RESEARCH PROJECT INVESTIGATING THE EFFECTIVENESS OF THE INTERNATIONAL ORGANIZATION FOR MIGRATION MISSION ROMANIA, IN COUNTER-TRAFFICKING POLICY, WITH RESPECT TO THE ACCESSION TO THE EUROPEAN UNION IN 2007

THE INTERNATIONAL ORGANIZATION FOR MIGRATION: FACILITATOR OR SINGLE PLAYER?

International Organization for Migration ©

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IOM International Organization for Migration
OIM Organizația Internațională pentru Migrație

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PREFACE

This project has been the result of a larger and a more euphoric experience than words can ever attempt to contain. The Master of International Public Policy and Public Management at the Erasmus University concludes with an empirical study that will be used for the research project that will coronate the period of studying. This research project is a combined one with an internship at the International Organization for Migration (IOM) in Bucharest, Romania where also the empirical data was gathered. This paper investigates the effectiveness of the International Organization for Migration, in particular the mission in Romania. The policy field that will be the scope for this journey of inquiry is that of counter-trafficking. The issue of trafficking, any illicit movement of persons with a certain form of coercion and financial extortion is an important and yet not fully acknowledged public issue. With an increasing globalizing public and private sphere trafficking might change its character and methods of action. This paper will attempt to provide an insight in the subject of trafficking and counter-trafficking actions that are taken by many important actors. Moreover this paper will look for an explanation of the functioning of the International Organization for Migration and in particular their role in the Europeanization process.

The quest of living in Romania for the period of inquiry in concurrence with the experience in the field of counter-trafficking have been of great life altering importance for me personally. The field of counter-trafficking policy is a Pandora's Box which needs to be opened rather sooner than later. An attempt is made to investigate the subject matter to ascertain the state of affairs and to explain certain chains of events. Undoubtedly the work presented in this following paper will never give a complete picture of the situation nor will it ever be able to express the intricate values underlying such, being positive or negative in its kind. The duality of the issue at stake reflects extraordinary work that is done in the search for a solution yet sometimes causing for more complexity.

*** THE LOGO USED ON THE TITLE PAGE IS PART OF AN INFORMATION CAMPAIGN PUT FORWARD BY THE IOM MISSION IN ROMANIA. 'FIINTELE UMANE: NU AU PRET' CAN BE TRANSLATED TO: 'PEOPLE ARE PRICELESS'. (INTERNATIONAL ORGANIZATION FOR MIGRATION, ROMANIA ©)**

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In addition to the personal achievements that the above mentioned actors have facilitated there is also one overall most important and determining facet in my life that can only be referred to as home. Bob, although I most certainly put you through more trouble with my absence we share an amazing level of understanding and mutual appreciation which I will not be able to live without. Mama, you are my true mirror of reflection and my channel to keep myself to understand the larger scheme of things. Do not ever underestimate your power. Papa, ambition does not begin to cover it, although I also more than ever understand you and what we are and want to be. Thank you for cranking up my devotion at the perfect time. You have no conception of how crucial you were. Let us start a new stage of our lives and never forget what we give each other.

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ABSTRACT

This short chapter will serve the reader to quickly understand and grasp the contents of this paper. To start off, in 1993, at the Copenhagen European Council, the European Union stepped further towards enlargement. There was an agreement that, 'the associated countries in Central and Eastern Europe that so desire shall become members of the European Union'. The European Council stated that 'accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required' (Infoeurope, 2006). At the same time the accession criteria, also referred to as the Copenhagen criteria were defined. These criteria can be narrowed down to the following three main areas. Firstly the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities is stressed. Secondly there are economical restraints for accession.

The problem at stake that will be the subject of this research project is the policy domain of counter-trafficking particularly in Romania. Research has been conducted internally at the office of the International Organization for Migration in Bucharest, Romania. The research question of this paper is: How effective is the International Organization for Migration in facilitating the implementation of counter-trafficking policies, following international requirements, in prospect of Romania's accession to the European Union?

Chapter 2 will introduce and discuss the theoretical ground that will be functional basis for the analysis of this research project. Due to the specific nature of counter-trafficking and it being a public good, this is the basis of the theoretical framework. This evolves into a discussion of globalization theory which has a tremendous impact on the public sphere. It largely influences the domain of counter-trafficking policy domain. Thereafter the theory of networks of interdependency is presented to be able to analyze the different actors in the policy field of counter-trafficking and explain the different relationships between different parties. The following section in the theoretical chapter covers a bench-marking based model of a best-practice concept of counter-trafficking practices. This serves the purpose of scanning and evaluating the functioning of the IOM in Romania in counter-trafficking actions. The theoretical chapter ends with a section on Europeanization theories to be able to classify and explain the level of Europeanization of Romania and its counter-trafficking policy so far.

The method of inquiry is a combination of focused interviews with key-informants and secondary analysis of reports, policy documents and articles. The empirical chapters, 4,5,6,7 present in that particular order, the activities of the IOM, the definition of counter-trafficking, the different actors in the counter-trafficking network and the state of affairs of Romania towards EU accession. Chapter 7 concludes the empirical section of the paper. Chapter 8 starts with the analysis of the counter-trafficking network. It covers the different levels of government and the interconnectedness that it suffers. The specific scope here is Romania whilst different international protocols seem to be of great importance as well. Chapter 9 covers the best-practice analysis of the IOM. Chapter 10

covers the level of Europeanization of Romania in terms of counter-trafficking and the role of the IOM in such.

Chapter 11 answers the researchquestion as follows: the IOM is effective in facilitating the implementation of anti-trafficking policies following international requirements. In prospect of Romania's accession to the EU there is still more influence to be gained in the CT policy domain. In other words, the IOM is efficient in a not so efficient network of actors. Good efforts combined lead, in this case, to a plus and a plus equaling in a minus. This is applicable for all levels of government and NGOs that operate individually as well as other private initiatives. A negative spill-over effect is that of EU accession which is approaching to fast and the IOM not contributing to this process, yet it must be said that they are in general a great agent, developer and implementer of counter-trafficking policy.

Chapter 11 fuels us with some valuable recommendations that are worth mentioning here. Firstly in addition to the functioning of the IOM it is needless to say that international cooperation in further attempts to counter-trafficking are of main importance. Clear and shared objectives on counter-trafficking should fill the policy domain. Evaluation techniques of the IOM cry for a more advanced and specific system. In terms of EU accession of Romania there are some gaps that need to be filled. The domestic adaptation of the nation only inclines the national adjustment while not enough thought is put into the actual consequences of such. In addition to that the ratification of the Schengen acquis will create a change of character for Romanian trafficking which will thus need specific attention. Yet, paradoxically the opening might impose the way to a solution as well. By creating general EU standards for professions but not complicating the barriers to entry, the target group of victims will not search for illegal methods to leave their economically challenged home situation, and was not that particular thought one of the main components of European cooperation?

Wordcount: 25.488

ACRONYMS:

ATAU:	Anti-trafficking Assistance Unit
CDC:	Center for Disease Control
CIS:	Commonwealth of Independent States
CT:	Counter-Trafficking
DG:	Director General
ICEM:	Intergovernmental Committee for European Migration
ICM:	Intergovernmental Committee for Migration
ICMPD:	International Centre for Migration Policy Development
IM:	Irregular Migration/migrants
IML:	International Migration Laws and Legal Affairs
ILO:	International Labor Organization
IOM:	International Organization for Migration
NACPA:	National Authority for Child Protection and Adoption
NAPT:	National Agency for the Prevention of Trafficking
MRFs:	Missions with Regional Functions
OSCE:	Organization for Security and Cooperation in Europe
PICMME:	Provisional Intergovernmental Committee for the Movements of Migrant from Europe
SECI:	South-East European Cooperative Initiative
SLMs:	Special Liaison Missions
UN:	United Nations
UNDP:	United Nations Development Programme
VoT's:	Victims of Trafficking
WHO:	World Health Organization
YEP:	Yugoslav Emergency Programme

1. INTRODUCTION

1.1. PROBLEM ANALYSIS

In 1993, at the Copenhagen European Council, the European Union stepped further towards enlargement. An agreement was reached, 'the associated countries in Central and Eastern Europe that so desire shall become members of the European Union'. The European Council stated that 'accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required' (Infoeurope, 2006). At the same time the accession criteria, also referred to as the Copenhagen criteria were defined. These criteria can be narrowed down to the following three main areas. Firstly the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities is stressed. Secondly there are economical restraints for accession. The applying nation state must have an existing market economy as well as the capacity to cope with the competitive pressure and market forces within the Union. Lastly it is put forward that the nation must have the ability to take on the obligations of membership including adherence to the aims of political, economical and monetary union. The Council meeting in Madrid in 1995 added to this list that a nation must create the conditions for strengthening and adjustment of administrative structures. Needless the say the future member states need to follow and adapt European Community legislation needs to be taken over by member states yet, which is based on the existing administrative and judicial structures.

This research project will address the congruent accession issues that arise in the human rights area, thus under the first Copenhagen criteria, with respect to accession member state Romania. As Romania, among other countries, is proceeding towards accession there are numerous areas that need improvement. They do not as yet meet the criteria, especially within the human rights field. The subject of this research project, counter-trafficking policy falls under this criteria of EU accession. Counter-trafficking is a relatively unfamiliar policy domain. The issue of trafficking, which will be displayed later on in chapter 5, is that of illicit movement of persons with an element of coercion and deception which will not benefit the persons that is trafficked but the party that is behind the recruitment, transportation, transfer, harbouring or receipt of persons. This is all done by the means of exploitative fraud, deception, the abuse of power or a position of vulnerability and generally the trafficker having control over the trafficked victim. Counter-trafficking is any governmental or non-governmental action taken against the brutal and increasing criminal network of trafficking, globally and nationally. Besides trafficking being a societal and cultural issue the fight against trafficking, due to its economical nature, cannot be fought without government intervention.

As for this paper, Romania is the country of investigation. Research is conducted at the International Organization for Migration (IOM). Romania is a South Eastern European country that borders with Hungary, Serbia, Bulgaria, Moldova, the Ukraine and the Black Sea. Due to its geographical features Romania 'offers' various possibilities for traffickers. There are numerous trajectories that can be followed up to traffic either adults

or children. Trafficking and the countries involved are often categorized as: countries of origin, countries of transit and countries of destination. A country of origin is a country where victims of trafficking are mainly recruited and transported from. Countries of transit are countries where victims that were recruited spent some overlap time before they will be transported to their final destination. This brings us to the last category, that of country of destination where the victims will be brought into a secret house or apartment and put to work illegally and without any pay, building up a increasing financial debt impossible to ever reimburse.

Romania is a country of origin, thus meaning that persons are recruited and transported from Romania to for example Germany, France, Belgium and The Netherlands. There is also some activity as a country of transit but this falls under internal trafficking in Romania which is a much smaller percentage as opposed to external trafficking from Romania. The EU enlargement leads to expect change in the area of trafficking. Romania has started the process of restructuring which has already transformed the public and the private sphere at many levels. Yet one can not help but wonder. Does the opening of the borders create opportunities for traffickers? By means of European integration we opt for open internal borders. Creating opportunity for organized crime to strengthen their methods may be a consequence of such. Children and women are extremely vulnerable in terms of hardship experienced since transition was initiated.

As mentioned above, Romania is a source and transit country for persons that are trafficked for the purpose of (sexual) exploitation and forced labor and it appears that the government of Romania does not fully comply with the minimum standards for the eliminations of trafficking. The government did proceed further to establish shelters for trafficking victims and convicting traffickers. Unfortunately corruption among law enforcement authorities is still a serious issue. The government took action towards improvement to further succeed in combating of trafficking. (United States, Department of State, 2005). There are various international organizations that comply with the issues that are mentioned above, such as the European Commission, the European Council, The United Nations, the North Atlantic Treaty Organization (NATO), the Global Alliance Against Traffic of women (GAATW), and the Organization for Security and Co-operation in Europe (OSCE). They set out a number of regulations and criteria within their policy making towards counter-trafficking. They communicate and integrate the aims and objectives as well as the means to these ends as much as possible.

This research project will investigate an international governmental organization that solely deals with migration issues. The IGO, International Organization for Migration (IOM), with their headquarters based in Geneva, addresses a number of areas of migration conflicts. This project will mainly focus on the trafficking policy domain within the Romanian context. The IOM in Romania has its office in Bucharest. The aim of the research will be to determine whether the activities and policy of the IOM at the field mission in Bucharest, Romania contribute and facilitate the policy and regulations set out by the various international organizations (mentioned above). If so, does this happen in an effective manner? Do the main international organizations and the IOM help one another? Or do they fail to integrate their method, which causes inefficiency?

Chapter 2 will introduce and discuss the theoretical ground that will be functional basis for the analysis of this research project. Chapter 3 will present the method of inquiry which is, for the purpose of this paper, of qualitative character. The matter involved deals with a high level of subjectivity in perception and to capture such one must be thorough as opposed to standardized. Therefore this paper will be carried by a couple of focused interviews held with key-informants in and around the IOM in Romania. This will be backed up by the usage of secondary analyses of official documents, reports, and research done by either the IOM on the subject matter or other important actors in the field of counter-trafficking. The method of analysis will be based on the theoretical basis chosen for this paper will be a best practice analysis of the IOM Romania, a network interdependency analysis on the counter-trafficking network surrounding the IOM Romania and an Europeanization analysis to deduce any prospects for Romania as a future member state and the consequences its accession may have.

Chapter 4 will present the IOM as an organization and its activities in general and specifically their counter-trafficking methods. Chapter 5 will present a general overview of the concept of trafficking and any counter-actions that are taken against such. Chapter 6 portrays the different actors involved in the field, being international, regional, national or local, and their interest and main objectives. Chapter 7 depicts the European state of affairs of Romania and the IOM towards accession, and EU influences on counter-trafficking policy in particular. Chapter 8 will be the first analytical chapter covering the counter-trafficking network analysis depicting patterns or specific interdependencies in the field. Chapter 9 portrays the best-practice analysis to defer the IOM's functioning and methods of functioning. Chapter 10 is the final analytical chapter that presents the Europeanization analysis of Romania in counter-trafficking. Finally chapter 11 is the conclusion by answering the research-question and the sub-questions. Chapter 12 will critically attempt to provide the paper with any recommendations for the future of counter-trafficking policy and the actors involved with such. After this short depiction of the structure of this paper let us now look at the research question and the subquestions that follow such.

1.2. RESEARCH QUESTION

This research project will carried by the following research question:

HOW EFFECTIVE IS THE INTERNATIONAL ORGANIZATION FOR MIGRATION IN FACILITATING THE IMPLEMENTATION OF COUNTER-TRAFFICKING POLICIES, FOLLOWING INTERNATIONAL REQUIREMENTS, IN PROSPECT OF ROMANIA'S ACCESSION TO THE EUROPEAN UNION?

For the purpose of investigation and the attempt to answer the research question it is split up into the following six subquestions.

1.3. SUBQUESTIONS

1. What actions does the IOM undertake to counter trafficking?
2. What counter-trafficking requirements/activities are set out by the various international organizations?
3. How is the IOM counter-trafficking policy embedded in the activities of the various international organizations?
4. Does the IOM base its counter-trafficking actions/policy on the requirements/activities put forward by the international arena?
5. Does the IOM measure the effectiveness of its counter-trafficking policy with respect to that of the international organizations?
6. Do the counter-trafficking actions and policy put forward by the IOM contribute to the process of Romania's accession in 2007?

2. THEORETICAL FRAMEWORK

2. 1. INTRODUCTION

This chapter will be devoted to the presentation and explanation of the theoretical background that will be used in this research paper. The theoretical framework will serve as a basis for the analysis in chapter 8, 9 and 10. This chapter will be a presentation of acknowledged scholars that have certain perceptions about concepts that have been put forward in the research question and the sub-questions presented in the previous chapter. To be able to use their thoughts as a frame of reference and explanation further onwards in this research paper it is important to first present them as such. Before the appropriate theories will be put forward the general structure of this chapter will be presented.

Section 2.2. will focus on the theory of public goods. This theory is of importance because counter-trafficking policy as a public good will not be provided without government intervention.

Section 2.3. focuses on globalization. Globalization is a concept that has become of greater importance in dealing with providing the public good of counter-trafficking policy. The importance in acknowledging the global aspect within in the counter-trafficking policy domain is important due to diminishing national boundaries. The number of border-crossing issues is increasing and so is the level of international cooperation in direct response to such. The concept of globalization will further on be distinguished into private and public globalization. Although these are on a larger scope intrinsically entwined, the distinction does provide us with the conceptualization of counter-trafficking being a publicly globalized policy domain. To integrate the network of different actors and their growing influence on different levels the theory of transgovernmentalism is presented in section 2.3. This will offer insight into the networking abilities of smaller actors and their influence on the counter-trafficking policy agenda.

The theory on transgovernmentalism will be complemented by that of networks interdependency in section 2.4. This is perceived as necessary to be able to understand the different actors in the field and their relative importance as such, in combination with their position and their ability to influence the policy process and their power to exert such.

To be able to ascertain the effectiveness of the International Organization for Migration in Romania theory of best practices in counter-trafficking will be presented in section 2.5. This section will present the characteristics and assumptions of a best practice in counter-trafficking.

The final theory that will be put forward is that of Europeanization. Counter-trafficking in the country of inquiry, being Romania is stringently affected by the accession of Romania to the European Union in 2007. Thus a noteworthy explanation of the different models of adaptation and influence is presented in section 2.6.

2.2. PUBLIC GOODS

With an upcoming concern for safety and security within the mindset of nation states a new orientation within the public sphere has evolved. Issues in relation to transnational and international cooperation currently occupy a prominent place on many foreign policy agendas. Some even say the pursuit of national security is widely perceived to be the very essence of international politics. There is a variety of other issues that submerge the national agenda and cry out for international attention. The economic aggregate supply and demand schemes show a certain efficiency and equilibrium mechanism for scarce resources. Adam Smith, who was the vastest believer of a laissez-faire system, also recognized that there is a certain need for government intervention. Some specific goods will not exist if it is not due to the provision of states and their involvement. Examples of such are: a system of justice, affordable education, standardization of certain commercial sectors etc. Cornes & Sandler (1996, p3) referred to the acknowledgement of public goods by the classical and neo-classical economists of our time. 'At first, economists focused on the two poles of a spectrum of goods, the poles consisting of pure public goods and pure private goods. Private goods could be parceled out among individuals, and effectively allocated by markets, whereas public goods could not be divided among individuals, owing to non-rivalry of benefits and non-excludability problems'. Collective action was perceived as essential for these public goods. Olsen (cited in Cornes & Sandler 1996, 1965, p. 4) added his theory of *logic of collective action* to this which together with Buchanan (cited in Cornes & Sandler 1996, 1965, p. 4) started a vast system of analysis of collective action. Impure public goods are those that are not necessarily public of private. Buchanan also stated that goods that are simultaneously enjoyed by more than one recipient need a different analysis in terms of their costs in terms of state expenditure. Due to the complications of exclusion of such goods national governments started to understand that dealing with public goods is extremely complex. Pigou (cited in Cornes & Sandler 1996, 1965, p. 5) attempted to fulfill this line of reasoning by saying that when one consumer uses a public good, the other consumers will have diminished utility. This had so far not been detected due to the private orientation in economical studies. Nevertheless this is also an issue that must be taken into account with the providing of public goods to citizens.

Counter-trafficking policy is a public good. If there were no governmental and non-governmental initiatives such as those of the IOM, the UN, the local NGOs and different levels of (inter)national government, trafficking would function and deteriorate the basis of its economical supply and demand nature of operating. To overcome the issue of trafficking it is necessary to intervene.

