. Research shows that an increase of 100 per cent of the presence of immigrants in the USA, results in a reduction of only 0.2 per cent in the payment of local workers. The part of local population that is most affected are untrained workers, who have a strong bases for political movements against immigrants. Collaboration with employer's organisations in the host countries can be used to facilitate the placement and the assimilation of Albanian immigrants, as such organisations are the interested party with regards to promoting the acceptance of the foreign labour force, as competitors to local workers. In host countries, due to the cheaper price of the immigrant labour force, immigration affects property re-distribution from work, to capital.

Albanian Emigrants are mostly educated, but do not have the skills required for production and services technologies utilised in host countries. They have different relations with

the local population and are seen as a *substitute* for untrained workers and *complementary to* trained workers. With the former the Albanian migrant worker is in a conflicting and tense relations, whereas with the later there are less conflicting relations.

Economic migrants positively affect the host country in a number of ways: they increase the demand for services and goods produced by the locals; they promote the performance of local workers through competition and their transfer in more qualified jobs, they reduce the price of services and goods, by relieving local consumers. Other positive effects include, the influence that legal emigrants have on income increase from taxes. An increase in the rhythms of regularisation is followed by a decrease in expenditures of social services. Furthermore, through their enterprise and their work, they contribute in the economic development of host countries, by offering a cheaper labour. The value of emigrants is therefore in favour of the economic growth of the host country.

In the relations between migrants with the local population the following aspects should be taken into consideration: i) the presence of Albanian migrants in host countries should be evaluated by the economic impact they have and not by the image created by the media and in the political arena; ii) the economic impact of migrants is measurable and its actual impact should replace ideological and political debates; iii) the local population should be informed on impact of emigrants in host countries, including their costs and benefits.

2.5. The necessity for the creation of a new legal and institutional framework on the management of economic migration

The ideas related to the improvement of migration management include the improvement of the legal, policy making, and

institutional framework.²⁴ In this context, in parallel with the drafting of the National Strategy on Migration, there have been made important steps made such as the creation of an Inter-ministerial Committee on Migration as well as the enhancement of collaboration between the respective units dealing with emigration matters within the Ministries. Despite this, inter-ministerial collaboration should have new impulses and avoid fragmentation, spontaneity and depreciation. The enhancement of the information provision, the promotion of the voluntary return of successful emigrants, and capital investment into local economy, were underlined as some of the weaknesses of governmental institutions in migration management.

2.6. Regularisation of entry, placement and employment of Albanian emigrants in host countries labour markets

The admission and regularised placement of the foreign labour force into the labour market matches the new philosophy of migration policies of host countries.²⁵ The philosophy of the new migration policies of the Italian Government, as noted by Mr. Silveri, consists of the relation between the work contract, employment, and the right of entry of foreign workers in Italy. According to these new policies,²⁶ entry into Italy for employment purposes is conditioned by a work contract. Thus foreign labour migrants can only enter Italy in the case that they already have a job.

Making entry into the country conditioned by a work contract, has been considered as a

step backwards by migration experts and researchers, including Italian researchers Maciotti, Pugliese and Perrone. These well known researchers observed that the new "Bossi-Fini" law is a step backwards when compared to the former "Turco-Napoletano" law which recognised the right to enter the Italian labour market as a job seeker. According to them, even the quota system, only partially meets the demand of the Italian labour market, and only partly meets the supply of potential migrants coming from Albania.

Conditioning the entry of labour migrants into Italy by a work contract, has also been severely criticised by prof. Enrico Pugliese, University of Naples. He considers it to be an unfair, harsh and impractical policy. Prof. Pugliese has compared this policy to the previous model of the *Gastarbaiter* in Germany, which has been abandoned by almost all host countries of migrants, including Germany.

Prof. Pugliese stated that the investments of the Italian government to train potential Albanian emigrants was an unnecessary investments. He believes that Albanian workers have sufficient knowledge of Italian language and culture as well as the professional knowledge of the work they are required to carry out in Italy. Prof. Pugliese has also stated that the host countries of immigrants, such as Italy don't benefit from the asymmetry of the forces between host countries and countries of origin. This is asymmetry that Italy is well aware of, having experienced it during the mass emigration of

²⁴ The to improve the legal, policy maker and institutional framework of emigration management was emphasised by the representative of the Albanian Government, Mrs. Majlinda Hafizi, Director of Migration Directorate in MOLSA.

²⁵ This issue was mainly addressed by Dr. Giuseppe Maurizio Silveri, Director of the Immigration Directorate in the Italian Ministry of Labour and Social Policies.

²⁶ The speaker made concrete reference to Bossi-Fini Law.

Italians to Germany, after the Second World War.

The Italian Government will continue to apply the quota regime, and that priority treatment of Albanians should continue, as being one of the main and privileged suppliers to the Italian labour force. The quota system is one of the defining indicators of the Italian labour market with regard to migration policy, at a time when other EU countries give priority to Family reunification as the main entry channel of foreign workers in their respective countries. Despite this, the quota system does not solve the problem of the labour emigration of Albanian immigrants to Italy. The migratory potential is much higher than the flow allowed by the quotas. Mr. Silveri noted the need for intervention in the structures of the quota system, he stated that the quotas should be filled in the sectors in which there is most demand. The quotas also provide the necessary intervention required by the bilateral agreements of Italy, with Albania.

The agreement "On Seasonal Employment of Albanian workers in Italy", was signed in 1997 and is still in force, was created on the basis of the employment emergencies of seasonal workers. In the recent the entry of permanent labour into the labour market has increased, and this phenomenon requires the revision of the existing Agreement.²⁷ Italian - Albanian Cooperation in migration issues have a rich history, which should be exploited for the deepening and extending of the future collaboration.

One of the new aspects of the migratory policy of the Italian government policy is the *diritto di prelazione*, which favours the entry into the Italian labour market of those foreigners that have completed vocational trainings in Italian,

or who have undertaken courses to required for specific occupations in Italy. As Mr. Silvieri noted, these new entry modalities into the Italian labour market, are being experimented with emigrant supplying countries such as Sri Lanka, Tunisia and Moldova, and are resulting to be successful.

2.7. Migration as part of the integration processes

Migration is an important element of European integration, which was underlined by the IOM Chief of the Regional Office of the Mission in Rome, Mr. Peter Schatzer. The negotiation for policies and migratory flows is an important part of EU dialogue with aspiring to accession countries, of which Albanian is one. Relevant EU institutions and agencies are negotiating the issues and implications of migrant admission from non EU countries. They are identifying the conditions, requirements and professional skills levels, potential sectors and possibilities in order to attract new migratory flows. These changes are happening along with the attempts for the setting of facilitated conditions for the integration of existing emigrants within the territory of member states.

EU member states are actually facilitated as well as discouraging new migratory flows. The reasons for facilitating new migration into EU states include; demographic problems, and the population pyramid and aging tendencies. These factors require increasing numbers of migrants, in particular young migrant workers, whose entry in the labour market EU host countries is expected to encourage and renovate social contributions for an aging population.

In the meantime, increased unemployment acts as for a barrier to accept new migratory flows. Competition between emigrant workers

²⁷ Mr. Silveri underlined that the Italian Government is open to negotiate with the Albanian Government on this matter as well, as on the revision and completion of the 1997 Agreement.

and locals makes their entry in the labour market difficult. Migrants entering the local labour market at times of high unemployment also feeds anti-emigrant feelings which is a sensitive issue in many EU countries at present.

Due to these reasons, the integration of new migrants is a difficult challenge for the host countries and EU itself. Italy, as mentioned previously, is making efforts to face such challenges through the application of a quota regime, social integration policies and prioritising vocation training as an anticipator of the adaptation of to anticipate future flows. Collaboration between state agencies and employers' associations is being supported as well, in order to help support new workers expected to enter the national labour market.²⁸

New migration policies require the revision of Seasonal Employment of Agreements, which should take into consideration not only the entry of new seasonal workers, but also long term ones, as well as the legal regularisation of irregular emigrants within the Italian territory.²⁹

Mr. Rando Devole underlined in his intervention, that the Albanian government should take into consideration the signing of labour agreements with other countries as well. Meanwhile, he stated that host countries should be more sensitive to the creation of equal opportunities for immigrants in the labour market and to services delivered in these countries. Emigrants should be treated in a dignifying way and should not simply be viewed as fuel for the engine of the economies

of host countries.

New policies and migration policies should be tested before they start to be implemented on a large scale and over the long term. In this context, Mr. Schatzer gave importance to the implementation of pilot projects. In this way, conditions will be set, so that policies, measures and agreements in the migration sphere area are made more concrete in order to create a *win-win situation*, of interest and benefit for both parties, for host and origin countries.

EU Member states are elaborating relevant modalities and incentives for immigrants that return to their home country voluntarily. Providing incentives for voluntary return supports and facilitates their return and reintegration in the country of origin.³⁰ Mrs. Etleva Germeñi stated the need to for attention to be paid to the overcoming of social problems and consequences, as part of the Readmission Agreement implementation. The up-to-date emigration expertise, she underlined, has identified the need for legal protection of emigrants' social rights.

2.8. Emigrants: a development factor in the host countries

The role of migration for the development of countries of origin, as underlined Prof. Luigi Perrone, is an undisputable one. This issue and is widely discussed in political, and scientific environments, and by public opinion. Very little, however is said on the role that immigration and immigrants have as a development factor, for the host countries.³¹

²⁸ Mr. Schatzer viewed the implementation of the IOM Selected migration programme as successful. This project which was implemented in 2001 was undertaken in collaboration with the Ministry of Labor and Social Affairs and was funded by the Italian government.

²⁹ Mr. Andi Gjonej from IOM Mission in Rome, agreed on the need for the revision of the Seasonal Employment Agreements.

³⁰ Incentives, said Mr. Schatzer, is an instrument supported by IOM.

³¹ Prof. Perrone stated that the use of terms such as "paesi d accoglienza" and "Paesi di destinazione" demonstrates unequal integration levels of the emigrants in these countries.

Albanians have a negative image in Italy, and research shows that Albanians are the least liked population with the exception of local Roma. Prof. Maciotti stated that an important role in creating this image has been played by the Italian mass-media, and in some cases even the Albanian press. Both sources have fed public opinion with negative stereotypes. The informality of the employment of Albanian migrants, and cases of prostitution in most cases are exaggerated, providing a distorted picture of the reality of life. Prof. Maciotti stated that in the study to address the economic problems of migrants; there should also be focus on social life of these migrants providing a realistic presentation of new approaches to be crystallised.

Prof. Perrone underlined that a sharp reduction of irregular emigration flows is occurring not only due to collaboration and good understanding between the governments of the two countries, but due to physiological factors which deriving from natural reduction of migration potential, since previous flows were more intense. On the other hand, Mrs. Ermira Galanxhi, representative of INSTAT, stressed that, in Albania there is a tendency towards legal emigration, to avoid the risks of illegal emigration.

As a negative phenomena regarding the integration of emigrants in Italy, Perrone emphasised, the substitution of the term "*irregolare*" with "*clandestina*": this change has occurred following the enforcements of new migratory law. Current policies don't take into account the fact that immigrants enter Italy irregularly due to the fact that conditions to enter it in a regular way are limited.

2.9. Seasonal Employment Agreements: The strengthening need of the enforcement mechanisms

The current collaboration between Albania and host countries in the migration sphere, in particular between Greece and Italy, has introduced the deficiencies of mechanisms and instruments of practical enforcement of these agreements Mr. Andi Gjonej from the IOM Mission in Rome, underlined. This round table should provide clear ideas, and this great responsibility lies with the Albanian Government especially MoLSA.

Collaboration in migration should be done at the level of economic markets and not simply as a result of political, institutional, individual will. Collaboration between host countries and those of origin, should facilitate communication and the regulation of the labour market, as well as meeting the needs for the foreign labour force. Whatever the standard regarding entry and admission practices in the EU, their labor markets will be national markets. Therefore the task of the Albanian government, should be to actively communicate and collaborate with EU member states concerning the economic markets.

At a national level, MOLSA should be pay more attention to preparation and improvement of employment possibilities in the local and regional employment offices These offices which should be more active in the recognition migratory flows potential, in providing information on labour market needs, as well as training of the new local labour force, particularly that of the youth, in order to meet the needs of the market.³²

³² This idea was supported by Mr. Silvieri, who reiterated that the Albanian government should be more active in attending to and responding to the migration policy tendencies of the EU member states. He stressed that this is the only way for the migrants to successfully enter EU Countries, and that the doors to Italy are open to immigrants.

2.10. Migrant Social insurance: a critical aspect of migratory policies

Approximately 70 per cent of Albanian emigrants in Italy have registered in the IPS scheme, said Mr. Francesco di Maggio, representative of IPS from Italy. The aim is to increase such figures. IPS is collaborating with IOM so that in the Green Paper on economic migration so that the term "Tutelage", be included as a competence of EU, until now has been in the hands of EU member states.

Prof. Kristos Nikas, from the University of Thessaloniki emphasised that issue of migrant social insurance is a very important and complicated issue. Mutual recognition of contributions and social insurance has not been fully solved, not even between EU member states.

Meanwhile, the representatives of emigrant associations in Greece noted that the recognition of contributions from social insurance for immigrants in Greece is made difficult due to the fact that a part of Albanian emigrants have been registered in IKA insurance agencies with different names.

2.11. Reduction of the pull capacities of labour markets in host countries and the weakening of pull factors

Prof. Kristos Nikas mentioned that Italy and Greece, are undergoing problems related to the development of their labour markets. The

situation is more difficult in Greece, where some factors have caused a reduction of the pull capacity of the labour markets for foreign workers;. Some of these factors include the conclusion of the Olympic games, the reduction in public expenditure (undertaken by the current Greek government); the increase in unemployment levels of the local population; increased pressure by public opinion for the protection of local workers from the competition of foreign workers etc. The effect of pull factors in Greece has therefore lessened if compared with some years ago. On the other hand push factors still remain strong. These situations encourage the informal labour market, and the inclusion of Albanian emigrants in it.

As Prof. Nikas notes, a new labour migration phenomenon, which is the tendency towards a cosmopolitan approach, a phenomenon encountered among Albanian emigrants in Italy and Greece, too.

2.12. Private Services: complementary public services of employment and emigration

Private employment and emigration services have functioned according to Albanian law for many years, however these actors have not been such influential actors in the labour and emigration market. Very often, such agencies, suffer from lack of initiative, a tendency to be dependent on the state, a lack of credibility by foreign employers, and a lack of competitive spirit with one another, and the public services etc.³³

³³ For these issues was discussed also Mr. Robert Seva, representative of Employment Agency in Vlora.

**REMITRANCES AND PRODUCTIVE
INVESTMENTS IN ALBANIA**



SUMMARY OF THE SESSION ON THE REMITTANCES AND PRODUCTIVE INVESTMENTS IN ALBANIA

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Defined as the portion of emigrants' earnings sent back from the country of employment to the country of origin, remittances constitute available aid not only for Albanian emigrants' households but for the socio-economic stabilisation and development of the country as a whole.

For the largest part, the flows of remittances are seasonal. The largest amounts arrive mostly during the summer and the end of the year, when emigrants are visiting their families left behind in Albania. Different institutions, depending on techniques that they use to measure the volume of remittances sent to Albania, report different statistics. Nevertheless, all their reports (Bank of Albania, IMF or World Bank) show that since 1991, the inflows of emigrant transfers have been rising in conjunction with rising numbers of emigrants. It is also recognised by all that the amount involved is very substantial, being almost twice as much as the foreign exchange revenue generated

from exports. This makes Albanian human labour the most important export of the country (Ivir Gedeshi, CESS; Argita Frasheri, BOA).

From the late 1990s, especially after the crisis of 1997, quite some serious efforts have been done to formalize the remittances of emigrants. As a result, the size of remittances transferred through formal network has been continuously increased in absolute and relative terms. Thus, by the end of 2003, almost 40 per cent of remittances (or US\$ 310.3 million out of US\$ 778.1 million) were transferred through the banking system and licensed agents of money transfer companies such as Western Union and Money Gram. This is in comparison to 1994, when only 7.5 per cent (or US\$ 28.3 million out of US\$ 377.9 million) were transferred through the banking system (Argita Frasheri, BOA). The interest showed by foreign banks, especially by the Greek banks (currently there are 4 Greek banks operating in the Albanian financial

market) as well as the private money transfer companies like Western Union (WU) and Money Gram (MG) has helped to establish a functional and somehow efficient official network. This network is accessible by both Albanian emigrants abroad, and by their families left behind in Albania, with one of the most successful contributors being Western Union (Ilir Gedeshi, CEES).

Owing to the improved financial climate, Western Union, which has been present in Albania since 1998, has been experiencing an expansion of operations, and has the largest network in the country. Since more than 700,000 Albanians live and work abroad, Western Union expects to continue run a successful business in Albania for the foreseeable future. While, to date, Western Unions' Albanian operations have exceeded its targets for the country (Edmond Leka, WU).

By the end of 2004, Western Union had a network of 181 agents in 61 towns (in Tirana alone 47 agents are operating). An important presence of Western Union can be observed in the largest urban areas of the country like Durres (14 agents), Shkoder (11 agents), Fier (11 agents), Vlora (10 agents), Elbasan and Lushnje (8 agents each). However, despite this strong urban presence, the company has its own agents in each and every district (36) of the country. In order to have a good geographical coverage of the country, the strategy of company is to set up an agent office for each administrative unit populated by at least 10,000 inhabitants. As a result, today you can find Western Union offices even in the remote areas, where none of the banks in which operate in Albania provide any service (Edmond Leka, WU).

Since 1998, when the Western Union started its operations on the Albanian market, hundreds of millions of dollars have been wired back to Albania each year. The volume

of monetary values transferred through Western Union has increased year by year, making it an ideal environment for the "second phase of the payment industry". However, in last the 2 years a decrease in the average volume of transfers made per agent has been noticed. This could be because, on the one side, the company has increased significantly the number of agents operating all over the country while on the other side maybe Albania is entering the stage of remittances' maturation (Edmond Leka, WU).

The company continues to enjoy an increasing reputation for being very fast and correct to it clients. Through Western Union agents, it takes only 24 hours for the money to be transferred from the emigrant abroad to his or his family or his relatives in Albania. It is indeed true, that commission applied by the company to its clients is the highest in Albanian market, however, this does not appear to be a problem. Clients are happy with the service and this is reflected to the continuous increase of the number of transactions and volume of money transferred (Edmond Leka, WU).

At present, Western Union is planning to extend its financial operations in the Albanian market. Recently the company applied to Albanian authorities for a banking license. The crediting activities that the (forthcoming) Western Union bank is planning to initiate, would allow the company to combine money transfers with investment activities, helping soothe badly needed process of connecting remittances to economic development in Albania (Edmond Leka, WU).

The American Bank of Albania (ABA), which is owned by USA shareholders, represents another successful operator in field of Albanian emigrants' money transfer. The opening of the Bank was approved by the Bank of Albania and opened its doors for business

on September 24th, 1998. In June 2004 ABA's Greek Branch opened its doors in Athens to ensure that members of the Albanian community that live and work in Greece can also benefit from the Bank's high quality services, offered by personnel that can communicate with Albanian clients in Albanian (Liliana Nanaj, ABA).

The Bank is insured in Greece, as per Greek Banking Law and EU Regulatory requirements. The deposits of its clients are guaranteed up to the amount of **EUR 20.000,00 per account** by the Deposits Guarantee Fund. It further insures, as required by law, the deposits of its customers in Albania through the A.S.D. Insurance Agency of Deposits up to the amount of 700.000Lek (Liliana Nanaj, ABA).

Since there are no Albanian banks operating in the Greek market, one of the main targets of ABA is the provision of a fast and proper money transfer service for Albanian emigrants living and working in Greece. Therefore the bank is making serious efforts to offer very competitive charges (remind here that there are also four Greek bank operating in Albanian financial market). Thus, for example, for transfers to Albania there is no charge when utilising a cheque on client's account with the Greek Branch or using an ABA-card, and there is a charge of only 5 Euro for the regular transfer of up to 3.000,00 Euro. The Bank has the appropriate infrastructure that both enables and ensures the money transfer, while guaranteeing to its clients a fast service, safe payments and full confidentiality. Apart from money transfers, the branch of ABA in Athens provides Albanian emigrants in Greece all other kinds of services such as bank deposits, credit, etc. The entrepreneurial spirit of its clients is in particular encouraged by the Bank (Liliana Nanaj, ABA).

Nevertheless, despite the serious progress

made towards the formalisation of remittances, the largest share of emigrant remittances continues to be transferred to Albania through informal channels (60.1 per cent of remittances for the year 2003). Channeling emigrants' transfers to legal networks, especially through banking channels is one of the main challenges to be faced. Experience from other countries indicates that the transfer of remittances through banking channels enables governments to exert better control over foreign currency and promote better usage of it.

The Bank of Albania and the Albanian government are aware that the existing financial system still represents a burden and costs a lot (transaction costs continue to be high, especially for the services offered by private money transfer companies like Western Union and Money Gram). Therefore, significant attention and work has to go into the creation of a proper climate in the country that allows for the fair competition between financing institutions, and international banks and money dealers operating in Albania. These changes would seriously help to make the process of remittance transfer low-cost and more efficient. The case of the formal infrastructure established between France and Mali, to facilitate the money transfers of Mali's emigrants living in France could be a good example to be referred to (Argita Frasher, BOA).

Before closing the discussion on money transfers, one extra point has to be mention. It would be better of course that all the money transfers be directed towards the formal channels. However, the Albanian government and the banking system should not see informal channels as entirely negative. In the end, the mountainous terrain of Albania, the poor banking and transport connecting infrastructure, and the temporary nature of

emigration, especially for emigration from the rural areas, still demand a "pocket network" for money transfer. What the BOA and the Albanian government need to do is to give the right incentive to emigrants and their families in Albania to shift their money transferred "hand-to-hand" from their pockets, to the banking system. In this way the application of higher interest rates for the money deposits that originated from emigrants, increase the credibility of financial system operating in Albania (Christos Nikas, Western Macedonian University).

Why do we pay so much attention to remittances? What has been the impact in the Albanian context? Literature studies the impact of remittances on three levels: micro level, macro level and the community level. However, given the Albanian environment, the impact of remittances has been felt only at the first two levels. Referring to the English scholar of Albanian migration, Russel King, he suggests that according to available evidence in Albania remittances are sent to the family and not to the community.

At the micro level, several pieces of recent research and surveys in various parts of Albania confirm, that emigrants' remittances have been significant in alleviating poverty and improving the livelihood of Albanian households. Thus a household survey conducted by the Center for Economic and Social Studies (CESS) in rural areas of Albania in 1999 indicate that 69 per cent of money income of the rural households were generated from the off farm activities, and that the main source of the off farm money (approximately 56 per cent) was remittances. A qualitative assessment study by the World Bank, conducted in ten districts of Albania in 2001, showed that emigration and remittances were the main factors distinguishing a poor family from a non poor one. Families that benefited from remittances

were more likely to be non-poor and very often Albanian families linked the concept of poverty with the opportunity to have access to transfers made from household members abroad (Iilir Gedeshi, CESS).

How do the recipients use these remittances? Available research concludes that the first priority for the use of remittances is the basic survival needs of the households that benefit from them and the improvement in the accommodation and facilities. Alongside the improvement of the basic living conditions of the households, other priorities are related to the extended family, by allowing them to celebrate baptisms, weddings and funerals in economically and morally accepted terms. More concretely, the experience in Albania up to now indicates that on average, 90 per cent of remittances are used for the consumption and accommodation needs of households and only 100 per cent are channeled to productive investments (Iilir Gedeshi, CEES).

Although the direct recipients of remittances are the emigrants' households left behind in Albania, since they (remittances) have been of significant amount (varying between 12 and 23 per cent of GDP), we can say that they have made a "dent" in the national balance of payments and their impact has been strongly felt in the foreign exchange reserves and current account of the balance of payment. Reports from Bank of Albania, World Bank or IMF indicate that remittances have been a major factor in the financial survival of the country. Thus, tabulation of IMF data on the percentage weight of emigrant remittances against GDP in 2001, places Albania firmly at the top of the list of 20 emigration countries. Also, the same sources of data indicate that the volume of remittances has annually exceeded the amount of foreign direct investments (FDI) and official foreign aid directed to Albania. Remittances have shown to be reasonably stable and less volatile than

FDI and foreign aid. However, what we would like to stress is that remittances have not significantly contributed to the creation of job, nor have they been able to fuel substantial growth in the country (Artan Fuga, UT; Ilir Gedeshi, CEES; Etleva Germeñji, KULEuven).

Referring to the statistics provided by the BOA on the national balance of payments, the data shows that while imports of manufactured goods are growing considerably faster than the import of machineries and transport equipments, the exports of manufactured goods, although growing faster than the other categories, represents less than half of imported manufactured goods. Besides that, exported manufactured goods are usually manufactured in Albania from crude material coming mainly from the neighboring countries, while manufactures are usually set up by foreign investors. Thus, for a considerable part, the export of manufactured goods is not directly related to remittances (Etleva Germeñji, KULEuven).

Therefore we can say that while it is true that remittances can provide a strong "pill" for the Albanian economy, if they are not managed properly, they can have serious consequences. On the one side, they can destabilise the macroeconomic situation of the country (as it happened in 1997) and on the other side, as the experience of other developing countries suggests, remittances might perpetuate economic dependency that would undermine the prospects for development while continuously feeding emigration.

The current situation in the country indicates that, if insufficient attention is paid, the Albanian economy might suffer from the so-called "Dutch disease". The situation of the country's balance of payments makes the presence of this risk even more prominent. Although the trade deficit has remained large, even in comparison with other transition

countries (at about 25 per cent of GDP), the current account deficit, thanks to remittances, has remained small (less than 10 per cent of GDP). As such, remittances have had an impact of quite some magnitude as regards the strengthening of the LEK (Albanian currency).

According to the estimates of the Bank of Albania, only during 2004 the Albanian currency, LEK, strengthened by 7.2 per cent compared to Euro and 15.7 per cent compared to the US\$. Of course, there have been a number of factors that have influenced this strengthening of the LEK such as; macroeconomic stability, differences applied by the banks on the interests rates applied for deposits in LEK and in foreign currencies, or consolidation of public finances. However, no one can deny the significant contribution of the large volume and the stability of transfers made by Albanian emigrants living and working abroad. An immediate negative impact of the strengthening of the national currency is that Albanian exporters are less competitive while local producers (especially the Albanian farmers) targeting the national or local market are facing higher level of import competition (Etleva Germeñji, KULEuven; Artan Fuga, UT).

The potential risk of "Dutch disease" as the impact of remittances on the Albanian economy cannot be seen in black and white. The strengthening of LEK has also contributed in the increase in demand for non-tradable services and goods. Indeed, emigrants' remittances have been the major factor in maintaining the construction industry in Albania while economic growth in the Albanian economy has been led by the growing of tertiary sector (Christos Nikas, Western Macedonian University).

To summarize the discussion about the impact of remittances, there is enough evidence to

assume that remittances have been very important for the Albanian economy in general and the Albanian families in particular. However, the issue of the non-productive use of remittances is very relevant for the country.

The large share of trade enterprises in the total number of private enterprises, the sharp increase of imports of consumption goods (in absolute and relative terms), and the large trade deficit confirm the non-productive use of the largest part of remittances. One has also to mention the millions of dollars of emigrant remittances that ended up in the labyrinth of pyramid schemes that collapsed in 1997 which were never returned. Therefore, special attention must be placed on creating an adequate environment for the effective administration and use of remittances in Albania. Using remittances to cover a huge trade deficit is only a temporary solution. The economic development of the country requires other more stable and durable sources of income, in particular the attraction of FDI into the country. In this context policies to divert remittances to more productive sources are urgently needed. (Iilir Gedeshi, CESS; Etleva Germenji, KULeuven).

Another issue to be discussed is that of the administration and maximisation of remittances' inflows. At the current stage of development, the Albanian economy needs and depends on remittances. All the data indicate that the inflows of remittances (transferred through formal and informal network) have increased year by year. But how long will it continue like this for? The country is entering the 15th year of emigration. Emigrants continue to send money to their families and relatives left behind but the situation of the emigrants is also changing. Many individuals have been legalised, and many of those that have married have managed to arrange for family re-union in the host countries where they live. On the other side, the generation of parents left behind in Albania is aging and

becoming deceased. Once the parents are dead, the incentive of emigrants to send money to other relatives still residing in Albania reduces significantly, or entirely.

In the meantime there are no serious signs of return migration to Albania. All of these factors mean that soon the country will reach (if it has not reached yet) the stage when the influx of remittances will start to drop. Then, while the economy would need at least as much remittances as they are entering the influx of them may not respond the demand, let alone to increase. Therefore, before suddenly facing such an undesirable situation, measures have to be taken to prevent it. Then, the issue can be discussed to ascertain what kind of measures can be suggested and what the role of institutions can be in this context (Iilir Gedeshi, CESS).

In order to properly answer such questions, we have to know first of all what drives remittances at the macroeconomic level. To find out the determinants we need to conduct economic analysis based on a yearly-based macro-data set collected for at least 20-25 years. After conducting the analysis, we would have answers to our questions of remittances driving determinant, but by then it would be late to intervene and change the situation if it is not favourable to economic development.

