



COUNCIL CONSEIL
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REGIONAL CONFERENCE ON MIGRATION

MIGRANTS IN THE TRANSIT COUNTRIES: SHARING RESPONSIBILITIES IN MANAGEMENT AND PROTECTION

PROCEEDINGS

Istanbul, 30 September – 1st October 2004



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OPENING SESSION

Speech of Mrs Maud De BOER-BUQUICCHIO, Deputy Secretary General of the Council of Europe,

Dear Minister,

Ladies and Gentlemen,

It is a great honour to be present here at this important regional conference on transit migration, which is taking place in this historic city of Istanbul, the crossroad between Europe and Asia, where West meets East, North meets South: a mosaic of different civilisations, cultures and religions.

However, Istanbul is not only that. Because of its geographical situation, Istanbul has also become an attraction for people wanting to cross the Bosphorus and to enter Europe.

Most of these people are irregular migrants. They come from different, mostly economically undeveloped countries of the world. Often, they come to escape wars, ethnic conflicts, discrimination, xenophobia or intolerance. Sometime, they come because of ecological disasters. They cannot legally enter Europe. So they are waiting at the doors of Europe to have a chance to get to the other side. The same situation we see in other three cities which are the subject of case-studies to be presented in the Conference: Moscow, Tanger and Tunis.

These candidates for migration wait sometimes for a few days, sometime months. But, it also happens that they cannot cross to Europe for years and are forced to stay in a transit country. Unfortunately, the conditions in which these transit migrants have to live are often not really different to those in their own countries of origin. They have to face misery, poverty and diseases. They live in total insecurity, never knowing what next day will bring them. It is not uncommon that they are abused by those who give them a shelter or work and, even by those who usually should protect them. Living in these conditions constitutes too often a danger to their lives and human dignity. This makes them very vulnerable to all kind of threat. It is not rare, that transit migrants often find themselves at the mercy of criminal elements involved in trafficking in human beings for the purpose of labour or sexual exploitation.

It is particularly unacceptable that transit migration affects not only adults, but sometimes whole families. Moreover, there is a growing number of unaccompanied minors who find themselves in such a situation.

Usually, the world public opinion is not informed about their fate. But, it happens, that transit migrants, in a desperate act, accept to undertake their route to Europe under conditions which put in danger their health and their life. Only then does their tragic life hit the headlines of newspapers.

Taking account of the situation of transit migrants it is sometimes very difficult to speak about their basic human rights. In fact, they have no legal status from the point of view of transit country, unless they are apprehended. However, the Council of Europe as an international organisation promoting human rights, democracy and the rule of law cannot ignore the lot of transit migrant.

The present Conference is a major Council of Europe political event in 2004 in the field of migration. Its main objective is to examine the situation of transit migrants from the human rights perspective and the protection of their dignity. We hope that highlighting this

prospective we will contribute to better define the phenomenon of transit migration. It is particularly important that for the first time, at least in the migration field, we will have policy discussions based on national “case studies” reports.

I am very happy that again the Council of Europe regional Conference on migration attracts a great deal of attention not only from its member States, but also from non member States representing main migration population in Europe. I appreciate very much the presence of representatives of many international organisations as well as nongovernmental organisations. I welcome all of you very warmly.

This Conference should allow us to see what are the best practices and national experience with regard to transit migration. I hope that it will help transit countries to improve the management of transit migration.

However, as it is underlined in the title of the Conference, the improvement of management of transit migration needs the involvement of all parties concerned. We have to take account of the situation of transit countries, which for the most part, are unprepared to face this challenge due to the fragility of their economies. In fact, if they were more attractive to irregular migrants they would be treated by them as final destination countries and not as a transit country.

The transit countries should not be left alone. To improve the management of transit migration we need to unify the efforts all partners and to promote genuine international and regional co-operation to understand the irregular migration in transit countries.

Since the adoption of the report on *“Diversity and cohesion: new challenges for the integration of immigrants and minorities”* the Council of Europe works for a comprehensive system of migration management within a framework of respect for fundamental human rights covering all forms of migration either regular or irregular.

The best practices in the field of migration management were included in the report *“Towards a migration management strategy”* adopted by the Council of Europe ministers responsible for Migration Affairs, who met in Helsinki to discuss the theme: *Migrants in our societies: policy choices in the 21st Century*. Among issues discussed were in particular the rise in irregular migration, the exploitation of migrants by traffickers, the persistence of xenophobia, racism and discrimination, and the important social and economic impact of migrants on both their countries of origin and destination.

One of the assumptions adopted in the Action Plan was the promotion of regional and international co-operation and, in particular, the strengthening of dialogue and partnership between member and non-member States. We know that there are a lot of stereotypes regarding migration. Too often the discussions on migration are dominated by an economic debate on both sides, migrants and governments. But, we believe that the genuine dialogue can lead to a constructive and positive approach to the management of migration. Only genuine cooperation may limit the illegal movement and employment of migrants in an irregular situation.

However, one of the conditions to succeed in this matter is pursuing open and transparent policies regarding labour migration and elaborating, if necessary, provisions on legal work. This should take into account the concerns of potential migrants as well to give them where possible, in an appropriate language, complete and clear information on possibilities of work abroad, the real situation on the work market in the destination country, including the risks related to irregular entry and work. We need preventive policies aiming to reduce the incentives for people to leave. In that respect the best way to limit the number of irregular migrants is to create more opportunities in developing countries. We have to find a solution to the problem of economic underdevelopment and marginalisation.

Migration is a very complex issue. All countries have their part of responsibility in this respect. This means that migration cannot be effectively managed unless all relevant actors perform their respective roles. I hope that this Conference will contribute to the raise of the conscious in this matter. All countries have to raise the awareness of the need for international solidarity and burden-sharing. All countries have to undertake to co-operate in order to reduce the incentives for people to leave and to have a real impact on the everyday lives of people.

The two years experience shows that we have still a long way before us. Can we move faster? Certainly, yes. But it is very difficult to convince states to modify their positions which for centuries were based only on national interests.

Since the Helsinki Conference, the Council of Europe strives to strengthen cooperation with non-member states. Two initiatives are worth mentioning in this respect: (1) institutionalisation of the regional conference designed to examine migration issues that are specific to different European regions, to promote cooperation and to share good practices; (2) the creation of a political platform, which is conceived as an open forum, where the Council of Europe member States together with non-member States, representing migrants residing in Europe, may address the political challenges related to migration.

Moreover, the Council of Europe has initiated negotiations for the setting up of the European Migration Agency. It aims to institutionalise the regular dialogue and partnership between countries of origin, transit and destination. Its mission would be to promote co-development and would provide a positive impulse towards the orderly management of migration desired by the European Ministers and which would reflect the interests of all relevant actors, including the human rights of migrants.

The Committee of Ministers of the Council of Europe has decided to hold the 3rd Council of Europe Summit of Heads of State and Government in Warsaw on 16 to 17 May 2005. It is foreseen that migration will be one of the main issues to be discussed during the Summit. We expect that it will recognise the positive role of migration in European history as a genuine source of future progress (economic, social, cultural and political development) and the fact that migration and as a part of the global process towards sustainable development of the countries most concerned.

We hope that the Summit will adopt of a common position on migration; promote the legal migration and reaffirm the respect of human dignity of migrants and their basic human rights. It is foreseen that during the Summit the Council of Europe the Convention on Action against Trafficking in Human Beings will be opened for signature. The first and most important added value of the convention will be recognising trafficking as an affront to human dignity and therefore a violation of human rights. It will protect and promote the rights of victims.

Finally, I would like to express our gratitude to you, Mr Minister, for having invited us to organise this Conference here in Istanbul. The excellent work of your officials have certainly contributed to the success of its work.

I wish, all of you, very fruitful and successful work.

**Speech of Mr Abdülkadir AKSU,
Minister of Interior of the Republic of Turkey**

Minster,
Deputy Secretary General,
Ladies and gentlemen,

The problem of migration has been a major source of concern to us all in recent years, and I should first like to say how pleased I am to see you in our country for this conference, which you are attending to pool your information and experience on migrants in transit countries and especially on the aspect of illegal migration. I also wish to extend my warmest thanks to the Council of Europe for deciding to hold this important event in Turkey.

Turkey is a venue for activities and events of importance in the fight against transnational organised crime and terrorism, in a spirit of regional and international co-operation. Examples include the NATO Summit, the OECD Conference of Ministers Responsible for Small and Medium-Sized Enterprises and the Conference of Foreign Ministers of the Organisation of the Islamic Conference, all of which we hosted in June.

Turkey is pleased to see that the EU member countries and the other countries in the region share its view as to the great importance of this conference, and has pleasure in hosting it.

Human mobility and migration should not be regarded as a new development. For centuries people have been leaving their homes to achieve better living standards and create opportunities for securing their future. Nowadays hundreds of thousands of people attempt every year to get into the EU countries, the USA, Canada and Australia in particular, either legally or illegally, in order to improve their living standards.

Today it would be misleading to approach migration issues solely from the point of view of irregular migration. The increase in migration flows, whether regular or irregular, produces a wide range of social, economic and cultural problems.

I believe the experience Turkey has acquired in this area since the early 1960s is a substantial asset for migration management.

Almost four million of our citizens live in Europe, mainly in Germany. The Turkish state considers it important for these citizens of ours to conform as fully as possible to the communities in which they live and to go through a successful integration process, and it encourages them to do so.

Besides taking an active part in international efforts to deal with migration, Turkey considers it a priority to deal with migration, migration problems and ways of resolving them at bilateral level.

I should like to take this opportunity of mentioning the Education Action Plan drawn up to take account of the fact that education tops the list of priority issues for our citizens living abroad. Work on this plan is currently being pursued on the basis of bilateral co-operation with various European countries.

Our purpose in setting it up is to ensure that our young people first master their mother tongue, then acquire a very good knowledge of the language of the country in which they live, in order to ease their integration process. We believe the authorities of the countries concerned will also fully support the plan.

In combating organised crime such as people smuggling and people trafficking, whose scope is now more or less worldwide, it is not only important to lay the legal foundations but

also to take social and economic measures designed to tackle problems such as poverty, unemployment and economic differences at the roots.

In this context, I believe the Council of Europe's work on curbing illegal migration will yield positive results not only for the countries of this region but for all the countries in the world affected by illegal migration.

We believe that to counter forms of organised crime such as illegal migration and people trafficking, which threaten both state security and public tranquillity and safety, states must first of all take steps within their own borders and in their border areas.

On this basis, Turkey, which has for a very long time been a transit route particularly for the citizens of several countries to the east migrating illegally to western Europe, and has also become a target for the citizens of countries to the north and north-east since the collapse of the Soviet bloc, has made intensive efforts to curb illegal migration and, as a result of the practical steps taken, has achieved noteworthy successes in preventing it.

Aware of the international mission assigned to it, our country has made the necessary changes to national legislation and has speedily implemented them, thereby showing once again the importance it attaches to combating illegal migration and people trafficking.

In 2002, for example, Turkey added the definitions of migrant smuggling and people trafficking to the Criminal Code in 2002, providing for criminal penalties of two to twenty years for these offences. It amended the Citizenship Law to prevent fake marriages designed to enable people to stay in the country, and introduced a new law on work permits for foreigners.

We have also reached the final stage in preparing and printing new machine-readable Turkish passports, and have introduced scanners at our border posts open to international traffic.

As a result of such efforts and initiatives on our part, the international illegal migration route began to shift towards other countries in 2002 and 2003, and the illegal migration flow through Turkey substantially decreased. As part of our action against illegal migration, 493,169 illegal migrants have so far been prevented from passing through Turkey and 4,914 people smugglers from 32 different countries have been apprehended.

People trafficking, a form of transnational organised crime like people smuggling, is a violation of human rights, and we therefore attach special importance to efforts to protect the victims. By way of example I should like to cite the shelter opened in Istanbul by a Turkish civil society organisation.