2. 3. GLOBALIZATION

The conceptualization of public goods and the issues that arise due to such are evolving into an increased concern with the transnational sharing of issues. Offering of public goods and services have yet to overcome a larger threshold due to the international concerns that enter the global agenda. The process of an increased network of nation state communities with shared agendas is also referred to as globalization. Globalization has

entwined itself within the conceptual framework of many policy domains on the various existing governmental levels. At the top political and economical level, globalization is the process of denationalization of markets, politics and legal systems. i.e., the rise of the so-called global economy. The consequences of this political and economic restructuring on local economies, human welfare and environment are the subject of an open debate among international organizations, governmental institutions and the academic world. There are many definitions of globalization which all refer to an equal intrinsic value, yet the definition that will be used in this research paper will be from Roland Robertson (cited in Waters 2001, p. 8). His definition of globalization is:

> Globalization as a concept refers both to the compression of the world and the intensification of consciousness of the world as a whole…both congregate global interdependence and consciousness of the global whole.

Waters splits the definition into two parts: 'Global compression resembles the arguments of theories of dependency and of world-systems. It refers to an increasing level of interdependence between national systems by means of trade, military alliance, domination, and 'cultural imperialism'. (cited in Waters 2001, p.4). The presented definition stresses the social compression that the world has been experiencing for decades in combination with an intensification of global consciousness. Anthony Giddens (cited in Waters 2001 p. 65) also touched upon this area of evolving public management. His definition of globalization is slightly different:

> Globalization can … be defined as the intensification for worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa. This is a dialectical process because such local happening may move in an obverse direction from the very distanciated relations that shape them. Local transformation is as much a part of globalization as the lateral extension of social connections across time and space.

This definition contributes to the previous one the concept of time and space. Thus the interchanging dependencies between the different levels within government that also needs to be taken into account. The process of globalization is not merely about centre-stage activities yet also about the autonomization of local public spheres. Walter (cited in Waters 2001 p. 5) correctly identifies globalization having a component of localization. The common conceptualization of citizens of their community and the activities that heavily influence them within, take a stand on a more prominent place than they used to. Nevertheless there is a certain ongoing process that largely affects citizens all over the world. The utopian concept of a globalized world is that of a single society and culture. This is directly a practical paradox. Due to size and diffused societies and cultures it is almost impossible to attain such a state of affairs. It remains difficult to grasp the concept of globalization within definitions beyond the ones used by Robertson and Giddenson therefore these two definitions will be the ones put into use in terms of this research project. After giving a definition of globalization, the next section will address the different dimensions of such.

2.3.1. PRIVATE AND PUBLIC GLOBALIZATION

Among the different distinctions that exist within the theoretical field of Globalization scholars also refer to the public-private divide. Globalization can be split up into such at a private and at the public level. Private globalization occurs when organizations decide to take part in the emerging global economy and enter themselves in foreign and global markets. The approach to adaptation within this process is to firstly adapt products or services to the final user's linguistic and cultural requirements. Secondly a company might take advantage of ICT resources to create a virtual presence on the international marketplace (Globalization Portal n.d.).

Globalization at the public level has different features. Globalization is an increased integration of economies around the world. They add to the above definition that there is a free space of flows. Organizations are not necessarily location bound. This also applies for the internationalized workforce and the transferability of knowledge. An implication which has direct impact on the public sphere rather than the private is that of a wider variety of interests that are represented and calling for recognition. The broader cultural, political and environmental dimensions of globalization have an extensive impact on the public administration (International Monetary Fund n.d.).

2.3.2. TRANSGOVERNMENTALISM

The above changes led to changes in communication, infrastructure on many levels. Held (2004, p. 7) argues that the role of the state is changing. He refers to a time where states were the main actors. Multi-lateral international relationships did exist but not as they have existed over the past decade. Heads of states, in whatever role or function, are no longer solely the embodiment of a closed off nation state. The unitary state has given way to a new way of government and governing. Networks have also become of more importance. The arise of a 'new era of transgovernmental regulatory co-operation and definition of transgovernmentalism as a distinctive mode of global governance: horizontal rather than vertical, composed of national government official rather than international bureaucrats, decentralized and informal rather than organized and rigid' (Slaughter, cited in Held 2004, p. 7). Held also argues that as a consequence of the Cold War, which divided the world into two superpowers, has led to a new distribution of powers among states, markets and civil society (p.8). The development of new information infrastructures and a new balance of powers have led to the development of multilateral organizations and transnational agencies. The new-found arena is contrived of multilateral and global politics involving governments, international governmental organizations (IGO's), international non-governmental organizations ((I)NGO's) and a wide spectrum of interest groups. Some of these groups have, besides contributing to the expansive arena of interests, entered the policy decision-making process. These networks will be discussed further in section 6.5.

Florini & Simmons (2006) carry this line of reasoning even further. They claim in their article that 'non-governmental organizations (NGO's), informal associations and loose coalitions are forming a vast number of connections across national borders and inserting

themselves into a wide range of decision-making processes on issues from international security to human rights to the environment'(p.3). They question the globalized political central world as being the core of the future public agenda-setting. Florini and Simmons state that there lies an opportunity in the 'transnational society' (p.3) which is becoming a powerful contributor to solving the world's problems. Although the system of governments has 'reigned' for decades, it is stating the obvious that there are many ways in which the system is not well-suited to solve the complicated array of issues on the currently border crossing public agenda. Due to the previously mentioned information revolution, the growing integration for national economies, and the rapidly increasing world population citizens are more constrained by national borders than before. The stress that is put on the environment through the expansive growth wears out our natural resources. Due to these developments the public sphere is evolving. Human rights violations which are relevant to the subject of this research project need special and differentiated attention which seems to not (as yet) be viable through government involvement pur sang. An attempt to a solution-based society lies in the international community.

2.4. NETWORKS OF INTERDEPENDENCY

2.4.1. IGO'S VS. INGO'S

The choice for network theory in this report is because the field of investigation and the domain are rather policy oriented. The decentralized nature lends itself for a thorough network analysis. Networks are commonly understood as patterns of social interaction present everywhere except under conditions of extremely autocratic rule. Networks are one possible mode of governance (as opposed to corporatism, pluralism, and statism). Theory on the networking society is as mentioned above a rapidly growing field of interest. The theory that will be presented here is that of international interdependency in international networks.

Jacobsen (1979) gives an insight in the growing field of International Governmental Organizations (IGO's) and International Non-Governmental Organizations (INGO's). The distinction between these two main actors in the international policy domain is that IGO's are established by an agreement 'among governments: those that were created by such an agreement are described as international governmental organizations; those that were not, as international non-governmental organizations' (p.5). 'IGO's are distinguished from the facilities of traditional diplomacy by their structure and permanence' (p.8) IGO's have a conduct of regular political interaction. There are regular meetings with representatives sheltered in a staffed headquarter. Jacobsen carries this further when saying that the role of IGO's have, also due to Globalization and Europeanization, been altered if not expanded. They have become a major actor in formulating international public policy. INGO's have a major task in achieving and maintaining of the agreements that build up the international public policy. He claims that IGO's are 'permanent networks linking states' (p.8). Now that the distinction between these two groups is made we can ponder about any justifying theoretical background for their existence.

2.4.2. OTHER PLAYERS IN THE INTERNATIONAL DECISION-MAKING FIELD

Jacobsen formulates seven main groups of characters in the international decision-making process. The obvious first group is that of governmental representative. This group is constructed with formal delegates of states that represent the preferences and opinions of a national state. They have official capacity to formally influence the national political agenda. The second group is contrived of representatives of private associations. This group can be made up of different interest groups that have private interests. Sometimes there are mutual partnerships between such actors and the IGO's. Thirdly Jacobsen refers to the representatives of international governmental organizations. This category consists from IGO professionals. The fourth group is that of executive heads. The fifth group is that of members of secretariats. This category consists of the implementing supporting staff of the above group. The sixth entity refers to individuals acting on their capacity. One can think of expert groups within the European Commission, or judicial entities. The last group is that of publicists and the mass media. In terms of agenda setting this actor is very influential to channel and report to the general public.

2.5. BEST PRACTICES OF COUNTER-TRAFFICKING POLICY

In the context of urgent recommendations from various international organizations, i.e. within the migration policy domain, a framework of different perspectives on trafficking has been put forward by the Organization for Security and Cooperation in Europe (OSCE) and the Danish Red Cross in 2005 which aims to function as a benchmark for counter-trafficking policy. This section will shortly present the different perspectives and the various best practices (cited in Danish Red Cross, 2005).

2.5.1. PERSPECTIVES ON COMBATING HUMAN TRAFFICKING

The OSCE special representative Helga Conrad presented in her speech, at a conference on combating trafficking in human beings, Copenhagen, 9 June, 2005, that trafficking seems to be an increasing field of criminal activity which calls for proper attention. Despite positive efforts and developments at various national, regional and international levels it seems that appropriate measures are still far beyond our comprehension. The issue lies within the typology of a victim as a commodity. They are traded and commerced in a manner that is inhumane. The vile cause of the booming trafficking industry lies in the profits that can be made in the field. Trafficking seems to be one of the most lucrative criminal enterprises within the different fields of organized crime. Globally the full spectrum of criminal organizations and shady businesses are involved. Large criminal families, major criminal syndicates, gangs and smuggling rings are not left alone. The Europol law enforcement authority of the EU, estimates that there are 3000-4000 mafia organizations with at least 30.000-40.000 collaborators 'active' in criminal endeavors including trafficking in persons.

The branch of trafficking is a complicated one where different levels of expertise are active, from recruiters to transporters, document forgers, brother owners, employment

agencies. The trafficking industry world-wide is also connected with other related criminal activities such as extortion, money laundering, bribery, drug use etc. The criminals generally do not abide by ethnical distinction within the criminal activities. This is also why it is so difficult to fight this field of crime.

Human trafficking affects different levels of countries. The common misconception is that of countries of origin being the only affected countries. This is by no means a true depiction. Trafficking in human beings is an issue that should be dealt with on a transnational basis. No single institution or organization can fight this issue alone. The issue will only slightly diminish through individual efforts. To be really efficient coordination of policy is the key.

The OSCE put forward an 'Alliance against Trafficking in Persons' which incorporates a mutual framework of action with different actors, all the relevant international organizations, several noon-governmental organization and institutions dealing with human trafficking can offer their input and expertise. For the applicable area of this research project the United Nations Development Programme has made efforts to create a mutual framework among the main countries to combat the organized trafficking field of crime. Both frameworks have a goal to provide high-quality practice oriented background information to governments and all those responsible for the fights against human trafficking, as decision-making aids in the formulation and implementation of anti-trafficking strategies. The intention is to endorse states to develop national and transnational strategies to prevent trafficking in persons, to prosecute traffickers and their accomplices and to protect and integrate victims by improving their capacities to act on their own and in cooperation with one another.

The combating of human trafficking due to its complexity must be based on a comprehensive approach to an intrinsically multi-facetted issue. In other words combating does not end with the arresting of the criminal network behind such it also involves raising awareness campaigns, standard setting for victim assistance and protection, return and reintegration of victims as well as protective measures. And last but not least it is very important to have liaisons with the police; NGO's, the judiciary etc. to ensure that each individual case is treated accordingly.

In addition to mutual investments from the (I)NGO's and other relevant parties the political goodwill, on various governmental levels, is also important to be able to fight human trafficking. This is still a rather new field of expertise within crime fighting and thus not integrated into the international political agenda

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2.5.2. BEST PRACTICES DESCRIBED

2.5.2.1. PRACTICAL VS. LOGICAL PRACTICES

To be able to create a framework of best practices in terms of counter-trafficking policy it is important to distinct between two levels of analysis. The first level of analysis is the logical practice. The second one is the practical practice. The logical perspective focuses

on the coherence of counter-trafficking practices, such as the relationship between actions and values, pointing at the ratified legislation and in terms of institutions. The practical perspective focuses on the attainability of service-providing.

To be able to ascertain the institutional differences and how these can be tackled it is important to consider the constitutions that lie at the basis of the organization. Another important factor is that of the goals and the means. Practices are often more than a translation between the what and the how. They also involve other elements that influence what will be done and the methods employed.

> 'What makes sense to a person to do largely depends on the matters for the sake of which (s)he is prepared to act, on how (s)he will proceed for the sake of achieving or possessing those matters, and on how things matter to the person; thus on his/her ends, the project and tasks (s)he will carry out for the sake of those ends, given her beliefs, hopes and expectation, and her emotion and moods' (Schatzki 2001, cited in, Red Cross, 2005, p. 12)

Schatzki presents four larger categories that make up best practices. He starts of with goals, then understandings, set of rules and values. These concepts will be discussed shortly.

GOALS

This refers to the set of goals that an organization should be based on. It is very important to formulate such accordingly. Every action purports to achieve something. The ultimate end of anti-trafficking programmes is to combat trafficking; the specific goals that underpin them may be quite different. In other words, sometimes the goals can vary to different overarching goals; examples of such are, reducing violence, illegal migration, poverty or sexual exploitation reduction.

The key to creating counter-trafficking policy is that of visibility, to the extent of the level of such where it can be dealt with. Schatzki divides this up into three components (p. 26).

1. Rendering victims of trafficking visible to specialized organizations and authorities, so that they can be assisted in the process of integration and in gaining autonomy.
2. Making rights visible by promoting institutional cooperation and the social inclusion of victims of trafficking.
3. Making trafficking visible to law enforcement officials and those involved in combating the criminal elements of the phenomenon.

Accordingly it must be clear that by institutional cooperation, which is the first step, differences are yet to be dealt with. Differences will exist over other goals to be achieved and the actions through which to achieve them. Nevertheless without a clear commonly shared goals and objectives framework it will be virtually impossible. This first step in the combating of trafficking is a key one.

UNDERSTANDINGS

'Understandings' refers to the mutual understanding of the issue addressed and also the appropriate measures for such. Before there is a common understanding concerning the 'mode of intervention, […] what constitutes the problem' (p. 27) there combating of trafficking will be erratically impossible. Research shows that the shared understanding of trafficking is severely lacking.

SET OF RULES

This section refers to the local, regional, national and international overarching set of rules, being legislation and guidelines, routines and regulations that foster the appropriate behavior. This area of standards is often an issue of discussion. The integration and coordination of such is utmost difficult and often needs to deal with bigger issues such as corruption and fraud as well. The set of rules ideally clarifies that mandate and motivations of those who are cooperating in order to attain common goals.

VALUES

The value that is subject of discussion here is that of human rights policy. This concept is subject to interpretation and varies from person to person. In the case of anti-trafficking policy, the majority of human rights based approaches focuses on victims and attempts to present trafficked persons as the exception to the ordinary illegal migrant. Human rights are thus linked to the vulnerability within the field of human rights policy.

2.5.2.2. SUBJECTIVITY

UNESCO puts forward another frame of reference in terms of best practice on counter-trafficking policy. They claim that a 'best practice can be defined as a creative and sustainable practice that provides an effective response and that can have the potential for replication as an inspirational guideline and contribute to policy development' (Unesco, n.d.).

Best practices in counter-trafficking policy should:

1. Have a demonstrable effect on improving people's quality of life or addressing a problem;
2. Be the result of effective partnership between the public, private and civic sectors of society;
3. Be socially, culturally, economically and environmentally sustainable. Any practice must be adapted to the political, historical, cultural social and economic context of the society in question.

This definition shows that there is a duality within best practicing towards counter-trafficking. At first hand one needs to acknowledge the subjectivity of the matter in question. Each case and issue is different and needs different attention. This concept complicates the standardization of a practice because the final effect on people will be tremendous. At second hand the UNESCO definition is that of the sustainability that needs to be built into a best practice. Sustainability will often result from partnerships

with other actors and a coherent repetition of actions. In other words if practices are backed up by others their mutual responsibility will create a higher tendency to sustain. The UNESCO report thus claims that institutional grounding is the key to success. Due to the above mentioned subjectivity of the cases and also of the social workers environment is it absolutely mandatory to have steady institutional grounds to start from and to be able to recuperate on. Efficiency analyses and monitoring are also put forward as being of utmost importance for sustainability.

The environment, being subjectively vulnerable, is thus another point where success can be increased. If for instance the social context is complex and very bureaucratic, this can often lead to issues in service providing to victims. This immediately causes trouble because it is the key to emphasize on the context to better understand the assumptions about the work that needs to be done, whether being socially, economically, historically etc.

Finally it is remarkable that often victims of trafficking are not necessarily those for whom practices are devised whilst they are the ones that are targeted by practices. The assessment of a practice should focus on the consideration of the most vulnerable ones in the system and to persist on being able to set the norm at being able to provide for them in the least. Almost immediately the question that comes to mind is that of: but how do we measure the most vulnerable? Thus the subjective position enters back into the overall picture.

2.6. EUROPEANIZATION

Europeanization in addition to globalization is a concept that has become widely accepted and used by scholars. In this research project the notion of Europeanization will be described to be able to identify the type of adaptation the counter-trafficking policy efforts of the IOM in Romania can be detected. This will serve the purpose of answering the subquestion whether the IOM contributes to the accession process of Romania to the EU. This section will firstly give a definition of Europeanization. Thereafter the different underlying theories on international cooperation will also be discussed. In addition to that it will address the Europeanization of public policy. Furthermore attention will be given to the different mechanisms of Europeanization: influence and adaptation.

2.6.1. DEFINITION OF EUROPEANIZATION

Europeanization as a theoretical concept to describe a certain state of affairs or rather a change of the status quo, has many different definitions. The definition that will be used within this research paper will be a combination of that of Borzel & Risse (2003, cited in Featherstone & Radaelli, 2006) and the one put forward by Radaelli (1997). Borzel & Risse claim that:

> Europeanization 'entails absorption, accommodation, and transformation of this setting in response to the demands for EU' (p 17).

The focal point within this definition is that of interests and ideas following the logic of consequentialism and appropriateness. The field of interest is the ramification of Europeanization in the domestic policy domain. This rather technical approach towards Europeanization fails to fill in the gaps that are put forward by Radaelli (1997, cited in Featherstone & Radaelli, 2006)). He states that:

> Europeanization is 'processes of (a) construction (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things', and shared beliefs and norms, which are first defined and consolidation in the EU policy process and then incorporated in the logic of domestic (national and sub-national) discourse, political structures, and public policies' (p. 18).

He notably includes a much wider set and variety of responses and a more intricate focus on the logic of the domestic aspects that are very important for the purpose of this paper. It is certain that the overall sociological process of cultural adjustment is not included in this definition. This definition is chosen by means of the subject matter investigated. Notably the cultural and societal shifts of the general public are not discussed nor investigated as these are beyond the scope of this project.

To conclude the definition of Europeanization, this paper will use the definition of Europeanization as such that the technical adjustment of the future member states according to EU demands, which is strictly vertically with an addition of a more horizontal spill-over form of Europeanization that also incorporates the consequences of EU demands to other levels of government and society.

2.6.2. STRUCTURAL EUROPEANIZATION

FEDERALISM

Now that we have established the definition for Europeanization this section will focus on different methods of Europeanization. Jacobsen (1979) presents two main theories on Europeanization or international cooperation. Firstly federalism is concerned with the 'expansion of the territorial domain of political authority, which is also the purpose on international governmental organizations. Federalism deals with enlarging the domain of political authority through expanding the territorial size of states, while international governmental organizations merely involve cooperation among states without the transfer of formal sovereignty' (p. 60). McCormick (1999) complements this conceptualization with federalism usually 'involving an elected national government with sole power over foreign and security policy, […] single currency and a common defense force, national and local bodies of law, a written constitution, a court that can arbitrate disputes between the different units of government, and at least two major levels of government, bureaucracy and taxation' (p.7). The independent supranational government has independent power, yet the lower layer of government has mandated powers or officially autonomized powers which can still be altered by the supranational government.