A solution to this problem would be to work with monthly data. However, maybe the best idea is to refer to the experiences of other developing and developed countries that have faced a similar situation with what Albania is facing or will probably face in the future. These experiences, combined with the Albanian conditions might lead to the undertaking of efficient measures (Christos Nikas, Western Macedonian University).

The experience from Albanian emigrants residing abroad as well as experiences from

emigrants of other countries indicate that, in general, emigrants, especially in the beginning try to minimize their living costs abroad, and save a considerable share of their income. The save in order to invest later in durable goods. These savings are usually kept "under the mattress" or in the best case in a bank saving deposit in the host country. At a certain point of time, these people will have to decide (1) where to live for the rest of their live and (2) how to use their savings. Here too many things depend on the economic and social situation in the host countries (where emigrants currently live and work) and in the home country (where emigrants are originated from).

While the situation in the host country is out of reach for the Albanian government and Albanian politicians, the situation in Albania depends on their will to run the country properly. In this context, **building and maintaining the macroeconomic stability** in the country is very important. Experience from other countries indicates that inflows of remittances increase once the economy is stable and decreases when it is showing signs of instability. Turkey is a good example for illustration. Thus, during 1990s since the economy was more or less stable, the inflows of remittances increased while during the period 1999-2002, once the economy started to show serious signs of macroeconomic instability, the size of remittances dropped significantly (Christos Nikas, Western Macedonian University).

Corruption is another factor that influences the magnitude of remittance inflows. Serious efforts made by the government to reduce corruption would serve as extra incentive to Albanian emigrants to transfer and invest their savings in Albania. And since the level of FDI is low in the country, the remittances of emigrants can serve as a good form of compensation for them (Etleva Germenji, KULeuven).

The degree of openness of Albanian economy towards other economies could also affect the inflows of remittances. In principle, the more open the Albanian economy is the larger the economic freedom, the larger the volume of trade transaction and the more and better opportunities to make use of remittances in the country are. However here we have to be careful. Experiences from other countries should not be simply "copy/ paste" in the Albanian environment (Artan Fuga, UT). Before increasing the degree of economic openness, the Albanian government, through the policies implemented has to have been able to have created the proper environment for Albanian producers to adjust their production (or services) activity to what the large market needs.

In this context, developments observed in agriculture as the main branch of the Albanian economy deserve attention. At present, because of free trade agreement signed with our neighbours, Albanian farmers, (because of the very primitive farming technology that they use) are not able to compete with imported products. Of course, transforming primitive Albanian farms to modern ones would enable Albanian farmers to compete with those from neighboring countries, including Greece. But the passivity of Albanian government towards the creation and implementation of the proper legislation as regards the land property prevents Albanian farmers, including those working abroad, to invest their savings towards. This prevents them from buying land and enlarging their farms, one of the conditions to be achieved in order to benefit from economies of scales (today the average size of an Albanian farm is 1.2 ha, while the land is fragmented in 3-5 parcels).

If farmers do not have the opportunity to enlarge their farms, they will continue to cross the border and farm Greek or Macedonian

land. Then, the agricultural products grown by Albanians abroad will be traded in the Albanian market and the savings of emigrants

through the imported tomatoes and cucumbers will continue to be recycled abroad (Etleva Germenji, Kleuven; Artan Fuga, UT).

Remittances and the Financing of Economic Development:

Some Comments on the Albanian National Strategy on Migration and the Draft Action Plan Documents

by
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A. Introduction

The cooperation between the International Organization for Migration (IOM) and the Albanian government resulted in the creation of two documents the *National Strategy on Migration* and the *Draft National Action Plan for Migration*. These two documents summarize the characteristics and the policy implications of the phenomenon of mass emigration from Albania in the last 15 years.

Regarding remittances, one can find interesting points and recommendations made at the end of this paper that could be further analyzed and exploited. The analysis of remittances to Albania is quite a challenge, and in fact one that cannot be addressed by the "orthodox" methodology. In other words it cannot use the structure of most other papers, namely setting the theoretical background, testing it empirically against the existing evidence and summing up with conclusions and policy recommendations. Instead, the analysis in this paper will proceed

in two steps:

- First attempt to evaluate and address the most interesting points made in the *National Strategy on Migration* document, in the order they appear in the text, and compare this points against both theory and evidence. In other words enrich the analysis of the current situation and policy.
- Second and on the basis of the first point, critically discuss the proposed measures for implementation of the *National Strategy on Migration* and propose some additional proposals.

B. A Further Analysis of the Current Situation and Policy

It is quite evident that remittances have been mainly financing consumption in Albania. This should come as no surprise given the poverty of the country and also the fact that

remittances are primarily used for the subsistence of the emigrants' families (Nikas, 2001). At a latter stage, remittances could shift to savings and hopefully investment provided that the appropriate incentives and opportunities are provided and conceived.

The size of the remittances flowing to Albania in the period 1993-2003 was indeed enormous both in absolute and relative terms. According to the *National Strategy on Migration* a total of 52 billion USD was transferred from the immigration countries to Albania, an amount representing 15.3 per cent of the GDP (the size of an economic sector), more than 5 times the FDI inflows, covering single handily 64.3 per cent of the country's trade deficit (on average). Bitter as this may sound, labour is Albania's main exportable commodity. Remittances have also prevented the Leke from depreciation. In fact, since 1997 the Albanian currency has *de facto* appreciated vis-à-vis the USD. However there are some reservations one could express at this point:

- Is the data on the size of the remittances accurate? It is commonly known that Albanian emigrants often choose underground (therefore not recordable) channels to remit. Simple calculations using the data available (number of Albanians working abroad, their income and their savings pattern) lead to the conclusion that remittances could have been 2-3 times higher than the official figures. This could only mean that Albanian emigrants either choose to keep their savings in the immigration country, or that they send it to Albania through underground mechanisms.
- Is the over-dependence on remittances risk free? Definitely not. A sudden decline in their size,

due to a recession in the immigration countries for example would devastate the Albanian economy (Nikas and King, 2004). There are potential side-effects though even if they remain at the same level or even increase. If spent on consumption remittances contribute to demand-pull inflation. If spent on imported consumer goods because of domestic supply limitations, they will simply cause an increase of imports. If so, they could have an adverse effect on the balance of payments if they finance mainly imports (the "boomerang effect") (Nikas, 1991, p. 140). Furthermore by providing affluence on foreign exchange they keep the Leke appreciated taking into account the country's poor performance in exports and structural trade deficit. Thus the Albanian products (exportable and import substituting) loose in terms of competitiveness, a self-perpetuating phenomenon which is identified by economic theory as the "Dutch Disease" (Christodoulou & Nikas, 2004).

On the issue of formal and informal channels that Albanian emigrants use in order to remit, a recent paper (Karafolas, 2004) illustrates the following:

- The official network consists of two actors: the banking network, mainly Greek banks operating subsidiaries in Albania, only one Albanian bank (owned by USA shareholders) and the network created by (USA owned again) money transfer companies.
- The unofficial network is more extensive in Albania and Greece in comparison to the banking one. It

is based on local partners who are companies in very diverse activities. The way the official network was structured permitted a large and growing part of the remittances to pass through it.

- The growth of the unofficial network has had a positive influence on the growth of remittances.

The third point is certainly the most important one. Since maximizing remittances is a key policy target, and since the unofficial channel provides transactions traceable by the national accounts, there is absolutely no reason to interrupt or discourage this practice. Shifting from formal to informal channels therefore is not really the issue.

The present government policy on remittances is, generally speaking, correct as far as its targets are concerned. However it is quite general. Increasing the investment component in the consumption-investment ratio of remittance use is a step in the right direction. This step requires, as a prerequisite, the creation of a business class and a market environment in Albania and as specific as selecting the most dynamic sectors and firms where investment should be channelled. Furthermore certain policy directives seem premature. Leading emigrants and their remittances to SME creation is a good idea (provided that these SMEs will develop in dynamic sectors), but can only happen after the emigrants repatriate. This is exactly the problem. The Albanian government and public view has developed over the years a *fetish* regarding the temporary nature of Albanian emigration and a pious hope that the large majority of the compatriots in diaspora will eventually return. However there are clear signs that many of them consider a longer-term arrangement or even permanent settlement in the immigration

countries (Lambrianidis and Limberaki, 2001). It is indicative that more than 30 years after the reversal of the flow of Greek emigrants in W. Germany, and the fact that Greece became an immigration country in the process, there are still tens of thousands of Greeks living in Germany.

C. Towards a Remittance Policy Implementation

In general, there are two main policy tasks related to remittances for the countries receiving them:

- The first one is maximising their volume since they represent an inflow of foreign exchange most emigration countries desperately need.
- The second one is to maximise their contribution to economic growth and development since they represent the main (or the only) compensation emigration countries receive for "losing" a part of their labour force.

As far as the first task is concerned, Albania seems to have done very well since remittances in the last few years are by far the main source of foreign exchange for this country. The volume of remittances is more than twice the value of its exports for the period 1994-2001 (Bank of Albania, 2003). However the lack of confidence in the Albanian banking sector following the "pyramids" has led many Albanian emigrants to the decision to maintain a substantial part of their savings in banks in the immigration countries. Provided that the reliability of the Albanian banking sector is regained, the volume of remittances could increase further.

Albanian policy makers seem to follow the practices of other emigration countries. They certainly welcome remittances but do very

little in order to influence their size or impact on the economy. This combined with the poor performance and the low level of development of the Albanian economy as well as the problems related to transition has led to the following problem: the construction of houses seem to be the main economic activity financed by remittances. Technically the construction of houses is considered to be a productive investment but it is not enough to sustain growth in the longer run. The strong propensity to invest in buildings could be explained in terms of the emigrant's desire to acquire an owned house he could establish himself in after return. However it also indicates that many of them thought that the building sector had the highest rate of return and security.

Albanian policy makers will have to realise that depending the solution of structural economic problems such as the trade deficit, on temporary "gifts from God" entails the problem of simply postponing rather than solving them. Remittances will certainly not last forever and this is made perfectly clear in the *National Strategy* document. Albanian emigrants will sooner or later either repatriate to Albania, or establish themselves and their families in the immigration countries permanently. In both cases the volume of remittances will diminish.

The general policy task is to build a development oriented strategy in which remittances will play a major role as a key source of financing. To this end Nikas and King (2005) provide a theoretical framework applicable to the Albanian case. The inflow of foreign exchange in the form of remittances could contribute to the economic development of Albania provided that these funds will finance investment which will enable it to produce exportables or investment goods which will substitute imports. In other words the inflow of remittances will apply for a period of time during which Albania will have

to shift to the production of exportables or (and) reduce the import content of its production.

In the context of this approach, known as the "dual gap model" in economic literature (Adelman & Chenery, 1966), remittances are examined as a potential supply factor for economic growth in the sense that they may provide resources (in foreign exchange) for the financing of investment in Albania. If remittances therefore continue to be spent on consumption they can hardly contribute to economic development through the process described. Even if remittances finance investment though, their contribution to development is not certain since they can be channelled in the "wrong" direction. The investments remittances should finance are very specific in terms of their contribution both to capital formation and to the production of goods which will enable Albania to achieve self-sustained growth by expanding its exports and domestically producing investment goods previously imported. Investment in housing or non-exportable manufacturing goods may bridge both gaps temporarily but widen the foreign exchange gap in the medium and long-run.

The task for the policy makers therefore is not just to maximize the volume of remittances and to channel them to investment, it will have to be the "right" investment too. Nikas and King (op.cit) put forward a list of policy proposals most of which were taken on board by the *National Strategy* and the *Draft National Action Plan for Migration* documents. In particular:

- Re-gaining the credibility of the state and its financial institutions. This is essential for the maximization of remittances since emigrants currently seem to prefer keeping their savings in the

immigration countries. It is also the only way to shift from informal to formal channels.

- Offering incentives to those who bring their savings into the country such as higher interest rates and permission to maintain them in foreign currency until confidence in the national currency is re-instated. Also reduce the transaction costs of the remittance process.
- Offering incentives to those who invest income from remittances to specific sectors of the economy such as tax exceptions, investment grants etc.
- Informing emigrants on the investment opportunities and providing guidance and support to those returning emigrants who wish to undertake entrepreneurial activity. This requires an on going two-way communication between the Albanian government and it's citizens living and working abroad.
- Convincing emigrants to participate in the privatization process, although this requires a developed and reliable stock market.
- Provide emigrants privileged bond and/or stock options on large public infrastructure projects.
- Allowing dynamic private and public firms to attract remittances by means of financial products such as corporate bonds.

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D. Concluding Comments

Even if one takes the view that emigration implies more losses than gains for the emigration country, remittances are certainly the strongest item in the list of the potential gains. Maximizing their volume and impact on the economy is the only way to compensate for the loss of human capital and other costs of migration. Very often the governments of the emigration countries take a passive or neutral approach on remittances considering them a residual inflow of foreign exchange in which they should not intervene. This has proved to be a mistake on various occasions and certainly is a luxury Albania simply does not have. With the current situation in the Albanian economy remittances represent one of the country's stronger assets.

The above list of policy measures is indicative and given the pressure imposed by the fact that "the wheels are turning" as far as remittances are concerned, quite short-term. Structural measures will be required in the longer run including better statistics on emigration and remittances that will allow a better studying of the phenomena, a development policy based on sectoral winners in the private sector and the provision of acceptable infrastructures by the public one.

To these ends, remittances can simply provide the critical financial mass for the triggering of growth and development that will ultimately put Albania back in the European economic map.

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REMITTANCES AND ECONOMIC DEVELOPMENT:

SOME COMMENTS ON THE ALBANIAN NATIONAL STRATEGY ON MIGRATION AND THE DRAFT ACTION PLAN DOCUMENTS

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Introduction

A well known migration researcher used to say: "If all countries of the world were to be composed of Albania on one side and Japan on the other, it wouldn't be necessary to study international migration" (Zolberg, 1989). But a year after this hypothesis, as if ironically, Albania became one of the most afflicted countries of this phenomenon. The change was so radical, that another international migration researcher stated, "it is a kind of lab in which one can study all new migration processes" (King, 2003). One of the most important aspects of Albanian emigration which have a great social economic impact are remittances. The role of remittances should be examined in three aspects related: i) to the role they play on the macroeconomic stabilisation of the country; ii) to the role they play in poverty reduction; iii) to the role they play on the social economic development of the country. The latter factor is certainly the most important.

The aim of this paper is a dual one:

- To comment upon and underline some of the characteristics of remittances as presented in Albanian National Strategy on Migration and the Action Plan Documents, elaborated by Albanian Government with the support of the International Organization for Migration (IOM). In other words this paper will upgrading information concerning the actual situation analyses of remittances in Albania.
- Meanwhile, on the other hand, the paper will dwell upon and provide additional recommendations for policies to be followed concerning remittances.

1. Further Analysis of the Current Situation

Remittances constitute the most evident

positive side of emigration in Albania. During the transition period the remittances flow has increased from 107 million USD in 1991 to 980 million in 2004 (National Bank of Albania, 2005). During this period remittances made up approximately 15 per cent of the GDP, which means that they are 5 five times higher than FDIs and have also been higher than foreign aid received by Albania annually from international institutions. The importance of remittances for the Albanian economy can also be assessed from the ratio of remittances to goods exported. In 2004 remittances were twice as high as foreign exchange income and goods exported. Meanwhile, after an assessment of the ratio between remittances and goods and services exported in 1998, Albania was rated at the top of a list composed of 30 countries with migratory processes (King at al, 2003). During all of the transition period, the Albanian migration remittances have been the main funding resource of the increasing foreign trade deficit in Albania. Such was also their role of remittances in preserving the value of foreign exchange of the national currency (Nikas 2004). These facts show that remittances have been the main factor defining the characteristics of Albanian transition, reflecting an economy *extroversion* (Samson, 1996), which means that internal consumption is higher than national production. Whilst compared to other European countries economies in transition, from the point of view of external financial flow injection; Albania is the only country resembling Eastern Germany in this aspect.

Alongside the impact of certain macroeconomic indicators of the country, remittances have also constituted one of the main factors for poverty reduction in Albania as well as for income increase of a great number of families. According to a research undertaken for the World Bank, it was shown that sending remittances to families is the main factor that distinguishes "a very poor" family or "a poor one" from "a

not very poor one" or one in "a relatively good situation" (De Soto at al, 2002). This study was undertaken on a qualitative assessment of poverty, and took place in ten districts of Albania in 2001. Other studies undertaken especially in rural areas show that remittances are a second source of income for the village household, through which poverty is prevented. (Gedeshi at al, 2003, Germenji at al, 2000, Civici at al, 1999).

Despite the relative importance of remittances from migration for macroeconomic stabilisation, two issues have to be taken into consideration by Albanian policy makers with regards to poverty reduction and the enhancement of living conditions of a proportion of Albanian households.

Remittance flows resemble a curve (Reyneri 1976) after a certain period of culmination a depression follows. Many factors explain this "in perspective" depression of remittance; first of all family reunification of long-term emigrants. Secondly the integration of migrants in the host country is also a factor. According to data received from Italian Caritas in 1992, only 32 per cent of Albanian emigrants in Italy were married, whereas in 1999 this indicator reached up to 54.5 per cent (Piperno 2003). Some other studies based on quantitative and qualitative approaches and conducted in Albania show that an emigrant having reunified with his family sends back less remittances home than those who have not been reunified with their family. Empirical data shows that emigrants with a "spouse and children" in Albania send back on average 3700 Euro annually, whereas emigrants with parents who are alone in the country of origin send on average 2000 Euro annually. (Gedeshi, Mara 2003). The increasing tendency of family reunification in receiving countries, will reduce the volume of remittances volume sent to countries of origin. Consequently, the remittances flow curve will start to depreciate.

The second issue to consider is the way that remittances are utilised in Albania. To date in the absence of appropriate social economic conditions, remittances have not stimulated production inside the country and have been used instead for the import of consumer goods. Remittances in Albania are mainly used to meet the daily living needs of the family (food, clothing, etc). Remittances are then used for the improvement of living conditions (household goods, etc), and finally for extension or construction of a new house. Apart from the purposes indicated above, a share of remittances is used for the continuation of family traditions, whereas a smaller share is deposited in the banking system or it is saved at home. Only in few cases are remittances used for investments in real estate, in the services sector, agriculture etc. in Albania.

This pattern of using emigration remittances, reduces poverty in Albanian households, but it doesn't create new jobs through investment, that can generate increasing incomes. Thus, on one side, at an individual/family and local level a *dependence on remittances* is created. Whereas, on the other side a part of the new generation need to emigrate as they lack new job vacancies in Albania. Migration, in this case, recycles migration (Gedeshi 2002).

2. Towards a Remittance Policy Implementation

There are two main tasks that Albanian policy makers should focus on concerning remittances:

- The first of these tasks is maximization of remittances flow in the short and medium term. Then, the curve of the depression needs to be softened in order that the negative economic and social implications for the country are minimal.

- The second task is to change the current pattern of the use of remittance, to pass from non-productive consumption of imported goods to productive investments. This step needs to be made so that remittances can serve to assist the social economic development of the country.

The first task requires in the short and medium term, the concentration of policies in two phases of remittances cycle, related to their production and transfer. Undoubtedly, the production of remittances is a private matter issue for the emigrants themselves, but the government should promote the creation of private employment and draft agreements with neighbouring countries for the regularisation of seasonal migration. This steps by the Government would help to promote regular migration as supposed to illegal migration, and would also reduce unemployment periods of emigrants in the host country and would increase remittances inflow. Whereas transfer of remittances should pass gradually from informal channels into formal ones, to ensure cost reduction.

These changes are preconditioned by the increasing credibility, development and extension of an efficient banking and postal system in Albania. The experience of other countries is well known where the transfer of remittances through the banking system affects their deposition and their mobilization for investments from banks. It enables the government to control the use of foreign exchange and create incentives for its better use (Ghosh 1992).

In the long term, the policy objective should be to soften of the impact of the depreciation of the remittances curve. One possibility to soften this blow is to attract emigrants savings of billions of dollars, to be invested in

profit making activities in Albania. But this can also through encouragement of gradual return of long term successful emigrants, who bring back to Albania not only social and human capital but also their financial savings. In a survey conducted in 2002 it was identified that over 50 per cent of Albanian emigrants, mainly in Greece and Italy, wish to return after 14-15 years of residence abroad. Regarding the savings of such migrants in the host countries they amount to more than 45.000 Euro (Gedeshi, Mara, 2003).

The second task of Albanian policy makers is related to the productive consumption of remittances, and the channelling of this money into "fair" productive investments, as outlined by Nikas' (2004). To follow this model, this requires as a precondition the existence of an appropriate social economic environment, and also the compilation of a

development strategy, in accordance with country's needs. Meanwhile, some other policies that would affect this process are:

- The improvement of the credibility of the government and financial institutions which would affect the transfer, mobilization and channelling of remittances into productive investments;
- Information of emigrants related to investment possibilities in Albanian economy;
- The issuance of bonds for emigrants for big infrastructure projects;
- Creation of facilities for the emigrants wanting to invest in their home country, including tax exclusion or reduction, granting of grants, etc.

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SUMMARY OF THE SESSION ON THE PROTECTION OF THE ALBANIAN EMIGRANTS

by
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Strategy on Migration

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Participants:

There were 60 participants in the round table on the Protection of Emigrants' Rights. They were representatives from Albanian Institutions, from the Albanian Diplomatic Services, representatives of the Albanian community living abroad, and from Greek and Italian institutions etc.

Chairperson/Other speakers:

Emir Dobjani, Ombudsman

Arlinda Kondi, Ministry of Culture Youth and Sports,

Daut Gumeni, General Consul of Joannina for Albania

Isavella Monioudi-Pikrou, Greek Ombudsman

Daniel Esdras, Chief of Mission of IOM Greece

Achilles Skordas, University of Athens

Pavlli Zëri, Ambassador of Albania in Rome, Italy

Mara Steccazzini, Assistant of the United Nations Rapporteur for Human Rights.

Main Issues;

- How can protection of emigrants' rights be improved practically in the host countries? Where do they need more support?
- What can be the role of the embassies, consular, associations of emigrants' rights protection in the host countries as well as international organizations?
- What are the main problems related to regularization procedures of illegal Albanian migrants in Greece and Italy?

These were the main issues, which were presented, in the opening speech of the chairperson of this round table Mr. Emir Dobjani, Ombudsman.

The protection of emigrants' rights has been, and still is one of the main objectives of the Albanian Government. However despite this policy platform the situation and status of Albanian migrants abroad largely depends on the laws and the good will of the governments of the host countries in order to support these rights.

According to the Albanian legal framework, the protection of emigrants' rights is foreseen in Article 8 of the Albanian Constitution ³⁴ as well as in articles 8 ³⁵, 12 ³⁶ and 15 ³⁷ of the Law "On Emigration of Albanian citizens for employment purposes".

The European Union, too, has been committed to a policy to protect immigrants' rights in general. Based on the principle of equal treatment, the protection of rights of third country nationals is one of the objectives, which the European Union is trying to achieve through legal instruments. EU legislation standards regarding the rights of third country nationals present in EU member countries are high and are being improved in line with the development of the joint policy on migration. The main issue relates to ensuring the effectiveness of the implementation of the legal basis and to fight against discrimination, intolerance and xenophobia towards third country nationals.

➤ **Main Proposals of the National Action Plan**

The part of the National Action Plan related to the "Protection of Emigrants' Rights" presents the following measures, which focus mainly on:

1. Diplomatic Efforts of the Albanian Government in order to establish and intensify the contacts with all national and international actors that deal with the protection of emigrants.
2. *Efforts of the Albanian Government to promote policies to provide documentation and reduce fees.*
3. Social Assistance: Negotiations to sign bilateral agreements on the social protection of emigrants with the host countries of emigrants in order to transfer social insurance to Albania.

Mrs. Arlinda Kondi, representative of the Ministry of Culture, Youth and Sports, did a presentation of the National Action Plan points.

➤ **Discussions**

Presentation of Albanian emigrants' situation in Greece.

³⁴ In article 8 of the constitutions it is explicitly said " 1. The Republic of Albania protects the national rights of the Albanian people who live outside the borders. 2. Republic of Albania protects the rights of its citizens with a temporary or permanent residence outside its borders. 3. Republic of Albania assures assistance for Albanians who live and work abroad in order to preserve and develop their connections with national cultural heritage".

³⁵ In article 8 of this law "The Albanian Government assists and facilitates the integration of emigrants in host countries, respecting the rights and obligations rising from the international conventions in which Republic of Albania is a party"

³⁶ In article 12 of this law "The Albanian Government deals also with the citizens and their families living and working in host countries but who still haven't acquired the status of emigrant".

³⁷ In article 15 of this law it is defined "Social insurances for long and short term Albanian emigrants are regulated according to Albanian legislation on Social Insurance and that of the host country, from bilateral agreements in this area as well as from international conventions on social insurance in which Albania is a party."

In his speech Mr. Gumeni, General Consul in Joannina, made a short presentation of Albanian emigration in Greece. Mr. Gumeni gave a historical background of emigration to Greece and reflected on the main problems associated with this phenomenon.

The changing of the identity of Albanian emigrants in Greece is a negative part of the phenomena of Albanian emigration. Integration in the Greek society has had its costs, thus emigrants are forced to change their identity, being conscious of it.

Another current phenomenon of Albanian immigrants in Greece is difficulties in ensuring that Albanian children receive education in their mother tongue. Mr. Gumeni appealed to the Albanian government to help its citizens pass on their own native language, cultural heritage and Albanian identity to other generations, and to the current economic emigrants living in foreign countries. It is time now that the Albanian Government should make concrete steps to provide textbooks and pay Albanian schoolteachers for the Albanian emigrants. He regretted saying that even in those few existing Albanian language schools, instead of the contingent of Albanian pupils rising, the schools risk to be closed as parents' interest to send their children in those schools, is falling.

Mr. Gumeni noted that there are already evident improvements of the legal framework in Greece, especially with regards to migration policy. But despite this, the delay of the improvement of the frameworks has brought about different problems with legalization, integration, economic and the social situation of our emigrants.

Following the presentation of the problems faced by the Albanian community in Greece, the floor was given to Mrs. Isavella Monioudi-Pikrou, representative of Ombudsman Office

in Greece. Mrs. Monioudi-Pikrou made a presentation of the work undertaken by the Office of the Greek Ombudsman and especially that of the Human Rights' Department. In relation to the complaints lodged in this Department, she noted that the number of complaints lodged by the Albanians was lower if compared to the number of other citizens in Balkan area. This indicates that the Albanians don't trust or have the know-how on how to appeal against abuses of their rights, to the relevant competent Institutions.

The non-enforcement of the law on Migration, gaps in this law, the lack of coordination of public services through relevant institutions, delays in issuance of residence permits, etc, are the main issues of the complaints lodged in Human Rights' Department. Some of the recommendations proposed by the Office of the Greek Ombudsman, addressed to High level Greek Administration, have been included in the National Action Plan of the National Strategy on Migration. The reduction of legalization fees of documents remains one of the main objectives of the Greek Government for the improvement of the current situation of immigrants.

Many of the problems encountered by the immigrants are due to the existing changes with the requests for the two kinds of work permits (e.g. employment and self employment). A solution would be to issue a single work permit. In order to avoid problems with the renewal of work permits, due to the insufficient number of Stamps for Insurance Coverage (the so called "ensima" stamps), it was recommended that the validity of the issued permits should be connected to the number of stamps, for Insurance Coverage collected by the immigrant.

In September 2003, the Greek Ministry of Internal Affairs circulated a circular, contradictory to the provisions of the Greek

constitution and UN Convention On the protection of the Rights of the Child. This circular banned the registration of the children whose parents didn't have valid residence, permits in public schools. Immediately after this circular was issued an appeal was made with the Greek Ombudsman's Office and the Ministry of Education interrupted the enforcement of this circular. These were some of the remarks and recommendations of the representative of Greek Ombudsman's Office.

Mr. Daniel Esdras, Chief of Mission of the International Organization of Migration also provided comments concerning the protection of migrants' rights in Greece. According to Mr. Esdras, the role of the individual is the pillar for the creation of the image of the society and the trend this society follows. Mr. Esdras in his speech underlined the fact that it is individual himself and the society that influence deeply the violation or non-violation of human rights. If we will educate a child in his embryo to respect others, without cultivating in him racist or discriminatory feelings, we will built up strong individuals without bias, who are open to accept in their society individuals from any social strata. We don't need laws for the protection of human rights, we only need to fully understand that we were born equal and deserve equal opportunities, we deserve the same "Start" and above all we deserve to be called with a name, "Human Beings".

Mr. Rudi Mezini, representative of Albanian Associations in Greece, made a presentation of the current situation of Albanian emigration, reflecting on the positive and negative elements of this phenomenon. On behalf of the Albanian community in Greece he addressed an appeal to the Albanian Government to raise its awareness and take into consideration the important role of this community, in order that it is included in its

policies its protection and development.

➤ **What is the image of the Albanian emigrants? Are there improvements in this image or does the image remain negative?**

The image of Albanian emigrants has changed over time. Many Albanian emigrants have become well known in the host countries, thanks to their education, their hard and honest work and thanks to their talent. The Albanian Emigrant has evolved his image due to his own merit. The Albanian community is already well integrated into various sectors such as, business, science, medicine, culture etc.