As these offences are committed by organised professionals, it is now essential that measures taken at national level should be supported by regional and international co-operation in the fight against organised crime.

The United Nations Convention against Transnational Organised Crime, which has the distinction of being the first international agreement designed to combat transnational crime, was opened for signature by the member states on 12 December 2000. Turkey immediately signed the convention and its Protocols concerning Trafficking in Persons and the Smuggling of Migrants, and in 2003 ratified them and brought them into force.

As part of this co-operation, we have signed security co-operation agreements with 43 countries, providing for co-operation in the fight against organised crime and terrorism and including provisions on the fight against illegal migration and people trafficking. In order to make these provisions operational, we have proposed co-operation protocols to nine countries in which people trafficking directed at Turkey flourishes.

Contacts are in progress with 28 countries with a view to signing readmission agreements. Such agreements have been concluded with Greece, Syria, Romania and Kyrgyzstan.

Our determination to curb illegal migration is also apparent from our active participation in international forums and our close co-operation with civil society organisations working in this area. Our country is Vice-Chair of the Budapest Process, the only European-level forum dealing with the prevention of illegal migration, and also takes a regular and active part in the meetings of the Bern Initiative, which aims to develop a common approach to and co-operation in migration control between the countries concerned.

Turkey also takes an active part in the activities of organisations such as the International Centre for Migration Policy Development (ICMPD), with which it has signed a co-operation agreement, the International Organisation for Migration (IOM), to which it has applied for membership, the Southeast European Co-operative Initiative (SECI), which it finances, and the EU Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI), and in formations such as the Issyk Lake Dialogue, the Border Guards Conference and the Bali Process.

As you know, our country is making substantial efforts to secure the start of membership negotiations with the EU and has made a number of practical advances under the National Programme we have launched. They include 75% alignment with the EU Visa Negative List and acceptance of the strategy documents on asylum and migration; the Twinning projects on these two subjects are in progress.

As part of these activities, in order to improve control over and supervision of our country's borders, which we expect to become the EU's external borders in the near future, projects jointly financed with the EU have been drawn up to allow the Turkish authorities to increase their border controls and use more effective institutional facilities and technical equipment on those borders to curb illegal immigration. These projects include the setting up of accommodation centres for illegal immigrants, the establishment of a fund to enable migrants from distant countries to be sent back, the installation of infrared apparatus on our coastal security vessels, the purchase of five E-406 aircraft for use in search and rescue operations and the installation of physical security systems on our land borders.

We believe that Turkey, a country which has now made substantial progress in combating illegal migration, will also contribute a great deal in this area to the European Union once it becomes a member, as we hope it will in the future. The border controls currently being developed are not intended to turn our countries into impenetrable fortresses. There must not be an iron curtain dividing the rich from the poor: these controls must be supported by an effective visa system and we must leave room for manageable migration.

Europe's peoples must not be intimidated by the fears generated by illegal migration. A system must be developed which allows those who so wish to come to a country and to return at the end of the prescribed period.

I believe this conference, at which we shall pool our views and experience in the area of illegal migration in order to seek solutions to this international issue of importance to us all, will make a significant contribution to our efforts in this direction. Sharing responsibility in this area will be a major step towards alleviating the problem and the burden on target countries and transit countries and towards rehabilitating these people, who experience human tragedy along their migration routes, and reclaiming them for the societies to which they belong.

In conclusion, I should once again like to extend my thanks to all those who have worked to organise this event, especially the Council of Europe, to our participants and to you all.

**Speech of Mr Tadeusz IWINSKI,
Vice-President of the Parliamentary Assembly, Chair of the PACE Committee on
Migration, Refugees and Population**

The right to leave one's country: but where to go?

Ladies and Gentlemen,

Everybody has the right to leave his country. This is a right enshrined in a number of covenants, treaties and declarations. But in reality few people are accepted by another State. Many more are stuck in countries where they did not intend to remain, for months or even years.

People in search of economic betterment, as well as people fleeing persecution, wars, natural disasters or extreme poverty cross several countries before reaching their desired country of destination. Some of them are turned back to countries they crossed during their journey, because they do not comply with entry regulations. Others are stuck while in transit, because this is the plan of the smugglers, or because they are waiting for documentation, or because they do not have any more money to continue their journey, or for one of many other possible reasons.

To a certain extent, transit migration is an inherent aspect of migration movements, and probably cannot be completely eliminated even in the context of an effective system of migration management. As a phenomenon, however, transit migration requires the attention of the Council of Europe, and in two respects in particular: on the one hand, how to ensure that migrants in transit countries are treated in a humane manner and can fully enjoy human rights irrespective of their legal status; on the other, how to support transit countries in sharing the burden of transit migration, including its financial costs.

Old and new transit countries

a) eastern Europe

I come from Poland, a country at the frontier of the European Union, now as a member but until some months ago as an accession country. Its geographical position has made of Poland a target country for west-bound migration since the late '80s. Since the most prominent and obvious characteristic of transit migration is its unlawful character, it is very difficult to provide statistical data. In the report on Transit migration in central and eastern Europe, which I prepared on behalf of the Committee on Migration, Refugees and Population of the Parliamentary Assembly, I mentioned that border apprehensions in Poland were probably only 20-30% of actual illegal crossings. Again, according to estimates some 150 000 to 250 000 migrants from Asia and Africa stayed in the territories of central and eastern Europe at any given time, waiting to be smuggled into the West. These estimates may be out of date, since my report was concluded in 1997 and since then central and eastern European countries have substantially improved their border control capacity, thanks in part to the

cooperation among EU countries and the financial support of the European Union. On the other hand, the fact of being new EU members may have increased the appeal of this region as a target for migrants who are directed westward, as a first step to reaching other EU countries.

b) southern Europe

It does not come as a surprise that some EU countries are themselves often transit countries for other EU countries or even Canada and the United States. Council of Europe member states on the Mediterranean coast know this reality very well: Greece, Italy and Spain, due to their long coastline and relative proximity to other countries of transit or origin attract a high number of immigrants who do not intend to remain on their territories.

c) western Europe

This is not only a southern prerogative: even Belgium and France, are transit countries. Let me refer again to my personal experience: as head of a parliamentary delegation of the Council of Europe, in 2002 I visited the famous reception centre of Sangatte, near Calais. I spoke to a number of young men there, some of whom minors of age, coming mainly from Asia. Many of them had already tried to cross illegally into the United Kingdom, some of them had injuries to their hands or legs from trying to jump onto moving trains. They risked their lives every night to achieve their objective, and if they didn't succeed they would try again. Even after several attempts, hardly any of them would try regularising their situation in France. They were all in transit towards the United Kingdom. Our colleague, Mrs Zwerver, who visited the port of Zeebrugge, described a similar situation for Belgium, even if of course less important in size.

Why transit migration should be tackled

Transit migration is a potentially complex and hazardous phenomenon: everybody has the right to leave his country, but most people in transit travel in an irregular manner, often relying on criminal networks of smugglers, and often finding temporary employment in the shadow economies of transit countries.

There is an undeniable link between transit migration and illegal activities in the broad sense, but this should never overshadow two facts:

- a) transit migrants, like any other human beings, are entitled to certain rights and in particular fundamental human rights, without any exception whatsoever;
- b) states have a responsibility to fight against smuggling and all the other factors that could favour illegal migration, including the existence of a shadow economy.

Transit migration poses immediate challenges

Transit migration poses daunting challenges to our governments. I would like to mention a few:

a) it is necessary to elaborate migration policies which reconcile immigration control with humanitarian and human rights imperatives. This is a difficult task, when we consider that migration flows are mixed, as they are formed of people in need of protection as well as others in search of economic betterment. Also among migrants in transit both categories exist. States therefore have the obligation to ensure an effective immigration control, while ensuring access to asylum procedure for those who are in need of protection and the application of other immigration rules for those who are not. In this respect I would like to stress, however, that the Assembly has strongly affirmed that all migrants should be treated in a humane manner and given the possibility of explaining why they are seeking entry into a country.

b) Another challenge is how to establish a mechanism to share the efforts of transit countries. This issue has been a bone of contention for many years within the European Union – especially with reference to asylum -, and no concrete solution has yet been found. It is often said that transit countries should not be left alone with the burden of coping with transit migration. On the other hand, when it comes to concrete proposals on how to alleviate their burden, there is a lack of agreement among governments and possibly a lack of political will. Even some existing measures are controversial: readmission agreements are often mentioned as a form of burden-sharing; but others criticize them as a form of burden-shifting. I believe that the Council of Europe should look attentively into this issue, in the context of its migration management strategy, and propose a set of instruments for burden-sharing. The underlying principle should be co-responsibility. Co-responsibility of states for the implementation of an effective management of migration, co-responsibility in the fight against trafficking and smuggling, co-responsibility in addressing the root causes of migration and combating poverty, co-responsibility in combating illegal migration in Europe, including transit migration, without criminalising migrants.

c) This leads me to another serious challenge: how to provide correct information to potential migrants so that they do not nurture false expectations, and to our citizens so that they do not criminalise migrants. The problem of communication is essential: the image of migrants is often distorted by the media, which provides alarming and sensational news, and tends to emphasize the link between migration and criminal activities. On the other hand, the image of Europe, or west-European countries, is also often distorted in the eyes of potential migrants, who are unaware of the difficulties they will face in finding a job, in having access to certain rights or even in regularising their situation. Here again is another task for the Council of Europe, and more specifically for a future European Migration Agency.

Council of Europe agenda

Ladies and Gentlemen,

As I said at the beginning of my speech, everyone has the right to leave his country but not the right to be received by another one. There is a right to leave but not a corresponding right of entry.

This is the most important challenge of all: states should open clear and transparent channels for legal immigration. This would be the prime means of reducing transit migration and spare hundreds of thousands of people from months or years of exploitation, suffering and social exclusion. Encouraging member states to do so should be the main task of the Council of Europe through its Migration Management Strategy.

**Speech of Mr Claude -Valentin MARIE,
Director, Research and Anti-discrimination Unit, Paris ***

“*Haragas*”! This Arabic expression, which literally means “burners”, is used in French to designate “candidates for the suicide journey”. It applies to those who dream of burning down frontiers, even if means burning down their own lives. *“I burn myself to see whether I am still alive. You know, mother, I still have enough life in me to leave”*. These are the words of the hero of one of the novels written by the Moroccan author The growing number of Maghrebi artists, writer and poets who refer to this concept in their work underscores the extent of the phenomenon, its importance in everyday life and its hold on the collective imagination. “*Haragas*” have unquestionably become a veritable social phenomenon.

And no wonder, because NGOs working on both sides of the Mediterranean estimate that over 4 000 corpses have been recovered over the last five years in the Straits of Gibraltar alone. If we estimate that one corpse is discovered for every three missing persons, the real total would be 10 000 dead in this stretch of sea in five years.

The first fact highlighted by any analysis of emigration today is the tragic increase in the number of fatalities, on which no official body can put an exact figure. The second finding is the tragic situation of the survivors of the shipwrecks. Few people pause to consider what they are actually living through. Yet if we listen for a moment to this Turkish survivor we might gain an inkling of what these “suicide journeys” really involve: *I am ashamed to admit it, but several times during the journey I hoped that one of our companions would die or fall overboard so that the boat would be lighter and I would be rescued; I’m ashamed now, but this journey turned me into a wild animal.*

The reality of international migration includes what happens upstream, during the whole itinerary covered by such so-called “transit migrants” prior to embarkation ... if they manage to get that far. The ordeals which they have suffered partially explain why they consider the risks of the sea crossing no worse than those they have already had to face as victims of trafficking. According to the IOM (the International Organisation for Migration), there are almost 4 million of trafficking worldwide. This trafficking fuels a highly lucrative market in parallel services, providing forged documents, means of transportation, transit accommodation and illegal employment.

All these practices also involve what might well be called the “new deal in international migration”, which is characterised not only by the tragedies mentioned above but also by two further fundamental features: the increasing pace of migration globalisation, with the emergence of “new migration regions or sub-regions” and a major shift in the various States’ perception of population movements.