CONFEDERALISM

The second form of Europeanization and international cooperation is that of confederalism. This refers to a 'system of administration in which two or more

organizational units retain their separate identities but give specified powers to a higher authority for reason of convenience, mutual security or efficiency, the components are relatively weak, existing solely at the discretion of the units and doing only what they allow it to do'. Thus lower levels of government do not surrender total sovereignty to a higher power.

CONSOCIATIONALISM

The third type of European cooperation is that of Consociationalism which refers to cooperation among very strongly divided societies, for instance by religion or linguistic aspects. Decision-making will be pursued by a coalition of representatives of the specific groups in society. Belgium is a clear example of such. Power and resources 'are divided in accordance with the science of each group, and minorities may be deliberately overrepresented a protected by the power of veto.'

For the purpose of this research project and the analysis of the level of Europeanization in the Romanian counter-trafficking policy domain the model of con-federalism is most applicable as such and will be used for explanatory purpose in the concluding chapters.

2.6.3. EXPLANATIONS OF EUROPEAN COOPERATION

After this brief overview of the different methods of Europeanization we shall now take a look at the different explanations that are given on European cooperation mechanisms. European cooperation is often divided into two theoretical schemes: realism vs. functionalism. Table 1 presents the different character traits of realism and functionalism. Let us first look at the table to thereafter describe the contents of it.

TABLE 1: REALISM AND FUNCTIONALISM COMPARED

	REALISM	**FUNCTIONALISM**
DOMINANT GOAL OF ACTORS	Military security.	Peace and prosperity.
INSTRUMENTS OF STATE POLICY	Military force and economic instruments.	Economic instruments and political acts of will.
FORCES BEHIND AGENDA SETTING	Potential shifts in the balance of power and security threats.	Mutual convenience and the expansive logica of sector integration.
POLICY ISSUES	An emphasis on high politics, such as security and defense.	Initial emphasis on low politics, such as economic and social issues.
ROLE OF INTERNATIONAL ORGANIZATION	Minor, limited by state power and the importance of military force	Substantial, new functional IO's will formulate policy and become increasingly responsible for implementation

(Source: McCormick, p. 11).

Realism is focuses on the factors of cooperation in terms of security and defense, thus high politics. Defense cooperation with other nations and military force are the key actors there as a driving force for international cooperation. Main events contributing to public distress often are caused by a shift in the balance of power and security threats. The other explanatory theory for international cooperation is that of functionalism. Functionalists stress the importance of cooperation to attain levels of peace and prosperity. Economical

factors are driving the policy process. Sector integration is a key factor. This is also where spilling over of integration comes into play. For the purpose of human rights criteria put forward by the EU and the subject matter of counter-trafficking the actual implementation of policy must be done in a careful way. Thus the model of functionalism will be most applicable here as will be shown later on in chapter 10.

2.6.4. ADAPTATION

INSTITUTIONAL ADAPTATION

The more technical approach towards Europeanization is that of institutional adaptation. Foremost Europeanization today means adaptation to pressure emanating directly or indirectly form European Union (EU) membership. The first stage of adaptation is whether a nation state abides by the rules and regulations put forward by the EU. Historical institutionalism claims that "domestic (and/or EU) institutions have an intervening effect on actor preferences and interests in the sort term, and a sufficiently stronger impact over the longer term, to establish distinct paths of development in policies and institutions." Bulmer and Burch (1998, cited in Featherstone & Radaelli, 2006). Rometesch and Wessels (1996, cited in Featherstone & Radaelli, 2006) take this concept further and refer to the 'fusion of national and European institutions in the policy cycle, though only a partial convergence of political systems.'(p. 8).

Furthermore Europeanization of institutions is also addressing the adaptation of different political actors in the domestic political process. The organization of interests asks for a complex system of organization of such and this has implication beyond the notion of a subsidiary level of government; meaning that the European interest and the national interest are in search of a new balance to avoid discrepancies. This is mostly applicable for the smaller member states that need to form lobbying agendas and coalition frameworks. In addition to this there is a changing role for the non-governmental actors. Not only do these parties need to include a new level of government also they have more means of goal attainment and extra ways of influencing. Another point of interest and change is that of the distribution of tasks. Multi-level governments within the Europeanization scheme benefit from some previously centralized functions of the state up to the supranational level and others down to the local or regional level. Networks are now horizontal as well as vertically oriented for a larger group of actors. The network approach and the interdependencies within such are discussed in section 6.5.

ADAPTATION OF POLICY

In addition to the adaptation of institutions there is also an implication for the policy processes due to Europeanization. Most literature on this topic focuses on the constraints that EU regulation poses on domestic policy, this will be discussed later. Overall there has been a strengthening of European institutions and/or the convergence of national policies to what are perceived to be the needs of Europe. Europeanization of public policy can take many different forms. It can affect all the different elements of policy, such as actors, resources, and policy instruments. The stages of policy development will be affected on different levels by new actors and interests. Public policy is also affected by the style of policy making. It can be more conflictive, regulatory or more pluralist etc.

Radaelli also borrows Borzel (1999), Cowles et.al.(2001), Heretier (2001), and Heritier & Knill's (2001) four possible outcomes of Europeanization in terms of the policy process. The different resulting states of affairs can be shortly presented as being: inertia, absorption, transformation, and retrenchment. They will be described below.

INERTIA

Inertia refers to a state of affairs where nothing happens, a frozen status quo. This often occurs in the lesser developed countries. Their institutional framework is far apart from being compatible with that of the European Union. The political architecture, choice models, policy standards are incongruent with the future proposed situation. This situation will often take the form of immense delays in the transposition of EU policy. The transformation will slow down the EU adaptation of a nation as an administration yet also as becoming a physical EU memberstate.

ABSORPTION

This outcome of Europeanization refers to change in an adaptational format. This outcome variant is a mixture of resiliency and flexibility. Meaning that most non-fundamental changing aspects will be adapted to yet not the changes made to their core functioning as a nation. Absorption means taking in the most critical facets of Europe's being to attain compliance but the character of the state itself is not to be washed away. Heretier (2001, cited in Featherstone & Radaelli, 2006) refers to this as the accommodation of policy requirements in a nation state without radical adjustments to the essential structure or logical framework. This often happens to the larger EU member states. They have the luxurious position to not comply with all the regulations put forward. This is different in the case of smaller, unfortunate nations. Their dependency on larger memberstates influences all their decision-making, from top to bottom.

TRANSFORMATION

Transformation as an outcome of Europeanization is the process of paradigmatic change. This occurs when the fundamental logic of political behavior changes. This is the act that the presence of a new system of political beliefs will align domestic perspectives with the European perspective on political and policy issues. It is not merely a state of accommodation of the system and structure of a national state, but also the entwinement of interests and common policy and political framework of the EU. This is in my opinion the most effective and efficient outcome of Europeanization with the prospect of becoming a mutually shared set of beliefs, norms and problem approaches.

RETRENCHMENT

The last possible outcome of Europeanization that will be discussed here is that of retrenchment. This is a paradoxical outcome in the spectrum of outcomes due to the implication that national policy becomes less Europeanized and more focused on the previously existing standards in a nation state. EU pressures can have a backwards effect on the practical implication and implementation of the EU framework. The outcome will be one of increased intervention as opposed to the intended liberalization of policy domains. The onset of this process depends on more technical factors explaining Europeanization which will be discussed in the section 6.4.4.2 about influence.

Convergence can be found on the basis of three levels. Firstly the emergence of a European political agenda, meaning that the definition of a problem has shifted to a higher level being the European level, is a form of convergence in the policy process. Secondly there is a new way of forming interests and the representation of such. Finally the mode of operation has changed for the various actors in the field. There is a new level of government that implicated another way of dealing with actor arrangements. Integration has been incremental, irregular and even inefficient. The differentiation serves to restructure the interest and ideas of actors at the domestic and regional level, providing the scope for advocacy coalitions on particular policies (Sabatier, 1998, cited in Featherstone & Radaelli, 2006).

Romania is in general approaching a mode of transformation in terms of central organization of the accession process, yet the mode of absorption is thus far the case for counter-trafficking policy and therefore most applicable for the purpose of this research paper.

2.7 CONCLUSION

The above described theories will function partially as a method of analysis and means to explain the data that have been found on the subject matter of counter-trafficking in Romania. After the presentation of the various theories in this chapter this paper will now proceed as follows. Chapter 3 will present the method of inquiry and analysis. Chapter 4 will give an overview of the particular activities of the IOM general and IOM Romania specifically in terms of counter-trafficking. Chapter 5 thereafter addresses counter-trafficking and its specific meaning and definitions. Both Chapter 4 and 5 are moreover derived from observation and working experience in combination with the interviews that were held. Chapter 7 presents the state of affairs towards accession in Romania and specifically the developments towards counter-trafficking. After the empirical chapters 4,5,6 and 7 we will proceed to the analytical part of this paper. Chapter 8 will cover the counter-trafficking analysis where the theory of networks of interdependency is used. Chapter 9 will be the best-practice analysis of the IOM mission in Romania where the best-practice models functions as a benchmark. Chapter 10 will then discuss and analyze the level of Europeanization with the above mentioned theories on such. Chapter 11 will present the conclusions where Chapter 12 will cover the recommendations for the future.

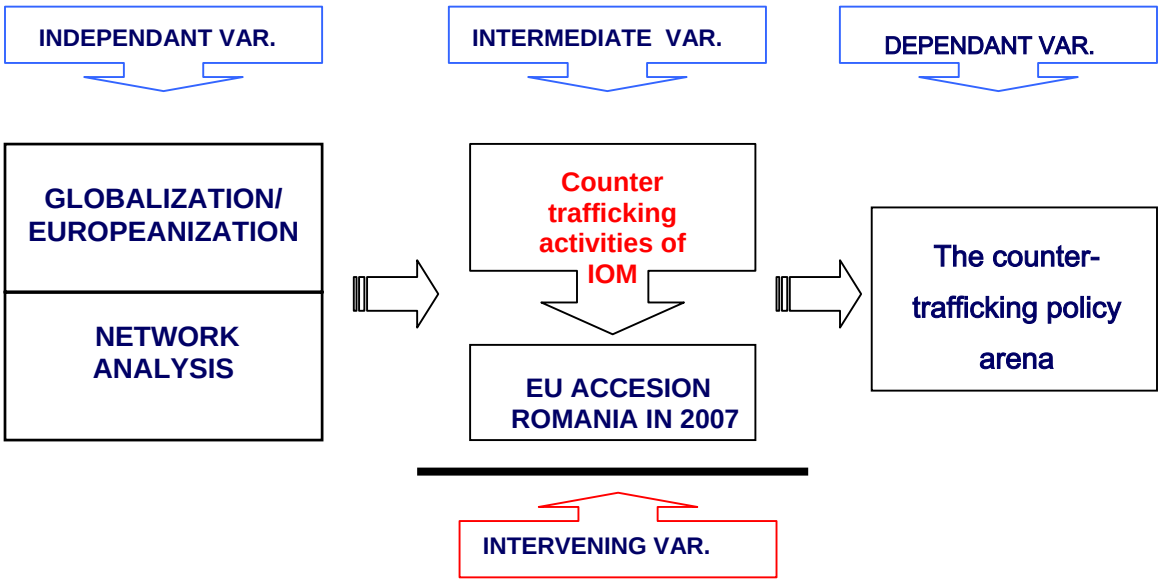
3. RESEARCH DESIGN AND METHODOLOGY

3.1 INTRODUCTION

This chapter is devoted to the choice of research design and methods of inquiry that will be used to be able to answer the research question and sub-questions mentioned in chapter 1. Firstly there will be an abstract presentation of the independent variable, intermediate variable and the dependent variable. In a table the different relationships will be presented. Secondly there will be a justification of the choice of subject and organization from the authors' perspective. As a follow up on that there will be a description of the different types of data collection that will be used in this project. It will be orchestrated by the utilization of a variety of research methods. Firstly there will be some interviews with key-individuals. The interviews will be focused interviews. The second method of inquiry will be secondary analysis of key reports and framework documents. Due to different entry points by the use of various techniques it will be possible to analyze the issues that need to be addressed from a top-down and a bottom-up level. This method is also referred in scientific literature to as triangulation. This method will add up to be able to ascertain with as little flaws in the argumentation as possible. The final part will present the methods of analyses that will be used to answer the research question and formulate conclusions and recommendations.

3.2. VARIABLE SCHEME

Figure 1 presents the applicable variable scheme that is relevant for the research of this paper and the further structuring of the report.



FIBURE 1: VARIABLE SCHEME

The dependent variable on the right hand of the table presents the policy/activities that are existent within the policy arena of counter-trafficking. These activities are kept

constant within this frame of analysis. The intermediate variable, being the factor of change and alteration, is entitled with the International Organization for Migration (IOM) activities in Romania. Do the different counter-trafficking projects and programmes affect the international counter-trafficking policy domain? The independent variable is a dualistic alignment of the combination of the field of theory on Globalization and Europeanization. In addition to that there is the conceptualization of network analyses. This refers to the theoretical explanation of what a public arena, in this case that of counter-trafficking policy, means in terms of their actors and the different balances of power and influence. To thicken the plot a little bit the concept of the intervening variable has been added. The accession of the EU will probably also cause slight and maybe even larger alterations within the counter-trafficking policy domain. This investigation will not only look at the different activities of the IOM in Romania and its influence on the international political agenda but also on the implications that EU accession might have on this process. The explanatory factors are of theoretical reference and only attempt to predict or generalize within the scope of the IOM in Romania. It must be said that this is no justification for any future actions without thorough investigation of the at that moment regulating status quo.

3.3 CHOICE OF SUBJECT ORGANIZATION

The International Master of Public Management and Public Policy (IMP) is aimed at people who are fascinated by governments and other public sector organizations and how they work within the trembling era of globalization. This is dually directed towards: policy making, programme management and strategic underlying assumption in relationship to the benefit of the public. The main question addresses whether the processes and policies are altered by the growing internationalization of politics and public management. As stated before this research project will be conducted at the International Organization for Migration. This organization fits into the description of the IMP criteria due to its international character. Another aspect of the IOM is that it works with migration policy as well as migration programme management. This project will address the effectiveness of the IOM mission in Romania within the counter-trafficking policy domain. This will be regarded with the prospect of Romania entering the European Union January 2007 and the Schengen acquis in 2009, if all goes as planned. It must be noted that the evaluation of the IOM practice in Romania is single-case where a worst-case scenario in terms of the country specific context influences the analysis. In other words, benchmarking concepts in terms of practice analysis will require mediate stable contextual developments, which is nowhere near the truth when it comes to Romania.

Counter-trafficking is a field of policy and management which is rapidly entering the global public agenda. In addition to this issue being well represented on the global agenda it is interesting to ascertain whether it is the case whether and to what extent the accession of Romania will alter the status quo. The choice of the IOM in relationship to a transition country is one of personal consideration. A growing affinity with transitional and integration issues is largely due to a partial Eastern European childhood together with an adventure oriented mind this resulted in a vigorous conducing agent for my choice as explained above.

3.4 FOCUSED INTERVIEW

This research project will be based on qualitative data. The data will be collected by interviews with key-informants within the migration and accession process. The choice for interviews was a natural and resulted into flexibility in answering, being open-answered. Additional comments can be made and may be of importance within the further process of analysis. Another aspect of the interview technique is that direct contact also induces a higher level of attention to the core concept and question of the research project, which will result into custom-fit answers. According to the literature in the text set of a course Praktijk & Confrontatiestage collegejaar 2002-2003 we were presented with a list of different types of interviews. The distinction is made between a: standardized interview, focused interview and a free interview.

Due to the limitation of homogenous respondents within in the field of interest a standardized interview will not be adequate for finding explanations of the inspected phenomena. Standardized interviews are often used for a large group of respondents. Only then the generalizations can be statistically examined. Additional explanations and experience are the most valuable sources of information, which are difficult to be found by use of standardized methods. A focused interview will be directed into a certain pathway to make sure that the interviews serve as icing on the cake in addition to the data found through other methods (see below: secondary analysis). This is why the choice for a focused interview has been adhered to. The interview will be structured by means of open questions. This will hopefully trigger extra information from the respondents' side.

The interviews that will be held for the purpose of this research project were with Iris Alexe, who is the counter-trafficking coordinator/administrator for the IOM mission Romania. She is the person that assists victims in terms of their escort from the airport to a shelter and develops the individual reintegration plans for each victim. She is also in charge of the financial aid that goes along with the reintegration process. The second interviewee is Ciprian Nita. He is the financial controller/accountant for the IOM mission Romania. He is also the IOM representative in the interministerial committee as an observing member. To increase the validity of the information that needs to be gathered the following interviewee is the representative of an IOM partner shelter, for obvious reasons the identity of this person is kept anonymous. The last interviewee is in charge of border management at the European Delegation in Romania, Eleonora Vergeer.

3.5 SECONDARY ANALYSIS

Secondary analysis is the analysis of previously gathered data that has been collected with other objectives. This method will enable the aggregation of an extensive amount of date which will strengthen the research project in regard of the credibility, validity and reliability. The selection of data is important to ensure that the interpretation of certain material will not be violated when fitting such into research with another aim. Also due to the method of inquiry with other objectives the data might not be value free. Therefore critical evaluation and interpretation of the data is of relevant importance. To sum up the previously said aspects: there is a danger in using secondary analysis. The data might be

wrongfully interpreted from the start or even be influenced by the primary investigator. It is therefore necessary to be careful in the usage of such data. Hakvoort (1997, p. 150) presents a number of rules that researchers should adhere to in order to overcome this problem. Firstly it is important to stick to the manifest, factual content of the text. No inference or interpretation of the facts as they are presented. The second pointer is to take into account the features of the content, the producers of the content, and the receivers of the content and the effects of the content presented. Every single step above should be considered since they might color the data. The chance to misinterpret data will be minimized as such.

3.6 ANALYSIS

This research project will, as stated in the introduction, continue with a non-statistical analysis based on the gathered empirical data. Patterns within the political and policy arena will be brought into relationship with the current events within the field of migration and counter-trafficking by means of a thorough network analysis. This analysis aims to provide an insight in the different actors in the counter-trafficking field and the interdependencies. This approach will attempt to answer the question of IOM and its policy towards counter-trafficking in terms of international protocols and their embedding of policy in such.

The presentation of best practices in the theoretical chapter will be mirrored with the IOM practice to defer their actions and its effectiveness. This will hopefully provide an insightful view on the current state of affairs and present an evaluation of the IOM counter-trafficking practices.

The extent to which the IOM facilitates in the accession of Romania towards the EU specifically in the area of counter-trafficking will be addressed in chapter 10.

A combination of these three analytical chapters together with the descriptive, empirical chapters will provide material to answer the research-question and the related sub-questions as thoroughly as possible to be able to reach conclusions and recommendations on the policy domain of counter-trafficking, especially in prospect of the accession of Romania in 2007.

3.7. CONCLUSION

This chapter has presented the chosen method of inquiry for the purpose of answering the researchquestion and appropriate subquestions of this paper. Firstly a model of variables has been presented. Secondly the choice of the country of investigation and the organization that will be the subject of analysis and source of information has been explained. Thirdly the methods of inquiry, being focused interviews and secondary analysis were presented. The final section presented the structure of the analytical framework of this research paper.

4. THE INTERNATIONAL ORGANIZATION FOR MIGRATION

4.1. INTRODUCTION

This first empirical chapter will give a description of the International Organization for Migration. Sections 4.2 will present a historical description of the historical developments of the organization itself and the state of affairs in the year 2006. Section 4.3. will address the activities that IOM takes in terms of the mission in Romania.