This was the social-economic situation of the Albanian community in Italy as presented by Mr. Pavli Zeri, Ambassador of the Republic of Albania in Rome. In his speech he underlined the need of this community for social protection. There is still a lot to be done for the improvement of both frameworks, Italian and Albanian, in order to create appropriate legal tools to provide social protection for these emigrants.

The ambassador of Republic of Albania in Rome supported the proposal made in the National Action Plan in the part on "Improvement of Consular services" related to the capacity building and appointment of trained staff to offer consular services as well as assistance in migration and legal issues to the emigrants.

➤ **Recognition of International Institutions dealing with protection of migrant and human rights**

Another objective of this round table regarded awareness rising of Albanian community abroad, in order to appeal for the protection of their rights in international instances.

Mrs. Mara Steccazzini, assistant of the UN Rapporteur for Migrants' Human Rights was

given the floor to explain about some of the international organs dealing with the protection of migrants' rights. She presented some of the existing conventions and legal tools for the protection of these rights. Such as:

1. The International Convention on Protection of all migrant workers' and their families' rights.
2. The Convention for the elimination of all racism and discrimination forms. (CERD)
3. The Committee for the elimination of all discrimination forms against women. (CEDAW)

In her speech Mrs. Steccazzini, explained the role of Special Rapporteurs in the office of the High Commissioner for Human Rights. Among the main tasks the Special Rapporteurs:

1. Collect of information in relation to violation of migrants' rights.
2. Formulate recommendations in order to avoid the violation of these rights.
3. Promote of application forms to appeal the cases of the violation of these rights according to international standards etc.

Mrs. Steccazzini explained that the Office of the High Commissioner is in charge of drafting reports on the violation of migrants' rights in different countries and publish these reports. In such reports recommendations and tasks are included that should be enforced by the governments of the countries where the violations have taken place.

On behalf of the Special Rapporteur for

Protection of Migrants' rights (Mrs. Gabriela Rogriguez Pizarro) many official visits have been undertaken world wide in order to monitor closely the situation migrants and their social economic background. Her last visit took place in Italy on June 7th-18th 2004, during which she met authorities of the Italian Government, representative of consulates from different countries (including Albania), migrants, representatives of the International Organization of Migration and NGO's.

Mrs. Steccazzini introduced some of the problems encountered in different countries related to the situation of migrants, including;

1. Meeting the requirements to get temporary residence permits, and in the mean time the establishment of appropriate conditions for assistance centers;
2. Health care for illegal migrants;
3. High levels of foreign detainees;
4. Discrimination of job seekers, recognition of certificates/ diplomas etc.;
5. Difficulties related to Family Reunification.

In closing her speech, Mrs. Steccazzini, made a summery of the reasons causing illegal migration, and the measures that should be undertaken to prevent this phenomenon.

➤ Legalization Procedures

The new Law on Migration in Greece.³⁸

In his presentation of the new law on immigration in Greece, Mr. Achilles Scordas spoke about the gaps and difficulties encountered in the enforcement of the current law. The law³⁹ generally regulates the issues

³⁸ Achilles Skordas "New Immigration Law in Greece, its Modernization on the wrong track ", Official European Gazette on Migration and Law 4: 23-48, 2002

³⁹ Law 2910/2001 published in official gazette (OJHR) A, 91/02.05.2001.

related to the legal status of foreigners in Greece, including entry, employment, residence, expulsion as well as legalization of immigrants and recognition of citizenship for the foreigners⁴⁰.

Limitations on the Rights of illegal Immigrants.

The international legal instruments on human rights state that all persons within the jurisdiction of the contracting parties enjoy the rights and freedoms of the respective treaties⁴¹. This does not mean that there is no differentiation between citizens and non-citizens or between legal or illegal immigrants. The Immigration Law provides for the equality of treatment between Greeks and an immigrant legally residing in Greece, as far as social security and social protection is concerned. (art. 39 -par.1-2)

As to the illegal immigrants, the new law reaffirms the principle of the previous law 1975/1991, according to which all public services and legal persons under public law, the local self administration authorities, public utilities and social security fund organizations (art. 51, par.1) as well as notaries (art. 52, par.1) are obliged to refrain from offering their services to those immigrants. This obligation is also extended to hospitals, sanatoriums and clinics, unless there is an emergency or a child needs medical care provided by the national health system. (art. 5. Parag.1).

All of the above mentioned provisions render

the violation of human rights very probable⁴².

The Education of Immigrants⁴³

In relation to education of emigrants Mr. Scordas explained that children residing in Greece are subject to compulsory elementary education. Children of emigrants are entitled to enroll in public Greek schools by having the adequate documentation, just like all Greek citizens. All aliens that have been regularised have equal access to enroll in universities, as Greek citizens do.

With regards to education and integration it is important to make reference to the basic data provided by the so called "cross-cultural education system"⁴⁴. This system, which focuses on secondary and higher education, refers to all immigrant students as well as to other foreigners of Greek origin (homogienia), is part of the Greek education system. At present there are 26 cross cultural secondary and high education schools which have been established for Greeks and immigrants, but which do not meet the necessary requirements. The cross-cultural education system foresees supplementary Greek language courses for those students who do not know the language well enough. It is also possible that students can undertake courses in their own language, however, this is rare.

Law 2910 /2001, foresees that all aliens and immigrants who have completed higher education are entitled to attend Universities⁴⁵.

Law 2413/1996 "On Education abroad and

⁴⁰ In Mr. Scorda's edition of "New Immigration Law in Greece, its Modernization on the wrong track" you will find more detailed characteristics of this law.

⁴¹ Art. 1ECHR, art.2 par. 1 ICCPR, General comments of the Committee for Human Rights. 15/1986

⁴² Achilles Skordas "New Immigration Law, its Modernization on the wrong track", official Gazette for Migration and lawn 4: 23-48, 2002; chapter on "Limitations of illegal immigrants' rights"

⁴³ Achilles Skordas – Quarterly magazine on refugee problems, official gazette no 4/2002. "The case of recognized families in Greece: The 'undesirable' integration

⁴⁴ Law 2413/1996 "On Greek education abroad and cross cultural education", OJHR A, 124; Decision of the Council of the Ministers F/10/20/G1/708/07.09.1999, OJHR B, 1789.

⁴⁵ See "Rules for provision of IKO scholarships " dated. 05.07.2002

cross cultural education" does not make a distinction on the provision of scholarships to Greek and non Greek students, who have finished high school. In spite of this, the Governmental Foundation for scholarship provision has extra requirements for Greek and ethnic Greek citizens to be met in order to benefit from these scholarships. In practice, the children of immigrants are entitled to benefit from these scholarships in the framework of bilateral agreements signed with the government of their country of origin, the same as any other alien entering Greece for study purposes. This shows how their integration is denied, as it is comprehensible that in their country of origin they are entitled to receive these scholarships.

Mr.Skordas also made a presentation of the international legal framework on the protection of immigrants' rights.

Mr.Giannakopoulos, deputy head of the Hellenic Institute for Migration Policy, was then given the floor.⁴⁶ He explained that any assessment regarding protection of special immigrant's rights should take into consideration the existing institutional framework. In relation to this subject, it remains a fact that the extent of legal protection of human rights in Greece is equivalent to protection provided in all the other EU member states. An evident indicator regarding the high quality of the Greek institutional framework as well as the know how of the Greek legal experts, is the collaboration of legal research centers with foreign countries authorities, in order to offer them legal knowledge about special cases (for example the support provided to Constitutional Institutions of the Albanian

Government from the European Center of Constitutional Law). The Greek Government has showed its interest in human rights protection, the fight against discrimination, xenophobia and different cases of racism.

➤ Discussion among participants

Comments were made at the conclusion of this round table, regarding what was discussed there, including other concerns.

The representative of Greek Helsinki Monitor reaffirmed that today Greece recognizes the vital role of emigrants and especially that of the Albanian emigrants as positive element. He stated the fact that Albanians nowadays, in comparison with the early years of emigration, have been well integrated in Greece. They are already involved in every area of society.

But, nevertheless there are negative elements; Albanians continue to be subject to multilateral discrimination, as it is reported in the third report on Greece (published in June 2004). This report noted that in order for these problems to disappear, Albanian Associations should be strengthened to become the advocates for their own protection. Such a strengthening requires the systematic, multilateral, long-term collaboration of the Albanian associations with Greek organizations in order inform migrants of their rights and assist, or help them not to be discriminated.

He underlined that Albanians will suffer undeserved penalties if they don't find adequate legal protection. To ensure this, a general plan is needed of the Albanian and Greek and

⁴⁶ The full speech will be published together with all the other materials.

Albanian associations and NGOs to establish a network of competent and well paid lawyers.

Mr. Logarakis, Director in the office of the Minister within the Ministry of Interior , Public Administration and Decentralization, made reference to the speech of Mr. Daut Gumeni. He requested Mr. Gumeni to provide concrete examples that there were flagrant cases of

the Greek administration in relation to forced change of identity for Albanians.

At the conclusion of this round table, participants supported the idea that such initiatives should continue in the future too, in the framework of the protection of emigrants.

EMIGRATION OF ALBANIANS TO GREECE

by

Daut GUMENI

Albanian Consulate in Ioannina, Greece

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- a-Integration difficulties
- b-Registration difficulties
- c-Identity issues
- d-Difficulties related to the education of children in their mother tongue

Background

The migration of the Albanian population towards Greece after the nineties used to be, and remains a dynamic process following the economic, political and social situation in Albania. Migration from Albania used to be individual in nature and in general it developed in a disorganized way, lacking the intervention and awareness of the Greek and Albanian governmental bodies. Until the beginning of 2001, emigration mainly occurred illegally. It was only after 2001 that migration from Albania started to be somehow partially organized (reference is made to the enforcement of seasonal labour agreements). Emigration throughout this period has been mainly economic emigration and it started in the aftermath of democratic processes in Albania, in 1991.

The number of Albanian immigrants in Greece today amounts to 600-650 thousand, the majority migrants are situated in Athens and its outskirts. Albanian immigrants are also situated in Thessalonica and agricultural areas of Thessaly, Magnesia, Aedese, Vergas, Kossany and Joanna. A great number of Albanian emigrants are situated in Epirus area, thus, in Patras and Agrinio. Albanians have also penetrated into the Greek islands. Most of them are employed in construction industry and in agriculture. A considerable number of intellectuals have been offered employment opportunities to exercise their professions in the big cities such as Athens and Thessalonica. Albanian emigrants have entered into every aspect of life and the Greek economy, following recent studies; the contribution of Albanian migrants to the Greek GDP is said to be two percent.

According to research, the contribution of Albanian emigrants in Greek economy can be seen in the contribution to a reduction of

inflation and of prices, of approximately by 2,2 per cent. Rent from migrants alone, amounts to approximately 180 million Euro annually. In a way the above-mentioned figures hide the negative affects of the presence of migrants. The most important affect of the migrants presence is the reduction of salaries for unqualified workers, as well as a reduction in job vacancies, up to a possible 50 thousand. Undoubtedly, emigrants give an essential contribution to our country, too, by positively affecting financial possibilities for their families, and increasing to some extent, economic activities in general.

Legal Bases

It should be underlined that during the first phases of Albanian emigration to Greece, from 1991 until 1998, Greece didn't have a legal bases regarding the recognition of immigrants for economic purposes. Consequently, Albanian emigrants resided illegally in Greece until the beginning of 1998 (except for the period 1991-1992 during which emigrants were provided with temporary documents from Greek police, but with the political changes occurring in March 1992 these documents were not renewed). During the first migration period, Albanian emigration to Greece was used as a tool of Greek politics in relation to Albania. On several occasions Albanian immigrants were expelled in large numbers due to deterioration in political relations between the two governments of the time, violating all the international rights of the migrants.

With the establishment of the Schengen Area, this marked the starting point for Greece, in terms of needing to adhere to European and other international obligations, it was time for Greece to recognise and register all foreign citizens living inside its territory.

The first legal step for the recognition and regularization of foreigners in Greece was

undertaken on November 28th 1997 through the Decrees of the President no. 358 and no. 359 On the Regularisation of Foreign immigrants in Greece.

The enforcement of the above mentioned Decrees for the regularization of foreigners started on January 1st 1998. The employment offices in the Ministry of Labour and six other Greek Ministries were responsible for the enforcement of the two presidential Decrees. The deadline for the registration and submission of documents the regularisation of immigrants was June 30th 1998. The enforcement of the above mentioned decrees were constrained by the many legal gaps and ineffectiveness in practical execution. This was clearly shown at the time by the fact that very few emigrants applying could receive residence permits or the green card. Above all, with regards to the enforcement of the above-mentioned decrees, economic emigrants themselves encountered the greatest difficulties, being forced to fill significant numbers of documents on the very few possibilities offered by the administration established for this purpose from the Greek Government.

The enforcement of these two decrees also showed that the Greek Government was completely unprepared for this process, from both, the point of view of experience and administrative infrastructure too.

Noticing the previously mentioned difficulties, the Greek Government on May 2nd, 2001, undertook an amendment to the legal basis, in the form of the Law no. 2910/2-5-2001, "On entry and residence of foreign citizens in Greece. Granting of citizenship", as well as the Law no. 3013/2002, about some amendments occurring to the previous law. The new Law On Entry and Residence of foreign citizens in Greece at that time introduced a new policy for the Greek government and was an attempt to set new relations between migrants and the government.

Following what has previously been mentioned during the period 2nd of June till 2nd of August 2001, the process for the regularisation and registration of foreigners took place in Greece. 351 thousand participants or 60 per cent of foreigners located in Greece at that time participated in that process. According to approximate data, it is believed that 178 thousand out of 351 thousand were Albanian citizens or 52 per cent out of the 60 per cent

The enforcement of the above-mentioned law with all partial amendments showed that it was relatively successful. This only relative success was due to the fact that procedures for documentation completion are too long and overwhelming from the official point of view, and was exacerbated by bad data management and elaboration from the administration established for this purpose. The timeframe for immigrants to be provided with residence permits was so long that when they did receive their permits they were already expired. This problem was evident without mentioning the high cost for the preparation of the documentation and taxes to be paid to the administration preparing these documents.

Due to issues of this kind, and other specific issues related to other categories of foreigners in Greece, the Greek Government has drafted a new law on immigration. At the moment this law is being discussed with civil society and with immigrant representatives. It is expected that with the new law the documentation necessary to be submitted by the foreigners for regularisation will be reduced, and the cost of the procedures in general, too. Hopefully, the validity of residence permits will be extended and documentation elaboration time will be reduced. The law is expected to be approved in the upcoming spring.

Figures on Albanian Emigration in Greece

Despite the fact that registration and regularisation of foreign citizens in Greece started in 1998, we should underline that even

today the Greek Government doesn't have full data on the database regarding immigrants which would include, the number of individuals, their administrative location, their civil status, economic status, education etc. Even the data regarding economic emigrants working and living in Epirus region, in Kazani Prefecture, that will follow below are approximate and have been taken from actual data of Ioannina General Consulate register. It should be emphasized that the number of Albanian economic emigrants in Epirus Region it is reasonably higher than what is reflected in the register of the Consulate, due to the fact that a major part of them are part of the Greek minority and have been easily settled in terms of documentation required. Consequently these immigrants rarely present themselves in consular services offices, the source out of which, the data on Albanian economic emigrants in Epirus and Kosan of the register of the consulate, have been taken.

With the approval of the Law No. 2910/2-5-2001, "On entry and residence of foreign citizens in Greece granting of Citizenship" and that Law no. 3013/2002, the preliminary process of registration and regularisation started in Greece for the period 2nd of June- 2nd of August. These dates are approximate as they were further postponed as it was impossible to manage requests for registration. Approximately 351 thousand migrants participated in this process, or 60 per cent of the foreigners located in Greece at that moment. According to the above-mentioned data, it is believed that 178 thousand or 52 per cent were Albanian citizens.

To this figure should also be added the number of children below the age of 16 which make up for nearly 15 per cent, increasing this figure up to 220 000. If we also add the number of regularised Albanian emigrants through the decrees of the president of 1997, a period in which 90 000 thousand Albanian emigrants could fully and partially benefit, it results that in this regularisation process, 310 000 Albanian

emigrants have been registered.

In the above mentioned regularisation process Albanian citizens who are part of the Greek minority were not included, part of which are emigrants from the well known Greek minority areas of Gjirokastra and Saranda. Also not included were those Albanian citizens that according to Greek governmental policy are treated as "Homogenous", meaning co-nationals of the same origin. In this category, the Greek government treats all the inhabitants living in southern coastal villages of Vlorë as well as those of Saranda, a number of villages in Erseka and Korca. The Greek government has treated this category of Albanian citizens differently. The police provided them directly with documentation valid for three years. According to unofficial collected data it results that this number reaches to 250 000 with an increasing tendency of 10 percent. We should take into account that this figure includes not only citizens of the above mentioned regions but also those citizens who in spite of being considered homogeneous from the Greek government, have benefited from the document because of being married to Albanian citizens of the above mentioned category, and also all Albanian citizens having married Greek citizens.

It seems that in Greece, according to both regularisation processes, there are 560 000 Albanian citizens who have entered the regularisation process as immigrants, or who have partially finalised it. From different surveys undertaken with migrants that visit embassies or consular offices in Greece or Albania for different procedures, it results that 10-15 per cent of them reside illegally. Thus, we conclude that there are 600-650 thousand Albanian citizens or 1/6 of Albanian population in Greece, if we add 10-15 percent to the total figure of the registered emigrants.

Figures on Albanian Emigration in Epirus and Kazana, Social Strata

It should be emphasised that the first contact or first break of Albanian emigrants towards Greece in the 1990s, was in the Epirus region and especially Ioannina, as the only border administrative point.

From 2001-2004 and on going, the Albanian Consulate in Ioannina has continuously registered the citizens requiring different consular services, thus, undertaking their own registration too. It is understandable that the following figures do not reflect the real number of Albanian citizens being located in the Kazana and Epirus region. The registration cannot be complete as a result of the fact that not all of the above mentioned citizens visit consulates for such services. Economic migrants living and working in these regions are approximately as following: 25-30,000 Albanian citizens from the Greek minority, 15- 20,000 Albanian citizens with Albanian citizenship coming from different Albanian regions, and 6-7,000 Albanian emigrants settled in the Kazana Prefecture. So, 50-60,000 Albanian citizens all in all have been coming to these regions as economic emigrants since 1991 and up to date. We should not forget that Epirus being a border area serves as a temporary location for those Albanian economic emigrants coming from different regions of Albania that will later find better placement in remote areas in Greece. This is also why the registration that has taken place in our consulate has far different figures from the real ones.

Registration was done on the basis of the number of citizens, families, age, gender, and address in Albania and address in Greece.

The following tables reflect collected data from the registration of Albanian citizens in the Ioannina Consulate.⁴⁷

⁴⁷ Necessary data for Kazana Prefecture have not been collected yet, as the extension of the Consulate's jurisdiction happened later.

| No. | Items | Ioannina | Preveza | Igumeniza | Arta | Total |
|-----|--------------------|-------------|-------------|------------|-----------|--------------|
| 1 | Number of Children | 6413 or 53% | 3751 or 31% | 1090 or 9% | 850 or 7% | 12 100 |
| 2 | Families | 2150 | 1270 | 460 | 320 | 4200 |
| 3 | Children at school | | | | | 4100 |
| 4 | Education | | | | | |
| 5 | Males | | | | | 6534 or 54% |
| 6 | Females | | | | | 5566 or 46% |
| 7 | Average Age | | | | | 27 years old |

| No. | Items | Ioannina | Preveza | Igumeniza | Arta |
|-----|--------------|----------|---------|-----------|------|
| 1 | Ballsh | 2.4% | 6% | 4% | |
| 2 | Berat Kucove | 5.8% | 1% | 5% | |
| 3 | Dibra | | | 5% | |
| 4 | Elbasan | | 4% | 8% | 25% |
| 5 | Erseke | 10% | 2% | 3% | 2% |
| 6 | Fier | 2.5% | 30% | 7% | 22% |
| 7 | Gjirokaster | 30% | 3% | 17% | |
| 8 | Korca | 4% | 5% | 8% | |
| 9 | Leskoviku | 8% | 5% | 4% | 3% |
| 10 | Lushnje | 2.3% | 26% | 6% | 23% |
| 11 | Saranda | 14% | 4% | 17% | |
| 12 | Tepelene | 2.6% | 5% | | |
| 13 | Tirane | 10% | 4% | 6% | 20% |
| 14 | Vlore | 5% | 5% | 10% | |
| 15 | Others | | | | 25% |

Change of Identity of Albanian Emigrants in Greece

A number of Albanian Emigrants have changed their names and even their surnames for a number of reasons. According to semi-official sources and unspecialized surveys, approximately 40 per cent, i.e., 124,000 economic emigrants, that have been provided with residence permits in municipalities may have changed their names. Within the "homogeneous" category of Albanians provided with residence permits from the police, approximately 30 per cent have changed their names (this figure includes the majority of those having made changes according to the Albanian legislation). This figure is rather low also when it comes to provision

with documents, due to the control and verification exercised by Greek authorities concerning the authenticity of identity of the persons belonging to this category. Thus, there are around 75,000 emigrants from this category resulting with at least one change in their identity (name or surname).

Finally, we can conclude that migrants included in the category of having changed their names, amount to approximately 200,000 in total. It is understandable that for the Epirus area and Kazani Prefecture, which falls under the jurisdiction of Ioannina Consulate, these figures are in accordance with the general number of Albanian emigrants living and working in these regions.

The phenomenon, though, remains the same: our emigrants feel constrained to make such identity changes in order to adapt themselves easily to the environment in which they live.

Difficulties with children education in their own national language

The education of the children of Albanian migrants in their mother tongue, as one of the basic human rights, still fails to overcome insurmountable difficulties. This is a responsibility of the Albanian government, too, as it hasn't made the necessary steps in this direction. A good step would be for the Albanian government to (following relevant agreements with the necessary levels of the Greek government) provide textbooks pay Albanian teachers in schools for Albanian emigrants. This recommendation is based on the previous experience of voluntary

organizations in their unsuccessful attempts in providing Albanian education.

With regards to our requests about the areas covered by the jurisdiction of Ioannina consulate, despite the good understanding, we have been told that it does not depend on them. For the approval of the creation of cultural associations, too, it is necessary to have the approval of "high political levels". It is comprehensible, but not at all for an EU member country from whom we should learn how to respect Human rights.

The education of the children of economic migrant in their own mother tongue still waits to be officially recognised as one of the basic human rights. Hopefully, this event organised by IOM will help the cause.

THE PROBLEMS ALBANIAN IMMIGRANTS FACE IN GREECE:

THE GREEK OMBUDSMAN'S PROPOSALS FOR SOLUTIONS

by

Isavella MONIOUDI-PIKROU
Greek Ombudsman's Office

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My presentation, about the problems Albanian that immigrants encounter in Greece, is based on my experience, working as a senior investigator in the Human Rights Department of the Greek Ombudsman, and more generally, on the knowledge we have acquired through the examination of complaints submitted to the Authority by immigrants. During the six years that the Ombudsman has been operating hundred of cases have been investigated by our Department. The subject matter of these cases concern issues of: the correct application of immigration law, the shortcomings of this law, the lack of coordination of the activities of the relevant public services, and the delays of issuing residence permits, etc.

Generally, in terms of the statistical data we have available, the number of complaints submitted to the Human Rights Department by citizens of the Balkan region approximates, annually, approximately 240 complaints. The percentage of Albanians who have requested

the assistance of the Greek Ombudsman in the Human Rights Department is about 10 per cent of the total of submitted complaints by foreigners. Therefore, the number is rather low compared to the sum of complaints submitted to Authority, which annually exceeds 11.300.

The Greek Ombudsman, within the framework of his jurisdiction, as far immigration issues are concerned has, mainly, dealt with the following:

- a) The implementation of the earlier provisions of P.D. 358/97 and 359/97, the so call "Green Card" method of legalisation of immigrants, as well as the more recent application of the provisions of Law 2910/2001.
- b) The protection and promotion of the rights of foreign children

(1) As far as the implementation of legislation is concerned, I believe that the audience is

well aware of the problems that immigrants encounter in Greece, and how problematic the application of law 2910/2001 has been. The fact that this law was modified and supplemented nine times, and that, more than seventy circulars were required in order to clarify it, proves, beyond any doubt, the shortcomings of this law.

The Greek Ombudsman, even before the introduction of the law, expressed, to the Ministry of Internal Affairs, Public Administration and Decentralization, its reservations about the suitability of the planned legislation, in view of the existing conditions in the country, as well as, about the success of its implementation. These reservations focused on: 1) the complexity of the provisions, 2) the insufficient staffing of the services responsible for the implementation of the law by well trained personnel, 3) the lack of the technical support for these services, 4) the involvement of three different services in the process of legalisation, and 5) finally, the inflexible transitional measures included in the law.

Throughout this period, from 1998 to today, the Greek Ombudsman made considerable efforts to assist the administration in improving and correctly applying the immigration law, while simultaneously, securing the rights of the immigrants. For this purpose the Ombudsman made several proposals to the involved services, that is the Ministry of the Internal Affairs, the Ministry of Employment and the Ministry of Public Order, many which were adopted by the Administration.

Indicatively, I refer here the proposals for: a) the modification of the provisions of article 33, concerning the entry and residence in Greece of foreigners who are members of the family of a Greek citizen, or a citizen of an E. U. Member- State; b) the recognition of the

document that verifies that an application has been submitted for the issuing of a residence permit (known as a "VEVEOSI") as a legal document that proves that the individual is legally residing and working in the country c) the elimination of a fee requested for issuing a residence permit to members of the family of a Greek citizen: d) the elimination of a fee required for the re-examination of an application for citizenship, when the initial request was rejected for typical reasons (e.g. missing or not submitting in time a document), and reduction (to about half of the sum) of the aforementioned fee when the application is rejected for substantial reasons etc.

(2) I shall now refer to the more recent, and perhaps the most significant, proposals of the Greek Ombudsman towards the Administration. If these proposals are adopted it would be to the benefit all immigrants, as well as the public services and the Greek economy as a whole. These proposals are the following:

- a) Considering that in the existing administrative structure of the Ministry of the Interior and Decentralization there is no proper services which could handle the planning of immigration policy, the Greek Ombudsman has proposed the establishment of a "General Secretariat of Immigration" which would be responsible for setting goals, planning and centrally executing immigration policy in Greece.
- b) Considering that one of the main reasons for the collapse of the existing system of legalization of immigrants is the involvement in the process of three different public services, namely the Municipality, the Employment Office of the Prefecture and the Secretary

General of the Region, it is proposed that **a single service** be responsible for the issuing of a residence permit.

- c) In addition, it is proposed that a single document should replace the existing system of two documents, i.e. the "work permit" and the "residence permit".
- d) Furthermore, it is proposed that an "advisory committee" be established, which would have a consultative role and would be responsible for recommending changes in the immigration policy. It is necessary that this committee be comprised by representatives of all immigrant groups.
- e) Considering that the electronic registration of immigrants will contribute to the effective planning of immigration policy and to the simplification of the procedures of the issuing residence permits, it is proposed that an electronic system of registration be established. This system would register the basic characteristics of the foreign population in the country, while a subprogramme of this system, would cover the issuing of the residence permits.
- f) Considering that the absence of the sufficient and well- trained personnel is one of the main reasons for collapse of the existing system, it is proposed that the new public services responsible for immigration be staffed with permanent, capable and well educated personnel.
- g) Considering that many of problems faces by immigrants are due to the existing differentiation between the requirements of the two different kinds of work permits, (i.e. for

dependent and independent work) it is proposed that the two categories consolidated into a single work permit. Furthermore, in order to avoid problems in the renewal of work permits, due to the lack of sufficient number of Insurance Coverage Stamps (the so called "ensima"), it is proposed that the duration of the permit issued be linked to the number of insurance stamps accumulated by the immigrant.

- h) It is also proposed that the Directive 2003/109 EC of the Council, concerning the status of long-term residence in the European Union, be promptly adopted and implemented. Greece is obliged to incorporate the Directive by, the latest, the 23rd of January 2006.
- i) Many immigrants are focused to fall out of their legal status of residence for several reasons: by force majeure (by "Acts of God"), by austere bureaucratic measures, i.e., by simply missing a deadline, or due to lack of passport. Additional reasons which lead individuals to lose the legal status of residence in the country are: the inability to return to the country of origin because of conditions that prevail there the non positive identification of the person's citizenship or nationally, and, the rejection of their application for gaining the Greek citizenship through the process of recognition of their Greek ethnicity.

Today, all these cases are examined according to the provisions of article 37 of the law 2910/2001, namely for "humanitarian reasons". However, it should be noted that, the fact that all these different categories of problems are

examined by the same organ, under the heading of "humanitarian reasons", has generated serious operational problems, and of course, has led to the abuse of the term "humanitarian reasons" for those who really need to be brought under that category. For this reason, it is proposed that a second level review committee be established which would be responsible for the examination of the aforementioned cases and which will have the power to approve the issuing of residence permits for these types of reasons.

- j) The Greek Ombudsman has proposed to the Administration to renew the residence permit to holders who lack valid passport due to force majeure. For the time being, the Administration grants residence permit to these individuals only when they can verify that they have resided in the country for a time period longer than ten years.
- k) Given the considerable delays in the process of issuing residence permits, it is proposed that a temporary document, which would stand for a provisional permit, should be given to those who have applied for the renewal of their work and residence permits, so that they are able to exercise their right to travel to their countries and return to Greece.
- l) Finally, it has been proposed that the Administration consider the prospect of legalizing the presence in the country of those registered according to the P.D. 358/97 and 359/97 but for a variety of reasons, and primarily due to misadministration, failed to sustain their legal status of residence in the country according to the provisions of Law 2910/2001.