The new deal in international migration

Among the main features of this new deal, I would like to concentrate here on the emergence of “new migration sub-regions”, which have a wide variety of internal dynamics. The areas in question, namely the countries of the former eastern European bloc, ECOWAS

* This speech is also available in French on the Council of Europe Migration site: www.coe.int/migration.

and the Maghreb, are now countries of departure, transit and also temporary or permanent settlement. Population groups flood into these areas from all over the world, ie central or eastern Europe, the whole of sub-Saharan Africa, Afghanistan, Sri Lanka, India, etc, vividly illustrating the aforementioned globalisation of migration flows.

Migration by such groups is thus helping to create much more complex mobility systems than ever before, although some of them are in fact extensions of long-standing practices. They mobilise a wide variety of networks, adapt to the prevailing circumstances and exploit loopholes in legislation and surveillance systems. They implement what Alain Tarrus (quoted by S. de Tapia) calls "*savoir circuler*" ("knowing how to get around"), which enables them constantly to reinvent new types of migrants, whom people nowadays find confusing because they are so out of kilter with the old traditional models.

These overall dynamics corroborate the hypothesis of new "*modes of circulation in migration*" whose configuration, operator strategies, routes, modes of appropriation of political/administrative spaces, and the whole imaginary perceptions of migration are also at odds with the models seen hitherto. This "revolution" is particularly obvious as the new types of migration are taking place within a new geopolitical deal which, after the fall of the Berlin Wall and the collapse of the communist bloc, involves increased globalisation of economic exchanges, EU enlargement and a relentlessly widening gap between north and south.

With the concomitant sovereignty issues and redistribution of economic, social and political interests (in both eastern and southern Europe), this whole process amounts to what we would call *a new deal in international migrations*. However, while this reconstruction of *migration areas and modes of circulation* affects both western and eastern Europe and the countries of the south, the logic behind them in each of the sub-regions in question is very different, as are the balances of power or situations of domination that develop there. This means that the new deal calls for a different "representation" of international and transnational population movements.

From bilateral approaches to intergovernmental co-operation processes: from pressure to blackmail

Nevertheless, the same often contradictory problems with managing freedom of movement and border controls, managing the integration of population groups admitted and combating trafficking in migrants are still prevalent in all these countries, some of which are obviously better placed to cope with them than others. This is manifest in the southern countries, even more so than in eastern Europe, particularly since the tightening up of control procedures in western Europe sent out immediate shockwaves, blocking population groups in many countries which they had only been intending to use for transit.

Yet there is no shortage of pressure on them to do so. In Europe, the pressure has really benstepped up on the new members of the European Union, and their capacity for controlling immigration flows transiting through their territories was crucial for the final verdict on their accession to the Union. Similar levels of pressure are maintained on African countries (Maghreb and sub-Saharan Africa), which are also required to devise new means of controlling international migration. The word "co-operation" is commonly used, but it seems somewhat out of place when one considers the actual pressure, or indeed blackmail, which accompanies negotiations on this subject. A clear example of this process was the proposal at the EU Summit of Heads of State and Government in Seville to make development aid dependent on the determination of the prospective recipient States to combat illegal

migration. There is often a great deal of mistrust and suspicion, to put it mildly, in discussions leading up to bilateral agreements, the primary objective of which, for States in the north, is the “readmission” clause.

This direct, urgent demand on third countries leaves their authorities little alternative but to implement criminal-law measures as imposed by countries in the north. This means that many of them now have to seek to protect the EU, to ensure its security and keep it safe from any “undesirable invasions”. For instance, the Maghreb countries have been invited to form a “buffer zone” to protect the Union from incursions from sub-Saharan Africa, just as Senegal has to operate as a border guard for the west African sub-region. Both these areas are being increasingly forced by their EU commitments to agree to readmit illegal immigrants and then to send them back to their countries of origin. We must wonder about their capacities for ensuring such repatriation in the long term, given that even countries in the north are at a loss as to how this is to be achieved, for all the refinement of the resources at their disposal.

In addition to an inability to cope with such an enormous task, transit countries face a further twofold risk. Firstly, their own nationals, who are already facing serious economic difficulties, are liable to react negatively to such pressure. The traditions of hospitality so dear to all these countries are obviously not enough. The second risk is possible damage to relations among partner States in the south, in that sending migrants back in this way will add to the socio-economic destabilisation of some countries, not to mention the fact that it infringes current agreements on freedom of movement, for instance within the ECOWAS.

Securing appropriate labour supply policies

Europe tends to attach low priority to these risks, if not to ignore them completely. The unanimous decision on the part of EU States to tighten up regulations (strict control of migration flows and restriction of long-term settlement) does not prevent them from reserving the right to reinitiate their labour supply policies (on a selective and/or cyclical basis). Various provisions (quotas, temporary contracts, secondments, international service provision, etc) have always left openings for fresh temporary admissions of foreigners, with the States endeavouring to tailor them strictly to market requirements.

This determination, which was long hidden from public view, is now flaunted for all to see. The myth of “zero immigration” has had its day. The concern is no longer to guarantee “closed borders” but to “select” on a “rota basis”. The new burning questions are as follows:

- How can we tailor “flows” to “demand”, qualitatively and quantitatively?
- What are the optimum criteria?
- How can we manage competition for the most highly skilled workers?
- How are we to ensure that periods of residence remain temporary?
- In a word, how are we to attract the best, get rid of the unnecessary and turn back the unwanted? And in other words, how can we reconcile economic needs with public fears?

The rules, the letter and the spirit of the Schengen Agreement

The tightening up of controls in Europe has unquestionably been one of the main factors in establishing this new deal. Although asylum has been singled out as being a particularly symbolic field, no aspect of immigration (right of residence, issuing of visas, conditions of accommodation, right of appeal, etc) has been excluded from the new approach, while new computerised systems of registration and information retrieval on immigrants have concurrently emerged and subsequently been constantly refined. At the centre of all these provisions is the Schengen Agreement. None of the essentials of the subject under discussion today has escaped the impact of this instrument, including the functioning of the institutions, the corresponding political philosophy and the very conception of immigration which each member State has now developed.

If this convention perfectly symbolises the current changes in the handling of immigration, the most remarkable thing has certainly been its “virtual effectiveness”. Major changes were made in the name of Schengen to national legislation in Europe, and even to some Constitutions, even before the agreement was ratified and brought into force. We can legitimately say that the spirit of Schengen was established long before its letter. The pressure exerted on countries around the periphery of the European Union to implement the principles and adopt the policies set out in the agreement have since shown that the letter of Schengen far exceeds its presumed scope.

Towards a new conception of international migration

In short, migration – to the EU States – is no longer a mere social problem. It first of all became an essentially domestic security issue, and then a State security issue, to end up as a geopolitical issue. This explains why countries have opted for “policing foreigners” rather than implementing an “immigration policy”: the measures adopted have targeted border security rather than migration flow regulation. And this security goal has in fact been achieved by intensifying, reinforcing and refining control measures. However, this action has also been a key factor in “criminalising” international migration, in the twofold sense of population movements becoming a target for trafficking and the migrant himself being presented as someone “conducive to crime”.

I use the term “*paradoxical cost*” to refer to this dual effect of measures which, on the one hand, promote a security mindset which sometimes runs counter to the rule of law and, on the other, seem powerless to combat the trafficking phenomena which they – paradoxically – encourage, forcing the States to devise increasingly restrictive measures.

The refinement of control mechanisms, which has been going on for almost twenty years now, has thus transformed what used to be called “spontaneous” movements into migration flows which were “aided” by people smugglers before finally turning into migration “organised” by traffickers. All in all, this process has expedited and diversified “migration movements” and, paradoxically, transformed the process of transiting through third countries into an increasingly insecure type of long-term settlement.

At the same time, this “criminalisation” of international migration has encouraged the construction in the collective imagination of representation of “the foreigner” as both an “internal” and “external” threat. Insufficient attention has been paid to the effects on the functioning of the host societies of this representation of the “migrant” as comprising the

twofold risk of “disrupting social order” (“we cannot take in all the world’s woes”) and undermining State security.

Towards a positive view of international migration

It is vital for social cohesion both north and south to combat such representations and reverse the suspicion mindset which accompanies the political handling of migration. The first step is to agree that the “crime” in the organisation of international migration is committed not by the migrant but by those exploiting him or her.

Without disputing the individual State’s right to check on who is settling and working in its territory, it is vital to move on from an obsession with “control” guided by security concerns, to the idea of “positive regulation” of migration with respect for fundamental human rights. The next step is to acknowledge (and to inform the public) that there are many forms of migration, which cannot all be treated in the same way, because migrants’ “rights” vary from case to case: we cannot treat cases of family reunion, labour immigration, right of asylum and temporary immigration all in exactly the same way, never mind prohibit them on the same grounds.

With particular regard to labour migration, the current imperative is to redefine the terms of a properly controlled labour supply policy, which would presuppose:

- reactivating official labour migration channels;
- guaranteeing a genuine status for foreign employees;
- combating casual labour;
- giving legal force to the European Recommendation on employment of “undocumented” foreigners securing the rights of foreign employees regardless of the lawfulness of their administrative situation;
- strenuously combating all forms of “illegal employment”¹;
- associating all trade union organisations with regulation of the labour market.

It would also be useful to lay the foundations for a new type of co-operation with third countries, agreeing on its aims and underlying philosophy. If the sole aim is to request their help in order to shut their nationals out of Europe or ensure their readmission in the event of expulsion, we cannot expect the countries of origin to be particularly keen on this form of “co-operation”.

In this field, as in others, the “subordination” mindset must be replaced by genuine partnership. The chances of such an unprecedented mode of co-operation succeeding will be greatly improved if the agreements on offer respect the interests of all parties, beginning with those of the migrant, in resisting the traffickers. The responsibility of the countries of origin

¹ The presence of illegal immigrants in a given sector of activity is a sign of deregulation in the corresponding employment mechanism, which deregulation does not specifically or exclusively concern foreigners illegally employed in this sector. In many cases nationals working in the sector are no better off than their foreign colleagues. This means that “illegal employment” must be addressed as an overall threat and a factor for overall insecurity, rather than specifically, never mind exclusively, the employment of “undocumented” foreigners.

in terms of protecting their own nationals is a major imperative. The agreements should provide for much firmer undertakings in this respect.

Information gathering

The management of migration, particularly of so-called irregular, clandestine or illegal migration, always raises the question of the relevance of our information-gathering instruments, our means of analysing concepts and indicators to legitimise political and administrative approaches and choices. The eternally recurring question is “whom are we talking about?”

Where the theme of our meeting is concerned, it would appear legitimate to consider the actual concept of “transit migrant”. What new reality does this concept cover today? What is the difference between this reality and the “illegal immigrant” we have been so concerned about hitherto? To what extent does it represent a new threat whose prevention necessitates implementing a new type of “administrative engineering”? In a word, what purpose does the “transit migrant” category serve in intellectual and political terms?

Stéphane de Tapia rightly stresses that the “categories” used in the immigration field are *often “invented” more by the public authorities than by economic and social realities*. I would add to this analysis that these categories are less effective in heuristic terms than in terms of their impact on the “social imagination”. This is central to our joint reflections: how are we to define the realities we are debating, and once they have been defined, how are we to quantify them?

We must take the time to ponder the concepts, norms, legislative and statutory instruments and their underlying logic. This reflection should be guided by two goals: firstly, to verify their relevance to the wide variety of dynamics at work in the “migration sub-regions”; and secondly, to construct an analytical instrument with an eye to a rational conceptual framework and a subsequent mode of political and administrative processing which respects the diversity of the realities observed.

This reference framework – and this is one of the themes of our current discussions with Nelly Robin – must correspond to a twofold administrative and scientific imperative. It must facilitate an apprehension from both these angles, both independently and complementarily, of:

- long-standing types of mobility and novel forms of population movement in the sub-regions in question;
- the dynamics which the latter cover and their mode of management, including in the form of trafficking in human beings;
- operator strategies;
- their impact on the sub-region in question;
- the place and role of bilateral policies;
- realistic prospects for a draft integrated policy.