4.2. DESCRIPTION OF THE INTERNATIONAL ORGANIZATION FOR MIGRATION

4.2.1. HISTORY AND CONTEXT OF THE INTERNATIONAL ORGANIZATION FOR MIGRATION

The IOM was established in 1951 as an intergovernmental organization to resettle European displaced persons, refugees and migrants. Belgium was the initiator with the United States to agree upon an international convention in Brussels. This convention created the Provisional Intergovernmental Committee for the Movements of Migrant from Europe (PICMME). PICMME soon thereafter became the Intergovernmental Committee for European Migration (ICEM). By 1960 the ICEM had replaced and assisted over 1 million migrants. In 1980 the ICEM changes the Organization's name to the Intergovernmental Committee for Migration (ICM) in recognition of its increasing global role. From 1983-1985 the Development Programmes are extended to assisting Asian and African regions. In 1989 the ICM becomes the International Organization for Migration (IOM) upon the amendment and ratification of the 1953 constitution.

The year 2003 created a more visible role in enhancing the understanding of migration and contributing to the development of migration policy. This consisted of an International Dialogue on Migration focusing on the theme *Migration in a Globalized World*. The secretariat of the Bern Initiative the IOM developed a concept of policy framework for the purpose of creating guiding principles to facilitate cooperation on migration management which was called the Draft International Agenda for Migration Management (International Organization for Migration, 2005a, 2005b, 2005c, 2006a, 2006b).

IOM has now grown to encompass a variety of migration management activities throughout the world. Membership has increased form 67 States in 1998 to 116 member states in 2005 and the partnerships continue to grow. The structure of the IOM is highly decentralized and utmost service-oriented. Currently there are 16 Missions with regional functions (MRFs) serving as resource centers and seven Special Liaison Missions (SLMs).

The operational budget of the IOM as a total organization has been measured in 2005 to be over an estimated USD 1 billion. The total budget is 95.5% earmarked for operations in migration policy. 2.5% of the total budget is supposed to be spent on administrative means to cover core structures. The remaining 2% is spent on discretionary income. The

IOM's indirect costs are charged to all projects through an overhead charge of 12% on staff and office costs (approximately 5% of total expenditures). This is one of the lowest among international organizations. The IOM Administration will implement a phased conversion to an overhead rate of 5% of total costs in the year 2006.

Romania became an observer state in 1992 and that same year the IOM office in Bucharest was opened. Six years later the Romanian government ratifies the IOM constitution and Romania became a member state of the IOM. The IOM staffs around 20 employees, including 2 officials, 1 national officer and 17 general staff. The financial turnover in 2005 was USD 1,508,987. There have been 47,000 migrant, refugees and victims that have been assisted since the birth of the Romanian office. There are over 5,000 direct participants in IOM programmes including migration officials, civil servants, churches, NGO's, media and academia. It can be stated that the mission has over 40 cooperation agreements and memoranda of understanding concluded locally. In addition to this over 50 information products were disseminated to 8,000,000 recipients in various awareness projects.

4.2.2. MISSION STATEMENT

The International Organization for Migration is an organization committed to the principle that humane and orderly migration benefits migrants and society. This mission statement is the overarching objective. In addition to this the IOM claims that they are the leading international organization for migration. IOM liaises with partners in the international community to be able to:

1. Assist in meeting the growing operational challenges of migration management,
2. Advance understanding of migration issues,
3. Encourage social and economic development through migration,
4. Uphold the human dignity and well-being of migrants.

(International Organization for Migration, 2006b)

4.3. ACTIVITIES OF THE IOM MISSION ROMANIA

4.3.1. MANAGING MIGRATION

Annex 2 provides a general overview of the structural approach towards solving migration issues that the IOM presents on a global level. There are four main areas of action: migration development, facilitating migration, regulating migration and forced migration. The area of interest for this paper is that of regulating migration and the sub-heading of counter-trafficking.

Table 2 will briefly address the different policy programmes and activities that IOM Romania has put forward.

TABLE 2 OVERVIEW OF IOM ROMANIA POLICIES AND ACTIVITIES

CAPACITY BUILDING	LEGISLATION	PREVENTING	ASSISTANCE	OTHER
1. Capacity and institution building	1. Expert support on drafting trafficking law	1. Mass Information: CT (annual campaigns)	1. Return and reintegration assistance (CT/UM)	1. Research studies on : CT
2. Inter-agency cooperation	2. Expert support on Aliens' Law	2. Mass Information: irregular migration (annual campaigns)	2. Return and reintegration assistance (RC/IM/ROMA)	2. Migration/ CT curricula developed and implemented
3. Product/tool development: manuals (CT)	3. Support on the National Migration Strategy	3. Development of Information products with 8,000.000 recip.	3. Assistance for resettlement Uzbek refugees	3. Migration and development: advisory services to the Romanian government
4. Managing of network of actors involved	4. Support on National Counter-trafficking Strategy		4. Return assistance Romanian nationals.	

The IOM Romania's overview of policy and activities divides their projects and programmes in five groups. The first group is called capacity building which focuses on the improvement of the capacity of institutions to cope with migration issues. The second group is named legislation development which contains the skills sharing and facilitating in legislative processes/strengthening. The following heading is that of preventing and combating trafficking, illegal migration and smuggling which deals with the preventive side of the migration scheme. The last group is that of assistance to vulnerable groups being refugees, the Roma population, children etc. The last group is that of others where specific projects are categorized into, which contains specific research studies, development of material for educational purposes etc.

4.4. CONCLUSION

This Chapter has given a brief overview of the activities of IOM global and a specific description of the activities of IOM Romania. More specifically, the approach towards counter-trafficking and the applicable projects and policy have also been put forward. It has shown that the IOM is a very determinant and active actor in the field of counter-trafficking. Chapter 5 will now proceed to present us with the concept of counter-trafficking in more detail.

5. COUNTER-TRAFFICKING

5.1. INTRODUCTION

This chapter will focus on the definition of counter-trafficking. Section 5.2. will address the historical developments of the term trafficking and also the field of public policy that underlies such. Before we start analyzing the IOM and the effectiveness in counter-trafficking it is important to ascertain a definition of trafficking and the counter-trafficking policy that results from this. The concept of counter-trafficking remains a difficult one to define, and this creates numerous issues in the fight against it. The implications of the chosen approach towards trafficking will therefore also be described.

5.2. HISTORICAL BACKGROUND ON THE CONCEPT OF TRAFFICKING

There is a lot of confusion when it comes to understanding and using the term of trafficking. Until recently there was no unified definition of the concept. Some related trafficking closely to prostitution and others to forms of forced labor. Trafficking is a global issue and thus a unified opinion about the definition serves to the purpose of combating the problem at stake. Yet, before reaching this point it must be clear that there is no clear depiction of the scale of the issue of trafficking. The numbers that indicate the amount of victims depict only the assisted cases. Thus the un-exited victims are not accounted for in the statistics.

According to Rijken (2003) the first effort to combat trafficking was in 1904 by an International Agreement for the Suppression of the White Slave trade, ratified by sixteen European states. The content of such stated that persons cannot to be moved away for the purpose of being prostituted in another country. In May 1910 another act was signed which included the possibility of the prosecution of the traffickers and defined trafficking within one country to be illegal as well. The League of Nations combined these two conventions on the 30th of September 1921. This was when abuse and coercion of underage boys was also included (p. 54). Rijken continues the historical description of the definition of trafficking with the first attempt of the UN to suppress trafficking in persons. The United Nations Convention was signed on 2 December 1949 and was named ‘Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others’. (p. 6).

Article 1 states: The parties to the present Conventions agree to punish any person who, to gratify the passions of another:

> 1. Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;
> 2. Exploits the prostitution of another person, even with the consent of that person.

Thus, according to Rijken, trafficking in this context refers to ‘bringing someone into prostitution’ (p. 56). The action of the UN was the first action to combat trafficking and

prostitution outside the nation's jurisdiction. After this event there were slight alterations to the text, and confusion will persist with the concept of coercion in the trafficking definition which will be explained further in the text. To sum up the changes that have taken place the past century, firstly there has been a change from 'criminalization of forced trafficking to the criminalization of trafficking with the consent of a person as well' (p. 57.) The following change that can be detected is that not only the exploiters can be punished but so can the recruiters and the transporters. In addition to this the issue of national trafficking submerged and gave space for international attention and action towards combating trafficking.

5.3. WORKING DEFINITION OF TRAFFICKING

In this research paper the definition of trafficking that will be used is that of the United Nations. The UN has put forward a trafficking protocol that has been most widely accepted by practitioners in the field of counter-trafficking (United Nations 2000a). The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplements the earlier produced United Nations Convention against Transnational Organized Crime (2000b) and states the following:

a. Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abductions, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

b. The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph a. of this article shall be irrelevant where any of the means set forth in subparagraph a. have been used.

c. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

d. "Child" shall mean any person under eighteen years of age.

The definition of trafficking in human beings that the IOM uses is awkwardly slightly different from the UN definition. The IOM claims that trafficking in human beings is 'any illicit transporting of migrants and/or trade in them for economic or other personal gain', 'trafficking for the purpose of sexual exploitation covers women who have suffered intimidation and/or violence through trafficking, Initial consent may not be relevant, as some enter the trafficking chain knowing they will work as prostitutes, but

who are then deprived of their basic human rights, in conditions which are akin to slavery.' This may include the following elements:

a. Facilitating the illegal movement of migrant women to other countries, with or without their consent or knowledge
b. Deceiving migrant women about the purpose of the migration, legal or illegal.
c. Physically or sexually abusing migrant women, or financially exploiting them en route and/or in the country of destination.
d. Kidnapping or coercing migrant women for the purpose of trafficking them.
e. Selling women, or trading in women for the purpose of employment, marriage, prostitution or other forms of profit making abuse.

(International Organization for Migration, 1995)

The UN definition is a clear yet general description of how trafficking generally is understood and how to approach such on an international level. Yet the IOM proclaims a more detailed description of the cases. Nevertheless the IOM also claims that their definition is also based on the Palermo Protocol put forward by the UN. This paper will stick to the definition put forward by the IOM and future chapters will attempt to mirror that definition to other actors in the field.

5.4. APPROACHES TOWARDS COUNTER TRAFFICKING

The Danish Red Cross (2005) righteously acknowledges that any legal definition as mentioned above needs to be understood within the context of the social problem of trafficking. This can mean the embedding of the concept of trafficking within the approach of organized crime, illegal migration, human rights issues, moral issues, and globalization. These different fields will be discussed shortly to completely understand the difficulties that will be presented in the analysis in chapter 8 and the conclusions.

ORGANIZED CRIME

Organized crime refers to dealing with trafficking by the police, the judiciary, and the legislation to, prosecute, condemn and punish traffickers. Here the emphasis lies on the crimes inflicted by organized crime networks that foster the traffickers. This approach is preferable because there is a legal framework that enforces action yet there are more contextual factors accounting for trafficking that need to be taken into consideration when combating trafficking.

MIGRATION

Firstly, when migration comes into the equation other complications arise. Migration and the illicit means to a better future that often lead people into becoming trafficked (p.34-36). Jordan (American Progress 2004), referred to this as follows: 'irrational, non-transparent, restrictive immigration laws force people who migrate to escape poverty, civil wars, familial violence or persecution into the hands of criminals who too often are human traffickers'. Meaning that the issue of trafficking is directly connected to (il)legal migration. The visibility of migration, being legal or illegal in the sense of trafficking,

will increase if the legal procedures of migration can be accessed instead of leading people into organized crime circuits.

HUMAN RIGHTS

Trafficking can also be perceived as a human rights issue. This perspective fuels the interest of the victim, concerned with a broader and intricate depiction of the personal changes that a victim goes through which often are linked to severe traumatization and thus difficulties to reintegrate into society after exit. The International Centre for Migration Policy Development (ICMPD) (2005) Draft of the Regional Best Practice Guidelines is human rights approach based and perpetrates that any action against trafficking should be based on international human rights standards and directed operationally towards promoting and protecting such. This approach does suffer some critique claiming that an utmost victimization will include people that are not specifically victims of trafficking. This often causes miscommunication in terms of categorization of a victim and the appropriate measures to reintegrate into society.

LABOR

Another facet of trafficking is the issue of trafficking as a labor problem. The International Labor Organization (ILO) acknowledges that combating trafficking is not just an issue of 'law enforcement and border control' (International Labor Organization, 2005). They persist that the fight against trafficking should be human rights and victim centered, thus involving the labor market and trade unions into the domain. This is where the European Union Expert Group on Trafficking in Human Beings (part of EEG) comes into play. They also identify forced labor exploitation as the 'crucial element' (2005b, p. 53) in the Trafficking Protocol. The difference between victims of trafficking and illegal migrants is yet not recognized or even known by different actors in the field. By means of definition it is very difficult to integrate the distinction between an illegal act taken based on personal choice rather than coerced abusive trafficking.

GLOBAL INEQUALITY

The last variable that needs attention is that of global inequality. Sassen (2002, cited in Danish Red Cross, 2005) defines trafficking as 'an alternative circuit for survival […] and the counter-geography of globalization' (p.33). In other words, she discusses the way to survive in a rapidly globalizing society. Often victims of trafficking are deceived into jobs elsewhere in Europe to make a better living for themselves and often their families left behind. They are promised a well paid job which in combination with often an ambitious drive to succeed in life is often an easy prey for traffickers.

5.5. IOM MISSION ROMANIA AND COUNTER-TRAFFICKING

5.5.1. CONTEXTUAL DEVELOPMENTS

After the brief overview of the works of the IOM Global and the IOM mission in Romania in chapter 4 and the definition of trafficking in section 5.3 we are now to focus on the counter-trafficking activities in more detail. The 12th of July, 2005 nourished a meeting between the IOM mission in Romania and delegates from the European

Commission in Romania. The reports from the meeting show an overview of the main activities that were undertaken in 2005 and were a prospect for 2006.

The main institutional and legislatives developments that have taken place are divided into four fields of action as stated by Iris Alexe. The first reform that has taken place is that of the creation of an Office for the Prevention of Trafficking and the Monitoring of Assistance to Victims, which is created under the Ministry of Administration and Interior. This organ was created to strengthen the institutional stability within the counter-trafficking policy field. Before this there was not a specific Ministry or Government body that dealt with counter-trafficking issues. This institution serves as a permanent secretariat to the National Counter-trafficking task force. The purpose and strength of this institution is that there will be a better distribution of focus. This refers to the division between law enforcement, prevention and protection of trafficking.

Another development that has been perpetrated is that of the creation of a Special Project by the National Authority for Child Protection and Adoption (NACPA) targeting children victims of trafficking. This institution has been created to fill the gap between victims and their children being unable to file for adoption in a quicker manner than before. There are currently more than 10 shelters to service victims in Romania

In all these fields of national improvement the IOM has assisted in covering all of the counter-trafficking areas. This refers to victim assistance to a shelter and reintegration programmes. Another field of action is that of mass media information dissemination based on studies on the perception of the general public. Their technical assistance was to create an inter-agency cooperation platform to make sure that parties were working alongside each other as opposed to working together. In addition to the above mentioned, law enforcement is also in the IOM's activity description.

5.5.2. COUNTER-TRAFFICKING PROJECTS

The interview with, among others, Iris Alexe, showed that direct assistance to the victims of trafficking can be split up into five main areas. Firstly there is pre-departure assistance, arranging the different procedures and entering a victim into the IOM system. Secondly there is airport assistance which varies from picking up the victim to escorting him/her to a shelter. The third area is that of post-arrival general assistance, which refers to transfer from the IOM/airport to a victim's home. The fourth area of assistance is that of the NGO's. This is also called the referral system where a victim is placed in a programme tailored for their specific case. The last area of assistance is that of shelter assistance. Victims are placed in an IOM shelter or an NGO shelter for an indefinite period. The victims are monitored and assisted throughout their entire reintegration process.

According to Ciprian Nita, the IOM mission in Romania is also involved in a number of CT projects that operate on a larger scale. The overarching programme is under the header of Counter-trafficking activities in Romania. Within this programme different projects are operational. Firstly there is a project of assisting victims and witnesses and facilitating of prosecution in trafficking trials. Secondly there is cooperation between

IOM and the MTV Europe foundation and the Romanian public television channels to disseminate information to raise awareness about trafficking issues to the general public. The third project is that of assistance to victims of trafficking and prevention of trafficking in women, which deals with the actual victims in shelters to provide them with possibilities to exit a trafficking situation, to be sheltered in various facilities and to reintegrate into society. There is a number of anonymous shelters that provide for victims that are staffed by the IOM or function as an independent NGO.

In addition to these ongoing internal counter-trafficking projects there are bilateral or multilateral projects concerning counter-trafficking. Firstly there is cooperation with the Republic of Moldova in assisting trafficking victims in concurrence with each other to be more effective. Similar projects exist with the trafficking victims that come from/via South-Eastern Europe, Belgium, the United Kingdom and the Adriatic Region. There is another project that is becoming an issue on the international political agenda as well, which focuses on the possibility of establishment of temporary residence permit procedures for victims of trafficking and the witnesses, in the Balkans.

5.6. CONCLUSION

Chapter 5 has given a description of the concept of trafficking and the following concept of counter-trafficking. It has become clear that the definition of trafficking is complicated yet a very important and determining one. The approaches towards counter-trafficking show the multiplicity of the issue at hand which provides us with the insight that trying to combat such is a difficult and complicated task. Chapter 6 will now proceed to show the different actors in the field of counter-trafficking.

6. NETWORK OF ACTORS IN COUNTER-TRAFFICKING

6.1. INTRODUCTION

This chapter will present the different international, national, regional, and local actors that are active in the counter-trafficking policy arena. For the purpose of the analysis and answering the sub-question on how the IOM and their counter-trafficking policy are embedded in the activities of the various international organizations this chapter will present the different protocols and actors within counter-trafficking policy. To be able to analyze the network and the actors in terms of their influence to determine whether the IOM's activities are based on this, this chapter will be structured in terms of hierarchy. Thus firstly the international actors and definitions/protocols towards trafficking will be presented. Thereafter the regional, national and local efforts will be presented in that specific order.

6.2. INTERNATIONAL ACTORS IN THE COUNTER-TRAFFICKING NETWORK

The following listing of actors in the counter-trafficking network has been contrived from interviews with Iris Alexe who is the IOM counter-trafficking administrator and coordinator.

6.2.1. THE UNITED NATIONS AND THE PALERMO PROTOCOL

Section 5.3 already presented the definition of trafficking and the applicable Palermo protocol that the United Nations has put forward. The United Nations has taken part and directed the combat against trafficking ever since 1998 in the first assembly on global counter-trafficking. The General Assembly resolution 53/111 of 9 December 1998, presents the Assembly's decision to 'establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument addressing trafficking in women and children' (United Nations, 1998). Thus recognizing the urgency of the matter at stake and the need for an international instrument towards fighting such was established.

The first and most widely accepted trafficking protocol is the Palermo Protocol which is put forward by the United Nations. This includes the abuse of men and children as well as women. In addition, the long called for distinction between trafficking and smuggling was made through the two separate Protocols. The protocol currently has 117 signatories and entered into force in international law in 2003 and is also referred to as the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, which supplements the UN Convention Against Transnational Organized Crime. The UN protocol on Counter-trafficking assumes that effective action to prevent and combat trafficking in persons, 'especially women and children, requires a comprehensive international approach in the countries of origins, transit and destinations that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights' **(**United Nations, 2000a).

In the General Assembly on the 9th of September 2003, they sufficiently acknowledge that there is a wide variety of efforts containing rules and practical measures to combat the trafficking of persons, yet these efforts do not yet represent any universality thus far.