(3) The actions of Greek Ombudsman regarding the protection and promotion of children's rights.

The Department of Children's Rights is one of five Departments within the Independent Authority "The Greek Ombudsman". The Department was established by Law 3094/2003, which extends the mission of the Greek Ombudsman into the field of protection and promotion of children's rights.

During the first year of its operation (July 2003-August 2004) the Department of Children's Rights has received 230 written individual complaints concerning violation of rights of children by agencies of the statutory and voluntary sector or by individuals, adults and children.

50 per cent of these cases were connected with education and concerned issues of access to school, discrimination, provisions for children with special needs or disabilities and relationships within the school environment. In addition to investigating these cases and making proposals for rectifying the situation, the Department of Children's Rights has been involved in a number of activities at the protection and promotion of children's rights in Greece. In particular:

The Department of Children's Rights took an active stance against a circular edited by the Ministry for Internal Affairs in September 2003, prohibiting the enrolment of children of immigrants in state schools whose parents did not hold a valid residence permit.

The Department of Children's Rights pointed out to the Ministries involved that, in accordance with the provisions of the Greek Constitution and the UN Convention on the Rights of the Child, every child should have access to basic education, irrespective of the legal status of his/her parents. The Ministry

of Education agreed with the position and suspended the implementation of the circular.

The Greek Ombudsman, following a written complaint by the Ombudsman of Albania, conducted an investigation on a programmed that materialized between 1998-2002 by the Ministry of Health and Welfare in collaboration with one of the countries major welfare agencies, with the declared purpose of providing care and protection to street children, many of which were victims of trafficking and exploitation. The main issue concerned the disappearance of approximately 500 children, the majority Albanian, from the Greek childcare institution "Agia Varvara", in which they had been admitted to during the above-mentioned period and from where they had subsequently escaped.

The investigation highlighted a variety of problems- legal, financial and organizational- implementation of the project, which resulted in failure to provide adequate and appropriate care to the children concerned, and in the subsequent escape of a large number of them from the institution.

A number of problems and gaps in the institutional and legal framework of the protection of children victims of exploitation were identified, as well. The findings of research, as well as proposals following from it, were presented in a report, which was forwarded to the relevant ministries and agencies involved, and received wide publicity.

The Ministry of Health and Social Solidarity had a positive response to the publication of the report, by means of a public commitment to the development of policies and measures to tackle the trafficking of children and provide appropriate care and support to children victims.

The Department has also been in contact and cooperation with the Albanian and Greek authorities as well various NGO's, in relation to the problem of trafficking of Albanian children in Greece, especially issues concerning the provision of appropriate care and the safe repatriation of children victims. In relation to these measures, during 2004, the Deputy Ombudsman and members of the Department staff attended two conferences in Tirana and one in Strasbourg, organized by the Council of Europe, and have had contacts and meeting with police and welfare officials dealing with the issue in Greece.

Finally the Department, following specific complaints, has been concerned with the treatment by the Greek authorities of unaccompanied minors, by conducting investigation in immigrant reception centers and police detention centers, monitoring the implementation of national and international legislation, making suggestions concerning the provision of care and the safe repatriation of the minors involved, and co-operating with government agencies and non- governmental organizations.

STATEMENT ON THE PROTECTION OF THE RIGHTS OF MIGRANTS IN GREECE

by
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Vice President of the Hellenic Migration Policy Institute

This statement is based on studies that have been conducted on behalf of the Hellenic Migration Policy Institute (I.ME.PO.) and cover broad aspects of the procedure of the integration of foreigners⁴⁸.

a) Any evaluation regarding the protection of individual rights of foreigners in Greece should take into consideration the existing institutional framework.

It is a fact that the level of legal protection of human rights in Greece is at least equivalent

to the protection guaranteed by the rest of the EU member states. This fact is proved by the relevant comparative studies on the legislation regarding aliens of EU member states that was conducted by the I.ME.PO as well as by relevant studies of internationally recognised independent university entities (eg. The Centre for European Constitutional Law). A clear indication of the high quality of the Greek institutional framework, as well as the excellent know-how of Greek legal practitioners is the cooperation of Greek legal research centres with the authorities of

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⁴⁸ The studies are: "Statistical Data for Migrants in Greece: Analytical Study on available Data and Proposals for compliance with the European Union Standards" (Research Institute of Urban Environment and Human Resources - Panteion University of Athens), "Legal, institutional and administrative dimensions of the entry and residence status of migrants in Greece – Challenges and prospects of improvement – A compatibility study on the Greek and European institutional framework" (Centre for European Constitutional Law), "Economic Dimension of migration – Impact on the agricultural sector" (Ī. Hletsos, adjunct Professor of the Department of Economic Science of the University of Ioannina), "Migration in Greece and Education – Evaluation of Intercultural Education in Greece" (Eleni Skourtou – adjunct Professor of the Pedagogic Department for Primary School Education – Aegean University), "Migration and Health – Welfare in Greece – Evaluation of the existing situation. Challenges and prospects of improvement". (National Centre of Social Research – Institute of Urban and Agricultural Political Sociology).

foreign countries in order to provide them with legal know-how on crucial legal issues (see for instance the support to the Constitutional Institutions of the Albanian State by the Centre for European Constitutional Law). The Greek State has shown in numerous cases its interest in issues of human rights protection and to combat discrimination, xenophobia and racism. At the same time it aspires to constantly modernise the relevant legislation, as was recently proved by the passing of Law 3304/2005 and the amendment of the Greek Citizenship Code (L. 3284/2004).

b) The Hellenic Migration Policy Institute, as a consultative entity, critically and scientifically observes the integration of migrants into Greek society.

Without ignoring the difficulties in adaptation faced by both migrants and the indigenous population to the new reality created abruptly and without precedent in the early 1990's, the I.ME.PO. Through its research is in the position to ascertain the enormous progress in the integration process in Greece. This fact is proven by the participation of Greece, to a great extent at its own expense, in European programmes such as EQUAL (first and second round) and other similar programmes which aim to smooth the integration of foreigners in host societies. Relevant studies have also

been conducted by internationally recognised independent university entities on behalf of the I.ME.PO. In these studies the effort of the Greek State to integrate migrants in the occupational, educational and wider social field is rendered clear. As it results from relevant studies, 432.120 residence permits have been issued to Albanian citizens in Greece, who enjoy the same rights with the indigenous population in matters such as payment, social benefits⁴⁹ etc. Moreover, the Greek State has established at the Service Centres for Citizens a hotline (1464), where Albanian and other migrants can be informed in their native language on issues concerning their migrant status. The aforementioned services are evaluated by migrants themselves as particularly helpful.

Furthermore, it is worth noting that the Greek State has already proceeded to establish and operationalise multicultural schools, where foreigners are taught their mother tongue. Additionally, the Greek State has put considerable efforts into the promotion of intercultural education in public schools⁵⁰, where even children of irregularly residing foreigners are admissible. The social sensibility of the Greek state is also undoubtedly demonstrated by the fact that illegally residing foreigners are admitted to public hospitals for the treatment of emergency health problems.

⁴⁹ See for instance the study "Migration and Health – Welfare in Greece – Evaluation of the existing situation. Challenges and prospects of improvement." (National Centre of Social Research – Institute of Urban and Agricultural Political Sociology) as well as the study "Economic Dimension of migration – Impact on the agricultural sector" (I. Hletsos, adjunct Professor of the Department of Economic Science of the University of Ioannina). See also the data of the Bank of Greece regarding the average bank deposits amount of foreigners. These data make clear that the average Albanian citizen has an average bank deposit which is several times higher than the average bank deposit of the respective Greek citizen.

⁵⁰ See for instance the study "Migration in Greece and Education – Evaluation of Intercultural Education in Greece" (Eleni Skourtou – adjunct Professor of the Pedagogic Department for Primary School Education– Aegean University).

c) The improvement of the institutional framework can only be achieved through a bona fide and scientifically documented dialogue on European and international level

The institutional framework cannot be improved through undocumented, unfounded and vague remarks that rather hinder than facilitate the search for best practices in the effort to integrate migrants in host societies. Greece has shown many times its responsiveness in issues concerning a modern migration management policy. It has benefited from the experience and know-how

gained through documented scientific dialogue and the effort to identify best practices for the integration of migrants in host societies. This fact is clearly proven by the recent legal reforms in partial issues concerning migration (see for instance the recent laws 3274/2004, 3284/2004). This will be rendered more clear with the upcoming draft of law regarding the entry and residence of foreigners in Greece, which will propose an even for European standards innovative modernisation of the institutional framework for migration.

LEGAL FRAMEWORK ON MIGRATION



SUMMARY OF THE SESSION ON THE LEGAL REFORM ON MIGRATION LEGISLATION⁵¹

COMMENTS AND SUGGESTIONS

by
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Effective management of Migration is not an easy process and requires adequate institutional and legal framework. Albania has planned in a specific chapter of the National Strategy on Migration, the Legal Reform that should take place during the period 2005-2010, envisaging the necessary steps to address the existing gaps in the current legislation. In this perspective, the Session on the Legal Reform, aimed at gathering all the interested actors in the same forum to discuss the main issues concerning the reform such as:

- What are the needs to change the current rules on migration policy, in particular to implement the National Action Plan?

- What are the main implications for the Albanian legislation concerning implementation of the European *acquis* in the field of immigration?
- Which migration project-laws are pending in the Parliament awaiting approval?
- Should the law on foreigners be amended or entirely rewritten?
- How can planning be undertaken for the legislative work that needs to be done?

To give a more thorough information on the discussions and suggestions that took place, the paper has been divided into six main parts, starting from the proposals of the National Strategy/Action Plan; the challenges posed

⁵¹ The session on Legal Reform was attended by 40 participants coming from the Ministry of Labour and Social Affairs, Ministry of Foreign Affairs, Ministry of Public Order, Ministry of European Integration, the Parliament, PAMECA, ICITAP, the Center for women advocacy, OSCE, the Dutch Embassy, representatives of migrants organizations, and employment agencies, etc. It was chaired by Adrian Dvorani, the Head of the Codification Department in the Ministry of Justice.

by the Action Plan; implementation of the action plan and its implications; ratification of international instruments; readmission agreements; implementing process and the Concluding Remarks.

1. LEGISLATIVE REFORM AND THE ACTION PLAN

➤ *General Remarks on the Migration Legislative Reform*

The harmonisation of the Legislation and approximation with the EU and International Standards are two key issues of the legal reform that need to be addressed adequately and within the correct timeframes. In this regard, the Action Plan on Migration should serve as the main document to improve the Legal Framework in the field of Migration. This reform should be done to ensure coherency with the existing legal acts.

Several Institutions are involved in the process for amendment/drafting of the Legal Acts related to migration issues. Most of the acts planned for adoption, or amendments have been included in the Legal Matrix of the Action Plan on Migration. However, the reform must be done carefully. It must be adequately planned, with all the actors involved moving towards the same direction to ensure the required standards.

The amendment of many legal acts and adoption of new ones is inevitable, as the law has to gradually develop in line with the developments of society in general. In the same way, the Legal Framework should also take in consideration other sectoral and regional strategies to avoid overlapping or contradictions with other provisions. In addition, it should respect the obligations of the government in the framework of the

document of EU Partnership.

The work which has been done in legislative reform is considerable. One good indicator is the publication of the Gap Analysis report on the Albanian Legislation and Practice as compared to EU Acquis and International Standards, which was drafted by IOM in close cooperation with Albanian Government. The report foresees the main legal acts that need to be changed in the field of immigration. Reform will also take place in the field of Emigration and as such, the main dispositions of the Law on Emigration and other bylaws in the field that will be subject to amendments. Furthermore, international instruments that must be ratified, thus subsequent amendments must be made to the legal acts in accordance with the documents, which have been ratified.

➤ Main Proposals of the Action Plan⁵²

The part on Legal Reform of the Action Plan introduces several measures, which are mainly focused on three main pillars:

1. Ratification of international instruments;
2. Amendment of the internal legislation, and approximation of the legislation with the EU *acquis*;
3. Legal Training

The Albanian Legislation on Migration is composed by several key legal acts and numerous by-laws on emigration and immigration. The main principles of the migration law are laid down by the Constitution, which provides that Albania protects the rights of Albanian citizens abroad (Art.8 of the Constitution). The Constitution

⁵² The introduction with the proposals of the Action Plan was done by Blerta Kraja, Coordinator in the Office of the Prime Minister.

points out the fundamental principles of the Immigration legislation- "the foreigners enjoy the same rights as the Albanian citizens, apart from the cases when the constitution provides the citizenship as a condition for granting the right (Art.16 of the Constitution). The Constitution provides the necessary boundaries/foundations for comprehensive and coherent legislation on migration; it envisages a broad margin for equality between foreigners and Albanian citizens in Albania, which seems not to be the case with other laws, which due to their particular sphere, i.e. the Law on Social Insurance, Law on Encouragement of Employment, provide a narrower picture regarding the rights of Migrants.⁵³ Based on the above constitutional articles, Albania has approved the Law on Emigration and Law on Foreigners, which are the main legal acts in the field of Migration.

The Albanian Constitution also lays down the obligation to implement and recognise international instruments that Albania has ratified. Following the basic principles of the Constitution, the Action Plan foresees as priorities, in the sphere of International Legislation, the *adoption of the following International Instruments as below:*

1. ILO Convention on Migrant Workers (No 143) and its 151 Recommendation.
2. CoE Convention on the Legal Status of Migrant Workers.
3. UN Convention on the Protection of all Migrant Workers and their family members.

The ratification of these international instruments requires the amendment of internal laws in order to guarantee approximation with international standards. This requires elaboration of a further study/analysis on the implications that the ratification of the international instruments will have on the national legislation. The harmonisation of the provisions of the conventions with the national legislation will be a challenge to be addressed by the legislative reform.

On the other hand, the adoption of international standards that protect the rights of emigrant also stem from the obligations laid out in the Stabilisation and Association Process. In this framework, it will be mandatory to comply also with the EU *acquis* especially by the time that the Agreement is concluded. This obligation derives from the nature of the agreement, which is not a gentlemen's agreement, but instead will be closely monitored in order to guarantee the compliance with the envisaged requests.⁵⁴

Amendments of the existing legal acts and approval of new ones

The Legal matrix points out the need for amendments of the basic laws in the field of emigration and immigration.

The amendment of several articles of the Law on Emigration is necessary in particular in relation to Article 13, which foresees positive discrimination for the Albanian emigrants. The matrix shows the need for the amendment of

⁵³However, the chair of the roundtable, Mr. Dvorani pointed out that in the framework of the constitutional provisions and the laws implementing the rights for foreigners, it has to be kept in mind that the Constitution provides only general principles and that the laws specify the requests. Hence, the laws provide the necessary limitations relevant to the nature of the rights but this always in line with the constitutional provisions.

⁵⁴ Remarks by Mr. Adrian Dvorani, the chair of the roundtable.

several other laws such as the Law on Consular Services, the Criminal Code, the Law on Pre-University Education, and the Law on Electoral Code etc.

The Law on Foreigners also requires, in accordance with the proposals put forward in the Gap Report and in compliance with the international instruments that will be ratified by Albania. Pursuant to the Law on foreigners, the following secondary legislation must also be amended; the Decision of Council of Ministers on Entrance, stay and treatment of Foreign Citizens, the Joint Instruction on the Entry, Stay and Treatment of Foreign Citizens as well as other by laws that cover migration issues. The draft Law on "Some amendments to the Law on Foreigners" envisages amendments to considerable parts of Law on Foreigners, and will correspondingly require changes in the above-mentioned by-laws. Thus, the obligation for standardised legislation should be addressed carefully.

Both the legislation regulating emigration and immigration should comply with the general principle of facilitating administrative procedures, and possibilities for one stop shop etc.

The approximation of the Albanian legislation with the EU *acquis* as a demand of the Stabilisation and Association Process is not exhaustive. The reform must be done gradually, taking in consideration also the pace of developments of the EU *acquis*. In this perspective, the matrix, rightly provides for regular monitoring/reporting of the approximation process in order to fully align the legislation with the EU/International Standards.

Legal trainings of the Migration specialists

The simplification of the procedures and removal of legal barriers is only one side of

migration management. The legislation has to regulate completely and comprehensively the relevant field. It should avoid the lack of harmonisation, lack of coherency and must be clear in terms of the language used. However, the quality of the legal drafting is not the main problem of the legal system in Albania. The basic problem is the implementation. Albania has many well-drafted laws but faces difficulties in their implementation. As a result, adequate human resources are important.

The practical implementation of the legislation is a key issue for migration management. It is not unusual that officials tasked with daily operations related to migration legislation do not follow the standard procedures. As a result, different practices have been observed in the implementation of the same legal provisions. These inconsistencies are either the result of a lack of

full knowledge on the subject, or due to different interpretations of the legal provisions. To avoid this problem, the legal matrix has introduced as one of the measures, the elaboration of practical handbooks/manuals on the legal acts related to migration, which would be suitable for daily reference.

Taking in consideration that departments which cover migration issues in MoLSA, MOPO and MoFA are in fact the departments in respective ministries that deal with the legal reform on migration issues, the matrix advocates the recruitment of legal expert to monitor the relevant legislative developments, draft amendments, and regularly monitor the compliance of these laws with international standards and EU *acquis*. In this framework, it is necessary to organise continuous trainings on the legislation for the legal specialists as well as for all the experts working in the central/regional offices with migration issues.

2. THE CHALLENGES POSED BY THE ACTION PLAN

Adoption of New Laws or Proceeding with Amendments of the current legislation

Legal reform is one of the core pillars of the Action plan. It requires inter alia, measures for the amendment of the basic laws that regulate migration and immigration. Reform would affect the work of different institutions such as Ministry of Labour and Social Affairs, the Ministry of Public Order, and the Ministry of Foreign Affairs etc.

The Ministry of Public Order is especially concerned with the implementation of the Law on Foreigners, Decision of Council of Ministers 439 "On the entry, stay and treatment of the foreigners in Albania" and the Joint Instructions on Entry and Stay of Foreigners in Albania.

The above-mentioned legal acts are the main documents used during the daily work when dealing with foreigners. However, due to frequent changes, especially of the LoF (Project Proposal for amendments to LoF foresees many changes of the LoF) and DCM 439/2000, representatives of MOPO were more in favour of the idea to create a new framework law rather than to change frequently the existing legal basis.⁵⁵ The representatives of MOPO argue that the Project Law "On some amendments to the LoF" envisages changes of the main principles of the existing law, as a result, as advised also by the GAP Report and the Manual on Legal Drafting for Albania, it would be better, to draft a new law rather than go on with endless amendments.

A change in the principle legislation regulating foreigners in Albania would make it more clear what the existing law envisages in this field. Due to essential amendments of the DCM

439/2000, only a few articles will remain in force in the original document. Sometimes the officials tasked with the implementation of the DCM have difficulties in tracking all the amendments which have been made. In this framework, the logical conclusion would be to draft a new Law on Foreigners (based on the principles of the amendments) and a new DCM on the Entry, Stay and Treatment of Foreigners in Albania.

On the other hand, the approval of new laws is a demand of the process for upgrading the Structures that deal with Migration issues. Thus, a new draft Law on the Border Police (a draft law formulated on the comments of the EU Delegation in Tirana) envisages the creation of a new, independent structure of the Border Police. The creation of this structure would require other structural changes to vanguard the migratory fluxes that are expected in Albania in the future. The reform of the border police would require the adoption of other laws to regulate the new structures and to deal with new developments.

The idea to create new legislative acts instead of amending existing is not always favoured and is an approach that is not shared by all legal experts. Due to the changes of the situation and new demands of society, frequent changes of laws are inevitable. Change should be considered as a normal activity in the process for improving the existing legislation. Furthermore, as migration legislation evolving, not only in Albania but also in international framework, therefore further amendments will be necessary even if a new law is adopted, this is due to the nature of this area of law.

Amendments of the Law should be done only when the core principles of the existing law

⁵⁵ As suggested by Mr. Rugji during the proceedings of this roundtable in the workshop.

change. Laws should be consistent/sustainable and must have a significant duration. The adoption of subsequent new laws in short periods of time goes against the concept of a legal tradition. More than changes, as reiterated above, the difficulties of the effectiveness of the law on foreigners and other by laws are closely linked with deficiencies in the implementation.⁵⁶

3. RATIFICATION OF NEW CONVENTIONS AND THEIR IMPLICATIONS

As one of the key institutions in migration management, the Ministry of Labour and Social Affairs has worked continuously for the improvement of the legal framework. It has cooperated strongly with IOM in the elaboration of the Gap Analysis report on Migration, which has highlighted the needs for improvement in the existing legislation. The legal department within MoLSA has identified the necessary elements in the Law on Emigration and Law on Foreigners, which need to be changed.

Another important field of work of MoLSA is the ratification of the international conventions. A Commission has been established in MOLSA to undertake a preliminary study to identify policies and the further steps should undertake concerning migration legislation. This work includes the adaptation of the existing legal acts that cover the identification of implementing measures needed. The establishment of a commission to identify the implications of the ratification of new Conventions on the Albanian legislation is a positive step. The Commission is necessary especially when it will deal with how the legislation will be drafted, technical aspects of ratifications such as respective reservations, and discussions with interest

groups etc, in order to ensure also unification of the legislative process by different legal departments.

In so far, following the first examination Conventions and internal legislation, the Commission have identified the need for further amendments to the Law on Social Insurance, the Law on Encouragement of Employment, and the Law on Social Protection. The draft Laws on the amendments have been already finalised by MOLSA and are waiting approval in the Parliament. The amendments aim to offer the same/equal rights for foreigners and Albanians. Following the approval of the above-mentioned documents by the Parliament the relevant by-laws will be amended accordingly. These changes will make the internal law generally consistent with the International Instruments that are in the process of ratification. However, it still has to be analysed to what extent Albania is ready to offer to emigrants/immigrants the rights foreseen by the main international conventions on Migration. There are a number of questions that remain unanswered such as: What human resources are needed; What will the practical outcome be if these instruments are ratified?; What would be the *de facto* role of international instruments in the daily practice of implementation as compared to the internal law?; These are issues that need further consideration by the Commission and will be subject to a deeper analysis.

4. READMISSION AGREEMENTS

The signature and implementation of the Readmission Agreement between Albania and the EU is a very crucial point that needs serious consideration, especially because

⁵⁶ The intervention done by Mr. Dvorani, the chair of the roundtable.

Albania is the first country to have such agreement with the EU.

As a result there are several issues that should be addressed immediately such as: what are the necessary legal changes that should take place to ensure the implementation and coherence of this agreement? How can the obligations stemming from the agreements with the individual states be addressed in order to avoid contradictions, and to ensure harmonization with the provisions of the agreement with EU? (As outlined in the Agreement itself, the EU agreement takes priority over other individual agreements with EU states).

Another issue is that of the third country clause of the Agreement with the EU. Albania should speed up the process for concluding readmission agreements with third countries to prevent a readmission trap. The risk of Albania having to readmit back to Albania third country nationals who have used Albania as a transit route is eminent. Efforts must be intensified to concluding readmission agreements with the countries whose nationals have used Albania as a trampoline to reach EU countries.

**5. AT WHAT LEVEL THE LEGISLATION IS IMPLEMENTABLE?
ARE THE EXISTING HUMAN CAPACITIES ADEQUATE?**

The legislation should be more concrete in terms of rights and obligations it foresees. Often, there are dispositions in the legislation of a declarative character that show only the commitment to improve the situation without doing much concretely.

When discussing the implementation of the Legislation on Immigration, the Gap Analysis

on Legislation and Practice on Migration as compared to EU and International Standards is a very good document to refer to. The document is an essential guide in the process of the approximation of the legislation to EU standards. The Gap analysis highlights the legal acts/proposals that are not implementable due to contradictions with other legal acts or due to the vagueness of the content. For example, the Law on Foreigners provides different sentences for foreigners who use falsified passports/travel documents than the provisions envisaged in the Criminal Code⁵⁷. In this situation, it is not clear which provision should be implemented. However, in ameliorating this situation, a key factor in this regard is the issue of increasing and improving institutional and human capacities in the field of migration.

Difficulties in the implementability of the legislation are encountered also in the framework of the Law on Emigration. The amendments of Law on Emigration are envisaged to take on board the comments on the financial incentives and other facilities foreseen for migrants. Financial incentives have been commented as a point that creates discrimination with the locals, and thus amendments are considered important. However, the rationale for incentives was to encourage the voluntary return of migrants and the promotion of migrant investments in the country. The opinions of the participants on this issue are not unified, with several other lawyers considering that the existing dispositions are important for the retexture and reintegration of emigrants to Albania. They argue that positive discrimination is a well-known phenomenon in international legislation. It is inevitable that for special categories, certain incentives are provided in

⁵⁷ The Law on Foreigners considers the use of fraudulent documents as an administrative contravention and provides a fine as a punishment, while the Criminal Code provides that the use of forged documents is punished by imprisonment from between 6 months –4 years and with a fine.

order to create proper conditions for return and investments in Albania. But, on the other hand, the provision of such incentives, in addition to discriminatory position they put the nationals, might be used as a tool for abuse by non-emigrants.

6. CONCLUDING REMARKS

The main concerns outlined in the National Strategy on Migration, a document elaborated by Albanian Government and supported by IOM, are to assist Albanian Emigrants abroad, to fight root causes of migration, to create possibilities for reintegration and investments in Albania etc. Such policy documents should not be considered just as good documents, but require implementation and hence the need for a concrete Action Plan. In this regard, the main objective of the workshop and in general of all the institutions/actors involved in the field of migration is the improvement of the Action Plan.

As mentioned above, the main law in the field of immigration is the Law on Foreigners. Despite the efforts to draft good laws in conformity with the EU Legislation, still there are many gaps in the laws and in the secondary legislation. Some of these gaps result from a lack of coordination between the involved institutions i.e. MoLSA and MoPO, whose non-coordination resulted in a delay in the submission of the Draft Law on some amendments to the Law on Foreigners in Parliament⁵⁸.

The process to reform the immigration legislation must be in line with the global tendency to fight terrorism and as a result, the Law on the Entry, Stay and Treatment of foreigners in Albania should provide strict and

standard procedures to avoid entry of terrorists in Albania. On the other hand, the Albanian Legislation should not create unnecessary/inappropriate difficulties for foreigners that come to invest, or to open new employment possibilities in Albania. Examples of these difficulties are the long procedural/administrative steps that foreigners have to follow to open a business etc.

The interested institutions have tried to address most of the issues related to the legislative framework. However, still there is a lot to do. So, priority has been given to the approximation with the EU *acquis*. However, the EU *acquis* covers only immigration and not emigration. A definition of returnees for example cannot be found in the EU documents. The National Action Plan and National Strategy refer often to the returnees but the problem is: Who can be considered to be a "returnee"? How can we ascertain who should benefit from reintegration packages foreseen in the Action Plan? How can further measures be identified if there is no identified beneficiary of the measures?

Another issue is the functioning of the Employment Agencies. Albania has ratified the 181 Convention on Private Employment Agencies and also approved a DCM on Private Employment agencies. According to this legal basis, Private Agencies shall not charge the job seeker but the employer. However, in the Albanian reality, with the huge demands for jobs abroad, this obligation is rarely respected. The jobseekers pay high fees to get a contract with a foreign employer, and the existing legal basis does not clearly include the institutions where the jobseeker can lodge a complaint for the high fees. The Criminal Code does not provide any liability

⁵⁸ According to the representatives of MoLSA the amendment of this law has been drafted since a year ago by MoLSA but the respective ones by MOPO have been done later on and as such the work was not done jointly and in strong coordination

for private agencies that abuse jobseekers. Other problems also derive from the lack of knowledge by the staff of the agencies, which are not trained in the legislation and do not know exactly the rights and obligations of the job seeker.⁵⁹

The above-mentioned examples, and several others, indicate that the process for legislative reform is very demanding. It cannot be successful unless all involved actors react in a concerted way. MOLSA, MoPO and MoFA are considered as the main ministries in the field of emigration, but cross cutting issues are

covered by other institutions as well. The division between the functions and competences of the three main ministries is not very clear. As a result the legal reform requires a hard and professional work in the drafting process, and in particular, close coordination between the involved actors in order to be successful and achieve the expected results.

Albania is still a poor country that will continue producing emigrants. In this situation, the GOA should keep in mind that the protection of emigrants starts in the country of origin.

⁵⁹ Representatives of Employment Agencies invited MOLSA, IOM, and ILO to organize joint trainings in the field of Labour Migration and Employment Agencies for their staff.