Shunning any mechanical reproduction of pre-existing models, the proposed approach will look into the “modernity” of local dynamics, even if, paradoxically, they might have been around for a long time. We shall see that so-called traditional migration types have been more successful than we might think in adapting to the requirements of the new transnational and/or international dynamics.

CONCLUSION

We might consider four major lines of thought for the discussion during our seminar:

The first would concern the issues involved in handling international migration. It would be a case of defining the main principles as part of an overall approach to the realities of such migration, covering all the multiple dimensions of the migrant in question:

- as an economic operator;
- as a subject of law;
- as a cultural operator;
- and as a political subject/object.

The second would concern the question of social cohesion in States facing the realities of migration. This discussion would go into the place of migrant populations, information for the national population on their presence and contribution to the life of the nation, and action against racism, xenophobia and discrimination. All these items correspond to vital issues everywhere. They must be at the centre of any discussion and any operational proposal.

The third would deal with the principles for renewed co-operation in this field, with an eye to effectively combating trafficking in migrants and human beings, the utmost care being taken to guarantee victims’ rights.

The fourth and last would examine the new rules governing the movement and settlement of migrants, using an integrated approach covering the specific realities of the new “migration sub-regions”.

SESSION 1: MAIN CHARACTERISTICS OF IRREGULAR MIGRATION IN TRANSIT COUNTRIES – FOUR LOCAL CASE-STUDIES FROM MAJOR TRANSIT MIGRATION REGIONS OF RELEVANCE FOR EUROPE*

**Analysis of the economic, social, demographic and political basis of transit migration in Russia, by Dr Irina IVAKHNIUK,
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Introduction

Every year, millions of people migrate from one country to another in search of protection, or jobs, or better living standards. For many of them, migration movement means a long travel that lasts for weeks, months and even years. People in transit are a substantial part of the world migration flows.

Generally speaking, transit migration exists for hundreds of years: people passed territories of countries that were located on their way onto the countries of their destination. Some travellers stayed in countries of transit for long period of time while keeping in mind the final point of their journey. These movements of people made a lot for development of civilizations, for interaction of cultures and their mutual benefit.

In fact, only since the 1990s transit migration is regarded as a separate – and often disturbing – issue in the international migration discourse. It appears a complex and multidimensional problem with broad implications for countries of transit and transit migrants. Historically, this fact has arisen from a new turn in screwing immigration regulations in Europe from fear of millions of migrants from Central and Eastern Europe. Immigration control was enforced and legal ways of immigration were reduced. As a result, people from countries with high migration out-flow potential who by any means wished to enter European countries as asylum seekers, or “economic refugees”, or just irregular migrants, were to choose roundabout ways, sometimes lengthy and insecure.

Since in 1989 the post-communist countries have become open for international migration flows, during a very short period of time they have turned into a highly complex migration area characterized by a variety of “old” and “new” types of migration movements. In official Council of Europe documents it was noted that due to this fact the European migration vocabulary has become rich in new terms: “transit migration”, “incomplete migration”, “migrant trafficking”, “labour tourism” and others². In the context of transit migration issue, it should be specially emphasized that the East European states and the former Soviet territory became open for numerous overt and covert migration routes from Asian and African countries to the Western Europe.

* This report is also available in French on the Council of Europe Migration site: www.coe.int/migration.

² Council of Europe. European Committee on Migration. Towards a Migration Management Strategy, Strasbourg, 2002, part 1.

The same document emphasizes: “Perhaps the most salient migration phenomenon currently affecting Central and Eastern Europe is that of transit migrants. These are people who enter the territory of a state in order to travel on to another. Their presence is turning some of the new democracies into countries with substantial considerable immigration”³. In this context the case of Russia is a good example as it allows to observe the variety of effects and contradictions of contemporary transit migration:

- transit migration routes from Asian countries to the European Union via Russia are diversified and numerous;
- transit migration in Russia takes place primarily in irregular form with all subsequent negative effects for the country and transit migrants themselves;
- transit migrants – either wittingly or under certain circumstances – tend to become long-term or permanent migrants in Russia;
- informal ‘migration infrastructure’ (ethnic nets, criminal smugglers nets) has been developed in Russia during a short period of time;
- policy of ‘passive non-resistance’ of Russian authorities provokes negative effects of irregular transit migration;
- transit migrants’ rights are often violated under the existing legislation, institutional migration management confusion, and corruption;
- being a center of Eurasian international migration system Russia demonstrates strong need for coordinated efforts to manage transit migration and protect migrants in transit.

Data and methods

First, the data for the research comes from official sources: publications of the National Statistics Committee of the Russian Federation (Goscomstat), the Ministry of Interior, the Russian Federal Border Service, the Federal Migration Service (FMS MVD RF).

Second, the research summarizes the results of several surveys of international migration carried out in Russia recently, in particular, the survey of transit migration conducted in Moscow and Saint-Petersburg by the International Organization for Migration (IOM) in 1994 (233 interviews)⁴; and the survey of migration flows to Russia from Asian countries conducted by the Center for Strategic Studies (Moscow) in 2001 (203 interviews)⁵. The two surveys have used similar methods (individual interviews at the streets, metro stations, in the Central Telegraph Office, the UNHCR Moscow Office, in the hostels, in the transit zone of the Moscow “Sheremetyevo-2” International Airport, in the UNHCR temporary accommodation center for transit migrants in the Moscow Province, as well as in-depth interviews in focus-groups – students, Afghans, Chinese, Somalia, Kurds), so their results are more or less comparable and can demonstrate a shift in transit migration characteristics in Russia in the beginning of the 2000s compared to the beginning of the 1990s.

Third, due to particular interest for Chinese migration in the context of the present research, the results of the Moscow Chinese ethnic community survey conducted in 1998 (428 interviews)⁶ are attracted as an illustration.

³ Ibid, part 2.2.

⁴ IOM. Transit Migration in the Russian Federation. Budapest, 1995 (in Russian).

⁵ Irregular Transit Migration in Russia. Moscow, Center for Political Information, 2002 (in Russian).

⁶ Vilia Ghelbras, The Chinese Reality of Russia. Moscow, Muravey, 2001 (in Russian).

Forth, especially for the purpose of the present research the author has interviewed experts in international migration in Russia, both academicians from Russian research institutions and government officers engaged in migration management. Besides, unofficial discussions with the representatives of Afghan and Vietnamese communities in Moscow provided the author with additional information on transit migration in Russia.

Definition of transit migration: clarifications from Russian experience

“Classical” understanding of transit migration as “a short-term temporary stay of a migrant on his/her way from a country of origin to a country of destination” is seriously corroded by the evidence from countries of transit in the last decades.

Theoretically, transit migrants tend to minimize their stay in a transit country, as they are eager to find themselves in a destination country as soon as possible. However, in reality entry to major destination countries is complicated by strict migration regulations, visa limitations, financial requirements, etc. For many would-be migrants direct air flight to a European capital city turns to be impossible or bears high risk of deportation. Due to this reason they often make a choice for more extensive in terms of distance and time, and more uncertain in terms of security, route via countries that seem attractive – in terms of transit facilities. Usually this choice means in fact a choice in favour of illegality. Often migrants resort to the assistance of professional smugglers who propose transit routes suitable for geographical position, border control gaps, poor migration control, transport facilities, etc.

Nowadays a stay in a transit country is not necessarily “short-term”, and when focusing on irregular transit migration, it is not short-term in most cases. Whenever assisted by smugglers or not, transit migrants can change their intentions under certain circumstances or after a certain period of stay in a country of transit. They can decide to stay for a longer in order to earn money or to develop a better scheme of further migration.

It is often really difficult to expose transit migrants out of the general migrants’ flow. “Transit to another country” declared as the purpose of arrival is not the only case. Migrants can have ulterior motives when entries “for personal reasons”, or “to visit relatives”, or “for studies” can carry in fact hidden transit intentions. On the other hand, after unsuccessful staying in a destination country migrants can make a decision of further movement (“expectations were better than the reality turned out to be”). As a result, quantitative assessments of numbers of transit migrants are usually distorted.

Migrants’ strategy to reach the desired EU or other industrial country is highly diversified. They use various legal and semi-legal methods, often hide their real intentions, develop multistage migration schemes, and provide for every eventuality to succeed in their intention. In their strategy, long-term stay in a transit country is a common practice. This makes the definition of transit migration unclear, as its duration varies depending on migrants’ tactical purpose.

For example, is a Chinese student who comes to get higher education in Moscow and intends to go to a EU country after graduating, to be regarded as a transit migrant? Five-six years spent by him in Russia hardly meet “normal” understanding of transit migration. However, he feels himself as a temporary person here and thinks of Russia as of a transit point that gives him additional advantage (education) for further movement to the desired country of final destination.

Some foreign students are less prescient: they come to Russia with the declared purpose of studying but in fact they use student visa and student card for legal stay in Russia only. They do not attend university and they are usually sent down after the very first exam session. In reality their purpose is to prepare for possible departure to the EU (get hold of invitation from somebody in a European country, and apply for Schengen visa, or get in touch with smugglers, and buy forged documents).

However, the growing concern in transit migration is related to the fact that it is approached as irregular migration. To be more exact, people can regularly / legally enter the country of transit and after that stay there for a longer period of time than that permitted by visa and terms of transit. Surveys of irregular migration in Russia conclude that the major part of migrants from non-former Soviet states are transit migrants whose aim is to reach a EU country. But they stay in Russia for months and even years (usually in irregular status) in order to earn their living and accumulate some money for the next migration step. In this context, Russia with its huge shadow sector gives good chance for irregular employment. Up to some estimates, production of the shadow sector of Russia's economy is estimated in a quarter of GNP, and employment – in 15-30% of the total labour force⁷. So, many transit migrants wittingly choose lengthy land route via Russia to get the advantage of possible earnings there. Long-term transit of irregular migrants from distant countries has become the reality for Russia in the latest years.

When in irregular status, migrants are deprived of their basic human rights. Lacking for means of subsistence, they are forced to seek for a job in the shadow economy and illegal sector meeting a threat of violence, abuse, insult, deception, etc. Evidence from Russia confirms that once in abusive situations, lack of papers and fear of arrest or deportation often prevent transit migrants from seeking help from authorities. The alternative protection frame comes from informal ethnic solidarity or criminal organizations.

It is crucially important to understand that international migration nowadays is a global well-organized branchy business that operates huge financial resources, manipulates hundreds of thousands of workplaces and persons over the world and is managed by a network of organizations and institutions. Within the existing restrictive immigration policy in destination countries, people who intend to move to another country are often *forced* to resort to the help of professional mediators or smugglers. Once a potential migrant manifests his intention to move to another country, he risks becoming an object for criminal groups specializing in trafficking in migrants. Despite voluntarily or non-voluntarily the people become trafficked, it gives another approach to the question under debate: in this context “people in transit” issue becomes a part of a larger (and much more troubling) problem of trafficking in human beings.

It can be difficult to identify a trafficked person while in transit. Only in case a transit country has perfect migration and anti-trafficking legislation, a trafficked transit person can be provided with protection. However, it is absolutely clear that it is not the case of any of the present transit countries, especially in the Eastern Europe and the post-Soviet region. One possible exception is the Czech Republic, where specialized police have reportedly co-

⁷ Radaev V. Shadow Economy of Russia: Reshaping the Contours// In: “Pro et Contra”. Winter 1999, p. 10 (in Russian).

operated with local NGOs to assist trafficked women from other countries discovered in the Czech Republic while in transit to western destinations⁸.