The UN centers the various descriptions of implementing policy against trafficking on the concept of 'prevention of trafficking in human beings; protection of victims; and the prosecution of those who commit or facilitate the crime. Measures included furthermore mass-information campaigns and educational programmes. The EU intends to follow up on such by incorporating governmental and non-governmental organizations to become as well integrated as possible.

Finally it must be stated that the Palermo Protocol suffers a lot of criticism due to a lack of specificity nevertheless it is recognized and accepted by those working in trafficking as being the most authoritative definition currently available.

6.2.2. THE GLOBAL ALLIANCE AGAINST TRAFFIC ON WOMEN

In addition to the international cooperation of UN member states there is a global alliance group especially devoted to the trafficking of women. The Global Alliance Against Traffic on Women (GAATW) is a network of non-governmental organizations from all regions of the world, which share the concern of trafficking and the related human rights violation. Generally the GAATW bases its actions on a combination of the Palermo Protocol framework thus: the arising issues as forced labor and services in all sectors of the formal and informal economy as well as the public and private organization of work. The GAATW assumes the human rights based approach towards trafficking issues yet they also claim to perceive the causality of trafficking as based in migration movement. The GAATW is a special type of organization in this chapter because it does not base its action on governmental organizations but rather on the non-governmental ones. They insist on being a neutral and independent grouping (Global Alliance Against Traffic on Women, n.d.).

6.2.3. NORTH ATLANTIC TREATY ORGANIZATION

The North Atlantic Treaty Organization agrees with the definition of the UN and also takes a human rights based approach to counter-trafficking. It also includes the OSCE action plan towards counter-trafficking which will be addressed in section 6.3.2. Generally NATO is an important player when it comes to incorporating the defense and security aspect. They justfully integrate the importance of fighting organized crime and acknowledge that counter-trafficking actions will serve to this purpose. The actions of NATO are most visible in the practical sense (North Atlantic Treaty Organization, n.d.) with assisting in relationship to defense policy and anti-organized crime actions.

6.3. REGIONAL ACTORS IN THE COUNTER-TRAFFICKING NETWORK

6.3.1. THE EUROPEAN UNION

The issue of trafficking has yet not been fully integrated into European Union policy. The Union did however establish an institution to investigate and report on the issues. The Expert Group on Trafficking in Human Beings of the European Commission was born by a Commission Decision (2003/209/EC) of 25 March 2003. The group was to serve consultative purpose to the Commission with their expertise in preventing and fighting trafficking in human beings **(**European Council, 2003). The group has submitted a report with expert opinions on the issue of trafficking to assist the Commission with any further action plans. They claim that the combating of trafficking asks for a holistic and integrated approach.

The Brussels Declaration of 2002, which also frames the existence of the Expert Group, also implies an ongoing evaluation of relevant EU legislation for developing a plan for best practices, standards and mechanisms to counter-trafficking. This is based on the The Hague Programme of November 2004 on freedom, security and justice (InfoEurope, n.d.). The Framework Decision on combating Trafficking in Human Beings will be explained in chapter 7.

In January 2003 EU funding on counter-trafficking became possible under the AGIS framework programme for police and judicial cooperation in criminal context. Another programme for funding is Daphne II which is specifically designated for violence against women and children. Main activities include, research, cooperation of networks among professionals, sharing of expertise, training, development of databases and gathering information.

The Commission also launched a European Form on the Prevention of Organized Crime. Workshops on prevention of Trafficking took place over the past five years to be able to exchange knowledge and expertise. In addition to that, Europol is adjusting their legislation and frame of action towards trafficking, especially in an international context. Also a new institution was set up called Eurojust, which has the authority to investigate and prosecute in the member states.

The IOM organized an international conference in close cooperation with the European Parliament and the Commission to raise mutual understanding and the level of awareness on trafficking. The previously mentioned Brussels declaration aims at further and more intensive international cooperation with concrete measures. The Commission is currently very active in this field of policy making.

6.3.2. THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The OSCE also cooperates in terms of the Palermo protocol and it states that combating human trafficking is one of the most pressing and complex issues in the OSCE region. In accordance with the above mentioned organizations the OSCE takes actions that include

legislative reforms, training and improvement of security and travel documents. The OSCE formed their opinion in the 2003 OSCE Ministerial Council in Maastricht which presented the OSCE Action Plan to Combat Trafficking in Human Beings and the OSCE Anti-trafficking Mechanisms, consisting of the Special Representative and the Anti-trafficking Assistance Unit (ATAU).

The action plan includes, in accordance with the Palermo protocol activities based on the concepts of prevention, protection and prosecution. The OSCE framework is laid down in the Council Decision No. 2/03 of 2 December 2003 (Organization for Security and Cooperation in Europe, 2003), combating trafficking in human beings. This protocol is also based on that of the UN and intends to provide a toolkit for the member states. Based on the framework of the Action Plan, the Special Representative issues recommendations on how the participating States and relevant OSCE institutions, bodies and field operations may best deal with political, economic, legal and humanitarian aspects of human trafficking.

6.4. NATIONAL ACTORS IN THE COUNTER-TRAFFICKING NETWORK

6.4.1. NATIONAL ACTORS

The national Romanian network of counter-trafficking includes a number of important players. Firstly there is the National Agency for the Prevention of trafficking under the Ministry of Interior and Administration which is the main authoritative institution. Secondly there is the executive National Office for the Prevention of Trafficking and the Monitoring of Assistance to Victims. Thirdly there is the Interministerial Committee which functions as a working-group of sharing expertise and knowledge to serve the purpose of counter-trafficking. The IOM is involved in inter-action with the National Agency and the National Office. On top of that the IOM is an observing member of the Interministerial Committee to serve as a source of expertise and know-how from practical experience. In this group officials form the main NGO's are also attendants.

6.4.2. NATIONAL LEGISLATION ON COUNTER TRAFFICKING

In terms of national legislation a new law has been passed (No: 211 of 2004) on assistance and compensations to victims of violent crimes, including trafficking. The ratification of such was in January 2005. This piece of legislation intends to reinforce the country-level responsibilities. The implication is the creation of county offices for the protection of victims and a social reinsertion of the trafficking offenders. The creation of this organ led to a new attribution of specific protection responsibilities. Different actors such as, judges, prosecutors, policemen and protection officers now have the responsibility to inform victims and witnesses about their specific rights and referral to relevant institutions.

Another new law that was passed (No: 1043 of 2004) assures providing for child victims of trafficking. This law deals specifically with protection responsibilities. The creation of

this law established specific tasks for protection officers (as law No: 211) pertaining to child victims of trafficking.

Prevention and combat of trafficking in persons, as well as the protection and assistance granted to trafficking victims is formulated in the above laws. Law No: 678 includes the presence of cooperation possibilities with other parties and implies that the cooperation is mandatory. Public authorities, institutions and NGO's and other representatives shall engage, separately or in conjunction as the specific cases of victim asks for. The different appropriate parties will attempt to set up a National Action Plan for Combat or Trafficking in Human Being.

The definition of trafficking human beings in this particular act is also based on the Palermo Protocol already presented in chapter 5 section 3. (Law No: 678, art. 12)

6.5. LOCAL ACTORS IN THE COUNTER-TRAFFICKING POLICY NETWORK

Within the counter-trafficking policy the most influential local actors are the NGO's that assist the victims. They foremost provide different types of reintegrational assistance programmes. They subside under bi-lateral agreements with the IOM. Victims that return will be referred to a partner NGO in their area of residence appropriate to their contextual framework. The NGO experts draw up a reintegration plan tailored for the victim. Activities that are funded by the IOM range from: medical care, psychological and social counseling, family counseling, educational and vocational training, job assistance, social security, food clothing and lodging assistance, help with procurement of identification papers and legal assistance.

6.6. CONCLUSION

Chapter 6 presented and described the different actors that are of influence and importance in the network of counter-trafficking policy. It has become clear that many actors are involved in counter-trafficking. The spectrum of actors varies in terms of level of government, of organization culture, influence and importance. They all attempt to function coherently but as portrayed above the scope of the network is large, and may not always serve in the best interest of combating trafficking. Chapter 7 will present the IOM mission in the context of Romania's accession to the EU.

7. THE IOM MISSION ROMANIA AND ACCESSION TO THE EUROPEAN UNION

7.1 INTRODUCTION

This chapter will present the state of affairs concerning Romania and its journey towards proposed accession per January 2007. This chapter will be structured by firstly giving an historical overview of Romania towards accession. Section 7.3. will present the state of affairs towards accession concerning the criteria that Romania needs to meet before becoming a member state of the European Union. Respectfully, the criterion of political issues which includes trafficking will be addressed in detail for the purpose of this research. The last section will describe the activities of the EU on counter-trafficking.

7.2. HISTORICAL BACKGROUND: NEGOTIATIONS

Negotiations for the accession of Romania to the European Union started December 1999. The Commission recommended EU member states to start negotiations with Romania, Slovakia, Latvia, Lithuania, Bulgaria and Malta. The proposal was officialized by the European Council of Helsinki, on December 12, 1999. Romania officially started accession negotiations in February 2000. The negotiations take place between Romania as candidate country, represented by a Chief negotiator (a delegated minister) and the European Commission as representative for other member states.

The Chief-Negotiator coordinates the negotiations process and the drafting of position papers and monitors the progress towards accession as well as implementing the acquis. The Minister of European Integration coordinates all European integration actions, as well as the activities related to the management of financial and technical assistance available for Romania during integration. On top of that there is a 'sector delegation' for each domain of the acquis communautaire, represented by ministers and relevant institutions. Reports are produced every six months to give an update about the state of affairs. In practical terms this process refers to the Romanian government writing positions papers and the European Union to counter such with the common position papers about certain issues after consultation with other member states. By presenting the negotiation position papers, Romania shows the progress that they are making in adopting and implementing the European legislation and the time that is still needed to fulfill others. The same goes for complying with the acquis communautaire. Romania may file for transition periods in difficult areas. When the European Union agrees with other member states the proposition papers of Romania are meeting their expectations they will draft the common position paper which is thereafter adopted by the Council of the European Union (Infoeurope, n.d.).

7.3. STATE OF AFFAIRS TOWARDS ACCESSION

The negotiations of Romania possibly becoming a member state of the European Union were successfully concluded in December 2004. The Accession Treaty was signed in April 2005. Romania and 14 other member states have ratified the treaty. The Treaty prospects accession on 1 January 2007 unless the Council decides otherwise, upon a

Commission recommendation, to postpone until 1 January 2008. The May 2006 Monitoring report of Romania's actions towards accession presents a number of fields that still need improvement (European Commission, 2005a, 2006). The areas that Romania needs to live up to by January 2007 are also referred to as the Copenhagen criteria. During the Danish presidency of the European Union, in 1993 the accession criteria were established. They contain the following:

1. Political conditions: institutional stability guaranteeing democracy, the rule of law, human rights and respect for protection of minorities

2. Economic conditions: the existence of a fully functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union.

3. The ability to take on the obligations of membership: adhering to the aims of political, economic and monetary union. Implementation of negotiation commitments arising from the accession negotiations

The criteria reflect a distinction between political achievements and economic achievements that need to be met by accession in 2007. The social achievements are of lesser importance in the general approach towards accession. Nevertheless there have been some attempts made towards social inclusion in the pre-accession phase but these attempts are yet subtle. They will be described further on after the political and economical achievements Romania made thus far.

The Madrid European Council added to the criteria presented above that any candidate country must have created the conditions for its integration through the adjustment of its administrative structures. It is important that European Community legislation is transposed into national legislation, it is even more so, important that the legislation is implemented effectively through appropriate administrative and judicial structures. By this action the European Commission ads the concept of institutional adaptability to the previously mentioned criteria. The Monitoring Report identifies the progress that has been made since October 2005, and describes the areas that still lack improvement as yet. The findings in the Monitoring report will be described in the subsections below.

CRITERION 1: POLITICAL CONDITIONS CONCERNING TRAFFICKING

As mentioned above the Monitoring Report shows that much room is left for improvement yet the one that will be described here is that of trafficking, according to Eleonora Vergeer, European Delegation in Romania in charge of Border Management. The previous Monitoring Report states that trafficking in human beings was an increasing issue that was backed up by the Expert Committee on Trafficking in Human Beings in their report. The Monitoring Report claims that progress was made in terms of penalizing traffickers. Since October 2005 10 networks have been dismantled and 567 offences registered. This led to 94 arrests. A total number of 310 victims of trafficking were identified' (Monitoring Report Romania Accession 2006, p8). The National Agency for

Preventing Human Trafficking and Monitoring the Assistance Offered to its Victims was established to coordinate and evaluate preventive activities and to monitor the assistance offered to victims.

In addition to this a national strategy and action plan in counter-trafficking have been approved. In spite of all the progress that has been made there are many arising problems still to overcome. Because Romania is a country of transit, origin and destination the National Agency has requested a more vast system to back them up. Skilled staff, financial resources and IT registering system need to be developed. There are continuing issues when it comes to inter-agency coordination. As mentioned before there is a lack of information on actual causalities of trafficking, thus a more elaborate system of reporting and gathering statistics would be essential to give a better picture of reality. The Report concludes with the following: 'overall, certain progress has been made in fighting trafficking in human beings. The administrative and operational capacities remain weak' (Monitoring Report Romania Accession 2006, p9).

7.4. CONCLUSION

Chapter 7 provides the reader with a representation of the state of affairs of Romania towards EU accession and the counter-trafficking activities that are initiated. It has become clear that there are some issues with Romania in terms of human rights preservation. Counter-trafficking falls under this heading and has not yet been fully acknowledged by the EU as an issue to the extent that other international and regional actors do. There are some EU attempts towards formulating a method of approach but it seems that these are following the main players in their line of reasoning which has not been coherently coordinated. This Chapter concludes the empirical chapters of this research project. Chapter 8, 9 and 10 will hereafter present the analytical chapters covering the counter-trafficking network analysis, the best-practice analysis and the Europeanization analysis.

8. COUNTER-TRAFFICKING NETWORK ANALYSIS

8.1 INTRODUCTION

This chapter will analyze the counter-trafficking network of actors and the international requirements and protocols that are the basis of that. To be able to answer the fourth subquestion: does the IOM base its actions/policy on the requirements/activities put forward by the international arena the first section in this chapter will start with an analysis of the different actors according to the network of interdependency theory presented in section 2.4. The IOM will obviously function as the centre of this analysis Section 8.3 will address the embedding of the IOM practice in the international network and the requirements put forward. The analysis will show the interconnectedness and volatility of the network. After such section 8.4 will address the transnational character of the counter-trafficking network and its efforts in the global community. This section will conclude with the level and balance of efforts in the network against trafficking in persons. Section 8.6 will conclude the section with a short recapitulation of the findings.

8.2. NETWORK INTERDEPENDENCIES

The definition of the IGO put forward by Jacobsen in chapter 2 determines that an IGO is formed by an 'agreement among governments, those that were created by such an agreement are described as international governmental organizations those that were not, as international non-governmental organizations' (Jacobsen, 1976, p5). He continues that IGO's can be distinguished from traditional diplomacy i.e. traditional forms and codes of conduct normally portrayed by a state institution. Yet they do assert regular political interaction and integrate different units of authority among their representatives. The IOM is according to their own definition an IGO. The IOM abides by various state requirements and benefits from international sharing of knowledge and expertise. The core activity is the linking of different actors in a more efficient way than the traditional structures provide. The IOM does so in an international standard of dealing with migration issues and in a particular counter-trafficking policy.

Jacobsen continues the typology of the network interdependencies by seven groups of actors. Before the different actors are put into category figure 2 portrays the different important actors in the IOM Romania policy domain of counter-trafficking. Thereafter the different relationships between the various actors will be explained.

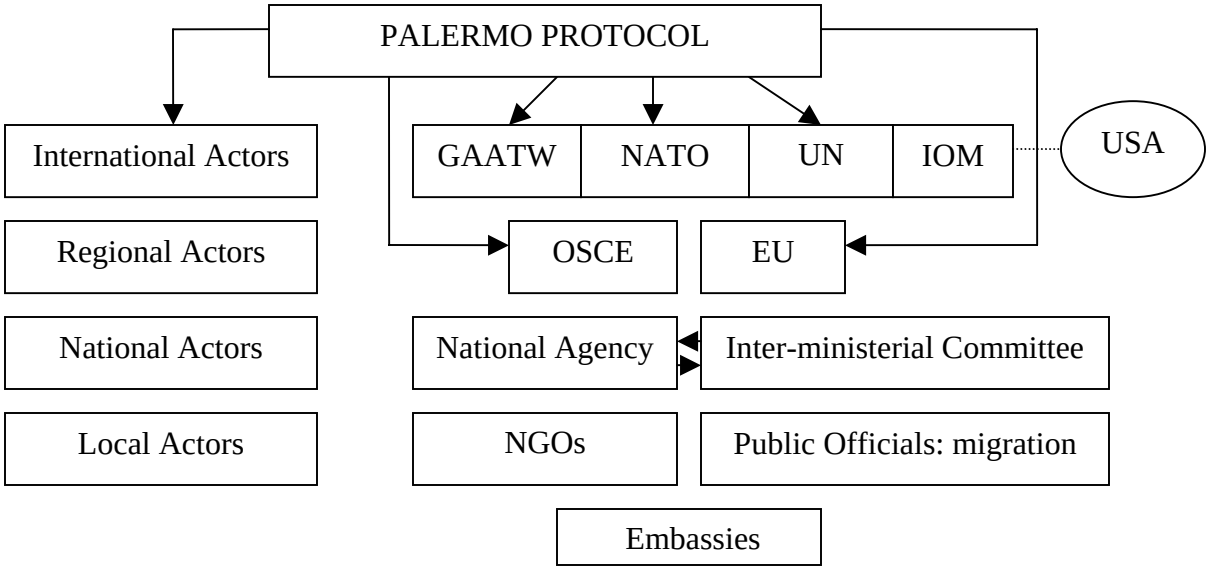


FIGURE 2. COUNTER-TRAFFICKING POLICY NETWORK IOM ROMANIA
(Source: Iris Alexe, IOM Counter-trafficking Administrator, IOM Romania, 2006).

The balance is largely out of equilibrium by the importance of the Palermo protocol that functions as the head of the network. Hierarchically downwards there are four different levels of government that provide actors in the field of counter-trafficking. Firstly there are the International actor: GAATW, NATO, UN and the IOM. Regionally there are two main actors: the OSCE and the EU. The national level provides the National Agency and the Inter-ministerial committee. Further downwards on a local level are the NGO's and the public officials. A special actor in the field of counter-trafficking policy in Romania is that of the USA government. When looking at the financial overview of projects of the IOM Romania, most of the financial aid is provided by the government of the United States.

After this a general overview of the different actors in the field attributes features to such in accordance to Jacobsen's typology of network actors. Firstly table 3 will show the attribution of character to the existent actors in the network and thereafter this will be described and explained.

TABLE 3: NETWORK ACTORS COUNTER-TRAFFICKING POLICY NETWORK IOM ROMANIA

NETWORK ACTOR TYPOLOGY	ACTORS IN THE CT NETWORK ROMANIA
1. Governmental representatives	a. National Agency b. United States Government
2. Representatives of private associations	a. NGOs
3. Representatives of international governmental organizations	a. GAATW b. NATO c. UN d. IOM e. EU f. OSCE
4. Executive heads	a. Public Officials
5. Members of secretariats	a. Secretariats of all different layers of government
6. Individual activity: expert groups	a. Inter-ministerial Committee
7. Publicists/Mass media	a. International, national, local mass media b. IOM mass media campaigns in particular in Romania.