**THE BUILDING OF THE
ALBANIAN DIASPORA FOR THE
BENEFIT OF ALBANIA**



ALBANIAN MIGRATION AND DIASPORAS:

OLD AND NEW PERSPECTIVES⁶⁰

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Albanian migration has been considered the major example of East-West migration since the fall of the Iron Curtain. Europe (King 1998). The Albanian case of post-communist out-migration is special in many respects, not only in terms of its overall magnitude in relation to the size of the Albanian population⁶¹ but also its fundamental role as an exist option from poverty (Barjaba and King 2005, p. 3).⁶¹ Described a migration explosion⁶¹ (ibid.: 2) after the collapse of the previous regime in 1991, and frequently associated with images of desperate refugees clinging to rusty ferries across the street of Otranto on their way to Italy, Albanian migration has as powerfully depicted in a famous Benetton advert of the

early 1990s. Albanian migration and the new Albanian Diasporas are ridden by the paradox that often in destination countries Albanians ... are one of the best-integrated migrant group at an individual/family level, yet the most stigmatised (after Gypsies), and most exploited at a collective level' (Mai 2005: 545). The inclusion of Albanian migrants in major destination countries Greece and Italy can be considered as mostly differential⁶¹ only in that the migrants are incorporated into the often exploitative service sector but largely excluded from other sections of society such as the welfare system, political participation or citizenship (Mai and Schwandner-Sievers 2003: 943; cf. Castles 1995: 294). Meanwhile,

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⁶⁰ I would like to express my particular gratitude to Kolë Gjeloshaj, Nicola Mai and Luisa Chiodi for their support and critical comments on earlier versions of this text, and the IOM Tirana, in particular Philippe De Bruycker for the invitation to the IOM workshop on migration in Tirana. Possible mistakes in this text are entirely of my own responsibility.

⁶¹ For a variety of figures available see Barjaba and King 2005: 10 – 15. There are no precise figures, but the Albanian Ministry of Labour and Social Affairs estimated that 800,000 Albanians lived abroad at the end of the 1990s (ibid.: 10). This figure would amount more than one fifth of the home population in Albania which is currently estimated at approximately 3,5 million.

the issue of brain drain' from Albania, benefiting particularly Canada and various European countries, has long been recognised as a major problem at home (Gedeshi et al. 1999).

Indeed, as various studies have shown, the initially empathetic response in the host countries soon turned into stereotypical stigmatisation of Albanian migrants, depicting them as violent criminals. (earliest: Blumi 1998; Vehbiu and Devole 1996: 7). These negative images had an impact on both the immigration policies of various host countries and on popular support for Albanians abroad (Konidaris 2003, Schwandner-Sievers 2005). This situation and imagery which, although not automatically supported by survey figures on Albanian crime (Bonifazi and Sabatino 2003), soon shaped both the experiences of migrants as well as their coping strategies. In order to adapt to the host country Albanian migrants turned to identity denial, self-distancing or identity mimicry.⁶²

This Albanian experience has given rise to an abundance of international qualitative studies in disciplines such as economics, migration, Diaspora, global and remittance studies, cultural and image studies, history and social anthropology.⁶³ This article assembles some of the mainly qualitative research-based findings that have emerged from these studies in recent years (with an inevitable author's bias in international Albanian studies and social anthropology). The author is not concerned with the problems of organised crime and human trafficking that have given rise to yet another body of studies that cannot be discussed in the limits of this space, except

to mention that these problems have impact on the lives of impact on ordinary, non-criminal Albanian migrants.

The focus of this article is on the average Albanian migration and Diaspora experiences and its diversity and complexity. It is, predominantly, the recent out-migration from Albania proper that is of interest to this article. The paper presents the Albanian experience within the existing international theoretical framework of migration and Diaspora studies, to explore both its specificity and universal features, present some of the international research and publications that have resulted from such theoretical guidance. The author will then juxtapose the findings with some of the older Albanian diasporic understanding of the collective Self. The post-communist Albanian migration flows from Albania proper are only part of the much wider theme of Albanian migration and Diasporas, and they cannot be understood without historicising and contextualising this phenomenon.

1. Specificities of Albanian migration in time and space

There is a long history of Albanian migration flows (Tirta 1999) from both Albania and the wider southeast European regions of Albanian settlements. Albanian migrations have been known from earliest times through the 500 years of the Ottoman Empire's dominance. During the late 19th and the early 20th century, the Southeast European region went through the process of nation-state building. While in more recent years the region has experienced labour migration flows from the various provinces and regions of the Former Yugoslavia. This has been accompanied by the

⁶² On Albanian migrant identity negotiation and mimicry in response to stereotypes or prejudice, see Hantzaroula 2005; Devole 2004; Schwandner-Sievers 2004 [a]; Kretsi 2002; Hart 1999.

⁶³ Some of my colleagues Russell King, Nicola Mai and I aimed to bring together in a conference at Sussex University in September 2002 and in subsequent publications, cf. King & Barjaba 2005; King, Mai and Schwandner-Sievers 2005; Mai 2005; Mai & Schwandner-Sievers 2003.

Kosovar refugee crises when Albanians fled Human Rights violations, atrocities and poverty during the 1990s with a peak in 1999, the time of the Kosovo war and international intervention.

Ignoring the ambiguous case of the Albanians historically in Greece,⁶⁴ the earliest known Albanian Diaspora group is probably the Arbëresh communities of Southern Italy who fled from early Ottoman Islamisation, via Greece to arrive in Italy in the late 15th century. There are other more established Albanian Diaspora communities, mainly in Turkey (Istanbul), and from the turn of the 19th/20th and early 20th century in the USA (Boston, New York) and Australia (Sydney, Melbourne, Perth; Barjaba and King 2005). There are also various old Albanian Diaspora communities across Europe (note, for example, the Belgium case; Gjeloshaj 2004). Many of these communities have maintained a distinct identity, language and myths of exodus and origin to the present day.

The two World Wars and Balkan Wars further resulted in regional population shifts and exchange practices', notably, the Serb interwar colonisation and land confiscation programmes in Kosovo that seemed designed to encourage emigration to Albania or Turkey' (Malcolm 1998: 269). The Turkish-Greek population exchange agreement at the Convention of Lausanne in January 1923 is

another such example.. These inter-regional politics accounted for much of the Albanian Diaspora in Turkey, as well as for the so-called Chams who have ironically found themselves classified as refugees inside Albania' (Vickers 2002: 1). The Chams escaped from their home villages in north-western Greece in three phases, between 1912-14 (Balkan Wars), following the Greek-Turkish Convention of 1923 and towards the end of the Second World War from summer 1944 to March 1945 (ibid.: 2-3).

Of particular interest, is the fact that Albanian flows of out-migration formed **parallel migration histories** after the consolidation of the national boundaries between Serbia, Greece and Albania, when these achieved an increasingly intransigent character from 1945. Subsequently, with evident peaks in the 1960s and 1970s, there has, on the one hand, been a constant flow of long-term Albanian *gastarbeiters* from the regions of Former Yugoslavia and its comparatively liberal regime to mainly Switzerland and Germany. Here, the Kosovo-Albanian migrants worked as an invisible' (Blumi 2003) part of the wider Yugoslav labour migration, yet internally have always maintained their cultural identity and transnational social links with the home communities (Dahinden 2005). On the other hand, at the same time legal migration from Albanian proper was nearly impossible. In the

⁶⁴ The compact settlements of Albanians in the immediate neighbourhoods of contemporary Albania proper, in the former Yugoslav provinces and regions as well as in Greece are not considered 'Diasporas' in this contribution. Although they may formally be considered 'ethnic minority groups' in the national home context –considering themselves mostly as autochthonous to the places where they live, they were excluded from the national boundaries by political decision of the Great Power at the Ambassador's Conference in London in 1913. The Albanians in Greece are known as Arvanites according to their Albanian language heritage. Some Arvanites are considered to be refugees from the Ottoman conquest of the 14th and 15th century. A part of the Arvanites later continued their journey to Italy where they formed the Arbëresh communities. Chams lived in the Chameria region of north-western Greece before their flight into Albania (Vickers 2002: 2-3). The Greek national homogenisation project led to the subordination of a distinct Arvanit identity and produced a traditionalist counter-discourse in return, a dialectic process which has been anthropologically explored by Gefou-Madianou (1999).

first years of the regime of Enver Hoxha there was an increasingly constrained, politically motivated emigration of adversaries to the regime who escaped violent political persecution. These persecuted individuals typically joined the earlier patriot minded Diaspora communities in the USA. Soon, only very few individuals managed to escape along adventurous routes from Albania, always at risk of execution for national treachery if caught.

Consequently, Albanian migration histories and individual migrant concerns differed depending on whether the point of the migrant's departure was from within Albania proper or from outside the national Albanian boundaries. The situation also varied depending on whether migration was a result of the relatively recent regime change in Albania, or whether it was caused by the nation-building and ethnicisation processes in the wider region in either past or present.

Furthermore, the **historically layered migration** has led to internal differentiation among old' and new' Albanian Diaspora members abroad, a division that has remained to the present day. The migration layers have also shown divisions within the post-communist migration movement itself: this is most evident along the divide between the pre- and post- 1997 emigration waves. A watershed can be defined at the period of the so called pyramid collapsed destroying much of the Albanian families' savings, also a period of temporary state disintegration in Albania.⁶⁵

Albanian migration often proceeded in spatial stages, for example the US became a destination for Arbëresh migrants escaping poverty in Italy in the early 20th century. Today

many Albanian migrants travel to Greece or Italy and then travel on to other European countries or the US, once they have acquired a Schengen tourist visa or a Green Card. It is further worth noting that the Albanian out-migration, after the previous Albanian regime lifted its severe restrictions on mobility in 1991, caused an even greater internal population shift than out-migration. This movement was particularly strong from the economically disadvantaged mountain regions which saw a population transfer to the evolving shanty towns of the major cities (Sjöberg 1991 and 1996). There appear to be relatively few ethnographic studies that have dealt with the socially erosive effects of the general out-migration phenomenon from Albania's villages in north and south. Nor have there been in-depth studies that have explored the economic, social, cosmological and generational changes that these processes induce in the rural places of departure (exceptions are, for example, De Waal 2005 and Kaser et al. 2002; patterns of regional and social structures of out-migration in Albania were explored by King and Vullnetari 2004).

Much of the post-communist labour migration from Albania into Greece and Italy has been of temporary, seasonal and return in character (Labrianidis and Hatziprokopiou 2005). The orientation on the home is reflected in the private consumption of remittances and the investment of remittances in improving family living standards. Remittances are also used for building new houses for oneself or the family, acquiring new household technology, and making use of new skills learnt abroad with the setting up micro-enterprises such as work shops, grocery shops, vehicles for taxi

⁶⁵ On internal Diaspora differentiation processes along the lines of historically differently layered migration, see case studies of Derhemi 2003; Kostovicova and Prestreshi 2003; Trix 2001.

services, various food outlets etc. (Nicholson 2001; Labrianidis and Hatziprokopiou 2005). Recent studies have critically suggested that the primarily family-based investment and private consumption of remittances has hardly benefited the wider business environment, and cannot substitute the prevalent lack of trust in the banking system and the need for formally facilitating productive investment and strengthening the capacities of Albania's financial sector (Tendjoukian, undated; Piperno 2005; cf. Gedeshi 2002). Nevertheless, emigration and remittances are understood to have been the major contributor to the survival of Albania during the last decade and a half. Remittances constitute a major element of the national balance of payments, and this financial dependency will continue for some time' (Barjaba and King 2005: 20).

Economic push and pull factors in conjunction with political factors have always played a major role in Albanian migration (Barjaba and King 2005; Barjaba and Perrone 1996). In their Diasporas, Albanians could always be found in the top elites and middle classes as well as at the bottom of society. With time and generational changes abroad, Albanian migrants have typically advanced from factory workers and unskilled labourers, to skilled craftsmen, shop and restaurant owners, business men. Some migrants have also become popular celebrities in the public culture of their host countries (boxers, actors, lobbyists, politicians etc.). Equally, it appears there has been a shift from individual male labour migration to family out-migration (the latter with less temporary but more stationary tendency). This shift took place after the first labour migration wave. The experiences of stigmatisation and exploitation was followed

by increasing acceptance in the destination country, combined with the processes of social and cultural integration and socio-professional and economic advancement.⁶⁶

It is the caesuras in time and space, including the wider regional and chronologically deep Albanian migration history that account for both the Albanian Diasporas' specificities and their universal characteristics. The existing Diaspora communities extended support to the newcomers and war refugees, but there have been internal differentiation processes amongst old and new Albanian Diasporas. These tensions can be understood by understanding the time layered context of Albanian migration, and the time consuming process of social integration in the host countries. Furthermore, the diversity of the experiences of Albanian migrants and the variety of perceptions that can be found amongst them presupposes a wider contextual understanding.

Such varied perceptions by the migrants themselves have two respective opposite ends of a continuum. At one end, the strong patriot-nationalist nostalgia or communitarian, traditionalist agendas (that as with many Diasporas - appear rather typical for some of the old Albanian Diaspora communities and their associations - cf., for example, Trix 2001 - and parts of the contemporary Kosovo Albanian Diaspora. cf. Kostovicova and Prestreshi 2003) At the other end there are hedonistic and individualist attitudes (Mai 2005) and common strategies of identity denial and mimicry at the other. The middle ground in this continuum could be claimed to be occupied by the initiatives in association-building of some of the members of the more recent migration waves (cf. Chiodi and Devole, forthcoming).

⁶⁶ Compare, for example, the analysis of recent migration waves of the 1990s from Albania proper primarily to Italy and Greece (Barjaba and King 2005) to the American experience over generations (Trix 2001) or the late Ottoman migrations (Tirta 1999).

2. Albanian Diasporas nostalgia and identities in flux

Contemporary Diaspora theory has abandoned the archetypal and monolithic notions of Diaspora, and there is no reason to believe that Albanian transnationalism should be an exception to this. The Albanian Diasporas from Albania proper appear to reflect the social pluralism of Albania itself. The differences are now clear, that used to be downplayed by the previous regime despite its urban-rural disparities, as national homogeneity was at the core of the national-communist ideology and mythical self-representation, cf. Sjöberg 1996; Schwandner-Sievers 2004 [b].

Classic Diaspora theory was informed by Jewish exile, its history and specific condition. The archetypal notion of Diaspora refer[ed] to a form of migration where ties to country of origin are symbolically sustained ... based on the ancient dispersal of the Jews [these are] characterised by narrative connections to a homeland, a sense of alienation and distinctiveness from host community and myths of return and restoration' (Matthews 2002: n.p.; cf. Zgusta 2001: 291). Notions of Self informed by such symbolic connection continue to underpin much organized diasporic understanding by the same logic that constructs homogenous imageries of national identity, independent of more complex and fluid social realities both at home and abroad, and sometimes with effect on these. From an academic point of view there always needs to be a difference made between collective (politics of) self-representation, the actual social networks operationalised in collective action and the differentiated social realities that expand beyond the emergency of war situations and nation-building projects.

A communitarian type of national imagination of the homeland that bears the restorative features of nostalgia (Boym 2001) can

typically be part of an old Diasporas' representation of origin and self anywhere. The longing and pride for the homeland in exile are features that, amongst others (see below) define many Diaspora. The, Albanian Arbëresh communities have used these techniques to survive for centuries (Derhemi 2003: 1017; Zgusta 2001). They can gain sacred character and obstruct acculturation and assimilation with the host country (Smith 2003: 63), serve to mobilise collective action, such as has been the case for much of the Kosovo-Albanian Diasporas, and maintain a spirit of traditionality, such as it has ethnographically been described for the old Albanian US Diaspora (Trix 2001: 42).

One of the world's most prominent émigrés, a contemporary Russian scholar at Harvard, Svetlana Boym, inspired by her own diasporic experience, reminds us that nostalgia and many exiles' diasporic memory' imagines home at the time before departure, in an idealised past. Yet, she also maintains that this re-imagination is inspired by a very real materiality of place, sensual perceptions, smells, sounds' through which fragments of the past resonate in the diasporic present of the expanded, transnational social context (Boym 2001, p. 258; cf. Appduraj 1990; Basch et al. 1994). Subjectively, home' is thus constituted in the diasporic present, through both the collective memory and individually varied ways of remembering.

Boym suggests that there are two types of nostalgia that can be found in the diasporic, collective imagination of past and homeland across different generations of migrants: restorative' and reflective'. Restorative' nostalgia is based on the nostos' part of the term, emphasising to rebuild the lost home and patch up the memory gaps' (ibid.: 41). This nostalgia seeks historical truth' as well as emotional stability in national memory', which produces a single teleological plot out of

shared everyday recollections' (ibid.: 53). This reminds us of the homogenous cognitive world identified by the Albanian philosopher Artan Fuga as part of the Albanian legacy at home that denies difference and legitimates authoritarianism, often in the name of patriotism' (Fuga 1998: 28).

In contrast, *algia*, the Reflective' type of nostalgia, dwells in emotional longing and loss but enjoys the dream, imageries, multiple narratives and subjective patch work of memory without restorative intentions. It can be ironic and playful, but is aware of the closures of the past and thus, even if longing for lost certainties, forward looking and aspiring to change (Boym 2001). It thus reminds us of Fuga's heterogenous thought' as a cognitive Albanian legacy which incorporates change, individual agency and choice and that appears more compatible with the democracy building process (Fuga 1998: 28).

Restorative and reflective nostalgias, homogenous versus heterogeneous cognitive worlds, often correspond with the difference between ideal-type representations of Self on the one hand and the more complex, often considerably more miserable social realities, on the other. This has been described as a cognitive dilemma for the late Albanian communist period (Lubonja 2002).

An actual return to the homeland necessitates a confrontation of the migrant's nostalgic imagery with the realities at home. If this nostalgia was of the homogeneously idealising type it is destined to provoke disillusion, as Albanian transnational history has often shown. For example, between 1920 and 1925, approximately 25,000 members of the US Diaspora returned to Albania with the US

Diaspora organisation, Vatra. They returned together with the patriot leader of Vatra's (hearth') who was the Orthodox bishop and founder of the Albanian Orthodox Church and first leader, Fan Noli. Fan Noli later became the Albanian prime minister of a short-lived democratic government in 1924.

In the US these economic migrants, originally mostly peasants from the southern parts of Albania, had huddled together in single-shared flats called *konaks*. The Albanian US migrant of the turn of the 19th to the 20th century lived, motivated by his nostalgia for the homeland, lived and in self-imposed poverty, even sending his wages home, hoarding them against the day of his return, or using them to further the national cause' (cited in Hockenos 2003: 212). However, after their actual return to Albania these migrants' idealism was soon shattered by the political, social and economic problems they faced.

Disillusioned,

whole villages packed up and left. More Christians chose to return [to the US] than Muslims, which explains the disproportionate concentration of Albanian Christians in today's North American Diaspora. The returnees brought their families with them or, once back in the United States, sent home for prospective brides. They gave up the *konaks* for apartments and the life of day labour for one of shopkeeper. They set about becoming Americans. (Hockenos 2003: 211-2)⁶⁷

Traditionalist, homogenous codes can be part of the migration experience itself, such as, for example, when *besa*⁶⁸ obligations of trust and honour. This customary concept is based

⁶⁷ On the issue of 'bride import' cf. Trix (2001: 7-8).

⁶⁸ 'The given word', 'honour of the house', 'security guarantee' for those incorporated into the reference group as 'friends'.

on Manichean categories of friend and foe that has often served a culturalist Albanian self-description (Schwandner-Sievers 1999). The besa has also substituted formal contracts and payment guarantees in the Albanian refugees' smuggling business during the post-communist migration periods (cf. Kasic and Triandafyllidou 2003: 1004). Yet these customs have been re-worked in new contexts that do not reproduce the old patriarchal authority structures but serve, for example, otherwise socially marginalised young men to pursue their informal business interests and new prestige systems (Mai 2001).

The same customary codes, have repeatedly served patriot calls for mobilisation or resistance, and helped generate collective and individual pride in the face of migrants' exploitative labour and power conditions (Papailias 2003; Mai and Schwandner-Sievers 2003: 945). By the same token, despite often miserable experiences expectations at home ... of foreign glory and individual success, were often upheld in migrants' narratives and goods transmitted home. These expectations were held up especially when these fed into changing local structures of prestige and status at home (Mai and Schwandner-Sievers 2003: 942). In effect, these stories encouraged further out-migration and, subsequently, caused much individual experiences of disillusion, often expressed in migrants' attitudes of belonging to a lost generation'.⁶⁹

The Kosovo-Albanian Diaspora usually merges with the wider Albanian Diaspora abroad. The Kosovo-Albanian Diaspora is a particularly interesting example of communitarian values and collective concern over years of emergency at home. Other characteristics in

include a de facto on-going process of nation-building which appear to support classic Diaspora theories. During the 1990s, the years of the parallel system in Kosovo, and during the Kosovo war of 1998-99, the Kosovo-Albanian Diaspora community leaders, interlinked with the informal political leadership at home, mobilised enormous support from the world wide Diaspora. The call was made in the name of the Kosovar emergency and for the sake of the Kosovar cause, which entailed, firstly, demands for a republican status within the framework of Yugoslavia, and later, as a result of the escalation process, for ethno-national independence. The Kosovo Albanian Diaspora generated and channelled considerable funds through the informal tax system and via networks of party membership and family interrelations. These funds contributed to the parallel social and health services at home during most of the 1990s and, later, to the emerging Kosovo Liberation Army's fight for independence. Furthermore the funds enabled the provision of fighters during the war and enabled the Kosovars to successfully lobby politically for international support.⁷⁰

As with any historical nation-building project, the ethno-national mobilisation of a Diaspora is always part of a wider, political homogenisation process. Through this process, the members are rallied behind a common cause and interest. The homeland nostalgia of the migrant is channelled to create a moral universe in the face of emergency, that leaves little space for diverging voices and interests or for any ambiguous identities.

As with the late 19th century Albanian exile

⁶⁹ On the variety of experiences, particularly of disillusionment in relation to previous imaginations. See, for example, Kasic and Triandafyllidou 2003; Hatziprokopiou 2003.

⁷⁰ Dahinden 2005; Sullivan 2004; Hockenos 2003; on the National Albanian American Council, NAAC, and its lobby work, see also Trix (2001: 41).

nationalist movements in Romania, Greece, Istanbul, Egypt they were joined at the beginnings of the 20th century by the US Diaspora. Within the contemporary worldwide Kosovo-Albanian Diaspora most of its members intimately linked with their wider families at home who were directly exposed to the 1990 situations of ethnic discrimination and war. Indeed, the Kosovars mobilised the strong collective support schemes in the face of the emergency that affected all. Many Albanians have traditionally esteemed the concept of family and national solidarity, as is particular evident in the frequently evoked and treasured cultural concept of *besa*. Regionally, the Albanians are known for their particularly strong cohesive networks of solidarity, and the social and political realities appear more complex in this case.

Notably, a closer look suggests that in the Kosovo Albanian Diaspora there have always been internal fractions and divisions that contested. The politically organised, chosen paths, first of civic resistance and later of the KLA's guerrilla-type organisation of the fighting are an example of such divisions.⁷¹ In fact, conflicts and accusations, for example regarding alleged abuse of Diaspora tax funds, resulting from these

divisions as well as the lack of institutional accountability of the informally operating parallel system have repeatedly poisoned the post-war political field in Kosovo.⁷² There are also frictions along lines of gender and generations, religious affiliation, urban and rural background (some of these described in: Kostovicova and Prestreshi 2003). Yet to the outside world these internal frictions have often been concealed under a moral shield of patriot solidarity that enforced silence and compliance.⁷³ Perhaps a resource during times of emergency and lack of internationally acknowledged state structures, was cohesion based on patrilineal (clan) relationships and an ethno-nationally closed ideology of solidarity. In the long term and outside of the emergency context, this situation appears to be rather incompatible with notions of an open society and individual free choice of, for example, personal investments.

Yet patriot-altruistic nostalgias of the homogenous type can translate into support for the home country as not only the Kosovan case shows. Much of the pre- and most early communist migrants from Albania proper were religious refugees (or often a mixture of both political and religious asylum seekers, given the previous regime's fight against

⁷¹ These different trajectories and perspectives are reflected in the post-war political field in Kosovo. Notable frictions divided those who believed in non-violent resistance (under Ibrahim Rugova's leadership) from those more radical fractions who believed in violent resistance (today represented by Hasim Thaçi's and Ramush Haradinaj's parties). Between these two factions were those who followed the parallel government's Diaspora-based 'Ministry of Defense's' clandestine military preparations for the 'Armed Forces of Kosova Republic', FARK, organized by Rugova's Minister of Defence, Bujar Bukoshi, or the KLA's guerrilla organization.

⁷² In particular, Bukoshi has been accused by some opponents of withholding Diaspora tax funds for the KLA fight since 1998 while the later KLA's 'Homeland Calling' operation relied solely on the 'honour system' rather than receipts and records of payments (Hockenos 2003: 254). Bukoshi expanded the Three Percent Fund that had helped maintain the parallel system in Kosovo to run a London based military related 'Everything for an Independent Kosovo' Fund that collected USD 30 million from 1997 – 1999 (Ibid: 259). The private and political feuds such as, most prominently, the murder of Ramush Haradinaj's brother in early 2005, were commonly related to opposing KLA – FARK allegiances. There were also political frictions between Rugova and Bukoshi and between the more militant ex-prisoners and other LDK members within this party during the 1990s that were reflected in Diaspora divisions.

⁷³ Interesting in this respect is Hockenos' (2003:190-1) findings that it was common knowledge among the Kosovo Albanian Diaspora that funding served preparations for militant resistance already in the early 1990s although only ever pacifist attitudes were presented to the international outside world. Note also Clark's (2000: 69) analysis of the 'closed character' of the non-violent resistance in terms of national solidarity.

religion). Most of these refugees/migrants, came from the southern Albanian Orthodox or northern Albanian Catholic regions.

The oldest Albanian Diaspora associations in the US, Vatra, hearth', was founded in the early 20th century by such migrants and continues to cherish its patriot traditions. As with other traditional Albanian Diaspora communities world wide, the old US community of Michigan featured much ecumenically inspired mutual social support across the religious divides (Trix 2001: 14). This divide was in keeping with the core Albanian national myth of indifference to religion (Malcolm 2002: 84). By the same token, in the UK the Kosova Islamic centre was founded in recent years to remain independent of the rather dogmatic Islam of other ethnic groups. The centre has also absorbed a few Muslim Albanians from Albania (Kostovicova & Prestreshi 2003, pp. 1089 - 1093). Yet, social reality suggests that marriages have remained preferentially endogamous in terms of the nominal faith (Trix 2001: 18, 38). Generally, the Church has served as a factor to integrate the old' Diaspora communities abroad. Nationalist, traditionalism and patriot' sentiment expressed in Diaspora associations and their publications once exile, were also integrating factors, in particular after the closing of Albania's borders and the enforcement of the doctrine of atheism in 1967 under Enver Hoxha (cf. Malcolm 2002; Trix 2001).

From the lifting of the ban on religion in 1991, successful businessmen from these religiously motivated groups, particularly in the US, began to sponsor church constructions and inventories in their home communities. Such sponsorship has been documented in an ethnographic documentary film on the north-Albanian and US Shkreli clan, (see Hof 2001). This kind of sponsorship can generate social prestige, yet these altruistic

donations beyond the immediate family and kin group appear to have focused on the parish only (which, in the north, often remains identical with the wider kin group and personal acquainted neighbours).

Today, old and new Diaspora friendship' or student' associations can be found in various European countries, particularly in Germany, Switzerland, France, Italy, the UK, and the USA. Sometimes pre-existing associations have absorbed the new Albanian migrants from Albanian, and Kosovo Albanian and Albanians merge in these organisations where the host country has been a destination for both migrant groups. In Italy, the increasingly emerging new Albanian ethnic associations, were shown not [to] display extreme nationalist attitudes ... and they address the hosting public rather than home' (Chiodi and Devole, forthcoming). Such organisations have been set up, based on the desire to improve the public image of Albanians and engender their participation in the public sphere in Italy (ibid.). They have been organised by private initiative and based on personal acquaintances, often led by charismatic types of leadership. Such initiatives were carried by the first post-communist Albanian migrant generation to Italy, that had already settled in quite successfully. They tended to be constituted by educated urbanites, often students, who dominantly resided in the northern parts of Italy. Although these groups deliberately and often successfully set out to integrate the wider community in appealing to the social middle grounds' when organizing football events and similar events (ibid.), parallel research carried out exclusively among less advantaged young Albanian labour migrants in Italy showed that a majority of these appear hesitant to join any associations (Mai 2005).

The appeal of such associations for the newcomers thus appears to depend on the

time/space and class correlations within the migrants' particular histories. Other equally possible explanations are the (commonly rejected) Albanian communist legacy of collective organisations as well as individualised strategies and reasons of distancing oneself from assigned, collective identifications (Mai 2005). The new Diaspora organisations, although effervescent, thus appear ephemeral and the fact that they do not command any national meta-structures or institutional links with the home country does not help (Chiodi and Devole, forthcoming).