Despite increasing efforts to combat it, trafficking in human beings (closely related to irregular transit migration) continues to expand in the countries of transit. Current legislation, policies and strategies have proven inadequate to prevent trafficking, or to protect the human rights of trafficked persons. Moreover, in many countries, police, government, and immigration officials ignore, facilitate and even profit from the traffickers. So, the transit migration issue is to be understood, *first*, in a wider context of migrants' human rights protection, and *second*, it is to be treated as an element of anti-trafficking efforts on international and national levels. Both directions are principal elements of the Council of Europe migration management strategy and its dialogue with countries of origin and countries of transit in their coordinated actions to find answers to new migration challenges.

Moreover, when taking into consideration the whole complex of problems and contradictions resulting from contemporary international migration trends, the transit migration issue can be regarded even in a wider context of human, economic, social and security dimensions:

The human dimension. In case of long-term transit, the migrants are to be protected by international law and national legislation of transit countries. While legislation in the major transit countries is usually focused solely on controlling entry and stay of foreigners, there is an obvious lack of human rights perspective, i.e. guarantees to prevent human rights abuse. When in irregular status (and especially in case of trafficking situation) the basic rights – freedom of movement, the right to dignity and security of person, and various economic and social rights – are inevitably affected.

The economic dimension. From the point of view of a country of transit, people in transit if they are in irregular status seek for employment opportunities in the grey sector of labour market, and thus contribute in the growth and “tolerance” of this sector. In transition countries irregular employment becomes a stable irritating element of the national labour market and prevents its normal development towards market oriented economy.

The security dimension can be regarded in terms of close interrelation between existing practice of transit migration and that of organized crime and corruption. It is particularly true for transitional democracies. Even in instances where criminal groups are not directly responsible for trafficking people overseas, they often provide security or protection for the operations.

The social dimension. Transit migrants – when they tend to stay in a country of transit for rather long period of time – can be a reason for ethnic tension as they are usually people of different culture, religion, nationality than that of local populations, so they are aliens, or strangers. And as these people are in transit, they are not going to integrate with the locals not in the least. Their sole purpose is to take from a country of transit what they need to achieve their final target: its transport facilities, opportunities to earn money, to get false documents, mediator's assistance, etc.

⁸ Trafficking in Human Beings: Implications for the OSCE. Organization for Security and Co-operation in Europe Review Conference. Warsaw, Poland, September 1999, p. 49.

So, when concluding from above considerations and observations, the definition of transit migration seems to be clarified and detailed:

International transit migration is migration of persons from a country of origin/departure to a country of destination/settlement through intermediate/transit country, often in uncertain or insecure conditions: clandestineness, tourist visa, false papers, etc. Under certain conditions (voluntarily or involuntarily) the transit country can become the place of irregular relatively long-term stay and irregular employment, or a staging post before irregular entrance to the third, more prosperous as a rule, country, or even a country of permanent residence when further migration appears impossible and return to the country of origin is risk-bearing.

Russia: why a new transit country?

Shifts in political or economic situation in the countries of the world, and development of new transport facilities redirect international migration routes. Correspondingly, new transit countries appear. In the early 1990s the vast territory of the formerly closed USSR was opened up by transit migrants and smugglers of migrants. During a short period of time numerous transit “corridors” have run through the territory of Russia, and it has become a rather comfortable and cheap land route for Asian migrants on their way westward. The global criminal network specializing in smuggling of migrants and trafficking in human beings has included Russia in a sphere of its professional interest. Generally, transit migrants move through Russia’s territory with the help of intermediaries who provide them with necessary contacts, routes, and, if necessary, forged passports, stamps, documents, invitations, visas, etc.

Why Russia is preferred by thousands of migrants from Asia and even Africa on their way to the European Union⁹? Geographical position and common land border with European countries is the most obvious but not sufficient explanation. Relatively transparent borders within the post-Soviet territory, lack of proper legal control on the stay of foreign citizens in the territory of the Russian Federation, poor institutional capacities of the Government to manage migration, high level of corruption, huge grey labour market, numerous ethnic nets of migrants from former friendly and non-friendly developing countries who have arrived to the USSR and settled there earlier (as political asylum seekers, or war refugees, or graduates from Russian universities and higher professional schools) – are additional attracting factors. Lastly, ratification of the UN 1951 Convention on refugees in 1993 made Russia an appeal for thousands of asylum seekers from developing countries who – even in case they had no intention to apply for refugee status in Russia – used refugee channel to get temporary legal status in this transit country.

⁹ It is not an exaggeration to say that almost all migrants from the countries outside the former USSR who are presently staying in Russia, are in fact transit migrants aimed at immigration to the European Union or the American continent (primarily as asylum seekers and refugees). This is the reason for repeatedly separation of two major groups of migrants in the Russian legislation: migrants from the former Soviet states who would like to be residents and citizens of the Russian Federation, and migrants from the other countries of the world who regard the territory of Russia mainly as a transit stage. The 1951 UN Convention on refugees is to be the basis for national legislation related to the second group while the law applied to the first group is to be more encouraging, and providing expatriots with full range of rights and facilities.

So, in the first half of the 1990s, soon after disintegration of the USSR, the main reasons for interest towards Russia as a transit corridor were the following:

- (1) Poorly organized new international borders inside the post-Soviet territory favoured appearance of various east-west transit routes and guaranteed flexibility in choosing easiest itineraries according to concrete situations.
- (2) Relatively liberal conditions to depart from CIS states to former socialist countries of Central and Eastern Europe – while the latter were actively developing partner relations with the EU including visa-free entry – opened pretty easy path to the West European countries.
- (3) Lack of proper legal control on the stay of foreign citizens gave a chance to irregular transit migrants to get “lost” in the territory of the Russian Federation for the whole transit period regardless of its duration.
- (4) Lack of experience in international migration management resulted in numerous cases when very dubious papers were accepted as proper evidence of political prosecution (or other grounds to apply for asylum) in a migrant’s motherland and were a reason to grant temporary legal status for a transit migrant.

In the course of time, with ‘screwing’ in entry regulations in the majority of West European states, more and more transit migrants were compelled to stay in the East European countries, although they were only in transit there. However, there is no evidence of reducing the number of transit migrants from China, Afghanistan, Vietnam, or Ethiopia in the region. This means that they managed to adapt themselves to the situation of “complicated transit”: now it is predominantly of irregular / illegal character, more extended in time and expensive (growing cost of bribes and prices for forged papers, multi-step scheme of transportation of migrants westward, etc.). All the same transit route via Russia is usually cheaper and more effective as it gives bigger chance to slip to Europe with the help of well-developed criminal smugglers’ nets.

A person in Afghanistan, for example, is to pay around 3,000 USD to be transported to London directly, and “only” 500 USD to be transported to Moscow with the help of smugglers. The major part wittingly choose Russia as a “intermediate station” on their way to West as they know from the countrymen who have used this route before that they will be able to stay in Russia for some time to prepare for their onward travel, earn some money, purchase forged documents, wait to be joined by other migrants, etc.

Even refugees from distant countries like Ethiopia, Somalia, Iraq, and others that are regarded as “obviously unfortunate” regions and have grounds to apply for asylum in any European Union country, often choose lengthy land route via Russia on their way to Europe. They prefer to apply for refugee status not in Russia but in developed states where living standards are higher, social assistance is guaranteed, and human rights’ protection is an issue of priority.

The dramatic difference in the technical level of border control at the eastern and western borders frontiers of the Russian Federation results in the fact that it is much easier for a transit migrant to enter the Russian territory than to depart. In case a transit migrant loses his regular status while staying in Russia, he is to use illegal ways to cross the Russia’s western frontier (with forged or invalid travel documents, with no document at all, or through corruption). However, Russian border guards usually prevent attempts of illegal exit. In this case irregular transit migrants stay on the Russian territory sine die, and the country becomes a sort of “reservoir” for irregular migrants.

According to the Russian Federation Ministry of Interior, at the present time there are over 300,000 transit migrants from Afghanistan, China, Angola, Pakistan, India, Sri-Lanka, Turkey, Ethiopia and other countries “stuck” in Russia. This number includes persons who have entered Russia regularly, with a visa and declared transit as purpose of their entrance to the country. Besides, there is a significant flow of migrants who illegally penetrate Russian borders trying to reach EU countries, and data on them is not reflected by any reports.

The case of Russia demonstrates how transit migration issue can interfere decision-making process in the foreign policy field. The fact that Russia is a country of “complicated transit” is resulting in the forced delay in joining a number of international conventions and signing of bilateral agreements (e.g. on readmission). For a transit country, readmission agreements with the transit migrants’ destination countries implies existence of similar agreements with origin countries; otherwise a transit country risks to become an “irregular migrants’ reservoir”.

It is worth mentioning that not only for migrants from remote countries Russia has become a transit corridor and gateway to Europe. Irregular migrants from former Soviet Union states who are aimed at migration to the EU countries often use Russia as a transit area as well. Here, in contrast to their own countries, they have a chance to earn money for the following spurt to the West, and besides, gain certain psychological adaptation to irregular status while being in relatively favourable conditions (common language, similar labour traditions and requirements, etc. However, it is rather difficult to identify them as transit migrants and separate – even in theory – from numerous irregular labour migrants from post-Soviet states staying in Russia.

Tables 1 and 2 based on official data from the Federal Border Service on entries and departures of foreign citizens demonstrate the scale of international movements and their structure by declared purpose of travelling. Citizens of Ukraine and Kazakhstan use the territory of Russia for transit most actively. Southern Korea stands out among non-former Soviet Union states. It should be taken into consideration that ‘transit’ being declared as a purpose of entry is not the only channel for transit migrants. Certain numbers of those who arrive ‘for private purposes’ or ‘tourism’ have in fact hidden (or uncertain) intention to move further to the West, in case they manage so.

Table 1. Arrivals of Foreign Citizens to Russia, by countries and by purpose of traveling* 2002
(selected countries, persons)

Countries	Total	Purposes of traveling					
		business	tourism	private	permanent residence	transit	others
Ukraine	8,299,840	667,067	260,053	6,761,252	4,367	167,869	369,232
Kazakhstan	2,955,993	119,710	36,677	2,499,082	5,425	114,599	180,500
Azerbaijan	844,318	29,632	8,951	717,966	120	40,310	47,339
China	725,825	126,342	266,984	262,149	110	4,516	65,724
Germany	493,267	105,667	287,255	52,135	30	9,964	38,216
Mongolia	134,484	27,556	21,389	59,714	22	8,061	17,742
S.Korea	96,010	14,171	24,196	2,640	8	45,227	9,768
Vietnam	26,614	20,228	252	4,879	15	211	1,029
Iran	13,481	5,468	2,807	1,101	8	776	3,321
Afghanistan	3,101	2,195	114	683	1	110	16
Total for Russia	23,308,711	3,014,159	1,105,563	15,159,067	12,338	524,335	1,493,249

Data from the Federal Border Service of the Russian Federation (number of entries, by purpose declared when passing the border)

Source: National Statistics Committee of the Russian Federation (Goscomstat). Population and Migration in the Russian Federation in 2002. Statistics Bulletin. Moscow, 2003 (in Russian).

Table 2. Departures of Foreign Citizens from Russia by countries and by purpose of traveling * 2002
(selected countries, persons)

Countries	Total	Purposes of traveling					
		business	tourism	private	permanent residence	transit	others
Ukraine	6,711,341	487,654	229,065	5,571,584	1,118	92,340	329,580
Kazakhstan	2,609,695	119,777	50,180	2,157,398	1,938	101,767	180,635
Azerbaijan	768,989	22,513	9,919	659,961	165	32,912	43,519
China	698,590	111,221	258,573	254,901	1,309	4,012	68,574
Germany	486,815	111,008	274,097	52,195	189	12,307	38,019
Mongolia	134,526	28,379	19,981	59,767	23	7,403	19,063
S.Korea	93,708	14,628	21,107	3,713	70	43,823	10,365
Vietnam	19,943	13,981	245	3,314	1,080	131	1,192
Iran	13,481	5,468	2,807	1,101	8	776	3,321
Afghanistan	2,881	1,727	65	826	135	121	7
Total for Russia	20,912,904	2,737,287	3,079,336	13,243,973	17,812	398,063	1,436,403

* Data from the Federal Border Service of the Russian Federation (number of departures, by purpose declared when passing the border)

Source: National Statistics Committee of the Russian Federation (Goscomstat). Population and Migration in the Russian Federation in 2002. Statistics Bulletin. Moscow, 2003 (in Russian).