(Source: personal elaboration of shared perceptions among the IOM staff Romania, Iris Alexe, Camelia Paun, Monica Joita, Ciprian Nita, Daniel Kozak, 2006)

The first group is constructed of formal delegates of states that represent the preferences and opinions of a national state. The National Agency is especially formed to serve the purpose of national interest channeling in general policy making. Thus it strives for a more integrated national approach towards counter-trafficking policy by inter-linking different groups. Also the United States Government has an important role yet on the other end of the spectrum. At a glance it seems like they have just a financial role, yet their political influence is tremendous. Worldwide the USA positions itself at the centre of counter-trafficking activities in terms of financing. There is an annual State Department of the USA report reporting on counter-trafficking activities. In addition to the State Department of the USA, USAID provides funds globally of 3.2 billion dollars in the fight against trafficking. The motive of the USA government is one of military, and strategically orientation. The south-east tier of Europe is one of military importance and also of economic reasoning. There are plans for an oil pipe-line coming into Europe from the East which explains the political interest of the USA in counter-trafficking policy.

The IOM in particular and certain units of the UN are particularly dependent on funding from the USA which has a spill-over effect into other actors in the counter-trafficking network. NGO's in Romania have a special interest here whilst the funding for their reintegration services are then funded by IOM's financial means.

The third group of International Governmental Organizations is the most influential one. The GAATW is an independent expert IGO that provides assistance at the top-level development of international policy. NATO is an actor that is in charge of police/Interpol and military assistance to be able to track down any criminal network backed up by international treaties. In Romania in particular they were the first organization to trigger

the alignment of protocols in counter-trafficking in 2002. This happened before the UN and EU protocols came into practice. The UN has a less important role in the counter-trafficking network; it assists financially and has smaller scale operations which are most often in cooperation with the IOM or the central government. Finally in this group the backbone provides the general framework and pulls the strings in development of new ideas and initiatives. This does not always happen in an effective manner especially due to the national/local restrictions in legislation or state structures as goes for the cultural inhabitations that requires special attention.

The EU and the OSCE have a special regional role, they generally do the same as the organizations/actors classified in the third group, yet these actors have a smaller scale and for instance the EU has special legislative powers that distinguish it from the other actors in this group. The OSCE and the EU are entwined in many procedures and protocols of the other IGO's yet they often seem to be inventing the wheel. This issue will be addressed in section 8.4.

The fourth group is that of executive heads, and in the context of this research paper these are the public officials at a local level that implement any policy or programme put forward by the higher authorities. The execution is annually evaluated by the National Agency and after each programme/project is finished by the IOM, UN and other organizations.

The fifth category that is put forward by Jacobsen is that of secretariats. All of the presented units and influential persons in the counter-trafficking policy network have a secretarial unit to back them up. In practice these units are of great importance in the execution of counter-trafficking policy. Yet the extraction of expertise from this layer in the network is not extremely high. This is definitely an underestimated actor in the field.

The following category is that of individual actors providing for the cause of counter-trafficking. Here the smaller initiatives in counter-trafficking can be classified. The EU expert committee is one of such, yet their influence is not as powerful as it should be or can be.

The last category is that of the mass media. Here the IOM plays the most important role. It has executed a number of mass media campaigns and developed educational programmes in primary schools to prevent trafficking. This has always happened in cooperation with the national and local media.

8.3 EMBEDDING OF IOM POLICY IN THE INTERNATIONAL NETWORK

As presented in chapter 6 on the network of counter-trafficking units it is clear that the Palermo protocol is of main importance. All of the actors in the described categorization in table 3 abide by this protocol. Some have slight alterations but always of minor importance. The IOM belongs to this group yet they differ in a particular manner. The IOM seems to deepen their personal guidelines and to broaden its horizon on counter-trafficking policy. Due to globalization there is a need to internationally combine and

integrate practices. Up until this day the best practice literature is large but yet not as intense as the IOM portrays it. The IOM includes the entire reintegration process and functions as a facilitator between different parties intentionally for the best of the victim. Its client-orientedness and decentral character enables this yet it also causes difficulty in a global IOM approach to victim reintegration. This is also complicated due to the sea of organizations that are often helpful but managerial skills are mandatory to integrate and smoothen the cooperation between actors to ascertain the most efficient and effective service for the victim.

8.4 TRANSNATIONAL SEA OF COUNTER-TRAFFICKING EFFORTS

The theory on transnationalism that has been presented in section 2.3.2. acknowledges the concept of an increasing non-governmental network of actors regulating certain policy domains. In the case of counter trafficking non-governmental actors are key players that will influence the field of practice due to their character of service-providing. As can be seen in the figure 2 and table 3 there are many actors involved in counter-trafficking. The national state is no longer the main actor in the field of counter-trafficking. Actually the IGO's are the actors that set out the path. The execution of counter-trafficking policy is done by public officials, the NGOs and the IOM. The IOM has a special character as such because it functions along the entire vertical axis of the counter-trafficking hierarchy in Romania and internationally.

In Florini and Simmons theory described in section 2.3.2. it becomes clear that NGOs and other decentralized organizations become of main importance due to globalization and diminishing physical and mental borders. In Romania this is also the case yet not as intrinsic as mentioned in the theory. NGOs have an important role in the execution of the reintegration process for victims. Nevertheless they do not have much political influence as yet. The IOM on the other hand does have such an influential role, globally but especially in Romania. One can say that there is a sub-transnational society where the IOM is the leading actor with a variety of NGOs that pull certain strings but not all.

8.5 CONCLUSION

To conclude this chapter it can be said that the IOM is a main actor in counter-trafficking policy and the execution of such in particular in Romania. Whether its role is the same in the international policy domain is unclear. The Romanian context seems to provide the IOM with enough influence to be efficient in the counter-trafficking policy domain. It is clear that the IOM abides by the international protocols for counter-trafficking. They have even enriched such with a more detailed interpretation. The international free space of flows is of importance but not yet fully incorporated into the Romanian counter-trafficking practices. This will be further addressed in the conclusion and recommendation chapter.

9. BEST PRACTICE ANALYSIS

9.1. INTRODUCTION

As presented in chapter 2 section the Danish Red Cross states that a best practice consists of a number of factors. This chapter will shortly refresh those thoughts and then link them to the practices that the IOM Romania upholds in terms of counter-trafficking policy and activities. Schatzki presents this theory on best practices on two levels of analysis the first one being the practical and the second the logical level of analysis. He refers to four different character traits that a best practice should be based on. This section will fist present these character traits shortly and will reflect on such by comparing them to the IOM practice.

After the mirroring of the theory of Schatzki to IOM practices, the subsequent section will address the best-practice put forward by UNESCO (n.d.). Shortly thereafter the character trait of a best practice will be presented to then compare it to the IOM and her counter-trafficking efforts.

9.2. PRACTICAL ANALYSIS

This level of analysis focuses on the coherence of counter-trafficking practices. This genuinely refers to the concept of sharing of knowledge and expertise. This will create a more sustainable level of cooperation and development between main actors in the field. It also refers to the coordination between different levels of expertise, knowledge and government to tackle counter-trafficking issues in the best possible way.

GOALS

Schatzki states the first character trait of a best practice, as defined goals that an organization should have when combating trafficking. The goals should be appropriate and also be measurable to achieve any progress. He divides this into three main components:

1. Rendering victims of trafficking visible to specialized organizations and authorities, so that they can be assisted in the process of integration and in gaining autonomy.
2. Making rights visible by promoting institutional cooperation and the social inclusion of victims of trafficking.
3. Making trafficking visible to law enforcement officials and those involved in combating the criminal elements of the phenomenon.

The first component of the goal oriented practice does exist in the approach of the IOM in assisting victims. The IOM functions on the basis of a referral system. This as presented in chapter 4 is an investigation into the personal needs of a victim to assist them in the most appropriate way. Because the IOM only enacts voluntary based exiting of victims the referral system is also based on the personal intentions of the victim. This is moreover done by the involvement of the different NGOs involved. The process can be divided into

two main streams of assistance. The IOM will assist in terms of transport and financial assistance and will dually facilitate in the process of reintegration. The process of reintegration is resulting from interaction between the main actors which is only possible by a transparent management. There is no set time for a victim to fully become integrated. During an interview with the social worker at the shelter it was mentioned that there has never been a case that exceeded nine months of recuperating. This means that by an average time span of six months the victims will have built up a new life with appropriate levels of autonomy. The IOM for example might assist in different ways of setting up a farm of a small business. This deomonstrates that the level of autonomy is covered by means of transparent and visible cooperation between the victim and the appropriate actors in the field.

The second component that Schatzki presents is that of a best practice reflecting a visible overview of rights by promoting institutional cooperation and social inclusion. The IOM firstly addresses the right of a victim by mass-media campaigns for the general public to raise the level of awareness. The motive of escaping the difficult life in Romania for economic reasons is often largely underestimated and the IOM tries to temper these conceptions by advertising, infomercials, workshops and even the development of educational material for primary schools. The visibility of rights is also maintained by the IOM when the victim returns to Romania. The different rights to a fair trial, right to financial aid and a right to a reintegration process are acknowledged where after the victim can decide to make use of such services.

Furthermore the IOM is externally involved in the Interministerial Committee as an observing member. It provides the involved ministries (Justice, Social Affairs, and of Interior & Administration) with expertise in the field to increase the level of service orientedness in the development of policy in counter-trafficking and also the level of institutional cooperation. Also the IOM is involved in different committees with NGO's, the UN, the OSCE and other actors to make sure that all the partners are on the same page when it comes to assistance and policy development.

The third component of goal orientedness is that of visibility towards law enforcement officials. The most recent adjustments of the applicable laws (no. 211, 678, and 1043) have created a sturdier legislative basis to prosecute the traffickers and assure the victims of a fair trial and a witness protection programme if they decide to prosecute the trafficker. The different facilities that are offered are all in close cooperation with the other actors in the field and part of the IOM's national referral system. Unfortunately these facilities are not yet fully taken up on by the victims. This is mainly due to the current taboo that is entwined in the cultural background of the law enforcement facilities. Nevertheless an attempt has been made. At the institutional level the appropriate measures are taken. It is necessary to also be integrated into the system of values of society. Another problem here is that of corruption which is currently worked on but also needs time to be dissolved if possible. Because of the low salaries in Romania there is a real problem with corruption in the system of administration, which also has a negative impact on the counter-trafficking efforts.

In general it can be said that the IOM has been a facilitator in all the current developments in the counter-trafficking policy domain in Romania. Yet there is only so much that can be done in relationship to adjustments with respect to the time that is needed to adapt to such. Yet on an institutional basis there is a lot of improvement. But the issue remains that the IOM cannot compensate for the issues that are at stake with corruption and the level of taboo.

UNDERSTANDINGS

The next character trait that Schatzki refers to is that of a mutual understanding of the problem at stake. The problem and the issues that constitute such must be aligned throughout the network of different organizations. The first concept that needs to be addressed here is that of defining trafficking. As presented in chapter on the different actors in the network of counter-trafficking. There is an issue with defining trafficking and the actions against such. The general definition put forward by the UN is straightforward and general. The IOM does include more intensified aspects in its definition. The IOM refers to it as any illicit transporting of migrants and/or trade in them for economic or personal gain. Sexual exploitation and coercion are key elements here. The basic approach is a human rights based one where conditions are mainly about the victim's well being. The definition is: (as presented in chapter 4).

1. Facilitating the illegal movement of migrant women to other countries, with or without their consent or knowledge
2. Deceiving migrant women about the purpose of the migration, legal or illegal.
3. Physically or sexually abusing migrant women, or financially exploiting them en route and/or in the country of destination.
4. Kidnapping or coercing migrant women for the purpose of trafficking them.
5. Selling women, or trading in women for the purpose of employment, marriage, prostitution or other forms of profit making abuse.

The partners of the IOM in Romania all acknowledge this definition and cooperate on such grounds. Nevertheless the parties outside of that do not comply with this definition. This often leads to issues with prognosis of a victim. Because the IOM also deals with other humanitarian cases (refugees and voluntary repatriation) often, even internally, there can be confusion on how to label a case. Another problem is the term trafficking in itself. Many languages besides English do not have the concept of trafficking as stated above in their vocabulary. Any nation that adopts Anglo-Saxon words into their dictionary just calls the issues trafficking. Yet, countries like Spain, France and Italy have more stringent rules and tradition in terms of their languages and this might also cause confusion with the prognosis. The mismatch in communication can lead to long-term issues of different kind, financial, integrational, structural etc.

SET OF RULES

The last character trait put forward by Schatzki for a best practice is that of a set of rules. As mentioned earlier the Romanian government has made extensive effort to create a legal basis to combat trafficking against. The IOM on its own has facilitated in this process and has itself created the national referral system where different parties and

actors are involved to create a holistic reintegration plan. This overrides the different levels of government from local to regional to national and international.

The concept of values will be discussed in the next section about subjectivity in victim assistance.

9.3. LOGICAL ANALYSIS

The logical level of analysis refers to the more practical side of the spectrum. In other words the more human rights based approach where issues are addressed in terms of victim assistance instead of the institutional issues around it. Therefore, in addition to Schatzki's institutionally oriented best-practice description this chapter addresses. UNESCO (n.d.), as presented in the theoretical chapter 2, acknowledges the fact that best practices should be contrived of the following concepts:

1. Have a demonstrable effect on improving people's quality of life or addressing a problem;
2. Be the result of effective partnership between the public, private and civic sectors of society;
3. Be socially, culturally, economically and environmentally sustainable. Any practice must be adapted to the political, historical, cultural social and economic context of the society in question.

The IOM reflects a demonstrable effect with regard to quality of life in terms of post trafficking assistance. As presented in the chapter about IOM counter-trafficking practices in Romania there is a vast network that contributes to the reintegration process of a victim. This process starts at the arrival of a victim in Romania until the evaluated positive state of integration into society. However this may sound as a reasonable demonstrable effect on improving people's quality of life it still is difficult to monitor. The process itself is fully coordinated among different groups of interest yet after closing the process there are cases that fall back into old behavior. This can be explained by the economical aspect of trafficking. Many Romanian victims of trafficking are still, and even after being abused, blinded by flickering euro signs. The issue arises that individually based service offering and the termination of that is a subjective choice. The case-worker will be defending the successful termination on the basis of personal bias. This is a common problem with social services, the prognosis of a problem and the state of affairs when ending the service.

The second UNESCO aspect of a best practice is that of services provided being a result of an effective partnership between the public, private and civic sectors of society. As presented in chapter 6 about the network of counter-trafficking policy it can be seen that various public and private organizations are involved. The IOM does reflect partnerships with the international institutions, the central government and special taskforces and numerous NGOs. Nevertheless the interview with Ciprian Nita shows that partnerships do not necessarily exist out of the need of the problem, being the return of the victims of trafficking, rather than a political process. Money and power do most certainly play an

important role in the financial aid that is provided by the IOM to victims as for their partners.

The third aspect that is put forward by UNESCO claims that service in a best practice should be: socially, culturally, economically and environmentally sustainable. Any practice must be adapted to the political, historical, cultural social and economic context of the society in question. As for the concept of sustainability it will tie in with the first aspect and the issues that arise there. In most of the cases the victims will reintegrate into society with reasonable prospects. Nevertheless there is a persistent group that will fall back into their original behavior. There is only so much one can do to assist and monitor with the available knowledge and funds in Romania and in particular of the IOM there.

As for the adaptability of a best practice to the political, historical, cultural, social and economic context of society Romania remains a country with work in progress. Politically, corruption is still an issue which ties in with the economic motive for trafficking. Labor is well under-paid in all fields of work in Romania which does cause issues when fighting trafficking. Historically, Romania suffers a lack of confidence in their community, which portrays itself merely in their handling of public issues. Generally people do not believe in the solution to a problem if it is of their own making. Culturally, trafficking is yet not fully acknowledged any further than the issue of prostitution. The taboo that cages the concept of trafficking makes it difficult to raise the awareness of people on the issue. Yet the IOM in accordance with their partners provides multiple programmes that focus entirely on awareness appraisal about trafficking and its consequences. Socially, trouble arises in the field of social work. Ciprian Nita described that up until the problems in 1989, before the overthrow of Ceausescu and his communistic regime, any psychology class or lecture was banned because it was believed that it would corrupt people's minds. The practice of psychology and social work has only reentered the Romanian society some ten years ago. The pool of expertise is rapidly growing yet there is a lack of expertise. Economically the IOM gives an opportunity to build up a small business or to enjoy any professional training but that is the outer limit of such. Economically there will always be a problem in combating trafficking, merely due to the fact that the wages are extremely low whilst the consumption prices are rising let alone the social expectations of and for an individual.

9.4. CONCLUSION

To conclude this chapter on best practices in counter-trafficking and the IOM practice in particular it can be said that according to the format put forward by the Danish Red Cross the IOM is ultimately largely based on such. Yet it must be acknowledged that the best practice perspective is basic in its essence. It is important to lay down a critical note when it comes to the practical providing of services. The orientation of the chosen best practice theory here and others remains a conceptualization of aspects by the higher levels of authority and expertise whilst it would be mandatory to include the lower levels of government to allow tailor made packages of services that will be in the best interest of the victim of trafficking and their reintegration process.

10. EUROPEANIZATION OF COUNTER-TRAFFICKING IN ROMANIA

10.1. INTRODUCTION

The last chapter in addition to the previous analytical chapters with the best practice and counter-trafficking analysis will address the counter-trafficking policy in light of EU accession. Section 10.2 will refresh the thoughts on EU integration in Romania in terms of counter-trafficking where section 10.3 will address the motives of EU integration thus far in counter-trafficking policy in Romania. Section 10.4 will provide us with an insight in to what adaptation schemes are applicable for the counter-trafficking policy domain and how their can be explained. Finally section 10.5 will discuss the IOM and the role it plays in EU integration.

10.2. GENERAL EUROPEANIZATION IN COUNTER-TRAFFICKING IN ROMANIA

As Featherstone & Radaelli have stated (section 2.6) Europeanization as a state of affairs where all actions function as a response to the demands of the EU. He places this concept in the logic of consequentialism and of appropriateness stream of scholars. In Romania there is an economic need for improvement which is entirely backed up by the cultural state of mind. The logical consequence of European integration in Romania is because of the EU telling the future memberstate to do so (according to Ciprian Nita and Iris Alexe, IOM Romania). Yet this seems to be a little superficial. Radaelli enriches the definition with more detail. He claims that Europeanization is more intricate where not only the ramification of EU law is the driving factor. Observing the particular concepts that Radaelli put forward with respect to Romania's counter-trafficking accession efforts Romania and counter-trafficking Europeanization can be seen in table 4.

TABLE 4: EUROPEANIZATION PROCESSES IN CT IN ROMANIA

PROCESSES	EUROPEANIZATION OF CT IN ROMANIA
(IN)FORMAL RULES	a. Construction: formulation of EU based regulations (legislation specifically on CT) b. Diffusion: integration of laws into the CT policy domain from top to bottom. c. Institutionalization: regulations have become a major backbone of any CT activity.
PROCEDURES	a. Construction: in coordination with most of the actors in the CT network (i.e. mainly evaluation procedures) b. Diffusion: the main IGO's in the CT policy domain are implementing thorough evaluation procedures c. Institutionalization:
POLICY PARADIGMS	a. Construction: development of best practice by the EU b. Diffusion: not yet incorporated by the actors in the field of CT c. Institutionalization: attempts are made to incorporate different models into one best practice model yet not in finished in theory and practice
STYLES	a. Construction: the style of EU decision-making is not yet incorporated, whilst EU legislation is a beginning. b. Diffusion: EU styles of decision-making or execution of policy is not yet diffused into the Romanian network of CT actors. c. Institutionalization: actors are aware of the EU context of institutions yet they do not pull the strings in the field which thus needs improvement.
BELIEFS & NORMS	a. Construction: complications in the alignment of beliefs and norms in Romanian society on the CT practice. b. Diffusion: attempts are made to create a sense of community but this remains a social taboo for parts of the Romanian society c. Institutionalization: not yet incorporated.