Since the late 1980s/early 1990s, international globalisation theory, social anthropology, migrants themselves, the media and, in particular, post-colonial studies, have severely challenged a monolithic image of Diasporas. They pointed to the conceptual limits of perceiving the world in ethno-national terms of 'us' and 'them', of those defined as locals *vis-a-vis* the dislocated, or 'vendits' (in Albanian: *të ardhura*). Instead, these theories have widened Diaspora studies to emphasize the expansion of the social space beyond both conceptual nationalism and the geographic boundaries of the classic nation-states (Basch et al. 1994). They have highlighted the flux of people, but also the fluidity of ideas, values, media and images, finances, goods and technologies as part of the globalisation process (Appadurai 1996). They have pointed to the hybridity and fluidity of transnational identities in the diasporic space' which embraces multiple subjectivities, imageries and experiences, social practices and values both at home and abroad which produce multiple processes of cultural fissure and fusion' (Brah 1996: 208) that forfeit classic categorical distinctions of here and there, of age, gender, economic position etc. Postmodernist theories therefore offer mostly relational definitions of Diaspora' that are based on fluid identities and the subjectivity of experience and practices. The term

Diaspora, in consequence, emerges as quite interchangeable with other terms such as 'transnationalism', 'displacement', etc. In these new definitions, Diaspora indicates new definitions, the double relationship or dual loyalty that migrants, exiles, and refugees have to places their connections to the space they currently occupy and their continuing involvement with 'back home'. Diasporic populations frequently occupy no singular cultural space but are enmeshed in circuits of social, economic, and cultural ties encompassing both the mother country and the country of settlement. (Lavie and Swedenburg 1996, referencing Rouse 1991).

And Diaspora encompasses

[r]eal or imagined relationships among scattered fellows, whose sense of community is sustained by forms of communication and contact such as kinship, pilgrimage, trade, travel, and shared culture language, ritual, scripture, or print and electronic media (Peters 1999, p. 20).

However, also some critique has emerged after the initial academic enthusiasm for 'global flows', 'hybridities' and 'fluidities' and its implicit post-modernist celebration of 'fragmentation', in which identity and culture amounts to a multicolored, free-floating mosaic, its pieces constantly in flux, its boundaries infinitely porous' (Lavie and Swedenburg, 1996, p. 3). The empirical and historical specificities of the various migrant experiences in time and space as well as descriptions of ethnic intermixture and forms of interculturalisation shifted back into focus. In the wake of post-colonialist studies there furthermore emerged a strong insistence on the analytical recognition of the wider, pre-existing power relations that have always framed the migratory experience. This is because the relative status of a country in the

world order implicates both the subjectively experienced and externally assigned position of migrants in their host countries' (Matthews 2001: n.p.).

Albanian migrations studies appear paradigmatic in the theoretical development of Migration and Diaspora Studies. They suggest that differences in the attitudes of Albanian migrants and social experience may have a structural background. This background derives from both the home and the host country's background and the wider power relations at stake. Yet they also focus on the ways in which these conditions have been negotiated by the migrants themselves in terms of both subjectivity and agency.

On the one hand, there has always been a focus on diasporic imageries, stereotypical representations, the ways these operate in the wider context of post-colonial power structures. (for example: Chiodi and Devole, forthcoming; Papailias 2003; Hantzaroula 2005) Focus has also been on the ways in which media imageries have been floating between the migrants or Diaspora communities their host countries and home communities (for example, Mai 2003). Such flows of people and images illustrate the lived experience of multiple belongings and allegiances across cultural, linguistic, ethnic and national boundaries' in the Albanian case (Mai 2005: 544). On the other hand, ethnographic studies have increasingly aimed to understand the ways in which these imageries have informed migrants' social and cultural practices and perceptions. Such practices, for example, could include resistance, subversion or the re-negotiation of local and wider power structures in processes of social exclusion or inclusion, as well as internal differentiation processes amongst host and

migrant population or amongst different groups of Albanians. This can be demonstrated in terms of religious affiliation, perceived degree of culturalisation', ethnicised class' categories, and belonging to a particular generation of migration etc., both visible within the Diaspora or in Albania.⁷⁴

Particular structural dispositions that shape the migrants' experience, practices, chances of participation in the host country and subjective world views that have been discussed in various studies. These dispositions include the individual migrants' specific region of local origin, the urban or rural background, as these regions continue to considerably vary in Albania in economic terms. Furthermore the time and reasons of the migrant's departure from home shape the migration experience including differences in generation, age, gender or education, political affiliation and social status at home and abroad. Last but not least, differences may arise from the specific position of a migrant in his or her life cycle, or the status and obligation within the wider family or community. Yet differences may also be based on much more individual features, such as the migrants' particular life choices, experiences and particular aspirations, the routes of migration chosen and the aim of the migration project. Within these specific circumstances there is temporary labour migration, long-term emigration or even exile. Migrants also have different aspirations, such as physical security, economic survival, participation in a different life style, university education, or very common for family migration - securing a future' for one's children.

In short, Albanian migration and identity studies must take account various structural factors but cannot be explored without taking

⁷⁴ See Bonifazi and Sabatino 2003, Derhemi 2003, Hatziprokopiou 2003, Kosic and Triandafyllidou 2003, Mai 2005, Papailias 2003, Kretsi 2005, Rapper 2005, Schwandner-Sievers 2004 [a], Maroukis, forthcoming.

the migration flows historicity, context and the migrants' subjectivity and agency into account (Mai and Schwandner-Sievers 2003: 944; Maroukis forthcoming). Not only the migrant's particular background and aspirations but also the host societies' reactions inform both opportunities and constraints to which migrant strategies adapt, and which shape the ways in which migration or Diaspora is experienced. Finally there are dramatic emotions involved which can sometimes be explained in terms of a cultural construction (loss and longing, disillusion and frustrations, but also feelings of liberation or pride).

For many young Albanian men today, especially with a rural northern Albanian background, migration (similar to military service) can function as the rite-de-passage of late adolescence. In this process the migration experience hardship and suffering is seen to make a man a person, a person who provides for his sometimes large families at home (Papailias 2003, p. 1064; Mai and Schwandner-Sievers 2003, pp. 944-5). This is contained in an old saying, *Burri behet burrë në kurbet, gruaja behet grua pranë djepit*, a man becomes a man out in the world, a woman becomes a woman over the cradle.⁷⁵ Similarly, disadvantaged young Albanian men of a more urban background in search of a hedonist life style in Italy during the post-communist migration felt they both lose themselves' and find themselves' during this journey' of migration (Mai 2005: 548).

For members of the older Albanian Diasporas abroad, particularly for the second or third generation, the search for oneself would be directed the opposite way, in the quest for one's roots. The cultural-historic concept of *kurbet* (seasonal poverty or labour migration) is frequently evoked by the interlocutors

themselves, however, must be understood in its new rather than its historical contexts only (Papailias 2003; Nicholson 2001; Mai and Schwandner-Sievers 2003).

The migratory youth of Albania appears much inspired by a modern value orientation of consumption and life style learned already during Communism through Italian TV. As with their western counterparts (both products of global media consumption), many Albanians were found to be in search of a hedonistic lifestyle which implicitly challenges the patriarchal and conservative morals' and the renunciation of individual pleasure' of their parental generation in parts of the Albanian society (Mai 2005: 547). In support of this logic it was found that Albania people continue to go out of their way to watch Italian TV but that the migrants in Italy are not much bothered with the reception of Albanian TV (ibid.).

The new Albanian emigration is a phenomenon of the young. Furthermore, family, female and child migration has increasingly gained significance and has become a main characteristic of Albanian migration today (Barjaba and King 2005, p. 3). Albanian female domestic work in Greece substitutes state care deficits for the elderly, however, has led to severe structural exploitation. This, in turn, enforced many Albanian migrant families' internal processes of re-traditionalisation in attempts to generate dignity out of specific historical cultural values such as trustworthiness, female chastity, cleanliness etc. (Hantzaroula 2005; for a comparison with the exploitative experience and re-traditionalisation processes in the case of unskilled workers from northern Albania in Greece, see Papailias 2003; cf. Maroukis, forthcoming). There has also been an increase in Granny'

⁷⁵ Cited in: Barjaba & King 2005, p. 9.

migration when mostly following patriarchal residence structures at home, the father's mother is brought into the host country in order to sustain her social security on the one hand, and to help with child care while both parents work in the migrant context on the other (Vullnetari 2005). Yet in some cases of female migration, particularly if the migrant stemmed from a more traditional home background, the experiences produced a sense of unexpected liberation.⁷⁶

3. Conclusion

Today's majority of Albanian migrants appear as diverse and individualist as their wider European counterparts. The established, respectable old Albanian Diaspora associations repeatedly and successfully engendered support for home in the name of traditional forms of trust,

solidarity and patriotism. However, these attitudes appear sometimes out of touch with the new social realities in Albania and of the new Albanian forms of transnationalism including the emergence of new migrant associations. These deserve support and recognition both at home and abroad as they still appear too few, fragile and sometimes fragmented. In general there appears to be a need for new ideas, structures and models such as that of generating trust through means other than traditional, and to integrate and attract more of the post-communist generations of migrants and their particular needs and perspectives. Contemporary Albanian transnationalism is a changing and complex phenomenon which deserves to be studied in terms of what it is, rather than what some think it ought to be.

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⁷⁶ On the experience of Albanian migrant women see Kelly 2003 (for Italy), Orgocka 2003 (for the US), Schwandner-Sievers 2005 (for the UK).

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ENGAGING DIASPORAS AS DEVELOPMENT PARTNERS, FOR HOME AND DESTINATION COUNTRIES

by
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The role of diasporas in development, poverty reduction, reconstruction and growth is gaining considerable policy interest. The interest in diasporas is summarised in a three variable equation: ensuring benefits for migrants, host countries and home countries. This paper is the executive summary of the IOM paper "Engaging diasporas as development partners, for home and destination countries: A Policy Roadmap". The complete version of this paper (in English) will be published by IOM in 2005.

This executive summary introduces the subject (1), and briefly reviews the following policy issues: how can diasporas contribute to development; (2) how can the diverse resources of diasporas be mobilised (3); and what policy tools are available to decision makers to target diasporas (4). Finally, it draws some preliminary conclusions and suggests avenues for action (5).

1. BACKGROUND

Diasporas: The Challenge of definition

There is no agreed definition of the term "diasporas" and it has different meanings to different stakeholders. The notion is best conveyed by the idea of **trans-national** populations, living in a place but still related to their homelands, being both "here" and "there". To modernize a term that has a strong historical connotation as well as to reflect changes in migration trends (labour migration, circular migration), we use the term "diasporas" without capitalizing the first letter "diasporas" to avoid confusion with the historic Jewish Diaspora, and in plural "diasporas" to better express the plurality, the diversity and the individual interests within diasporas in addition to the community facet.

The challenge of data collection

Reliable data and information are essential to enable governments to engage diasporas

in practical programmes for development. The availability of data often reflects the level of policy interest, and growth in volumes of data can sometimes reflect improved reporting, rather than an increase in real terms.

There are a number of specific challenges related to data collection on diasporas: firstly, simply gathering accurate quantitative and qualitative data implies defining diasporas; secondly, the difficulty of collecting data on diasporas organisations; thirdly, defining and measuring trans-national diasporas flows; and fourthly, identifying the institutions responsible for gathering data on diasporas. A major barrier to data collection on diasporas is the reluctance of diasporas populations themselves to respond to surveys and governmental inquiries, demonstrating the importance of having neutral bodies undertaking such kinds of exercises.

2. HOW CAN DIASPORAS BE AGENTS FOR DEVELOPMENT?

There is no automatic link between migration and development. Development can be defined as sustainable economic growth, social advancement, human empowerment and equity. Diasporas are not positive agents *per se* for the development of their home countries. The role of policy is to; define how diasporas can contribute to development and how diasporas-related approaches and solutions differ from conventional development programmes. There are five major ways that diasporas can be vehicles of development;

Better articulate migration and development concerns

Policy interest in diasporas is closely related to three current migration trends the rising numbers of labour, youth and female migrants each of which have a distinct impact on development. Migrant workers, expatriate

students and women as independent migrants build particular relations with the host and home countries and their departure to the host country has a particular long term impact on the development of their home country. Engaging these diasporas in support of the development of their countries of origin affects the impact of development.

Establish the development role of non-governmental trans-national stakeholders

In many cases, diasporas first organise themselves, and then based on the success of their initiatives, generate policy interest. The emergence of diasporas' associations is not a new trend but to recognise diasporas as development partners means to acknowledge new key collaborators for development within civil society. Diasporas can initiate activities in the home country because they are familiar with the home context and so can start innovative programmes based on their international experience. Scientific diasporas' networks seem to be particularly dynamic in academic and entrepreneurial environments. Other diasporas organisations represent a bridge between home and host countries, having a dual status as members of diasporas and as nationals of the home/host country. However, many diasporas' initiatives depend on volunteer work and often reach operational limits because of this. The support of international organisations can help ensure the viability of some existing networks.

There is still little systematic evidence to be able to assess the development impact of diasporas organisations, but this does not mean that diasporas make a limited contribution to development in the home country. For example, the Asian Development Bank (ADB, 2004) that assessed the role of the Philippine Brain Gain Network as being influential, also found that nineteen of the top-twenty Indian Software businesses are

founded or managed by professionals from Indian diasporas.

Reduce the costs of emigration for home countries

Some of the major motivations behind a policy interest in involving diasporas for development in home countries include: limiting the costs of emigration, compensating for "brain loss", improving the skills of migrants, and finally setting in motion a trickle down effect in diverse areas. Experience and evidence show that these beneficial effects of involving the diasporas in policy making might not occur without specific support. Countries experiencing high levels of emigration are not necessarily successful in attracting the attention and support of their diasporas. Moreover, migrants sometimes are unable to work legally in host countries, their qualifications may not be recognised and occupational downgrading may occur. Integrating diasporas into endogenous growth projects that represent a real added value for the national economy is therefore a major issue.

Very few home countries officially refer to the initiatives of non-governmental diasporas in their development strategies, but awareness of the potential of diasporas is growing. Country strategies for Benin, Burkina Faso, Mauritania, Cape Verde, Madagascar and Mali have been developed in cooperation with IOM, in order to match the development concerns of these countries with available resources in the diasporas. Ethiopia and Ghana also explicitly refer to diasporas in their Poverty Reduction Strategies.

Maximise the benefits of immigration for host countries

On the host country side, diasporas are coming to be seen as privileged partners. Some host countries consult foreign diasporas

organisations in their territories on the design and implementation home country development plans for the countries in question. This is the case for instance for the UK, which consulted the Sierra Leonean and Indian diasporas to develop their country assistance plans for these countries. France set up a federation of NGOs and works on a bilateral basis with Mali, Senegal, Benin, Congo and Sierra Leone.

Contribute to the co-development strategy

Given their trans-national nature, diasporas are potential development partners for both home and host countries. Shared economic interests between home and host countries results in, and is further stimulated by trade, investment and entrepreneurship. Diasporas advocacy initiatives have favoured the formation of specific trade agreements such as those between Southern European and Northern African countries.

A common policy interest between host and home countries is driven by the interest in making development policies more effective for donors and receivers and by changes in migration trends. Countries of emigration have become countries of immigration (Portugal, Ireland, South Korea), and the majority of immigration countries are both sending and receiving countries. The mobilization of diasporas is part of the co-development approach favoured by a number of governments and initiated by the French government in 2000 through the signature of a Convention with Senegal. Furthermore, the interests of home and host countries can not be divorced, given that the development potential of diasporas is dependent on their status in the host country and related to whether the receiving country is high, middle or low income. In poorer countries, the development potential of diasporas support to development strategies will be more limited.

Co-development initiatives need to be placed within the context of broader migratory policies. Indeed, according to the UN (2004), the proportion of countries that have introduced restrictive immigration policies increased from 7 per cent in 1976 to 34 per cent in 2003.

3. HOW CAN DIASPORA'S RESOURCES BE MOBILIZED?

There are a number of ways in which diasporas can become agents of development, but what is the potential of diasporas' and how do existing programmes and policies endeavour to channel and maximise them as an agency for development? Five types of the capital that diaspora have are considered: human, social, affective, financial and local.

Human capital

The human capital of diasporas in a very broad definition encompasses the levels of education, training, skills, knowledge and know-how of the diasporas populations. Interest in human capital is related to movements of both skilled and unskilled migrants, though there is a clear policy focus on migration of the highly qualified. For some countries, the loss of human capital is striking: on average, migrants who leave from Latin America and Asia have had schooling twice as long than the average of the national population and for Africa the average is triple (UN 2004).

The UN (2004) assesses that the loss of qualified nationals leads to an innovation and creativity deficit, in addition to the loss in educational investments in the home country. Lowell (2003) notes that the phenomena of "brain drain" not only implies the departure of significant numbers of the highly skilled, but also has adverse economic consequences. Lucas (2004) offers evidence to suggest that there is a negative association for low-income countries, between the rate at which their

students stay abroad after graduating overseas, and the income level in the home country. At present, numerous programmes endeavour to mobilise the human capital of diasporas for development, through the creation of "Skill data bases" and "Skills Banks", such as the "Benin Health Professional Nationals Residing in France", the "Database of Nigeria's Professional Human resources", AfricaRecruit or the "Philippines Brain Gains Network".

IOM's experience in implementing programmes which target human capital show that members of the diasporas are highly interested in supporting the development of their home countries, provided that opportunities which are offered are credible, and that specific cooperation mechanisms exist between countries of origin and destination to allow them to keep their jobs in the host country. Most importantly, it appears that the equation: "loss in human capital equals compensation in remittances" can be a fallacy. It is not necessarily the case that well-educated people part of the "brain drain" — are the ones transferring funds in remittances. Thus diasporas policies gain from combining measures that targeting different types of capital, and not only human capital.

Social capital

Social networks sharing values and trust, are what is referred to as "social capital". Social capital has acquired policy interest as an explanatory element of economic, social and migration policies. There are two main types of social capital that have an impact on diasporas: on the one-hand, families, parents, and friends, and on the other hand, local communities and institutions in the host country. Social networks express the notion of bonding (within the group) versus bridging (outside the group) and can work at cross purposes. The concept of social capital is key

to pro-diasporas policies as it raises questions about the role of social ties in the integration process of the immigrant in the host society and in the maintenance of links with the home country.

As far as the economic contribution of social capital is concerned, there is increasing evidence (OECD 2003) that the existence of close social ties and trust can simplify trade relations and reduce transaction costs between home and host countries, prompting interest in diasporas as trade facilitators. Distrust is one of the major obstacles to policies involving diasporas for development; it is apparent between governments and migrants, between migrants and the private sector and among migrants themselves. Mistrust in banking institutions has been identified as the principal obstacle hindering immigrants from the Caribbean in the US from using the formal financial system to remit (IADB, WB 2004).

Affective capital

The term "affective capital" relates to the market impact of the diaspora in his home country which reflects two different realities: (1) the personal interest of diasporas to "make a contribution" to his home countries based on a sense of responsibility, or even guilt and (2) the products of "sentimental trade". An example of the "ethnic" and "nostalgic" market is the exportation of Hispanic products to the United States (IADB, WB 2004) that can represent an important source of income for small and medium enterprises in home countries. Policy formulation can enable that the demand for nostalgic products abroad meets the offer of products in the home country.

Financial capital

The financial flows from diasporas are diverse and include remittances transfers, foreign direct investments (FDI) and trade exchanges.

Policy interest in diasporas' financial capital has spawned initiatives that have a broad development impact: developing new banking systems and facilities, allowing the transfers of benefits at the international level and even changing financial behaviours by reaching the those individuals who do not have bank accounts.

The share of diasporas contributions within FDI and trade is often not calculated, but when known, the figures can be striking. For example, it is estimated that 50 to 70 per cent of FDI in China originated from Chinese diasporas. Evidence also shows that highly skilled emigrants have a large impact on trade relations between host and home countries (Lucas 2004). The financial capital of diasporas in terms of remittance transfers is much better documented than FDI, despite measurement difficulties. The World Bank estimates the current volume of remittances sent home by international migrants through official channels to be \$93 billion per year, to which over \$300 billion of unrecorded transfers should be added. This figure should be compared to global aid which amounts to only \$68.5 per year. Remittances sent through official channels also represent a significant percentage of GDP in particular for low-income countries (1.9 per cent).

The discrepancies in investment and trade behaviours among countries can be explained by differences in FDI policies, macro economic conditions in home countries and divergences in the levels of incomes of diasporas in host countries. The correlation between different types of financial flows of diasporas' is of major policy interest. Poor countries that rely heavily on remittances attract very limited FDI. The reluctance of diasporas to invest back home often reflects distrust in the economic or political context of the home country as well as major administrative burdens. Nonetheless, it also appears that remittances and investments are

also positively related. The World Bank has found that remittances are higher when the investment climate is better. The development impact of diasporas investments and remittances needs in depth analysis and comparison.

Local capital

It is paradoxical to note that migration, which is a global and trans-national phenomenon, has also a very local dimension. It is not a coincidence that the most developed regions -such as coastal Southern China- are often the regions of origin of a great number of the Chinese diasporas members (MPI 2004). Indeed, often migrants leave from the same region or locality and settle abroad in the same areas, in particular in urban neighbourhoods. This explains why local communities in host countries often develop linkages with geographically concentrated communities in home countries.

Community based initiatives such as the Mexican, Irish, Italian or Polish Home Towns Associations also demonstrate the local dimension of diasporas' trans-national linkages. The success of these programmes lies in the localized ties that diasporas maintain with their specific regions of origin and their local development nature (job creation, enterprise start up, local infrastructures and facilities).

4. WHAT ARE THE EXISTING POLICY TOOLS USED TO TARGET DIASPORAS?

The contribution on of the diasporas can be beneficial to development through harnessing the five types of capital that the diasporas possess, and Governments can pursue a number of approaches to favour the contribution of diasporas to development. Some of these tools and measures include:

Regulatory and legislative tools

The granting of dual citizenship appears to be one of the most significant symbolic

measures in formalising the double belonging of diasporas in home and host countries, and in providing practical support in facilitating investments in home countries. In Australia and India, the pressure of diasporas groups led these governments to adopt dual citizenship laws.

In conjunction with granting citizenship, a number of regulatory measures can enforce the rights of expatriates in their home countries and encourage them to become more engaged in development. Some of these rights have a strong symbolic and political dimension; others have a clear practical impact: the right to vote, the right to buy land and property, the right to transfer pension rights and social benefits acquired abroad. Special card schemes simplify the access of expatriates to their home countries: Ethiopia, Mexico and India offer special ID cards that entitle diasporas to specific rights, visa free regimes and facilities.

Institutional tools

In combination with regulatory tools, Governmental declarations and programmes, such as Colombia's governmental policy "*Colombia Nos Une*", can offer a strategic framework for diasporas involvement in national policy making. The numbers of national ministries or Governmental entities for expatriates or citizens abroad have increased dramatically in recent years in all continents. The internet is the most common tool used to reach out to diasporas by Government bodies. Nevertheless, governmental representations abroad, consulates and embassies can play a key role in gathering data on national diasporas, offering services to expatriates, acting as relays and especially showing that the home country is interested in its expatriates.

However, institutions targeting diasporas are still very recent, which makes it difficult to

assess their real impact and to ascertain how diasporas perceive these institutions. It appears that diasporas are often reluctant to get involved with their governments in the home countries and prefer to be in contact with a neutral body.

Technical tools

In trying to provide access to diasporas, taking advantage of the E-era is key in opening policies towards diasporas, through websites and by offering facilities that simplify diasporas relations with the home country (e-visas, e-consulates). Low airfares and communication costs as well as effective infrastructures offer strong incentives to diasporas to remain connected to their home country.

Financial and business facilitation instruments

A great number of innovative practices support the financial transfers of diasporas financial: arranged exchange rates, low transfer costs, agreements on repatriable deposits, high interest rates for foreign currency accounts, tax exemptions and breaks or bonds for expatriates only.

Many financial instruments targeting diasporas have an avowed development objective: "matching funds and loans" linked to productive activities back home (*Linkapil and Philneed* in the Philippines), remittances inflows channelled to entrepreneurship projects (*Banco Sudameris de Inestimento* Brazil, *Banco Solidario* Ecuador), commercial banks offering "Special services for migrants" (*Banque de l'Habitat Sénégal, Banco Solidario* from Equator, *Groupe Banques Populaires* Morocco) and social investment funds direct migrant financing to community development. Many questions can be raised about the sustainability of such programmes as well as the administrative burdens they create. Yet, they are extremely innovative and often based

on solid partnerships among different authorities at city, regional and national levels.

Alleviating the Bureaucratic burden

One of the major obstacles identified in the engagement of diasporas in their home countries is administrative burden they face. Some initiatives are intended to alleviate this burden and simplify access to services for diasporas. The One-stop shops in Tunisia and the Indian Investment Information Centre (IIC), that offer a single window agency to support investments in India, are examples of such initiatives. Reducing administrative and bureaucratic obstacles can be a key reform in making the contributions of diasporas more simple and more efficient.

Information and communication

Given the highly symbolic value of diasporas policy options, governments have set up diverse initiatives to improve the image and knowledge of diasporas by the diasporas members themselves and by the general public: "The diasporas day" (Ethiopia, India) conferences and annual events for diasporas (Syria, Senegal, Ghana, Ethiopia, Sierra Leone etc.), diasporas museums (Portugal, France), **visits for diasporas in homelands (Philippines and Syria) or visiting them in the host country (Eritrea)**. Other symbolic measures can have great visibility and attest to the political will of a country to integrate its diasporas: Georgia and Latvia for instance, have elected officials from their diasporas and appealed to their diasporas at a high level of representation.

Education

More attention is needed in how to target policies at young emigrants and youth diasporas. For the moment, there is little evidence of the impact of degree equivalence and harmonisation efforts, scholarships,

exchange programmes and specific programmes to retain or attract students back. The Chinese government changed policy in the mid 90's in supporting students to go abroad but also offering incentives for them to come back. This strategy allows Chinese students to join the "brain circulation" with the result that between 1995 and 1998, the numbers of returnees increased by 13 per cent a year⁷⁷.

Partnerships

The experience of programme implementation and academic evidence show the strong contribution of partnerships as a key tool for designing and implementing diasporas' policies. Partnerships can involve home and host countries, private, public and non-governmental stakeholders.

Sector based approaches

Khadria (2004) explains that countries need to identify specific sectors where there is "a social return on expatriate investments that is higher and more sustainable than market returns". The author identifies two particular sectors where the involvement of the scientific diaspora can make a difference: education and health. He recommends that countries focus on specific sectors instead of pursuing a multitude of development and welfare targets. The sector-based approach allows policy action to aim specifically at identified needs in the home country and to target precise groups within diasporas.

Post conflict, emergency and reconstruction

The "diasporas option" as contribution for development is more acute for countries that have recently suffered from a major catastrophe, conflict, war or disrupting dictatorship. The recent tsunami tragedy in Asia has shown the capacity of an immediate and massive response of diasporas in reconstruction and redevelopment.

Returns

Evidence from temporary return programmes of existing diasporas shows that incentives can play a role in the return decision, however, other political, economic and social factors also matter as The UN (2004) identified the non-portability of migrants' acquired benefits (pensions, social security) back to their home country as a major constraint to returns, and urged policy makers to address this issue. From IOM's experience in implementing "Return of the Qualified Nationals programmes", it appears that the selection criteria for such programmes should be flexible and capacity building is key to the implementation. The problems that returnees face back home are often structural, such as limited access to credit. Incentives to curb the migration of skilled professionals and to encourage the return of diasporas are similar. They both aim to offer improved professional and personal opportunities within viable working environments.

5. CONCLUSIONS

To maximize the potential of the contribution of diasporas in development, and minimize potential negative effects, diasporas policy requires management. Some major drawbacks and potential adverse effects of diasporas policies require specific attention and management. Dependency on external financial inputs and growth based on exogenous essentials can lead to a neglect of local production. Disparities between "those who have" families abroad and "those who don't" tend to aggravate already existing inequalities in the home country and instead of addressing the causes of migration further sustain migration circles. Negative attitudes about the privileges provided to returning migrants can be disrupting, while diasporas incentive schemes can lead to some market distortions and job displacement. These documented drawbacks require the attention of policy makers, but they do not suggest

⁷⁷ Les diasporas Scientifiques, Rémi Barré, Chapter 11, Yugui Guo.

discarding pro-diasporas policies as a whole. Lessons can be extracted from the implementation of existing programmes to limit these potential negative effects.

Countries that are successfully attracting their diasporas usually have well funded and well staffed organizations to promote their engagement. Clear political engagement at a high level is linked to success, yet it must be combined with political legitimacy and recognition from diasporas, while problematic macro-economic and political contexts reduce prospects for success. Portugal, South Korea and Ireland can be considered as having successfully benefited from their diasporas as they transformed from countries of emigration into countries of immigration. It is however difficult to assess whether diasporas were the engines for growth or part of the on-going socio-economic-political development which offered them the right conditions for diasporas to invest, start up businesses, transfer finances and return.

Three major roles for policies emerge from existing studies and experiences:

There are three main ways that entities trying to involve diasporas in development initiatives can activate their involvement, as following:

1. **An enabling role:** Policy makers can address the obstacles that indirectly hinder diasporas' engagement in development such as lower transfer costs, alleviation of the bureaucratic burden, the simplification of procedures, dual citizenship, the identification of investment projects, and to offer secured business transactions.
2. **A symbolic role:** All studies on diasporas deal at some point with issues of images, perceptions,

identity and trust. Policies can ensure the recognition of diasporas as full citizens, appreciate their inputs, and address major image problems and build trust.

3. **A partnership role:** Partnership is a key word covering many types of joint actions: support existing diasporas initiatives, develop collaboration between home and host countries, contract alliances at local levels with regions and municipalities, collaborate with private actors (banks, financial intermediaries), academia, public enterprises (hospitals, schools), chambers of commerce and business services.