Moscow conurbation: crossroad of East-West migration flows

From the historical point of view Moscow was the economic, political, and cultural center of the country during the periods of the Russian Principdom, the Russian Empire, the Union of Soviet Socialist Republics, and the Russian Federation. In this context, when speaking of Russia as the capital of the country, 'country' was to be understood not only as the Russian Federation but the bigger territory (till the recently – the Soviet Union, or in contemporary terms – the whole region of the former USSR countries). This understanding is important to realize why transport communications in the region are centered on Moscow. Railway and motor roads schemes of the country are shaped as a huge spider's net with the city of Moscow in the center. Presently, Moscow meets over 2 million persons coming every day from the Moscow Province, other regions of Russia, and foreign countries. Moscow has 9 railroad terminals, 7 intercity bus terminals, 2 river-boat stations, 5 airports, including 3 international airports.

Politically, economically, and geographically, the city of Moscow and the Moscow Province (Moscovskaya oblast) are separate areas with their own Governors, Governments and budgets. While being the official center of the Moscow Province, the city of Moscow – in contrast to any other region of Russia – is presented separately even in statistics bulletins. However, within the frames of migration issue it is reasonable to analyze them together, as migration trends, spheres of migrants' employment, reasons why migration flows are directed towards these sites, methods of migration management have a lot in common. We will use the term 'Moscow Region' or 'Moscow conurbation' to characterize the city of Moscow and the Moscow Province jointly, except when noted differently.

Table 3 presents some characteristics of population size and migration balance in the Moscow Region, however, it should be taken into consideration that data on migration covers only registered migrants, i.e. primarily those who come for permanent or long-stay residence. Surely, it misses persons who arrive for seasonal or short-term work, transit migrants, irregular migrants. Real numbers of migrants in the Moscow Region are multiple higher. For example, up to experts' estimates, there are over 1.5 million of irregular migrants in the city and suburban area.

Migration in-flows to the Moscow Region come primarily from Ukraine, Kazakhstan, and Uzbekistan and consist of ‘ethnic Russians’ to the utmost. As to the countries that have not been a part of the Soviet Union before, the major migration ‘partners’ are the United States, Israel and Germany, both in terms of out-flow and in-flow. Emigration to these countries is resulting from ethnically determined immigration policy with preferences given to Jews or Germans, along with growing number of investing Russian immigrants. On the other hand, immigration from these countries is in fact return migration of those Russian citizens who have left Russia in the 1990s and failed to integrate there.

Table 3. Population and Migration in Moscow city and Moscow Province, 2002, (persons)

	Moscow city	Moscow Province	Total: Moscow Region
Population*	10,357,809	6,626,988	16,984,797
Gross migration**	115,065	172,445	287,510
Arrived: total	81,623	112,378	194,001
from other regions of Russia	71,009	98,800	169,809
from outside Russia	10,614	13,578	24,192
<i>thereof from:</i>			
from former Soviet states	9,554	13,266	22,820
from non-former Soviet states	1,060	312	1,372
Departed: total	33,442	60,067	93,509
to other regions of Russia	27,994	58,178	86,172
to outside Russia	5,448	1,889	7,337
<i>thereof to:</i>			
to other former Soviet states	3,507	1,111	4,618
to non-former Soviet states	1,941	778	2,719
Migration balance:	48,181	52,311	100,492
with other regions of Russia	43,015	40,462	83,477
international migration	5,166	11,689	16,855
<i>thereof with:</i>			
other former Soviet states	6,047	12,155	18,202
non-former Soviet states	-881	-466	-1,347
Migration rate***	56	82	

* Data on population comes from 2002 National Population Census.

** Data on migration comes from the Ministry of Interior as refined current registration data.

*** Number of migrants per 10,000 of resident population.

Source: National Statistics Committee of the Russian Federation (Goscomstat). Population and Migration in the Russian

However, official data cited above reflects only the “peak of an iceberg”. The major part of actual migration to and from the Moscow Region is not registered by statistics as it takes place in irregular, or clandestine form. So, apart from official data, only case study of international migration in the Moscow conurbation can clarify the size and structure of international migration there, purposes of migrants, ways of arrival and departure, duration of stay, methods to earn their living, etc. Up to experts’ estimations, the Moscow Region is the largest hub of different types of migration in Russia (and in the whole of the Eurasian migration system).

Why Moscow? It is a big city with all typical features irregular migrants usually take advantage from: anonymity of stay; concentration of jobs, informal labour market in particular; accommodation facilities (legal and illegal housing rent market, hotels and hostels, etc.); existing ethnic nets; criminal nets (lending money, assistance in employment, purchase of false papers, pimping with migrants smugglers, etc.).

In Moscow migrants can appeal to charity of international organizations and NGO. Migrants from developing countries where human-risky political situation can be regarded as a ground for political asylum often appeal to the UNHCR Office in Moscow for assistance in their movement to EU countries where they can join relatives and where they prefer to apply for refugee status. Those who apply for refugee status in Russia are not numerous; usually citizens of non-former Soviet Union states apply for refugee status in case they are detained with non-valid documents. As a rule it takes place in transit zones of international airports. For example, in 2002, 25 persons from 9 non-former Soviet Union states handed in applications for refugee status in the immigration control post of the Moscow international airport “Sheremetyevo-2” (totally in 1997-2002 – 248 persons)¹⁰. Some migrants apply for asylum to give themselves time to organize their onward journey (with or without assistance of organized networks) to an EU country. In other words, they use the asylum procedure to get a temporary legalization as asylum seeker and look for better options.

Data on number of persons granted with refugee status in the Moscow Region between 1993 and 2002 (see table 4) shows that 90% of them arrived from the former Soviet republics, and they are Russians by ethnicity. Obviously, they came to Russia for permanent residence. Asylum seekers from Afghanistan is a priority group due to political reasons and acknowledgement by Russia of its responsibility for civil war and lingering political crisis in this Central Asian country.

Table 4. Number of persons granted with refugee status in the Moscow Region, 1993-2002

Total number	1989
<i>thereof from:</i>	
CIS & Baltic states	1796
Tajikistan	339
Kazakhstan	328
Georgia	323
Uzbekistan	236
Azerbaijan	219
Armenia	104
Others	247
Other states	193
Afghanistan	181
China	5
Vietnam	3
Macedonia	2
Yugoslavia	1
Ethiopia	1

Source: Federal Migration Service MVD RF

Surveys of international migration in Moscow conducted in 1994 and in 2001 were focused on study of transit migration. While comparing the results we can understand the model of international transit migration via Moscow in dynamics. From the total number of surveyed (233 interviewed in 1994; 203 interviewed in 2001), over 60% stated that they would like to leave Russia for any other, more prosperous country. In 1994, 40% of Africans, 53% of migrants originating from the Middle East and 50% of Afghans declared their strong

¹⁰ FMS MVD RF. Information Bulletin No: 1, Moscow, 2002, p.69

desire to reach the West. This percentage tends to grow: uncertain legal status¹¹ and hard living conditions in Russia make even those migrants whose purpose was to stay in Russia depart in search of better living standards. Half of migrants who have come to Russia with other purposes (including 22% of asylum seekers from former Soviet republics) also stated that they would like to leave Russia.

In the mid-1990s, migrants from outside the former Soviet territory consisted primarily of three groups of roughly equal number:

- recent migrants who came to Russia after it joined the 1951 UN Convention on refugees and the new Law on easy entry and departure was put in force;
- immigrants who stayed in Russia after graduating from Russian universities and professional schools, or after the expiry of their work contracts (18% of Somalis, 22% of Vietnamese);
- refugees who were granted with asylum in Russia before the collapse of the USSR (Somalis and Afghans who were forced to leave their country after the Soviet troops were called off).

Several years later the above groups were enlarged with migrants who openly said that they chose Russia as a transit country on their way westward (on average, 25% of the respondents and every third migrant from Africa and Middle East).

Push factors in countries of origin are of strongly pronounced stress character – wars, pogroms, fear for children, ethnic intolerance, or political persecution. Over half of migrants indicated stress factors as key ones. Another important factor is studies (15%), often in combination with stress factors. In 1994, stress factors fully determined migration from Afghanistan and former Soviet republics. As to migration flows from Africa, Middle East and South-East Asia, stress factors were partially replaced with study migration. Economic push factors were dominating only for Chinese, Vietnamese migrants and migrants from South Asia. The fact that migration was primarily of forced nature was proved by answers for the question “If your travel costs are paid, would you like to return home?” Only 17% of Africans, 25% of Vietnamese and only 5-6% of Afghans and Kurds were ready to take such a suggestion. Many respondents noted return home as impossible.

By the beginning of the 2000s, economic push factors gained a bigger role, especially for migrants from CIS states. 77% of them noted ‘lack of economic opportunities’ as the major reason for emigration. It is interesting however, that for transit migrants, disillusionment in living standards and economic depression in Russia now takes the role of economic push factors from Russia to the West. 70% of the surveyed said that they would never recommend their compatriots to immigrate to Russia. Among migrants from former Soviet republics the percentage of “disillusioned” is also high though they have had the idea of living standards in Russia before arrival. They are mainly disappointed by ‘cool welcome’ of Russian authorities, lack of support, and general attitude towards them as ‘second chop’ people.

¹¹ The 2002 Federal Law on legal status of foreign citizens in the Russian Federation, being not accompanied with appropriate enactments of its practical realization, in fact did not too much to fill in the gap of legal uncertainty in position of many categories of foreigners in Russia. However, this Law focused the attention society on status issue and made migrants feel the lack of it more keenly.

Over quarter of migrants explained their choice for Russia by hopes that ‘it is easier to get refugee status’ there. ‘Student channel’ is also widely used to enter Russia (30-40% of migrants from Africa, South-East Asia, and Middle East). At the same time, only half of those migrants who have declared studies as the purpose of their arrival do become students. The major part of migrants from Afghanistan, or Middle East countries who use ‘student channel’ to enter Russia have relatives here and come to join to their families. In case they move further to the West, they move as a family. In case they prefer to stay in Moscow for a longer period of time they try to get legal grounds for that, for example, to enter three-year post-graduate course. The Moscow State University, as some other higher schools in Moscow, can sign free of charge contracts for post-graduate course with its graduates from the countries where they are threatened by arrest and death (particularly students from Afghanistan, Somalia, Sudan, Ethiopia). Graduates who failed to get such a contract usually stay in Moscow irregularly.

Table 5. Why did you choose Russia to immigrate?