(Source: personal elaboration of shared perceptions among the IOM staff Romania, Iris Alexe, Camelia Paun, Monica Joita, Ciprian Nita, Daniel Kozak, 2006)

When looking at table 4 it becomes clear that formally Romania, in terms of CT policy, is becoming Europeanized. Yet the policy paradigms of the EU and other international organizations are not integrated. Even lower in the table it becomes clear that the further the spectrum of Europeanization moves to a more social and cultural context the implementation of such is not yet incorporated. The most important factor that comes across in terms of the IOM and its role towards EU accession is that of institutional adaptation. This will be further analyzed in section 10.4.

10.3. MOTIVES FOR EUROPEAN COORDINATION IN COUNTER-TRAFFICKING IN ROMANIA

After investigating the different aspects that are or are not integrated into the Europeanizing policy domain of counter-trafficking let us now look at different explanations of that. According to the model of McCormick that was presented in section 2.6.3. there are two main models of explanation of European cooperation. Below table 1 is converted into Romanian context.

TABLE 5: MOTIVES/EXPLANATION OF ROMANIAN EUROPEANIZATION VS. IOM EUROPEANIZATION

	ROMANIA/REALISM	IOM/FUNCTIONALISM
DOMINANT GOAL OF ACTORS	Military security/Peace and prosperity	Judicial backbone and procedural possibilities in cooperation
INSTRUMENTS OF STATE POLICY	Economic instruments	Economic instruments and political influence
FORCES BEHIND AGENDA SETTING	Potential shifts in the balance of power and security threats.	Mutual convenience and the expansive logics of sector integration.
POLICY ISSUES	An emphasis on high politics, such as security and defense.	Initial emphasis on low politics, such as economic and social issues.
ROLE OF INTERNATIONAL ORGANIZATION	Minor, limited by state power and the importance of the economic position in the global economy	Substantial, new functional IO's will formulate policy and become increasingly responsible for implementation

(Source: personal elaboration of shared perceptions among the IOM staff Romania, Iris Alexe, Camelia Paun, Monica Joita, Ciprian Nita, Daniel Kozak, 2006)

After taking a look at this chart it becomes clear that the motives of Romania as a country are moreover justified by the model of realism where security and economic motives are the most important factors. For the IOM the functionalism model is more appropriate where the political and social aspects of Europeanization are more efficient if cooperation on a European basis is intensified.

10.4 ADAPTATION OF COUNTER-TRAFFICKING IN ROMANIA

As stated in section 10.2 the formal and informal rules and regulations of the EU on counter-trafficking have been incorporated into the Romanian policy domain of counter-trafficking. The political world is also gradually adapting to the EU level of politics. Nevertheless the field of counter-trafficking is, in Romania, still not the highest issue on the European agenda. This complicates answering the question to what extent this happens. The same goes for historical adaptation that claims that European ways of handling issues lead to a distinct path of development in the counter-trafficking area. It is too early to make a statement about it.

Adaptation of policy in the field of counter-trafficking is classified into four main areas: inertia, absorption, transformation and retrenchment. Due to the social character of counter-trafficking policy Romania is balancing between inertia and absorption. There is some integration of European concepts and beliefs but only as far as non-fundamental changes and not of core functioning of the nation. Compliance to the minimal standards of the EU in counter-trafficking is the case in Romania, yet the full integration of concepts across the entire hierarchical infrastructure of the Romanian state requires more time and expertise.

10.5 CONCLUSION: THE IOM AND EUROPEAN INTEGRATION

To conclude this analytical chapter it is clear that Romania is approaching accession with the best of will. Nevertheless the IOM has ulterior motives when opposed to the Romanian state. The top levels of the national government are adapting to EU demands, which has some influence on the activities of the IOM. The IOM is, in Romania, the driving pool of expertise on the subject. This does categorize them as facilitators of EU integration. The direct programmes and projects of the IOM do not necessarily affect that Europeanization of Romania. They do however provide the national state with expertise and know-how in the field.

11. CONCLUSIONS

Before answering the main researchquestion first the subquestions below will be answered below. After such the full research question will be answered with the assistance of the variable scheme presented in chapter 3.

1. WHAT ACTIONS DOES THE IOM UNDERTAKE TO COUNTER TRAFFICKING?

The IOM, as is portrayed in chapter 4 and 5, is an IGO that, with other objectives strives to facilitate in migration management in general and in particular in counter-trafficking to advance the understanding of counter-trafficking, encourage social and economic development and foremost to uphold a human dignity and well-being of victims.

In particular the IOM has various long-term and short-term projects in counter-trafficking. Specifically the organization has developed an efficient and effective top to bottom process of reintegration of victims of trafficking in Romania.

2. WHAT COUNTER-TRAFFICKING REQUIREMENTS/ACTIVITIES ARE SET OUT BY THE VARIOUS INTERNATIONAL ORGANIZATIONS?

Among various regulations and requirements and follow-up activities in the international counter-trafficking arena the Palermo protocol seems to be the most important and leading description of trafficking and the fight against it. Internationally there are other influences from the UN, NATO, GAATW and the USA. Regionally the EU and the OSCE are most influential but they seem to be lacking behind. The IOM has a more detailed definition of trafficking and the way to approach reintegration.

3. HOW IS THE IOM COUNTER-TRAFFICKING POLICY EMBEDDED IN THE ACTIVITIES OF THE VARIOUS INTERNATIONAL ORGANIZATIONS?

The IOM counter-trafficking policy is embedded in the activities of various international organizations. The other main IGO's have created general frameworks for counter-trafficking yet the IOM has increased it with more detail which entails better service providing to victims of trafficking. The IOM is the leading partner in counter-trafficking activities due to the specific nature of objectives.

4. DOES THE IOM BASE ITS COUNTER-TRAFFICKING ACTIONS/POLICY ON THE REQUIREMENTS/ACTIVITIES PUT FORWARD BY THE INTERNATIONAL ARENA?

In general the IOM bases its counter-trafficking actions and policy on the requirement/activities put forward by the international arena. The IOM is led by various international protocols and best practice models.

5. DOES THE IOM MEASURE THE EFFECTIVENESS OF ITS COUNTER-TRAFFICKING POLICY WITH RESPECT TO THAT OF THE INTERNATIONAL ORGANIZATIONS?

The IOM measures its effectiveness on a project/programme evaluation basis. The IOM does so on the basis of corporate models with reports to IOM Geneva (Global). When comparing their practice to a best practice model the IOM is very effective and efficient.

6. DO THE COUNTER-TRAFFICKING ACTIONS AND POLICY PUT FORWARD BY THE IOM CONTRIBUTE TO THE PROCESS OF ROMANIA'S ACCESSION IN 2007?

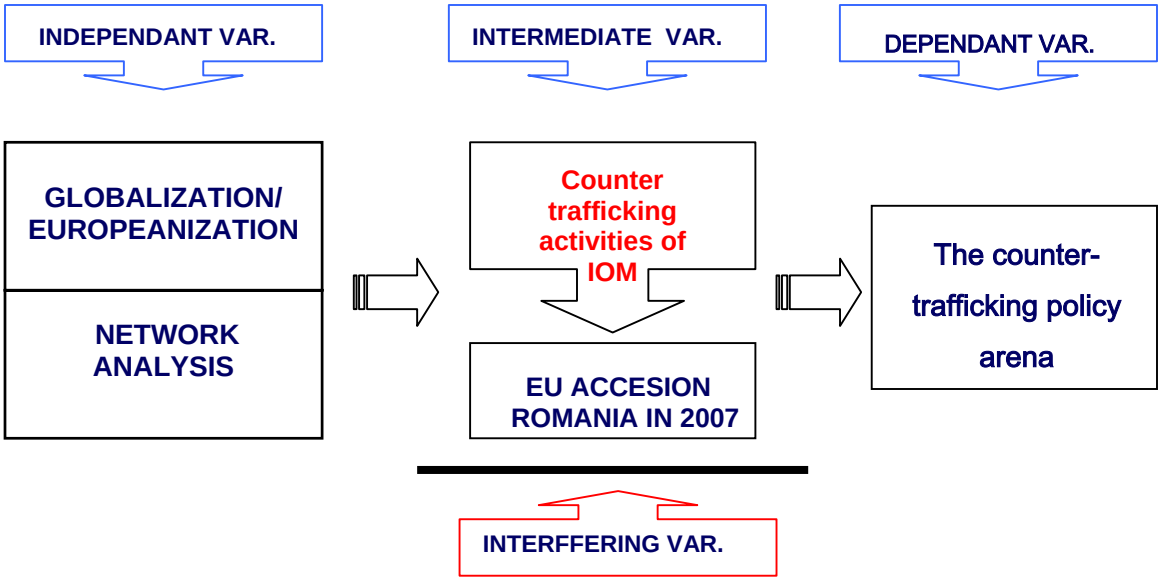
The counter-trafficking actions and policy put forward by the IOM do not directly contribute to the accession process of Romania. They do however provide the national state with expertise in filling in certain counter-trafficking demands that the EU sets out for Romania. On top of that the IOM also presents a certain minimal standard of dealing with counter-trafficking that is efficient, effective and can be used in thinking about further actions that need to be taken.

After answering the sub-question we are now able to answer the research question presented in chapter 1.

RESEARCHQUESTION

HOW EFFECTIVE IS THE INTERNATIONAL ORGANIZATION FOR MIGRATION IN FACILITATING THE IMPLEMENTATION OF COUNTER-TRAFFICKING POLICIES, FOLLOWING INTERNATIONAL REQUIREMENTS, IN PROSPECT OF ROMANIA'S ACCESSION TO THE EUROPEAN UNION?

Before answering the researchquestion let us first revive the variable scheme from Chapter 3. The dependent variable in this scheme is the counter-trafficking policy arena or in other words the variable that is kept constant. The independent variable includes the explanatory theories of globalization and Europeanization and the network interdependency model to serve the purpose of the network analysis. The intermediate variables are the counter-trafficking activities of the IOM. The interfering variable is the of EU accession.



To be able to answer the research question the variable scheme and the answering of the above subquestions leads us to say that the IOM is effective in facilitating the implementation of anti-trafficking policies following international requirements. In prospect of Romania's accession to the EU there is still more influence to be gained in the counter-trafficking policy domain. In other words, the IOM is efficient in a not so efficient network of actors. Good efforts combined lead, in this case, to a plus and a plus equaling in a minus. This is applicable for all levels of government and NGOs that operate individually as well as other private initiatives. A negative spill-over effect is that of EU accession which is approaching too fast and the IOM not contributing to this process. It must be said that the IOM is in general a great agent, developer and implementer of counter-trafficking policy.

12. RECOMMENDATIONS

12.1. INTRODUCTION

Based on the conclusions of this research project put forward in chapter 11 possible improvements or further possible research that should be done in the field of counter-trafficking in Romania can now be presented, especially in view of the functioning of the IOM in Romania. To make matters more comprehensible this will be done structured in the same manner as the concluding chapter 11.

12.3. THE COUNTER-TRAFFICKING FUTURE: INTERNATIONALLY, REGIONALLY, NATION-ALLY AND LOCALLY.

MISSING LEVEL OF GOVERNMENT

In terms of the first subquestion about the IOM and what counter-trafficking activities they put forward there can only be one type of recommendation. The work that is completed is extremely useful and needs to be continued. The inclination of this research project is that the analysis is a bottom analysis that goes slightly up and thereafter the national and international levels follow. The Romanian county level of government is missing in the counter-trafficking network. The central government could be crucial in finding possible solutions for existing problems. This could for example be the training of lower public officials in counter-trafficking policy writing. The IOM is fulfilling the regional tasks for now and has an important facilitating job. Most importantly this would serve to create a link between the different actors in the counter-trafficking network to make steps forward that are most profitable to service the victims. Generally the national strategy should include the appointment of at least some form of a national coordination. There should also be an establishment of a national expert working group, teams, committees, and the adoption of comprehensive national plans of action with timeframes, clear division of labor and responsibilities and adequate budgeting. It should also include the integration of meaningful approaches to human trafficking into a multi-year strategy focusing on national, regional and international cooperation.

INTERNATIONAL COORDINATION

The international requirements that were presented in chapters 4 and 5 are the sturdy backbone of the counter-trafficking practice. They offer a solid ground to start from which is the beginning of something good. After this research it has become clear that these efforts are bronze when we need gold. It seems like the network of counter-trafficking is expanding and that the (inter)national and regional public world acknowledges the existence of the problem. The issue that arises now is that the various efforts to counter-trafficking by all the main actors are minimally integrated. That is they are integrated by the Palermo protocol, which is as stated in the conclusion the basic protocol. The first choice that needs to be made in the international community is to gather the strengths and create a model of best practice that can be mutually functional and will not cause inclinations for the current efforts in counter-trafficking. Fighting trafficking is an extremely complicated task and the time has come to point our noses into the same direction. After working closely with the people in the IOM in Romania the

human-rights based approach towards counter-trafficking is in the best interest of the victims, as opposed to the other approaches that have more economical and financial objectives. This approach should centre any future thought on fighting trafficking to be efficient and to be able to serve on a long-term basis Therefore the recommendation for future coordination and integration of the policy domain is leaning towards that approach. In accordance with the third subquestion and the conclusion that followed from such, the IOM is a victim-centered organization.

CLEAR OBJECTIVES

The IOM is an influential organization in the field of counter-trafficking in Romania. It is also effective and efficient in its methods. This is mainly due to its specific nature of objectives that make the fight against the issue more controllable. This is clearly also affected by the victim-centered/human rights based approach of handling issues and making decisions. The IOM has an advantage due to its personality. The organization fights migration misunderstanding and facilitates migration. This field is also wide and complicated yet there seems to be an advantage by definition because there is expertise available internally. It must be stated that the effective functioning of the IOM is neither a representative nor an observation that can be generalized. The best-practice model serves as a bench-mark but does so in a worst case scenario country where contextual aspects that have been excluded in this research paper play an important role.

EVALUATION

By creating an internationally method or best practice in counter-trafficking policy the next obvious step should be in the direction of an integrated system of evaluation of counter-trafficking programmes. There are only internal methods of evaluation existent. Yet by setting out standards to perform certain tasks the possibilities to create a more centralized and foremost mutual understanding of the issue might arise.

Another important point of improvement in the field is that of social work. Social work and any other psychological study was non-existent in the communistic regime. The practice has been reinvigorated only some ten years ago. The relatively young age of the study in general causes child diseases in the field. There is no central facilitated way to channel any burdens incurred by the social workers from the stories from victims. There should be psychological assistance for social workers involved with trafficking issues to overcome the incurred traumas. In my opinion this is something that should be coordinated from a national level to actually be of any effect.

ACCESSION

With regards to accession it is advisable to create a more dialogue between the national government and the IOM. Up until now the IOM is merely an advisor in the game. Yet it appears to be the most knowledgeable actor in the field with quite some expertise and experience. By creating a more equal balance of negotiation and decision-making including the IOM and other parties, meeting the requirements of the human-rights EU accession standards will be easier.

Another point that needs to be made with respect to the accession of Romania to the EU and even on a broader scale is that by the ratification of the Schengen acquis in Romania trafficking will be given new opportunities. By opening Romania and entering the country into the spectrum of other Western countries, attention must be paid to the changes that the Schengen space will incur. Trafficking from and to Romania will become more easy within the EU. This might change the typology of Romania being a country of origin and becoming one of origin and destination. On top of that Romania will then be more attractive as a transit country to enter the EU from the Eastern outer boundary. The EU seems to be, up until now, only investing in the guarding of the external borders. Any other efforts remain unopened cases which is peculiar due to the scale of victims in Romania only as country of origin. Subsequently is it possible that the globalization will transform the nature of trafficking issues and will paradoxically even offer opportunities to solutions.

Finally another important aspect is that of, the demand side (that of consumers) is so far only fought against with information campaigns. Whilst a pure economist would state the obvious, let us decrease the demand for trafficked victims. Let us fight the cause of the problem instead of the consequences. Information campaigns are effective if they in fact reach the target population. For now, the only means of information dissemination is towards possible victims yet the challenge lies in informing the consumers about the nature of the victims. The true complication here lies in the financial aspect. The economical basis of quality vs. quantity is shifted towards quantity. A cheaper victim of trafficking used for forced labor or theft is more attractive than one of more quality. In other words it can be said that now an illegal source of labor as opposed to an expensive qualified person is towards which the balance has shifted. Making trafficked persons for labor less attractive starts with information campaigns but needs stronger interference, and enforcement to actually make a difference.

To continue this economical line of reasoning bringing the costs of consumption up would make the consumption less attractive. This might bring the number of victims down yet there is also a tendency for such actions to lead the consumption into a black market. Considering trafficking is already an illegal event governments should be careful with this approach. Thus bringing the cost down of consumption meaning, easier access for persons from less-developed countries to labor is a better option. On a practical level this should be the main objective of the EU. By creating general EU standards for professions but not complicating the barriers to entry, the target group of victims will not search for illegal methods to leave their economically challenged home situation, and was not that particular thought one of the main components of European cooperation?