Policy recommendations:

1. Obtain information and data on the size and distribution of diasporas, as well as identify initiatives, networks and associations, trade flows, FDI and remittances;
2. Design measures targeting diasporas both individually and collectively;
3. Undertake a comprehensive assessment of development needs and priorities, in order to integrate diasporas in concrete endogenous development strategies;
4. Establish partnerships between host and home countries, to avoid diasporas' approaches from coming at odds with the integration policy in the host country;
5. Tackle social, economic and financial types of flows collectively. Interest in harnessing remittances benefits from being complemented with a broader interest in diasporas issues in general;

6. Offer a supportive role to existing diasporas networks and organizations and help them address their own agendas. Policies relating to existing diasporas agendas tend to be more successful;
7. Ensure that pro-diasporas policies are coherent with other national policies and contribute to other main economic and social agendas (improve the rule of law, clear property rights, macro economic equilibriums, sound banking systems, etc.);
8. Focus on young people who move for studying and training reasons, partnerships with universities (national and international) scholarships; equivalences in degrees can contribute to attracting and engaging young diasporas' people for development;
9. Support local projects: diasporas are often interested in investing in the region they have left or they know well;
10. Assess programmes, evaluate the costs and administrative burdens generated to ensure the effectiveness of policies;
11. Share international experiences, compare regional trends and characteristics and link regional specificities to migration trends.

Policies engaging diasporas for development can only be successful **when they address the root causes of migration**, include diasporas exogenous inputs to endogenous growth mechanisms and are designed in collaboration with the development community that relates migrants with innovative development practices (business incubators, clusters of enterprises, social enterprises, women networks, business services, activities of chambers of commerce, training, etc).

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COMMENTS AND SUGGESTIONS ON THE NATIONAL STRATEGY AND ACTION PLAN ON MIGRATION

DIASPORA AND THE DEVELOPMENT OF ALBANIA

by

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Dear Ladies and Gentlemen,

I will start my discussion expressing my gratitude to the organisers of this workshop, in particular regarding the productive collaboration during the drafting and approval process of the National Strategy on Migration. I also thank them for the positive remarks concerning the National Institute for the Diaspora (NDA) and for the elaboration of proposals for the Diaspora in the National Action Plan on Migration. Finally, I thank the organizers for the invitation to participate in this Round Table, which I consider of great value, both for the verification of the platform of the institute I lead, and the upgrading of this institute, by taking on board all the remarks and suggestions that will be set forth in this round table.

I also feel obliged to make an explanation. It is not only the NDA at MoFA that is dealing with Diaspora issues. Other governmental and non-governmental institutions also deal with

Diaspora issues from other perspectives. I will only introduce the tasks of our Institute as related to the Action Plan and the implementation of the National Strategy on Migration. The purpose of this presentation is not only to avoid interference with other proposals or to exclude us from relations with other institutions, but also to be as precise and concrete as possible, on the upcoming dialogue of this Round Table.

Migration is a relatively new phenomenon for our country but is large scale in relation to the Albanian population. The impact of this migration has had both the positive and negative affects on Albanian society, and this phenomenon has been associated with profound political, economic and moral imprints. Without tackling them one by one, it can be said that the fifteen-year period (1990-2005) can generally be considered, with regards to Albanian emigration, as a period

of ordering, integration and adaptation. It has been a difficult process with a lot of problems on the way. As a consequence, the drafting of the National Strategy on Migration and this workshop should symbolically mark the conclusion of this period.

I am also of the idea that, through this Strategy we affirm a new concept of Albanian migration, which constitutes a very important document for today and for the future in the form of a National Action Plan on Migration for Albania in partnership with the EU.. If we recognise in it in terms of specific economic, cultural and intellectual potential, it can be transformed, in an organised way, into developmental factors for the country.

In this framework, I would also like to underline certain moments in the current process of globalisation that should be given priority. When talking about the size of the Albanian Diaspora, and in particular the number of Albanian migrants, many different figures are given by governmental institutions, politicians, non-governmental associations and the media, this leads to confusion and insecurity about the actual figure. Some put the figure of the Albanian emigrant population at six hundred thousand, some others at one million, elsewhere it is said to be one third of the population. This is not surprising at all, as nobody to date has undertaken the registration of Albanian emigrants and probably such a registration can not be undertaken for a number of reasons.

Certainly, the issue of migrant registration is not a completely uninvestigated field. As having been the director of the National Institute of Diaspora in the Ministry of Foreign Affairs for several years, I can affirm that at least during the last 7-8 years, effective work has been carried out in collaboration with diplomatic representatives and consulates and with the Directorate of Consular services

in MoFA. A geographical and demographic atlas has been created which covers the Albanian Diaspora in different countries of the world. With the drafting the National Strategy on Migration and with the direction of work this workshop is taking with regards to the Diaspora, it seems that hopefully the time has come for a full registration. The registration of migrants should be done according to scientific criteria in order to establish a National Civil Register for the Albanians abroad. The start of this considerable project should commence with a Pilot Project to be implemented in selected regions in Greece and Italy, which are the two countries with the highest figures of Albanian emigrants. In undertaking this, it will be a useful experience to face a challenge that has been more than obvious until now.

The registration of emigrants will enable the identification of the above-mentioned human potential that exists within the Albanian Diaspora in different fields such as entrepreneurship, culture and intellectual activities. It will therefore be possible to harness this potential human capital into poverty reduction strategies.

We have created some databases in the NDA with information on the number of Albanian students and postgraduates that study abroad. The database still has to include well known people in the fields of culture, art, sport and science, businessmen and the, Albanian press and media of the Diaspora etc. Up to date, we have registered over 7200 students and as envisaged in the National Action Plan, the work will continue in collaboration with our embassies and consulates. One of the main goals of the National Strategy on Migration is: "The improvement of Albanian Image and that of Albanian emigrants abroad". The National Diaspora Institute has launched the idea that in order to accomplish this goal, the establishment and functioning

of Albanian Art and Culture Promotion Centers is necessary in certain countries (such as Italy and Greece initially) These governmental structures would be efficient and at the service of Albanian cultural diplomacy.

Regarding the creation of an Albanian cultural centre, the Italian, French, Spanish, Polish, German, and Hungarian experiences have been studied. A detailed draft programme has been drafted on the establishment, functioning, premises, funding, self-financing, staff, and activities of such Cultural centers.

To tell the truth, we are very enthusiastic that finally the National Action Plan has foreseen the establishment of two Albanian Culture and Art Promotion Centers in Greece and Italy; though, for this centers, the annual budget envisaged is only 200.000 EURO. The NDA already has experience in organising cultural and artistic activities for the Diaspora and abroad, we think that this financial sum is a rather modest one, so we suggest that an increase should be taken into consideration.

Until now, the Ministry of Culture Youth and Sports, has organised several activities in Albania and abroad, through its subsidiary institutions such as the Opera Theatre and Ballet, National Theater, the International Culture Center, the National Art Gallery etc. However, in order to improve the image of Albanians and of emigrants abroad, more activities are required as well as the commitment of the representatives of Albanian culture and art living abroad. In this context the National Institute of Diaspora has an important role, and must do more in this field, In order for MoFA and NDA to have a more efficient role we think it is necessary that:

- An annual fund should be allocated and provided to the NDA, in order define its management and

activities, in which an important role will be played by the Cultural Centers and consular services,

- The activities of the cultural centres of NDA should be defined according to the national strategy in order to meet the goal to improve the Albanian image and that of emigrants,
- To include the involvement of Albanian emigrant community in the cultural life of the host country and country of origin with the organisation of joint activities for the cultural integration of the Diaspora.

Another issue that I would like to emphasise is related to the organization, or better to say, self-organisation of the Diaspora. This issue is very important; vital I would say, for the establishment of a more effective partnership between Diaspora and political, economic and cultural life stakeholders in Albania. It is understandable that, when we speak of the involvement of the Diaspora in projects, programmes or development strategies, it is natural that reliable and authoritative interlocutors are required to represent Diaspora and undertake responsibilities on behalf of it.

At present, we have quite a large number of Albanian associations, organisations and clubs in different countries of the world. By using the internet to collaborate with diplomatic and consular representatives, we have tried to identify and create a network, to create contact individuals and foster further collaboration. A part of the network plays an important role in data collection, the preservation of contacts between the Diaspora, and the maintenance of connections with the motherland to provide support and solidarity to members of local communities.

There is also, the part that remains nominal, formal, not having an important impact in the directions I previously mentioned. As it can be noticed the building up of networks is still in an embryonic phase, as there are a constellation of associations that not only do coordinate and collaborate, but also there are not always specific organizations to represent specific concerns. For example there is lack of associations of businessmen, intellectuals, artists, that could play a mediator or link role between these interests and the government, institutions or homologue associations in Albania. The establishment of such entities would pave the way to the to Diaspora acting as the initiator of development. On the one hand, the Diaspora knows the Albanian environment as a country of origin and on the other hand, members of the diaspora can initiate innovative programmes with its international expertise.

In relation to the above-mentioned issue, I would like make mention of the institutional structures foreseen to be created to represent the Diaspora. In the Strategy and the National Action Plan the creation of an authority representing the Diaspora has been foreseen. The plan states that a Congress with the representatives of Albanian Diaspora will help formulate the basis for such an authority. Whilst I support the idea for the creation of such a representing authority, as an important partner of the government, institutions and other interests in Albania, allow me to express reservations due to practical difficulties that the implementation of such an idea represents, at least within the timeframes set in the National Action Plan. At expressing this objection, I have in mind inappropriate outcomes that such previous initiatives have had. Albanian emigrants are distributed in many countries and, within in many regions. The embryonic and non-representative nature of the Diaspora makes it difficult to organize such a congress and through that congress

to undertake an election to create an "Authority". It is especially difficult for the congress and the Authority created to have legitimacy. This authority should be properly representative, reliable and its authority should not be contested. For this reason, I think that before we come to the implementation of this idea, in essence a very useful one, we should insist on the strengthening the existing associations and especially on the creation of associations and organisations representing specific interests in the community.

Finally, I would like to focus on a matter, which I consider to be very important for the performance of the activities foreseen in the Action Plan related to Diaspora and the effectiveness of the National Strategy on Diaspora. Which body will manage from the executive point of view, these activities? What will be its attributes and prerogatives from the legal and institutional point of view? To date, the National Diaspora Institute, established in 1996 with a Decision of the Council of the Ministers, has been the only governmental body in charge of the work with the Diaspora. With few staff, very limited material resources, and minimal possibilities to direct the Diaspora directly, the Institute also lacks executive competencies. This institute, could however, manage a considerable workload, especially with regards to data collection and elaboration through research materials on Albanian Diaspora in different countries.

On the bases of what has been emphasised today in this activity, the structure and functioning of the existing institution, or a new one dealing with Diaspora should be newly conceived. The idea of a new entity is also foreseen in the concrete objectives foreseen in the National Strategy on Migration. The new institution should constitute a reference point for Diaspora. This issue is not mentioned here

for the first time. Many different ideas and opinions have been launched in discussions and even made at high levels.

The experience of other countries is also specific; in some countries there are centralised bodies for Diaspora, in other countries the competency is divided among other institutions creating collaboration and coordination possibilities. In my personal opinion, and that of my institute too, this body should stay within the structure of the Ministry of Foreign Affairs, for one basic reason that

follows: we can benefit from the information and contacts that consular services and embassies already have, which will continue to make up for the most important and reliable resource for some years. Meanwhile, in other institutions, such as in the Ministry of Education and Science, Ministry of Culture, Youth and Sports, Ministry of Economy, structures could be established to deal with the Diaspora. These institutions could collaborate and coordinate activities, maybe under the supervision of an inter-ministerial committee.

AN OVERVIEW OF THE ALBANIAN PRESENCE IN BELGIUM

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The Albanian population living in Belgium, though present in the territory for more than fifty years, has been studied only marginally. Through this paper, we propose you a brief history of the presence of Albanian migrants in Belgium, we present some cultural and organisational characteristics that have remained impressed upon these persons thus permitting us to better define this community. The paper focuses only on Albanians coming from Albania and their children, looking at renowned figures that have left their mark on the Albanian community or who have, by their individual course of action in the political, cultural field, attained a certain reputation, in the Albanian community and beyond.

Belgium took a concrete meaning for the Albanians in the 1960s, a period during which some thousands of them, originating mainly from Albania, came to settle there. These political

refugees opposed to the communist regime of Tirana, were also joined in the years 70 and 80 by Kosovar Albanians. The fall of the Berlin Wall also had its effect on the massive arrival of Albanians both from Albania and from the former Yugoslavia in the territory of the Kingdom.

Albanians have come to Belgium since the first part of the 20th century, in particular during the period between the two Wars, in the main in order to study. Since the beginning of the century, and especially in the period between the two wars, Albanians, played an important role in the history of the country of eagles, and have settled temporarily in Belgium, particularly in Brussels.

We will examine three historical figures. In chronological order, we will first examine the life of Faik Konitza. This intellectual who was a linguist by education, studied in France. He

⁷⁸ The author wants to thank Sakip Skepi for the information that he has provided, as well as Safet Kryemadhi for the advice given.

published the magazine called "Albania" in Brussels, the first edition that appeared on 25th March 1897. Konitza was a friend of Guillaume Apollinaire⁷⁹, who was condemned to death by the Ottoman Empire, settled in London at the turn of the century before moving to the United States of America in 1909 where he dealt with, among other things, with the pan-Albanian association of immigrants "Vatra". In 1929, he became a plenipotentiary minister in Washington.

The other key figure of the Albanian history is none other than Enver Hoxha, the founder of the Albanian Communist Party in 1941. He led the country from 1944 until his death in 1985. He worked at the Consulate of Albania in Brussels and Antwerp in 1934 and enrolled in the faculty of Law of the free University of Brussels⁸⁰.

Sent to France to study at University, the future dictator made the acquaintance of a certain George Marothi, inaugurated the Consulate of Albania in Brussels, and to whom he served as secretary.

Finally we examine a contribution to the scientific field, of the doctoral thesis of Athanas Gegaj that he defended at the Catholic University of Louvain. Gegaj an ecclesiastic wrote his thesis on the Ottoman invasion of Albania, and it was published in 1937. It has been translated into Albanian and is still being published regularly⁸¹.

We understand that we cannot compare the

presence of Albanians in Belgium with the Italian, French or North American scale of movements. It is above all thanks to Faik Konitza that the city of Brussels is mentioned in the books of history as being a place in which Albanian nationalism was manifested.

The first remarkable arrival of Albanians in Belgium occurred in the middle of the 1950s, August 1956 is in this sense a symbolic date. An important number of refugees from the Gerovo (Croatia) camp arrived in the same railway convoy at the station of Andenne-Seilles. According to the testimonies of people⁸² who made up part of this convoy, there were between 150 to 300 people divided between three wagons. These Albanians had mainly fled Albania from 1945 onwards, most frequently in 1948 (the date of closure of the frontiers between Yugoslavia and Albania). The flux had continued into the 1950s up until the moment when the communist regime, with at its head Enver Hoxha, imposed his rule throughout the country and initiated the first agrarian reforms. The Albanians who arrived in Belgium during this period had frequently fled to Yugoslavia, Mainly originating from the mountainous and rural regions of the North of Albania.

The migration of individuals in similar circumstances as those of the 1950s continued till the end of the 1960s. In fact, some were sheltered Italian refugee camps that postponed their arrival in Belgium. The majority of those that arrived were recognized as UN refugees according to the terms of the Convention regarding the status of refugees adopted in 1951, in Geneva⁸³.

⁷⁹ The information concerning Faik Konitza's stay in Brussels are taken from the work titled : "A European friendship. Faik Konitza and Guillaume Apollinaire" , edition established and presented by Luan Starova ; ed. The Spirit of Peninsulas, Paris, 1998, p.236.

⁸⁰ T. Schreiber : «Enver Hodja. The Red Sultan», ed. JCLattès, Paris, 1994, p.52-56.

⁸¹ A.Gegaj : "Albania and Turk Invasion in the XV century", bureau of collection, library of the University of Louvain, 1937, p. 169.

⁸² Information provided by M. Pjetër Kukaj who was in this convoy.

⁸³ Adopted the 28 July 1951 by a conference of plenipotentiaries on the status of refugee and of those without nationality convoked by the Organisation of the United Nations in application of the resolution 429 (V) of the General Assembly in the date of 14 December 1950. The Convention regarding the status of refugees came into force on 22 April 1954, in conformity with dispositions of article 43.

From the 1950s onwards these migrants principally settled in in the Brussels communes of Schaerbeek and of Anderlecht, or in the periphery, in Neder-over-Hembeek. These urban areas remained constant places of destination for the different waves of Albanians coming to Belgium.

The mass flights of migrants stopped in the 1950s as Albania closed its frontiers and prohibited its citizens from leaving the country freely. When an individual attempted or succeeded in escaping from Albania this was followed by the internment or imprisonment of the members of the families that remained in the country. Those who remained were "touched" families and were considered to be enemies of the regime. The family members of those who escaped faced various types of discrimination including not being able to attend further education.

In the 1960s two other groups of Albanians arrived in Belgium. First was the immigration of Turks to Belgium, which also involved the movement of Albanians. In fact, in the early 1950s a Treaty was signed between Turkey and Yugoslavia which permitted the Turks of Yugoslavia, (principally of the province of Kosovo), to emigrate. A certain number of Albanians declared themselves to be Turks in order to be able to depart. They then merged into the wave of Turkish emigration that settled in Western Europe. The other group constituted of Albanians from Yugoslavia (Kosovo, Macedonia and Montenegro). These movements include the wave of Yugoslavian emigrants of the second half of the 1960s.

In the 1970s, and on a greater scale in the 1980s, the Albanians of the Autonomous Province of Kosovo, and of the Republic of Macedonia were those who emigrated in mass. The 1970s was a decade of

emancipation for the Albanians and the slogans demanding the constitution of Kosovo as a Republic flourished again. This emancipation caused the distrust of political leaders of Serbia and of Macedonia. In 1981 demonstrations began in the University of Pristina, which constituted a turning point in which from the spring 1981, a permanent struggle started in which the Albanians fought against the Yugoslav forces of order. From the early 1990s the fall of the Berlin Wall, the opening of Albania, and the wars in former Yugoslavia resulted in the mass arrival of Albanians from these two countries in Belgium.

The Albanians of the former Yugoslavia, and of Kosovo in particular, escaped the war and feared military conscription in a province that was the poorest in Yugoslavia. After the progressive suppression of the status autonomous province of Kosovo between 1989 and 1990 the rate of unemployment increased resulting in an economic crisis. Profiting from the opening of Albanian frontiers, the Albanians of Kosovo and of Macedonia crossed the country hoping to arrive in Western Europe. A second wave of refugees arrived in Western Europe in 1999, following the bombing of the Otan in Yugoslavia that brought to an end the repression of the paramilitary and police forces in Kosovo. There were 250 000⁸⁴ people that left Kosovo between 1989 to 1999.

As focus is often placed on the Albanians of Kosovo, it is important also to mention the Albanians of Macedonia which constitute 30 per cent of the population of this former Yugoslav Republic, that became independent in 1991. In fact, the movement of Albanians in the 1960s is often confused with the Albanian emigration from Kosovo (Kosovars). In the epoch of Yugoslavia, Macedonian

⁸⁴ Rugova I. "The Question of Kosovo ", Paris, Fayard, 2004, p.54

Albanians identified themselves, and participated in the political movements of the Kosovars searching to obtain more autonomy. At present the Albanians from Macedonia want to see their status as a nation recognized within of the former-Yugoslav Republic of Macedonia. Confrontations between Albanians and the forces of order in the Republic continued in 2001.

The Albanians of Albania, deprived of their liberty for 45 years and originated from the poorest country of Europe, are avidly focused like the other members of ex-communist countries, on the prospects of "liberty and wealth". The extraordinary images of ships full of Albanian refugees anchoring to the Italian shores in 1991 remain in our minds. Emigrants who left the country due to the slow economic progress will soon succeed in obtaining family reunification. Rich neighbours in Italy or Greece constitute a daily temptation to depart Albania.

The decade of the 1990s in the country of eagles was characterised by poverty, rural exodus, economic difficulties, and the political tensions in a climate of violence and of insecurity.. The human consequence of these changes has been mass migration by all the social categories.

After this brief history of Albanian migration, we must deal with the numbers of the Albanian community in Belgium In fact, for the reasons already described, such as the diversity of countries of origin of which ethnic Albanians have originated, it is almost impossible ascertain the numbers accurately.

The Albanians that left from Albania in the 1950s and 1960s were UN refugees. The immigrants from Yugoslavia had either

retained their Yugoslav nationality, or were known as political refugees from Yugoslavia. Finally, during the same period, there were also a certain number of Turkish nationals that departed. The Democratic League of Kosovo (LDK), which was the first party in Kosovo, estimated in 1994 that there were 40000 Kosovars in Belgium⁸⁵. The Albanian daily "Monopole"⁸⁶ estimated that the number of Albanians that had left since the 1990s was approximately 5000. An estimation commonly quoted as being the number of Albanophones in Belgium is in a range of between 30 to 50 000 persons.

At present, when talking about Albanians in Belgium, we should distinguish them according to the places where they lived during these last fifty years. The duration of the communist regimes and the high birth rate of Albanians mean that the majority of the population were born under the pre-cited regimes. One of the strongest characteristics of all of the Albanians living in Belgium in terms of common characteristics is their endogamy. For those Albanians forced into exile it was important not to lose their language, to lose the referents in terms of clan (if his spouse was not Albanian), and to show that despite what the communist regimes made them suffer, that they continued to exist as Albanians. This endogamy has permitted a mix of Albanians of the Diaspora and of Albanians from the Balkans, essentially Yugoslavia. It has also retained a strong connection to the events that closely touch the Albanian nation. In fact, each wave of migration has permitted the perpetuation both of the language and of the Albanian customs to maintain a vivid connection with the nation. This homogeneity of common features among Albanians is undoubtedly also one of the characteristics

⁸⁵ Op cit, p. 60.

⁸⁶ Monopole, 22 February 2005.

of Albanian immigration if we compare this with other populations immigrated from the ex-communist bloc.

It should also be underlined that, very often, persons of a group having undergone the same trials and having learned to cope in adversity have a strong sense of solidarity that persists. In fact, in important events of their life (marriage, burial or purchase of a house, etc.) there is community solidarity also in terms of investments made when no formal financial systems exist. This aid that they can give to each other is one of the criteria in the perpetuation of Albanian sentiment.

As we have observed, one of the characteristics of the Albanian immigration to Belgium, regardless of ethnic origin, is its politicization. Albanians from all entities of the Balkans have fled their countries principally for political reasons. Belgium is considered to be, both by the Yugoslav and Albanian authorities, as one of the principal places where the Albanian Diaspora has been the most virulent against their respective regimes, before or after 1989. There is no unique representative organ of only the Albanians of Albania in Belgium. That is why the ways of organization and of union of Albanians is made around political causes and cults. An Albanian who is part of the Albanian community in Belgium is likely to have a common characteristic of having at least one of two parents coming from Albania.

Before describing the different Albanian political fractions in existence since the period of the cold war in Belgium, we can briefly introduce the audience an event that has a strong symbolic value in the Albanian community of Belgium. The members of the Albanian community in Belgium mobilized to finance, thank to donations, the construction of the statue of Gjergj Kastrioti (called Skanderbeg) in 1968 on the occasion of the

commemoration of 500th anniversary of death of this Albanian national hero. The members of the community who were involved in this project still feel great pride, not only because this statue marks the Albanian presence in Belgium but also because it was constructed during a difficult period in Albanian history.

The principal political organizations in opposition to the communist regime in Albania were represented in Belgium. For the Albanians of Albania there were three main entities: Balli Kombëtar (the National Front created in Albania in 1942), Lëvizja e Legalitetit (the Party of the Movement of Legality founded in Albania in 1943) and Blloku Kombëtar (the National Bloc created in Italy in 1946). The latter two entities were principally active in Belgium. The majority of individuals that grouped themselves in these associations had not played political roles in Albania. The conditions of their exile were such to sensitise them to political activity. The fact that these organizations existed, permitted the Albanians in Belgium to find reasons to assemble and, for a certain number of them, it was the means of recognition and of a social status inside the community. However the political activity of most of the individuals was naïve and also remained limited in terms of contact with local politics in Albania, with most individuals being rural and poorly educated.

Nevertheless, there are notable exceptions from this reality of poorly educated and rural political activists with little experience of national Albanian politics. In fact, among the Albanian community there were individuals who played a role in national politics in Albania before and during the Second World War, such as the politician Feqiri Dinja, or military individuals of high rank, such as Muharem Bajraktari and Preng Pervizi. These three persons reinforced the base of anti-communist militants resident in Belgium.

Many Albanian migrants in Belgium thought, or liked to think, that they could play a political role. In fact, for the great majority of the latter, they thought that they were the true Albanians and not the communists in power in Tirana. The ruling communist principally originated from the South of the country while the migrants in exile were from the North. For the Albanian communists, these Albanians of the North represented the archetype people who conveyed according the communists, the retrograde traditions that should be fought in order to permit the country of eagles to progress. As we can observe, beside the political opposition, there is almost a cultural difference between the exiled migrants in Belgium and communist Albania that should be examined in order to understand the condition of spirit of this Albanian community of Belgium.

The Albanian scholar, Nasho Jorgaqi wrote his successful novel «The Exile of the Cuckoos»⁸⁷ in 1978. The author presents in his work his personal experience among the exiled Albanians of Belgium. He examines the vain perspective that motivated them. The pejorative title of the book toward the emigrants of Belgium enables us to understand in what kind of climate of tension and reciprocal suspicion the parties lived. The work also proves that the activity of these political formations in Belgium did not leave the authorities in Tirana indifferent to their plight.

The Albanians who arrived in the 1990s created their own branch of the Democratic Party of Albania (PDA). The PDA was the first political formation to be created in Albania after the legalization of multiparty system in December 1990. The presence of a branch of this party in Brussels confirms the opposition

tendency of the Albanians in Belgium towards the left wing Socialist party in Albania.

Among those exiled, we can also examine the individual or collective initiatives to better understand this Albanian community originating from Albania. We will only examine cases of individuals in which at least one parents originates or originated from the country of eagles. Among the persons that we discuss, certain members are pillars of the community and the others have dispersed or have departed.

As has already been mentioned, the Albanians who emigrated from Albania after worked war two did so mainly for political or religious convictions, this is the case not only in Belgium but also in the United States of America. From the political point of view, Albanians who have spent most of their lives in Belgium have played a comparatively more important role, though marginal, in Albania than in Belgium.

Idriz Basha was born in Albania, and during the 1970s and 1980s was the Secretary and the spokesman of "The Union of nationalist Albanians" that became "The Union of free Albanians". These associations included Albanians of all political sensibilities. These associations permitted him to sensitise the political and media world to the Albanian cause in Belgian and in Europe, until the fall of communism. After the fall of communism he made his debut in a political career in Albania permitting him to become ambassador of Albania in the Kingdom of Belgium, the Grand-Duchy of Luxembourg and the European Union from 1997-2001. He is also the founding member of the Party of Democratic Alliance.

The other figure who has played a political

⁸⁷ N. Jorgaqi : " The Exile of the Cuckoos ", éd.Eri, 2003, p.345.

role in Albania is Suleman Gjanaj. He graduated from the Catholic Institute of high commercial studies (ICHEC) in Brussels. Gjanaj, born in Belgium is a member of the Bureau of the Party of the Movement of Legality of which he is the Secretary of international relations. He is the president of the Belgian branch of this party which his father Qazim also actively participated in during the cold war. He is one of the rare westerners of Albanian origin to take part in the Albanian political life from the second generation.

Albanians who are involved in Belgian political life are also few in number. Victoria Mandi and Durak Duraku, who are regually registered in the electoral lists of the Humanist Democratic Center (CDH)⁸⁸ are with Musli Beca, the militancy of whom inside of this party goes back to the years '80, the persons the most involved in the political life. Mrs. Mandi is currently employed by the CDH whereas M. Duraku is a functionary in the region of Brussels-Capital. As for all the other allochthonouses in Belgium, it has only been since the 1990s that individuals from the Albanian community have played a more visible role in the Belgian political landscape.

In completing the overview of the political world in its widest sense, we should also note that since 2002, and this for the first time, there is an individual of Albanian origin who is a parliamentary assistant to a Socialist Member of Parliament. Safet Kryemadhi who graduated in political Sciences at the free University of Brussels, is parliamentary assistant to Senator MJ Laloy.

From the religious perspective, Albanians in Belgium have always been brought together

on religious holidays and festivities to get together and make acquaintances. The Moslems⁸⁹ have gathered together since 1973 around Mollah Hysen who originated from Kosovo and who also lived in Saudi Arabia. During the creation of the Executive Board of Moslems in Belgium in 1998, it was Ramadan Gjanaj, politologue by education, who represented the Albanian Moslems.

The Catholics used to unite around Father Ambroz Martini who arrived in Belgium in 1973, which celebrated mass and animated the Albanian school Saturday morning. With his departure in 1995, no one has replaced him. It is Marija Pjetri who currently represents the Albanian Catholics at the Belgian ecclesiastic instances.

We should note that the Albanians do not have a unified organization outside of these political organizations. However, there are isolated activities, which commenced in the beginning of the years 1980s notably concentrated in the field of sports and culture.