Motives	Former Soviet states	Africa	Afghanistan	South-East Asia	Middle East
Employment	27	6	6	44	5
Study	10	40	14	30	32
Family reunification	27	1	6	-	11
It is easier to get visa	-	16	27	5	23
It is easier to get refugee status	-	24	8	9	14
I knew Russia before	27	-	18	2	2

Source: IOM. Transit Migration in the Russian Federation. Budapest, 1995, p. 25

The overwhelming part of migrants enters Russia regularly: 86% have visa in their passports (excluding migrants from former Soviet republics for whom the entry is visa-free). At the same time the interviews shaped the irregular ‘segment’ of migration:

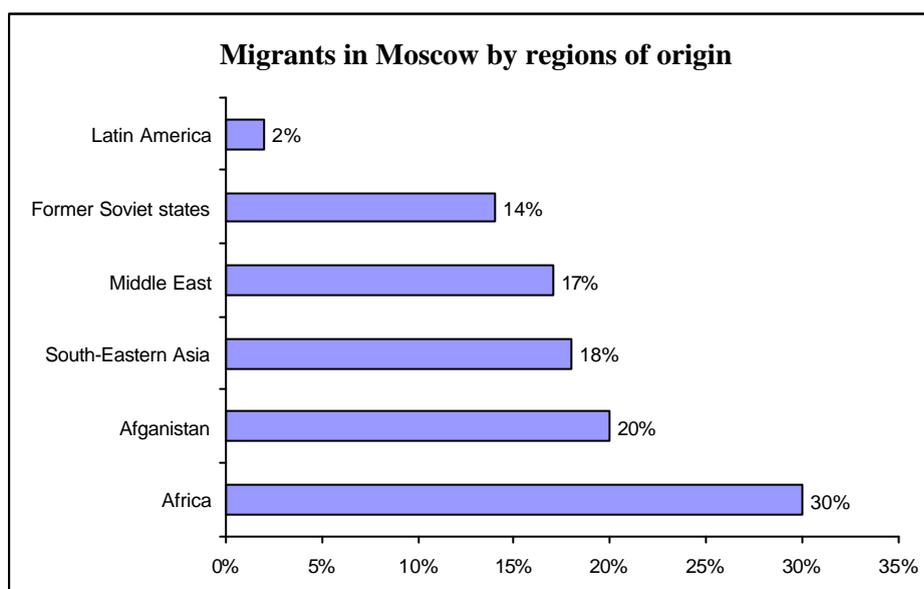
- 14 % of immigrants had no visa;
- four persons of every ten who had visa, paid for it an amount that undoubtedly exceeded official visa fee;
- 23% of migrants from outside the former USSR realize their stay in Russia as irregular, as they do not have residence permit;
- quarter of migrants mentioned ‘difficulties’ when passing the border;
- 20% entered Russia through other former Soviet states en route;
- transit routes of Afghans to Russia most frequently go through Tajikistan, Uzbekistan, and Kazakhstan. Kurds usually come through Syria, Turkey, Azerbaijan, Georgia. Africans come via Syria, Turkey and by Black Sea.

Besides, according to information from the Federal Border Service, in 1993 in the Moscow “Sheremetyevo-2” International Airport 1238 passengers with invalid documents were detained, while in 2002 their number increased up to 4023 passengers.

Irregular entry may consist of either crossing the border outside border control posts (either independently or with the help of locals or professional smugglers), or going through these posts with forged or invalid travel documents, with no document at all, or through corruption. Passports may be forged, or false data may be printed on legal blank passports. The traffic of passports is notably eased by the fact that the Russian Government has not yet printed a sufficient number of national passports, and hence has prolonged the validity of Soviet passports until 2005. Usually visas are not forged, but the data contained therein

(especially the expiration date) may be falsified. In Kyrgyzstan forged visas are most common type of violation. In Tajikistan forged visas may also be found, but most often irregular migrants use forged Tajik and Kyrgyz passports. Chinese, Indian and Sri Lankan migrants reportedly purchase forged passports in Singapore and Hong Kong, where the market for such documents is flourishing. Middle Eastern migrants often purchase forged documents in Lebanon and Turkey. Since until recently there were no foreign consulates in Afghanistan, Afghans obtained visas to Tajikistan and Russia in Iran, Pakistan and Saudi Arabia.¹² Finally, in Moscow there is a growing market for forged passports with legal Russian, Belarusian and Ukrainian visas.

Picture 1.



Migrants are mainly young males (two thirds of them are under 30 years old) residents of metropolitans or big cities in their countries of origin. Migrants from Afghanistan and CIS states are primarily married, most often having many children, while migrants from Africa and other countries are usually single. Half of migrants are Muslims, while Christians are 30%. In most cases (73%) migrants arrived to Russia directly from their countries of origin.

The major part of migrants are educated persons, 30% are students. Every third respondent (1994) has university degree, 6% - college diploma. Approximately half of migrants can speak one of European languages.

As a rule, when in their own country migrants had a stable source of livelihood: half of respondents had a full-day job, or had a contract job, or had their own business. Among those who were employed, 20% worked in science and education sector, 27% were office-workers, engineers, technicians, or medical workers. Only 7% were unemployed before emigration.

¹² IOM. Migration Trends in Eastern Europe and Central Asia. 2001-2002 Review, Geneva, Switzerland, 2002, p. 39.

High labour status was resulting in corresponding welfare standard: three quarters of respondents, according to self-estimation, had 'normal' or 'high' living standard. The exclusions are Chinese and Vietnamese: quarter of them indicated their welfare standard as 'very poor'.

The majority of migrants have long standing contacts with Russia. Two thirds of them speak Russian language. Among migrants with university degree, 42% have graduated from Soviet/Russian universities and higher schools. This amounts 15% of the surveyed. The same percent are students presently. 10% of migrants are Vietnamese who did not want to leave Russia after the expiry of work contract. Many Afghans were in training in Russia. Every third migrant from Afghanistan and every fourth migrant from Middle East countries have family members experienced living in Russia before. As to Africans, they can't rely on ethnic nets here: three quarters of them have no relatives or friends here.

Over 60% of Afghans and 75% of Africans made complaints against their poor situation in Russia. They live mainly in hostels and homes rented by the UN (one room for a family or several persons). Three quarters of the interviewed found situation in Russia much worse than they expected. Over 80 % of Africans do not get any assistance either from homeland or from other countries while 40% of migrants from Middle East receive money from their families in the homeland and about 20% – from their relatives living in other countries.

The only group that had obviously benefited from arrival to Russia is Chinese and Vietnamese (mainly petty traders). They came in search of jobs, and they succeeded: level of employment in Russia is higher than in the homeland (58% against 43%); 60% of them are satisfied with their present welfare standard. Chinese and Vietnamese demonstrate the least intention to move to the West in comparison with other groups of migrants. However, even among them every third respondent would prefer to leave for Europe or USA. Additional evidence of high transit potential among Chinese migrants in Russia comes from survey of the Chinese ethnic community in Moscow in 1998.

As the Chinese ethnic community in Moscow is increasing in number¹³ and growing economically and financially, it tends to provide their compatriots with the full scope of services for illegal or semi-legal transit and reaching a country of destination. Chinese newspapers issued in Moscow are publishing hypes of companies who openly offer smuggling of Chinese migrants to the Schengen countries, to Canada, Australia, South Africa and Latin America¹⁴. Thus, the Chinese appear to become an exception of 'normal' practice, when transit migrants usually resort to the help of smugglers who are citizens of Russia. Russian smugglers and traffickers have close contacts with their "colleagues" in other countries of transit and some countries of origin of transit migrants, so that they often get clients handed over to them from the previous transit stage.

The survey of the Chinese ethnic community in Moscow has proved it as a strong and active economic and social organism, developing "in parallel", i.e. non-crossing, with local

¹³ Experts estimate the size of Chinese ethnic community in Moscow as 30,000 – 40,000 pers. The estimations are based on circulation of Chinese papers published in Moscow, number of subscribers in the pager companies that provide services in Chinese language, number of registered Chinese companies, number of petty traders at the Moscow Chinese market, etc.

¹⁴ Vilia Ghelbras, Chinese Migration and Chinese Ethnic Communities in Russia // In: World in the Mirror of International Migration. Scientific series "International Migration: Russia and the Contemporary World" Volume 10, Moscow MAX Press, p.27 (in Russian).

society and industry¹⁵. Having developed community independent press, financial system, various companies, hotels, hostels, warehouses, restaurants etc. the Chinese community takes complete charge of their compatriots in their migration movements. The Chinese community in Moscow is closely connected with Chinese ethnic communities in other parts of Russia where they are rapidly developing in accordance with the Moscow community pattern. The survey has shown the appearance of Chinese firms dealing with invitations and visa support for Chinese people who would like to immigrate to Russia or to other countries using Russia as a transit stage.

Already in mid-1990's the western media asserted that Chinese migrants use Moscow as a transit stage on they way to Europe and America, and the main routes for irregular transit of Chinese migrants to developed countries were showed out. Papers in China were publishing hypes of "tourist agencies" specializing in such kind of business. The price for smuggling of Chinese migrants to the USA via Moscow and legalization in the point of destination was between 40,000 and 50,000 USD, the cost of the Moscow section of the chain was 6,000 – 10,000 USD¹⁶. Lu Sumay describes the mechanism of smuggling of Chinese migrants. First, the group of persons who wish to be smuggled is organized. It is called *snake*, and it is headed by the *snake's head* – *sha-tow*. In Moscow these migrants are called *yatzy* – *ducks*. The origin of this name is associated with numerous duck flocks at rice fields and lakes of the Northern China that cross the state borders without any permission as irregular migrants do. "In this specific business, Lu Sumay writes, both sides widely practice mutual deceits, frauds, etc. Once I was a neighbour of such a *sha-tow*. When he had smuggled one of groups of *ducks* to Italy they dispersed there and did not pay. As a result, my neighbour suffered serious material damage. Normally, to be smuggled from China to Italy one *duck* is to pay an equivalent of 14,000 USD, when to Germany and some other countries – 11,000 – 12,000 USD"¹⁷.

Presently the Chinese smuggling business has settled in Russia. Moscow Region is an important stage in the *ducks* migration where they get prepared for further movement, wait for 'better moment', purchase documents, invitations, etc. At the same time they are employed in small commerce, or restaurant business, and are often involved in different criminal structures.

The results of Chinese migrants' surveys in Moscow give a proper illustration of how much the 'study channel' is popular as a transit stage. 41.5% of the surveyed openly said that they intend to go to another country after graduating from the university (table 6). As the Chinese reticence and 'closeness' are well known, there are grounds to suppose that the real percent is even higher.

At the same time there is a lot of examples of Chinese students who enter with study visa, and legalize in Russia as students, but do not attend lectures and instead use their stay in Russia to move to more developed and prosperous country.

¹⁵ The most scandalous example of aggressive non-integration and deliberate isolation of Chinese community from the Russian society is the appearance of 'closed' restaurants and nightclubs – 'for Chinese only'. Attempts of Russian journalists to enter were strictly stopped by security guards. (Vilia Ghelbras, *The Chinese Reality of Russia*. Moscow, Muravey, 2001, p.49-50 (in Russian).

¹⁶ Lu Sumay, E.Rumyantsev, *China as I Know It*. Moscow, UPAPS, 1999, p.114 (in Russian)

¹⁷ Ibid.

**Table 6. The plans of Chinese students
after graduating from Moscow universities (%)**

To get Russian citizenship and stay in Russia	2.4
To get permanent residence permit in Russia	7.3
To leave for another country	41.5
To return to China	48.8
TOTAL	100

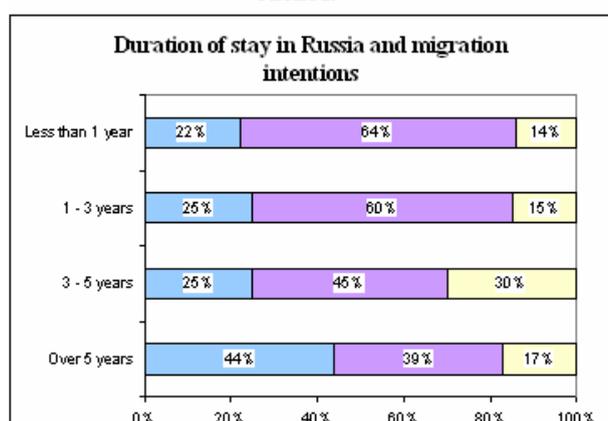
Western countries are the general vector of transit for all migrants. Refugees from the Former Soviet states are mainly eager to reach the USA and Canada, while Africans and Kurds prefer Western Europe (they also indicate “any other country except Russia” as their aim). Among countries of destination, migrants most often mention USA, Denmark, Sweden, Canada, France, Great Britain, and Germany. It can be explained by immigration policy (including refugees assuming policy) in these countries as well as by presence of numerous immigration communities there. 25% of those who are aimed at the West have some family members already living there, so their migration is based on family reunification.