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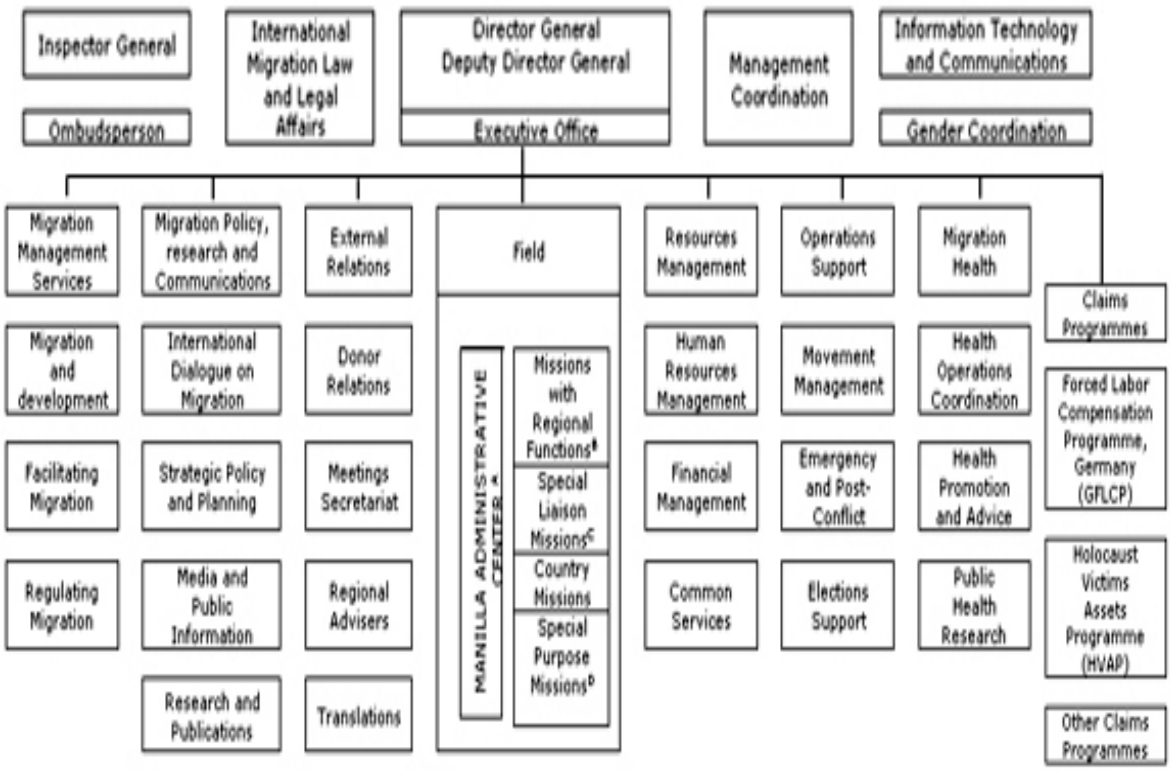
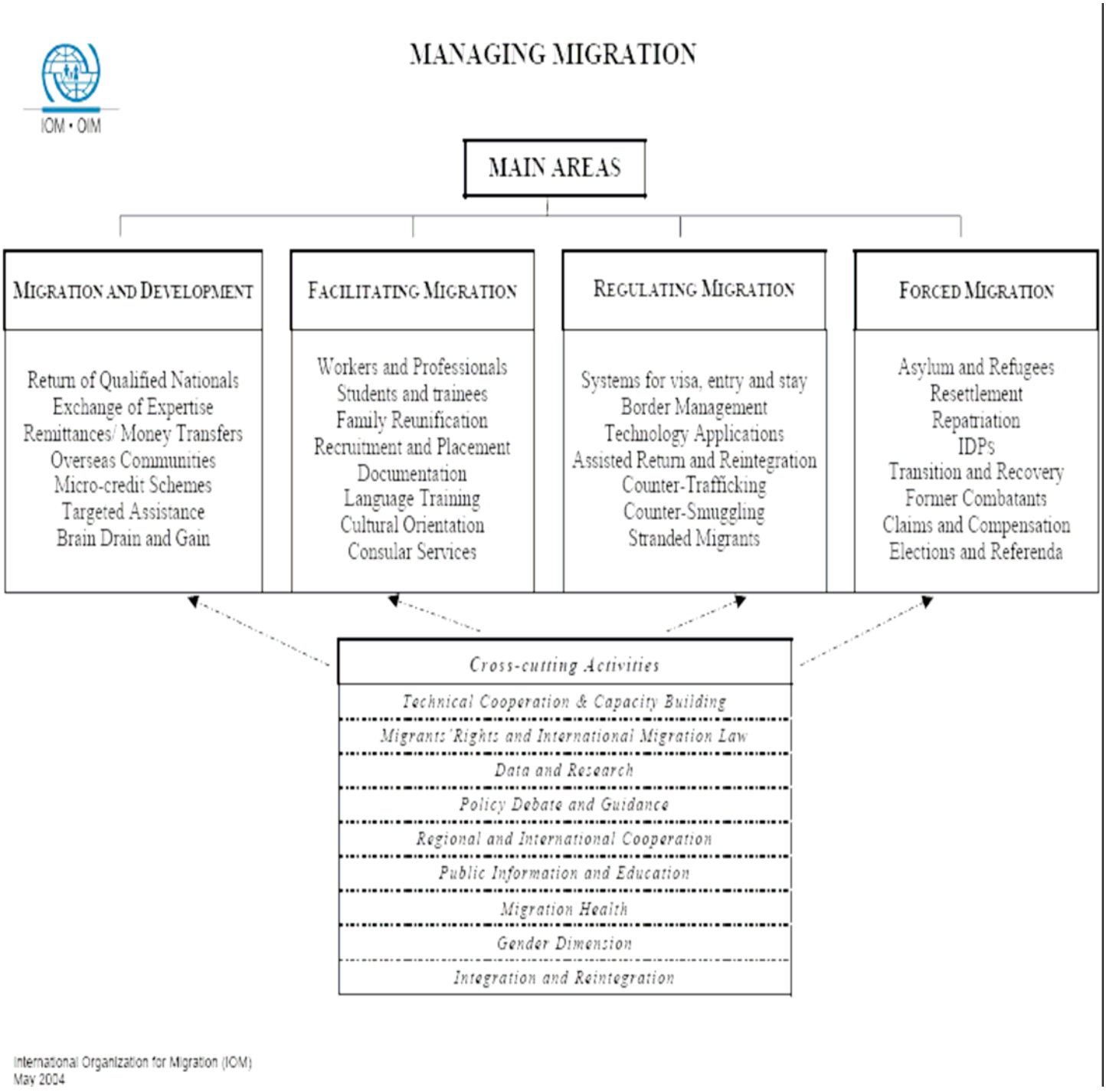
Romanian legislation:

Law No: 211
Law No: 678
Law No: 1043

ANNEX 1: IOM ADMINISTRATION STRUCTURE 2006



ANNEX 2: MIGRATION MANAGEMENT CHART



ANNEX 3: INTERVIEW IRIS ALEXE

INTERVIEW/STAFMEETING EXPLANATION OF MISSION ROMANIA: IRIS ALEXE (COUNTER-TRAFFICKING COORDINATOR/ADMINISTRATOR) AND CIPRIAN NITA (FINANCIAL CONTROLLER/ PART OF INTERMINISTERIAL BOARD AS OBSERVING REPRESENTATIVE OF THE IOM MISSION ROMANIA) IN DISCUSSION WITH A DELEGATION FROM THE NETHERLANDS (LA STRADA INTERNATIONAL, STV: STICHTING TEGEN VROUWENHANDEL AND AISHA SHELTER).

DATE: 12 JUNE 2006.

a. ROMANIA: COUNTRY SPECIFIC INFORMATION

Romania is foremost a country of origin in terms of trafficking. This means that the men, women or children that are trafficked originate from Romania (among other countries) and virtually no victims come into Romania.

Another important aspect in terms of Romania is that the country has suffered a Communistic regime. Romania began the transition from Communism in 1989. The country has emerged in 2000 from a punishing three-year recession thanks to strong demand in EU export markets. The Romanians fought back by increasing their domestic activity in construction and agriculture. In 2004 Romania joined NATO which was the first centralized activity within the IOM mission Romania in terms of counter-trafficking issues. In 2006 there is another change scheduled which causes the nation to find itself in a rapidly changing environment. Romania will join the EU in 2007 and the preparations for such have been kick-started. Yet the main issues that are very important and difficult to fight, such as corruption and poverty do very much influence the approach towards counter-trafficking.

Another important influence within the Romanian context is that of the Orthodox Church. They have an important role in fight against trafficking but controversially their followers stigmatize victims as prostitutes.

CONTEXTUAL DEVELOPMENTS

Romanian context is described by Iris Alexe as follows: in Romania there are still issues that arise in terms of institutional adaptation and administration. Although there has been a tremendous effort to strengthen the central approach towards counter-trafficking policy there are still problems with a national referring system. There are many plans and reports that present the intricate process of a national ‘identification’

system yet by setting up the system there is still a lack of recognition from the victim's side of the supply and demand scheme of things. Because the national referring system as far as things are developing now is still a voluntary system there are just a few enrollments. This decision to remain anonymous is mainly due to moral and social implications of being called a victim of trafficking in a country where the distinction between a prostitute and a victim is not yet fully recognized if even generally accepted in terms of definition. Thus they most often do not yet make use of the national referral system. But Iris Alexe claims that there is a slow but steady increase and that time will soften the circumstances whatever their causes may be.

Counter-trafficking will always be a difficult policy domain due to the illegality and non-visibility of the victims. We will never know the true statistical amounts in terms of victims which also complicates the analysis of the problem and the creation of a solution/measure as Iris Alexe claims.

Another improvement that has taken place in Romania is that of passing law 211 in 2001 which presented a legal framework to be able to actually prosecute the traffickers and provide appropriate legal assistance to the victims. This law has been regarded as a huge effort towards filling in the centralistic gaps in the counter-trafficking network. On an institutional level this legislative act also created a county-level responsibility in terms of counter-trafficking policy. This in its turn created local community shelters for which the local council was responsible. Yet here, the same issue arises with identification of the victims. There also is a large witness protection programme but so far victims do not yet dare to enter such. Law nr.1043 that was passed shortly thereafter deals with the same issues but in the context of the more specific case of children that have been trafficked.

On top of that in 2004 the legal position of children that have been trafficked was also strengthened by a legislative act (nr. 1043). Law 678 included that presence of cooperation possibilities with other parties such as NGO's and various public authorities. Also law 678 sets out to create a National Action Plan to combat trafficking with the appropriate parties. This process is still ongoing.

Another development is that of the creation of a National Agency that is specifically appointed to be the centralistic institution to deal with trafficking and its victims. This institution is supported by an administrative unit. Also there is an interministerial taskforce that functions as a think tank between different ministries. The participants are officials from ministries and representatives from the relevant IGO's and NGO's.

ANNEX 4: INTERVIEW CIPRIAN NITA

INTERVIEW: CIPRIAN NITA (FINANCIAL CONTROLLER/ PART OF INTERMINISTERIAL BOARD AS OBSERVING REPRESENTATIVE OF THE IOM MISSION ROMANIA).

Date: 6th June
Location: IOM mission Romania, Dacia Blvd. 89

PART I: OFFICIAL STATUS QUO

IOM MISSION ROMANIA:

WHAT TYPES OF COUNTER-TRAFFICKING POLICY/PROGRAMMES DOES THE IOM MISSION ROMANIA EXERT?

Direct assistance to the victims of trafficking can be split up into five main areas. Firstly there is pre-departure assistance, arranging the different procedures and entering a victim into the IOM system. Secondly there is airport assistance which varies from picking up the victim to escorting him/her to a shelter. The third area is that of post-arrival general assistance, which refers to transfer from the IOM/airport to a victim's home. The fourth area of assistance is that of the NGO's. This is also called the referral system where a victim is placed in a programme tailored for their specific case. The last area of assistance is that of shelter assistance. Victims are placed in an IOM shelter or an NGO shelter for an indefinite period. The victims are monitored and assisted throughout their entire reintegration process.

In general terms the IOM mission in Romania is also involved in a number of CT projects that operate on a bigger scale. The overarching programme is under the header of Counter-trafficking activities in Romania. Within this programme different projects are active. Firstly there is a project of assisting victims and witnesses and facilitating of prosecution in trafficking trials. Secondly there is cooperation between IOM and the MTV Europe foundation and the Romanian public television channels to disseminate information to raise awareness about trafficking issues to the general public. The third project is that of assistance to victims of trafficking and prevention of trafficking in women, which deals with the actual victims in shelters to provide them with possibilities to exit a trafficking situation, to be sheltered in various facilities and to reintegrate into society. There are a number of unanimous shelters that provide for victims that are staffed by the IOM or function as an independent NGO.

In addition to these ongoing internal CT projects there are bilateral or multilateral projects concerning CT. Firstly there is cooperation with the Republic of Moldova in assisting trafficking victims in concurrence with each other to be more effective. Similar projects exist with the trafficking victims that come from/via South-Eastern Europe, Belgium, the United Kingdom and the Adriatic Region. There is another project that is becoming an issue on the international political agenda as well, which focuses on

possibility of establishment of temporary residence permit mechanism for victims of trafficking and witnesses in the Balkans.

Financing of projects is done by donors, some of them being general IOM donors others, smaller ones, are on a project basis. This leads to very specific systems of application and evaluation. USAID and the Government of State from the USA provide most funds. In terms of trafficking different smaller projects are sponsored by embassies or regional funds. Early June of 2006 a first attempt for PHARE funds was made because the IOM mission Romania is now a candidate for EU accession.

2. DOES THE IOM MISSION ROMANIA MEASURE EFFECTIVENESS OF POLICY/PROGRAMMES ON COUNTER-TRAFFICKING IN HUMAN BEINGS?

The IOM measures effectiveness in a project/programme based manner. Every project will be evaluated in terms of their attainment of the goals of that specific project. This process mainly happens due to the feedback mechanism that is established between the IOM and the donors/partners for a specific project/programme. There also is a general feedback/justification process for employees and their specific domain of migration. The measure for such is mainly the financial one yet also different status quo is done which will then show whether the objectives are met in a longer time frame.

3. WHAT ARE THE MAIN ISSUES THAT ARISE WHILST COMBATING TRAFFICKING IN HUMAN BEINGS?

The main issue that is of importance to the IOM mission in Romania with respect to the entire network of actors involved in such is that there is a mismatch between the centralistic institutions and the service providing units according to Ciprian Nita. He claims that the pool of expertise on a service level keeps expanding which is a positive development. Nevertheless on a central level the latest developments have been extensive yet not mature enough to be able to acknowledge the field as a whole. For now he claims that it is a lose-lose situation. The legislative, institutional and skills developments are a positive step into the right direction but there difficulties arise when the different parties come together. Also the ‘sea’ of NGO’s and other parties put forward different frames of ‘best practices’ which is generally a good thing if they would not conflict with each other. The definition and frame of reference should be generally the same within the field of counter-trafficking. For now it really is not the case. Ciprian Nita’s ideas on how to approach these issues will be stated in the prospective section below.

Other than that there is a serious issue with the social workers in Romania. During the communistic times the study of psychology was abolished. It was thought to be dangerous to the basis assumptions of communism. Thus psychology and the education for social workers is only shortly began to recover. This in combination with social workers being heavily underpaid causes inefficiency. The social workers receive particular training but the resignations follow within 4 months due to financial reasons or in a worse case due the excessive amount of stress that the social workers experience.

There is no counseling for the social workers to be able to channel their anxiety to function properly in a healthy manner.

4. NETWORK: SHARE/STAKEHOLDERS THAT INTERFERE OR HAVE INTERESTS IN THE COUNTER-TRAFFICKING DOMAIN.

The main actors that have an important role in the counter-trafficking policy domain are (categorized on the basis of the level of government):

INTERNATIONAL	REGIONAL	NATIONAL	LOCAL
United Nations - Palermo protocol	European Union	National Agency	Shelters
NATO	OSCE	National Office	NGO's
GAATW		Interministerial committee	
IOM Global		IOM Romania	
International Donors	Regional Donors	National Donors	Local Donors

The main role of the IOM on a global level is that of setting out centralized frames of reference. This includes a thoroughly investigated manner of approaching the counter-trafficking concept and how to deal with such appropriately. The most important task here is to attempt to coordinate the different missions in different countries to create an integrated whole and also to evaluate the country missions.

IOM mission Romania has a leading role in the developments in the counter-trafficking policy domain. They are members in each important central institution and have incorporated the service providing units in their referral system when victims come back.

PART II: PROSPECTS

1. WHAT ARE THE PROSPECTS OF THE IOM MISSION IN ROMANIA IN TERMS OF COUNTER-TRAFFICKING POLICY/PROGRAMMES?

The IOM will attempt to create a project that will provide roundtable sessions with representatives of various important organizations that will brainstorm the possibilities to converge the different current strategies towards counter-trafficking. The aim is to share knowledge and expertise to create an overall best-practice scheme which will overarch the different organizations. This will hopefully lead to a more transparent and effective way to combat trafficking in human beings. The national referral system will play a big role in such. The existing pathways will be intensified and the non-functional ones will be eliminated or reformed. The project will be based on a four-wave research programme done by an external bureau. Ciprian Nita refers to the TIP report on Romania where the issues on transition, minimum standards, and the actions of the central government are presented as a serious problem.

The vital ingredient to any change that will be made is that of a close relationship between the different levels of government and the service providing units. The best practice guide should be a minimal standard so not very detailed. Ciprian Nita also believed that now is a vital time to take steps to further improvement. By this he means that the EU accession and internal reforms of the Romanian government are currently at a high tide and thus the time to intervene is now before any centralistic ideas will conflict and create a vast system which might be ineffective.

The key in social assistance to victims of trafficking should always be a personal approach. Thus assisting should be based on a pre-investigation in terms of legal, medical, psychological and social inquiry to assist as accordingly as possible.

Another aspect that needs attention is that of a statistical database to be able to gather information to be able to predict or justify any actions that are taken.

ANNEX 5: INTERVIEW SHELTER REPRESENTATIVE

INTERVIEW: REPRESENTATIVE FROM AN IOM PARTNER SHELTER (FOR OBVIOUS REASONS THIS PERSONS REMAINS ANONYMOUS).

Date: 5th May
Location: IOM mission Romania, Dacia Blvd. 89

PART I: OFFICIAL STATUS QUO

SHELTER (IOM OR PARTNER SHELTER)

All the relevant shelters function under the umbrella of the IOM counter-trafficking programme. When a victim returns to Romania (s)he is escorted from the airport to a shelter by IOM officials. The IOM helps to set up a reintegration plan that is entirely personal, meaning that any victim has a set of services that they can pick different aspects from based on their own preferences. After that the victim is escorted to a shelter or family. The following 2-7 months will be filled in by different activities chosen by the victim and financed by the IOM. The shelters will have strict and structured rules and regulations to create a steady basis to become a part of society again. The victim can choose from: educational training, vocational training, language lessons, setting up businesses (farm or a salon) etc.

An important aspect of the process is that the IOM will never give money to the victim directly. (S)he has a right to certain services which will be paid by the IOM yet the only money they receive themselves is pocket money, they rest goes straight to the NGO's that provide services.

INTERGOVERNMENTAL ISSUES

The shelters and their officials complain about the discrepancy between the Central level of government and the NGO level. Often a mismatch in communication or even the general perception on how to deal with trafficking victims causes irritation and moreover inefficiency in the system. They argue that an intermediate managing authority is necessary. For now the expertise in the field on a service level finds itself located far away from the central (theoretical) level of counter-trafficking.

ANNEX 6: INTERVIEW ELEONORA VERGEER

INTERVIEW: NOOR VERGEER/ CHRISTINA TAUBER

Date: 28th of March 2006
Location: Delegation European Commission, Jules Michelet

INTRODUCTION OF THESIS

General: Noor will send some accession details/and Cc me in email to Christina Tauber. Also she put some document on my memory stick.

PART I: OFFICIAL STATUS QUO

DELEGATION:

WHAT DOES THE COMMISSION EXERT IN TERMS OF BORDER MANAGEMENT IN ROMANIA?

- The Commission exerts very strict measures towards external border guarding. Romania is regarded as to having 25% of the EU border. Thus stronger external control (out of EU) is appropriate.
- The Romanian government has sharpened their traveling (uitreisregels) regulations for Romanians traveling out of Romania (visa/extra documents needed). This was notably a statement towards the other MS in the EU to smoothen the accession process towards Romania.
- This is covered by the Schengen acquis: this will be in working max. two years after EU accession (so 2010).
- Twinning projects: EC funded, Romania attracts expertise from outside of Romania. Spain is working on a project covering the border control strengthening in terms of destructive corruption.

WHAT KIND OF TROUBLE/ISSUES ARISES IN THIS FIELD?

- Corruption is still a very big issue at the Borders: if an officer makes 200 Euro a month and somebody offers to pay triple this amount for him to close his eyes for two seconds. Corruption is largely bases on survival in Romania due to the limited resources the country offers in terms of job and salary payments. EU awareness for this problem is slowly coming alive.

HOW DOES THE COMMISSION INTEGRATE THE ELEMENT OF HUMAN RIGHTS PROTECTION IN THIS PROCESS?

- Not within Vergeer's expertise. (Peer reviews Christina Tauber)

POLITICAL ARENA:

WHAT ARE THE OTHER SHARE/STAKEHOLDERS THAT INTERFERE OR HAVE (OTHER) INTERESTS IN THIS FIELD?

-UNHCR
-ICMPD: International Centre Migration Policy Development

1. What is the role that the IOM plays in this process? …
2. Would you say that the IOM is a leader within the migration policy domain? …

PART II: PROSPECTS

ACCESSION:

1. What type of changes/adjustments will/need be made before accession?
   - Schengen acquis chapter 24: accession demands (border control oriented)
   - Corruption needs to be addressed from the inside.
   - Issues with the 'oude garde' border police: now command-structured oriented to fulfill commands within hierarchy (no questioning: just implementation). No personal responsibility.

2. Does border management need to improve in their field of administration?
   - Enough resources and money/funds going there (reference to the scandal in 2004 with surveillance company France/Germany)
   - 19.000 people will be staffed/trained by accession 2007/2010.