Regarding sports we can examine two Albanians who have arrived with their parents in the 1950s. Fran Kolaj, whose family originated from the North of Albania (as is the case with the great majority of people cited). Kolaj is the owner of many drink shops. At the end of the 1970s he created the amateur football club "The Club of Eagle". This club is almost exclusively made up of Albanians from Albania who have been involved in the amateur regional championship of the Belgian Royal Association of Sports of Saturday (ABSSA). The occasional or regular players of the club number up to 40 persons,⁹⁰ who organise parties on days

⁸⁸ Party successor of the Social Christian Party of the Francophones of Belgium.

⁸⁹ For all the information on the Albanian Moslems of Belgium see S. Sula : " Where do the Albanian Moslems pray? " in Agenda Intercutrel, n° 228, December 2004, p. 18-21

⁹⁰ Conversation with Fran Kolaj the 6 April 2005.

of Albanian national festivities. Through these parties they unite people of all political tendencies inside the community. In the Albanian sports world there is also Mark (Marco) Kukaj, who is the president of the Football Club of Saint-Josse. We believe him to be the only person to assume such a function for a club member of the Belgian Royal Union of societies of football-association (U.R.B.S.F.A.). The club exists in the 4th Provincial G.

Besides these two persons, it is obviously difficult for us to cite all the persons who are individually involved in sports. We can nevertheless cite the late Naïm Likaj who graduated from the national school of trainers (football) and who trained provincial clubs. A certain number of Albanians in Belgium are distinguished players, such as the Aziz brothers and Myftar Bakalli⁹¹ who played in the premier national division of football in the early 1970s. It is to be noted that the son of Myftar, Adrian Bakalli aged 27, currently plays football at national level. In the field of basketball, Sokolj Kolaj who has played at national level during the late 1970s with the Racing White club of Brussels. Among the new comers, many players have entered the premier national division of football. Ilir Kepa entered the premiership in the 1990s for the Brussels club of RWDM and is now a trainer for the club Helmet Schaerbeek.

In the field of cultural, we can mention, Skender Sherifi. After having published two collections of poems at Parisian editions of "Saint-Germain-des-Prés" (1980 and 1983), he has had a career of independent journalist both for the written press and the radio in Belgium. He continues publishing his collections of poems in Albania for the

publishing house "Onufri". Due to these publications he has been mentioned in the world dictionary of literature of editions Larousse. Drita Kotaji⁹² was the singer of Belgian group "Berntholer" which was created in 1981 and continues to sing notably in the group "Ink". Continuing in the cultural world there is also Sofie Kokaj who is a director and actress who graduated from the Superior National Institute of Arts of Scene of Brussels (INSAS).

Of those either born or raised in Belgium, we will add many individuals who arrived in the 1990s who, unable to make a living from their art, continue to undertake it in their free time. Names worth mentioning include Arian Miluka who teaches at the Circus School in Brussels or the musician Gjovalin Nonaj. Also worthy of mention is the director and painter, Zenel Laci who was born in Belgium. Laci has gathered together Albanian expressionists who arrived in the 1990s such as Artan Seferi, Ilir Meshi, Maksut Vezgishi (Kosovar).

There is a radio programme entitled "Jehona e shqipës" (The Echo of Eagles) which was designed for the Albanian community of Brussels. It was founded by Sakip Skepi who currently directs this programme diffused in the framework of the programs produced by the French Community of Belgium for the Brussels associative world as well as for the allochthonous communities that live in the capital. In 1990 the same Sakip Skepi founded a non-profit association called the "Albanians of Belgium", together with Bashkim Bituci and Musa Ujkaj. In 1990 -1991 they published some editions of a magazine titled "Ura" (the Bridge).

In terms of associations, out side of the ones that have been mentioned, Mrs Hira Laci must

⁹¹ After having commenced in Crossing de Schaerebeek, Aziz has played for Lokeren and in the Union saint gilloise whereas Myftar has played for La Gantoise and Ninove.

⁹² <http://www.ltmpub.freereserve.co.uk/berntbio.html> , consulted the 8 April 2005

be mentioned. Laci is the General Secretary of the National Federation of the Associations of Parents of Pupils of Official Education (FAPEO). She undoubtedly occupies the highest position among the persons of Albanian origin in the Belgian associative environment. Marie Caraj, can also be cited. Ms. Caraj, who is interpreter by profession for more than 20 years has also been part of the international NGO: "Peace Brigades International".

Since the 1990s with the large arrival of Albanians there we have witnessed created organization of the Albanians. One of the most remarkable examples is the creation of the the Euro-Belgian-Albanian Cultural Association "Mère Térésa" (ACEBA) in March 2004. The purpose of this association is to develop and strengthen the exchanges to promote the Albanian culture in Belgium and in Europe and make Albanians aware of European culture. ACEBA was founded by Lek Pervizi, Gjergj Dodaj, Gentian Metaj and Luan Abedinaj⁹³.

The majority of persons of Albanian origin who became adults during the years 1970s or in the start of the 1980s work in the HORECA

sector (Hotel, Restaurant, Café) Individuals who finished university in the 1970s were the exception, where as in the 1990s the numbers significantly increased. At present as far as we are aware, there is only one individual who graduated in the 1970s who teaches at University level, that is Deda Pjetri.

The Islamaj family occupies a particular place in the world of transport having created bus company.. The family continues to show solidarity towards other Albanians, providing hearses in the case of the deceased with no financial remuneration.

Despite the diversity of the Albanian community both due the different countries of origin and religion it is possible to apprehend the transcendent phenomena to describe the Albanian community of Belgium. We also realise that the Albanians are little structured as a national group. In fact, the thing that seems to characterise the Albanians that arrived in the 1950s and their descendants, is the multiplication of individual initiatives not necessarily structured around their Albanian roots, thus contributing to a flexible and discrete integration into Belgian society.

⁹³ Le Soir, 1 December 2004.

THE RIGHT TO VOTE FOR DIASPORA

by

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In the National Strategy on Migration, and in the papers presented in the conference held on this matter including the round table related to Diaspora, many important issues were raised concerning the organization of Albanian Diaspora abroad, its statistical registration, guaranteeing its rights in the country of origin as well as its financial economic role in the development of Albania. Concerning the strategic direction of the how the Diaspora can be taken into further consideration, a number of proposals, tasks, and suggestions, were, brought about in the proceedings of the workshop.

Some of the proposals made included: the management of diaspora issues at the ministerial level, the provision of Diaspora with the right to vote in the parliamentary elections of 2009, the provision of certain social rights to returnee migrants after several years of working abroad, the facilitation of procedures, tariffs and banking procedures to increase remittances and direct

investments from emigrants in Albanian economy, as well as a proposal to create cultural centers in the host countries of Albanian emigrants, etc.

While not underestimating the value of any of proposals made in the National Strategy relating to the diaspora, one issue stands out as of being of particular importance - , the right to vote for the Albanian Diaspora. This is one of the most delicate issues. In one sense it can be said that concrete, full, efficient achievement of this political right enables the solution of all the other issues, as other policy proposals, still require the support of social and powerful interested political stakeholders. Emigrants, despite having interests, are not an affective force in the political life of the country as they can't establish political pressure groups and can't be represented in the Parliament.

Political Engineering measures

The idea of guaranteeing the right of the

Albania diaspora to participate in the elections emerged in Albanian public opinion some months before the elections of 2005. This is one of the most important and courageous ideas being introduced at the policy level, and if it is achieved, it will of course bring about a prominent political change in the first years of the new century. The general political will would not only be represented by the citizens living within the national territory of Republic of Albania, but also represent by those having spiritual, political, official, administrative links with their community of origin,

In other words, the possibility of the Albanian diaspora voting abroad would represent the will of Albanian nationals. Thus, the political, electoral will would be preconditioned not by the territorial factor, but it would manifest itself as an ideal, autonomous, collectively born political will, from the overall community of Albanian citizens, irrespective of their location.

The idea that the Government and its sovereignty are always exercised within a defined territory, does not impede the political will of free citizens to be expressed in unlimited space. That is an abstract political will, which just like the individual spirit itself, can not be limited in space. The possibility to exercise sovereignty is another issue being confined in space and territory. Whereas, the right to express political will must be possible independent of his location.

The idea itself of the government, popular sovereignty, the responsibility of citizens, patriotism, nationalism, can be taken in a wider viewpoint. Albanian citizens should be aware that wherever he lives and works with his family, or be it alone, in Athens, Rome, Boston, Dortmund, Brussels or anywhere else, that he will remain politically active in his country and individual subject to the sovereignty of the Albanian government.

Albania will not remain a distant reality to which he is not related to, but a reality for which he will be responsible for, has obligations and rights related to, which he can change with his right to vote.

Up to this point, there seems to be no problems at all from a philosophical perspective. However, the silence from the general public following the launching of this idea into the political arena seems worrying. How is it possible that such a political proposal, with greater importance of a more serious nature than the territorial division of electoral areas (being it just a matter of 5000-10000 votes), was met with silence from the media?

Short venomous speeches spoken by various politicians, second or third hand political events, political actions that go nowhere and simply repeat what has been said and heard already, probably hinder media in dealing with the destiny of Albanian politics. These actions prevent the media giving attention to the granting of the right to vote for emigrants or the Albanian national Diaspora.

If this were the only reason why the media has not dealt with the issue of votes for the diaspora, however sad, we would be facing a lack of professionalism in media, but not more. The issue, though, seems to be much more serious than this. It is understandable that granting the emigrants the right to vote creates a headache for officials who lack the political vision, creative imagination and professional competence. Other politicians -, deputies, ministers, would-be candidates for deputies, also don't pay enough attention to our national democracy, but instead fear their electorate that live in cities and villages, which they rarely see. I believe the silence is due to the fact that the emigrant, having left to work in some foreign country, has no one to rely on, in his own country. *Qui va a' la chasse perd sa place*, a French proverb says.

We want their contribution, but don't provide them with rights!

This kind of attitude towards emigrants and the Diaspora, is based on the paradox that on the one hand they are recognised for their contribution of remitting their financial income into the country, and on the other they are not granted political rights which they are entitled to by law. These rights have been mentioned in my last book entitled "Peripheral Society" which shows the open hypocrisy and shameful demagoguery (This book was published in the publishing house "Ora" of Besnik Mustafaj)

Already now, I can hear voices of analysts formulating the strangest of arguments and stating what they usually say: "The idea is good, but....."

For this reason, my paper will focus as a response to the negative side of the argument, as Karl Popper used to say. I will start from the potential criticism that could be addressed to the proposal regarding the right to vote for Diaspora and will make efforts to show that they are not based arguments.

The analysis of political will

The critical analyst could say: "You are right brother, but do we have the kind of political will to make a change as big as this in Albania? Our political class is like this and is like that....."

I would answer: Let's shed these fake tears. Let us use them some other time, when we have spare time, at a bar at the seaside or along Lana River, when we have the next circus or cinema show. Here we have a concrete situation and we need concrete responses. Citizens are only given once the chance to clearly set forth their demands, and they shouldn't lose this possibility by crying. Anyone who feels like crying should do it, but wait for later. It is not time for political

literature, but for political engineering. The political situation is fairly clear and most concrete.

Some days ago, the press informed us that as soon as he arrived from the USA, the leader of the Democratic party, Mr. Sali Berisha, presented the idea of granting the emigrants and Diaspora of Albanian nationality, the right to vote. It is understandable that at this point in time, he has to stick to his rational, emancipated proposal, taking the relevant parliamentary initiative that should end with a voting process.

The republican leader, Mr. Fatmir Mediu, was of the same opinion as Mr. Berisha. We are not mentioning here Mr. Leka Zogu, leader of the National Development League, as he himself has suffered for decades the misfortune of being a political emigrant. Thus, he can not stand against himself and the social groups inside and outside the country that morally and politically trust him, contradicting himself to grant them the right to vote.

Here we make a simple calculation that makes us hope that the overall rightist opposition, as big as it is, in the Parliament, should vote for the granting of the legitimate right to vote in the next parliamentary elections to the Albanian Diaspora and emigrants.

The analysis becomes clearer even for the deputies of the Socialist Movement for Integration in the Parliament. The spokesperson of this party has made an inexcusable error of which had significant consequences. I am more than convinced that Mr. Meta will make his best to recover from this error. He is said to have stated more or less that putting this issue on the political agenda again is hypocritical. He probably thought there is no time to undertake such an important reform. If this is the argument, then it should be said that the actual

spokesperson has a wrong political concept for the time. Sleepy politicians that need some time to have time, set political time. Political time is defined by power holders, their representatives, deputies facing their officials with a simple and final choice:" Either you undertake to complete the task assigned, or you leave, gentlemen, as there are others who can do the task that we are charging you better and quicker." He, who pays the piper; Calls the tune- they say.

Illir Meta has the undeniable merit of probably being the first to raise this issue, in spite of his proposal not being supported. So he simply disregarded it. Thus, there isn't a reason for the deputies of his party to be against the provision with the right to vote to Diaspora, whilst their party leader has declared his stance openly, in front of the Albanian emigrants abroad. From what I know of both parties, I hope that neither the emigrants will easily forget what was promised to them, nor Illir Meta will break the promise.

The Socialist party, too, is not interested in voting against this proposal; on the contrary, they have the chance to embrace it as soon as possible. Socialist Sociologists or Sociologist Socialists should make clear in the party that this initiative is interesting for them. At least, what they are going to gain by supporting it, is much bigger than the electoral risk run in case they oppose it.

First of all, socialist party ideology these days has supported the idea of openness and globalisation too. Here you are globalization- we would say to the sociologist socialists. Here are the Albanians fighting globally in the world, facing ferocious world competition. Give them the right to vote so that the political will of the Albanian citizens is globally expressed and in compliance with global conditions.

Either this step is undertaken, or words on globalisation will openly appear as soap bubbles blown upon by someone who is sitting on governmental salaries and subsidies. These are protected as philistines from local, isolationist, and administrative umbrellas of the government. I say we want to play globally; here is the field of the match.

Socialist sociologists should also explain that there isn't any sign showing us that the opposition has more emigrant partisans voting for it, than the party in power has. I have found out from my observations in Greece, Italy, France, Belgium or elsewhere, many loyal followers of Mr. Berisha and many other toasted partisans of Mr. Nano. So the match is still open and no one can make electoral calculations, to have in turn the undercover justification that the socialist party for example, doesn't want to grant the right to vote to emigrants, because they know they do not support the socialists. One never knows, victory can come from there, too. Try that!

Socialist sociologists should also explain in their party forums that non acceptance of the right to vote for emigrants would have its consequences in the southern minority areas, which are sensitive and strongly connected to emigration due to their emigrant sons.

Nobody would have the courage to pass by Omonia Square in Athens, if wearing the stamp of being against the right to vote to emigrants.

This is a matter of voting where they live, as, no one can stop them if they have to come to vote here, after the shameful smearing they usually incur on their way home.

These calculations make me really hope that the legal proposal to make this amendment to the electoral law, will be passed easily and

will bring a very precious political gift for the Albanians at the verge of the termination of this political cycle.

How can Mr. Alfred Moisiu, President of the Republic, not agree on this, if it's a long time now that he has been speaking about the Diaspora and its role, requiring a Ministry for that, too?

This is impossible.

This is the right time.

But, the proposers of the idea of the diaspora voting should be quick.

The elderly used to say: In politics a minute is worth a century.

You loose or you win.

3. The Background of the International Experience

I can hear the distant rumbling of the critical analyst saying: "Yes, you are right brother, but in the case of Cameroon, Togo, or anywhere else, this right is not granted."

I still haven't had the time to study what happens with these beautiful countries, and I picked them as examples, by chance. The question is that, many people tend to choose and follow not perfected and incomplete international examples.

Something else, though, is more important.

For a long time now, the World and European democratic countries have granted the right to vote to their emigrants. If we look attentively at the legislation of western countries, even at that of eastern countries, which are not much more politically advanced if compared to us, we will notice that Diasporas and emigrants of respective nationalities have the right to vote for the political will establishment in their motherlands.

Thus, the matter is not verbally presented, but concretely.

Do we want to have elections in accordance with international standards?

In a certain sense, have we said that the organization and proceedings of the elections are more important than the results?

Here we have the execution field of these political and propagandistic slogans:

Granting the right to vote to emigrants and the Diaspora.

I think that the specialists and political advisers of western ambassadors or those of the international political delegations/bodies accredited in Albania, are well aware that this is not the case of political utopia, like that of Thomas Moore, but it is simply a case of routine, normal routine. It is completely exhausted from the point of view of political and rights' philosophy.

Certainly, every country follows its own practices. For example, some days ago, Iraqi citizens living in western countries voted during the parliamentary elections in Iraq. An International organization in Western countries working in the field of emigration collaborated closely with Iraqi emigrants for the organization of the elections. The Iraqi emigrants voluntarily considered this political action as a contribution to the stabilisation of the institutions of their country. The right to vote to citizens abroad, in Canada, is granted to citizens having left the country for more than two years. In France there are not such time limitations, but the registration of emigrants is done before their departure from the communes and municipalities where they live. Emigrants can vote by means of a warrant from an attorney. The Portuguese abroad vote in ballot centers located in the countries they have emigrated to.

Other approaches are used from the Belgian, Spanish, Italian, Rumanian governments etc.

However, in spite of various specifications, the right to vote for Diaspora is widely recognised and accepted.

Of course, in these countries too, there are still debates and contradictions related to the implementation of this right. But these issues will be solved later. At first, we have the emergent need to take the decision in principle, whereas regarding the judicial and administrative aspects, it won't be difficult for the experts to find the best of the international and other countries legislation and adopt it.

When considering the proposal as to whether the right to vote should be granted to citizen's resident abroad the following issues often emerge:

Should emigrants have to register in local lists, should they come to vote in their country, or can they create a separate electoral area? Which emigrants will be entitled to the right to vote?

How will they migrants be register in ballot lists, in order for them not to be registered in other countries at the same time?

Can clandestine emigrants vote?

Will the results of emigrants' voting be associated with a specific electoral area?

What kind of documents from the country of origin and the host country should the emigrant have in order to be able to register in the ballot lists for Diaspora?

All of the above mentioned issues are valid. Concerning that practices already exist from other countries answers can be given in how to implement such a policy. It is not necessary that a perfect model be created from the beginning. After experiencing the first examples of how such a policy might work it will be possible to have the legislation improved and adapted in the coming years. It is important to have a start. We will only need to understand and learn from the best

examples, by taking into consideration our concrete requirements.

Accomplishment of a Governmental Duty

Here we have again the critical analyst, saying: "The government, is not obliged to chase after those who want to wander around the world. Whoever wants to vote, should stay here or travel back to vote".

We still tell him that he is wrong! The Albanian government has legislation, which is generally in line of democratic standards in the guaranteeing political rights to citizens. Every Albanian citizen has the right to be elected and elect freely his political representatives within certain defined judicial conditions. Furthermore, in international political and judicial philosophy, the right to vote is considered as the most important foundation, in the establishment of the system of democratic political liberties. Unless a citizen is guaranteed the right to vote, he cannot be called a free citizen. When a considerable part of the population is not guaranteed the right to vote, there are no democratic institutions.

In the Albanian Constitution there are no such legal limitations, that would be misfortunate, according to which the citizen would only be entitled to the right to vote on condition that on election' day he is inside Albanian territory!

Obviously, there is a large gap between the existing judicial norms i.e. the electoral law in force, and principle of the constitutional corpus of political rights of the citizen. Therefore it can be observed that the (the electoral law is not at all at the level required by the Constitution. Even high school student attends civil education lectures and is aware that the Constitution is hierarchically superior to the electoral law. The Constitution cannot limit the space of political liberties, which are granted to citizens within the limits of electoral law. On the contrary, it is the

electoral law that should be revised according to the spirit of constitutional articles.

Seen in the light of the relation between Constitution-Electoral law, we can say that not granting the right to vote to emigrants or Diaspora members of Albanian nationality to date, is a Constitutional offence that could be tolerated until now, but should not be tolerated indefinitely.

The issue of this clash of provisions in the law has not been raised until now, because the interested part i.e. the migrant has been abroad, involved deep into his troubles and too worried about integration problems in his host community.

With the ten or fifteen years have since the democratic opening of Albania, at least two very important sociologic changes have happened. The first change is related to the first generation of emigrants already settled in the host country. The majority of these people are not living in luxurious conditions, but at least, they are no longer living at emergency subsistence levels. As they require political and economic rights in the foreign country they reside in, they also turn their eyes towards their country of birth demanding those rights they are entitled to by law. If abroad they are begging for those rights from the foreigners, here, in their country they require these rights from their brothers and sisters, from people of the same blood.

The second big sociological change is related to the fact that the majority of the Albanian Diaspora abroad, in the beginning of the 90's was viewed with a sort of cold feeling from local population. Most left Albania a long time ago, in questionable political circumstances. They didn't have possibility to visit their home country, which was isolated from the rest of the world, for more than half a century. To them, the granting of the right to vote at that

time, seemed like entitling someone unfairly called "foreigner" to poke his nose into the affairs of xenophobia educated Albanians and Albania. But time changed everything quickly. The most vital and important part of Diaspora is the emigrants having left Albanian recently. They are not previous "foreigners". Furthermore they came in contact with old Diaspora in the host countries and instead of seeing there " the foreigners" they saw educated true Albanians, noble men and women, missing their country, sharing the worries of their co-patriots, with no revenge spirit, emancipated, consoling.

Granting the right to vote now is a question of honor and dignity for the Albanian from Albania and its political representative. Fears, coldness, collective mistrust, have already been overcome.

"But, why should the government chase after its people?" the stubborn critical analyst.

keeps whispering in my ear, It is not an intelligent question. It simply shows his lack of knowledge. He should be forgiven. "But, in a way, we would say that the democratic government chases after its voters, creating the conditions for them to express their will"

In several Eastern and Western democratic countries, the right to vote is recognised through a warranty paper from the attorney that can be applied even in cases that to us would sound ridiculous.

A foreigner, a friend of mine told me that he would vote with a warranty paper from the attorney, as on election day he had booked his hotel and flight to go on holiday. The law allowed him to submit the papers of the hotel booking to the prefecture, and vote with a warranty paper in the ballot box, on election day.

It is more than known, that Albanian embassies and consular services abroad

provide a range of administrative services to Albanian emigrants located in the territory of the state in which they have been accredited. Thus, in this case, state services don't follow the citizen and tell him: "Travel to Albania in order to receive a specific certificate." It is also known that, despite the fact that elections were not free or fair during the totalitarian period, citizens who were abroad at that time voted, in diplomatic services or in mercantile ships.

I still feel the critical analyst insisting on his line of argument: "Okay, but ballots are being manipulated here, imagine abroad." This remark, too, has an answer, which can be explained in both simple and more complicated terms.

In the simple scenario granting the right to the Diaspora is required by Opposition itself, the same party that complains about electoral manipulations, who else would contradict the results if not them?

There is also a more professional answer. The representatives of the Albanian Government, of international bodies, as well as representatives of political parties abroad, could be charged regarding in observing and monitoring the proceedings of the electoral process, in the Western World. This wouldn't require unaffordable expenses. Furthermore, support to maintain public order in the surroundings outside buildings, could be provided by local police in many countries.

5. The political importance of the Diaspora

Finding a solution concerning the issue of the right to vote for the Albanian Diaspora, becomes more urgent if it is taken into consideration its demographic, economic and social role this issue plays on national destiny.

The paradox is clear: big nations have as a rule a small Diaspora, whereas small nations

have big and more important Diasporas. A part of the most vital working and intellectual population are abroad. The financial, economic and cultural contribution of the Albanian diaspora abroad is widely recognized as the force in order for the country to overcome this difficult political phase. It would be unfair that the diaspora is denied its main political right - the right to vote, which is recognised by the Constitution. There are many indicators that show that emigrants pay indirect taxes to sustain Albanian Government's administration. So, as a consequence, they should also have the right to require from the Government certain political services.

I hear the critical analyst whispering to me: "I agree, my friend, but, emigrants have left the country for a long time now and don't know the problems of the country. Why should they vote? This friend is still stuck in the time of communication with flags, or better, of telegraphic walkie-talkies, similar to those used by diversionists in the forests in Albanian movies. The internet has transformed the planet into a global village. Emigrants and Diaspora are the greatest readers of Albanian newspapers. There are facts that an Albanian from Albania does not notice, whereas an emigrant counts them one by one.

Having left the country, they turn virtually and read thoroughly its problems. They know politicians and parties like the back of their hands. They have deep and strong argumentative analyses. If you follow the e-forums among emigrants, it becomes obvious in their chats the maturity, depth and grief, they express regarding the problems of their country. They articulate their own proposals, projects, and initiatives. If you follow the comments they make about the articles of Albanian media analysts, you can notice them all eyes and ears, in order to catch a signal and react to anything they like or they dislike.

Satellite TV has also facilitated the process since the analysis made by the Diaspora is influenced not only by the written word but by pictures. Emigrants are well aware of the economic life of their country, as they need to make precise calculations for the money to be sent to their families in Albania, when they face difficulties.

Who better than Albanian emigrants and the Diaspora in Western Europe to know the social economic political pattern that the country is heading towards. They haven't obtained this information from old economy textbooks, but have experienced it in the flesh. Who better than Diaspora Albanians to assess integrating and globalising alternatives of Albanian politicians? Who better than the diaspora to tell black from white, saying which scenarios are unrealistic and which would be the most serious alternatives from a political point of view.

The signs are obvious. It seems that, due to

the very much-delayed process of European integration the decision as to whether countries such as Albania to become part of EU, won't be made by politicians, but by the citizens of these states through referendums. It is very much likely that this act of admitting Albania into the EU won't be a simple action of political rationality, but an action led by the electoral mood and European public opinion at a given moment.

In these circumstances, Albania has a vital need for "ambassadors" to promote the cause of European integration in neighborhoods, villages, and big and small European Union cities. Who better than the emigrants to undertake this task? However, how can they be required to take up this task if they are not granted the political right to which they are entitled to by law? Emigrants and the Diaspora need Albania. But, Albania, also needs its sons and daughters of the Diaspora. Thus, Grant them the right to vote!

DECLARATION ON THE MOBILISATION OF THE ALBANIAN DIASPORA

The members of the Albanian Diaspora coming from different countries (Greece, Italy, U.S.A., Canada, Belgium, France, United Kingdom, etc.) including representatives of Albanian associations of emigrants and of the Albanian media abroad, scholars and intellectuals, met on February 21st and 22nd in Tirana for a workshop "on the National Strategy on Migration" organized by the Albanian Government with the support of the International Organization for Migration (IOM) and the funding of the European Union through the Community Assistance for Reconstruction Development and Stabilization programme (CARDS). The purpose of that workshop was to discuss and improve the content of the National Action Plan on Migration that included proposals for practical measures on the mobilization of the Diaspora for the development of Albania. The participants wish to express their gratitude to the Albanian authorities, in particular to the President of the Republic who attended the opening session, for the organization of this workshop and for being involved in the drafting of the National Action Plan on Migration.

The participants of the workshop welcome the fact that the Diaspora is considered as an important actor for the present and the future of Albania in the draft of the National Action Plan. They recommend the development of a

special policy, which aims to mobilize the Diaspora, including the driving of remittances of emigrants into productive investments for Albania. This policy should be highly prioritized in the migration policy and promoted worldwide. The participants are convinced that mobilizing the Diaspora will help strengthening the relations between Albania and the EU Members States within the framework of the Stabilization and Association process which will guide Albania's integration into the European Union.

The participants consider that this policy should be developed in close cooperation between the Diaspora and the authorities of the Republic of Albania, in particular the National Institute of Diaspora of the Ministry of Foreign Affairs and the embassies and consulates. Pursuant to one of the proposals of the National Action Plan, the participants support the idea that all issues related to Diaspora should be managed at ministerial level by the creation of a new post of a Minister for Diaspora and Migration policy, in order to benefit from the necessary political leadership for the development of that policy. The participants hope that those measures will facilitate the implementation of the right to vote for the Albanian emigrants through the Albanian embassies and consulates for the Parliamentary elections planned in 2009,

as it is envisaged in the National Action Plan.

The participants recommend the Albanian authorities to improve the process of collecting information and data, which is as accurate and comprehensive as possible, on the Diaspora (size and distribution abroad in order to establish reliable statistics, identification of associations, medias, entrepreneurs, successful emigrants, etc.).

The participants require the conclusion of bilateral agreements between Albania and the host countries of emigrants on the social rights of members of the Diaspora in order to allow them to transfer social security benefits to Albania in case of return.

The participants urge the Albanian authorities to promote the representation of Albanian culture, identity and the learning of the Albanian language by emigrants and their children, through institutions (such as schools, cultural centers, etc.) in the host

countries of emigrants for the benefit both of the members of the Diaspora and the wider national image of Albania abroad.

The participants recommend the organization of a Congress of the Albanian Diaspora in order to define the measures for the implementation of this new policy on Diaspora in close cooperation with all the elements of the Albanian communities abroad. A fund raising campaign should be envisaged which would help financing both the congress and the implementation of the policy.

The participants call upon the Albanian Diaspora associations and the Albanian media abroad to support and disseminate this declaration. They also ask for the support of international organisations such as IOM, the United Nations Development Programme (UNDP) and the European Union, on the basis of the conclusions adopted by the Council of Ministers on May 19th, 2003, on migration and development.⁹⁴

⁹⁴ More information about this declaration and its implementation can be found on the website www.migrantinfo.org.al

ANNEX

LIST OF PARTICIPANTS

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