Geography of familial connections of transit migrants is very wide. Connections with USA, Germany, the Netherlands, Belgium, Denmark, France, Scandinavia, Canada are most numerous. In general, migrants have twice more relatives and friends in the Western Europe than in the United States and Canada.

However, in spite of these ties, the overwhelming majority of transit migrants aimed at the West have very poor idea of immigration rules and possibilities in destination countries. Of the total, 60% do nothing to approach their departure from Russia. 18% asked their relatives for invitation. 15% applied to the UNHCR Office for assistance in departing. 35% do not have money for moving onward. The majority could say nothing definite of their intentions and terms of departure. At the same time about half of respondents who wish to depart consider they have proper papers for that. In several cases they confessed that they had paid a very high price for them. Thus, the papers could be hardly received legally.

There is a correlation between duration of stay in Russia and migrants’ intentions (picture 2). The longer migrants stay in Russia, the less they are disposed to depart: they adapt, engage in business, obtain legal status or get used to irregular position. To the less extent this pattern can be applied to students aimed at migration to the west after graduating (as they are in advance ready to stay here for 4-6 years of studies) and to those transit migrants who wittingly wish to stay in Russia for a relatively long period of time (up to several years) before moving further.

Picture 2.



The 2001 survey, by means of indirect questions, has detected that at least 38% of transit migrants in Moscow are in contact with professional smugglers. For sure, the real percentage is to be higher but the respondents don't want to confess to such contacts as they realize them to be illegal. Generally, of the total number of migrants who are aimed at leaving to another country, 72% said that they would agree to move irregularly/illegally in case they do not have legal alternatives. However, the major part of them would prefer to live in Europe or the USA legally. Their hopes to legalize their status in destination countries are related to the presence of family members there, assistance of international charity organizations, asylum application, migrants' amnesty campaigns, general respect towards human rights and dignity in democratic liberal societies.

In the latest years more migrants address to the NGOs though the total number of appeals is not significant. It is to be recognized that irregular transit migrants to a greater extent get protection and support from informal ethnic institutions or criminal structures rather than from authorities or non-government organizations.

Conclusions and recommendations

Russia is a country of transit, but the evidence from case studies and the increasing number of arrests show that it is also a *barrier* for transit migrants on their way westward. Transit migration in this region tends to be extensive in time, and closely related with irregular migration and smuggling / trafficking business. When choosing their transit route via Russia migrants from Asian and African countries often don't expect difficulties they will meet when staying in Russia and trying to pass the EU border. Relatively simplified entry regime at Russia's eastern borders, on the one hand, and well-organized and technically equipped border control at the western side, on the other hand, give birth to a phenomenon of 'asymmetric borders' frequently mentioned by experts. As a result, Russia faces a lot of negative effects of irregular migration that is generated by 'failed' transit migration in many cases when migrants run into an obstacle of tight control at both sides of the "Russian-European" border, and *are forced* to 'stuck' in the country of transit.

It is quite natural that the Russian authorities are concerned by the fact that Russia becomes a reservoir for irregular migrants who – in contrast to Europe – are not eager to stay there forever, legalize and integrate but treat the country with disrespect (often in response to unfriendly treatment to them) and continue feeling themselves as temporary, forced, and casual persons there. Besides, this category of migrants carries epidemiological risks as they arrive from the countries where such diseases as plague, cholera, malaria, tuberculosis, etc. are registered. When staying in Russia they do not have proper access to health care system. It is not by chance that in the recent years in Moscow several cases of typhus were registered while this disease was totally eliminated in the country decades ago.

So, within the present model of transit migration via Russia, it corresponds neither interests of the Russian state, nor those of transit migrants. The State is to treat hundreds of thousands migrants 'stuck' there (often against their will) in irregular situation who do not give up their purpose to reach Western countries. Migrants face hostile welcome, poor standard of life, criminal or semi-criminal environment, infringement of their dignity, uncertain perspectives, etc. This situation necessitates search for solution. In any case, transit migration via Russia westward will continue, even for its geographical location. So, the country is to take responsibility for its management in order to enclose it in 'civilized' framework and reduce its criminal segment. The Federal Border Service is to improve entry border control (in the extensive eastern borders, in particular) in order to put obstacles for transit migrants who will be *undoubtedly* rejected to enter the EU countries. However, if

migrants already at the Russian territory they are to be treated with respect and understanding.

In case of sustainable economic development in Russia (coupled with inevitable demographic deficit) it will be more attractive as destination country for migrants – not only transit country as it is regarded now. The Russian migration legislation is already developing within the framework of the forthcoming labour deficit. Following the historical experience of major receiving countries, the Russia's migration policy is likely to be selective in case it succeeds in effective immigration control. Being the initiator of collective intergovernmental methods of migration management within the frames of the Eurasian migration system, Russia demonstrates its interest towards positively regulated migration and combating irregular international movements of population.

Both *economically* and *demographically* Russia will be soon dependent on migrants in-flow. Migration from developing countries (which is today primarily of transit nature) could also be a source for compensation of labour resources deficit, especially when taking into consideration relatively high characteristics of the present transit migrants. Tolerant attitude from local population and authorities could contribute to more positive 'reputation' of the country. Besides, from the *political* point of view the nation's attitude towards millions of migrants staying in the country reflects the success of liberal trends and democratic renovation, i.e. approaches (or postpones) Russia's joining the "big European family".

Both in the context of management and protection, the transit migrants' issue is not the challenge for the transit countries alone. The origin countries are to take more readily responsibility for their own citizens. This includes full co-operation with host countries, e.g. in making readmission agreements work.

Presently, the "Eastern vector" of the European Union efforts in the migration management field are focused primarily on co-operation with East European states who are staying outside the enlarging EU. It is quite understandable: they are becoming close neighbours. However, the fact that these countries are a "vestibule" for transit migrants moving westward necessitates more attention to be paid to co-operation with the third party, i.e. countries of origin.

Moreover, to be effective, measures to manage and protect transit migrants are to be integrated into existing human rights, civil society, and institution-building activities in the countries of destination, transit and origin.

The impact of NGOs can't be overestimated in this context. In Russia, the President Putin's 2004 Official Message to the Federal Assembly opened a new perspective for NGOs activities. The President directly stressed the necessity to pass the duties that the Government is not able or not in position to perform, to the civil society institutions including non-government organizations. In the sphere of migration new initiatives are already developed. In September 2004 the NGO "Goodness Without Frontiers" started the project called "Cultural Bridge 'Europe-Asia' via Russia". The Federal Programme on Tolerance has been accepted. The International Assembly for Human Rights Protection based in Moscow has started the project on participation in nation-wide debate on migration legislation improvement. The NGOs assume the role of intermediaries between migrants and authorities. This process is to be supported and comprehensively developed by the State.

Acute problems relating to situation of people in transit, necessitates the transition migration issue to be regarded as an integral part of the general migration policy debate. These problems should not be seen as separate, since the complex of international migration issues is closely interrelated, but existence of so numerous groups of people in transit should be specially notified in national and international legislation. It is to be recognized that the growth of transit migration in irregular forms (with their inevitable negative consequences) may result from the absence of clear and transparent migration policies.

Here are some general recommendations for activities at the national and international levels resulting from analysis of particular situation in Russia in the field:

At the national level:

- to differentiate migrants with paying special attention to those who were *forced* to leave their countries of origin in search for protection and asylum, and provide them with support in accordance with humane principles and the UN Convention;
- to include in the national migration legislation – that is now under revision – special items regulating transit migration, providing transit migrants with temporary legal status, protecting their rights, taking into consideration specific nature of transit migration in Russia: it is long-drawn, and associated with irregular migration and trafficking issues;
- to enhance activities for strengthening control on the Russian borders, keeping relatively liberal entry regime for the citizens of the former Soviet Union who are in fact an important potential for compensation of declining labour resources, and restricting entry regime for migrants from outside the former Soviet Union space as they are – openly or potentially – transit migrants forwarding West;
- to improve control on foreigners' stay in Russia by means of immigration control system;
- to support NGO's activities as an effective alternative to protect transit migrants' rights;
- to develop tolerant attitude towards migrants in the society, both towards those who arrive for permanent residence and for temporary stay, with special attention to be paid to forced nature of their movement and dramatic circumstances of their present situation;
- to find out and counteract smugglers and traffickers, and undermine financial resources of criminal networks acting at the territory of Russia.

At the international level:

- to develop dialog with countries of origin on bilateral and multilateral basis about readmission agreements, transit migrants management, protection of their rights and dignity when in transit, etc. getting the European Union as an interested party to take part in these activities;
- to provide regional harmonization of laws and policies relating to human rights standards;
- to give international support to NGOs concerned with assistance to migrants and migrants' human rights protection;
- to combat smuggling and trafficking business within regional scale (the Commonwealth of Independent States, Eurasian Economic Association, Eurasian migration system) and a wider international scale (in co-operation with origin countries and destination countries).

Geographical situation as a facilitator of irregular migration in transit countries
- Case of Tanger*, by Mr Mohamed CHAREF
Observatoire Régional des Migrations Espaces et Sociétés (ORMES), Morocco

‘There used to be hashish and smuggling. Now there are "harragas", clandestine emigrants, as well. Tangier has always lived on trafficking. The port, the last stop before Europe, has not really broken with its shady traditions.’

Le Monde 19 April 2001

Introduction

The fact that would-be clandestine emigrants come from increasingly remote parts of the world shows that international mobility is a global phenomenon and explains the force exerted by intense surveillance and the scale of the social and political upheavals that cause would-be emigrants to make their way, not to say “rush”, towards the natural bottlenecks formed by seas, isthmuses and straits. The most popular of these are points of contact with the ultimate destination, as in the case of the Strait of Gibraltar.

It is clear from the geographical evidence and the spatial limitations on human mobility, especially by clandestine overland routes, that some of the would-be emigrants come from neighbouring regions or from countries that are further away but still close enough on the map to be in a sense “transient neighbours”.

Others in this marginal situation have left for different reasons but they all have a common objective and they all end up in the same situation, waiting to cross to the other side which in this case means liberty and law.

Their presence on the shores of Morocco is thus attributable to circumstances rather than choice. It is the end of a logical process as a result of which they are stalled, or in temporary transit if they manage to cross to the other side of the Mediterranean. From their point of view, Morocco is a kind of forced landing point, a stop bounded by the Mediterranean Sea on the one hand and the Atlantic Ocean on the other. Both are equally impassable unless one has adequate means and is prepared to take greater risks.

“Ever further, ever greater risks, ever longer” away from the village. This would be a perfect summary of the experience of these people passing through Morocco!

A Geographical description of the site

The geographical situation of Tangier on the southern side of the Strait of Gibraltar, in the extreme north of Morocco and the continent of Africa, means that it has always been important from a strategic, economic and cultural point of view. In constant contact with Europe on the one hand and the great shipping routes on the other, it is regarded as the ‘gateway to Africa’ *par excellence*. Its proximity to Spain means that it has also been a point of departure, arrival and sometimes disaster for migrants. The history of Tangier is complex and fascinating, the subject of innumerable legends and strange tales.

* This report is also available in French on the Council of Europe Migration site: www.coe.int/migration.

A-a Tangier: a “legendary” city

The very mention of this mythical city brings certain clichés to mind. The history of Africa and the Mediterranean generally is the stuff of legend, and Tangier is no exception! According to legend and the Arab historian, En Naciri, quoted by Jean-Louis Miège¹⁸ :

“[...] Morocco and Spain were once part of a single land mass and the Moroccans had to put up with continual attacks from their neighbours. When Alexander the Great happened to pass that way, they complained to him and explained their situation. Alexander summoned engineers, went to the site of the present strait, and got them to measure the level of the water in the two seas. The level of the Atlantic was found to be slightly higher than that of the Mediterranean.

So he ordered the land on the Mediterranean side to be dug up and moved from the low-lying areas to higher ground. He then had the land between Tangier and Andalusia excavated down to the hard rock. On that hard rock, he constructed a strong dyke of stone and lime, twelve miles long, that being the distance between the two seas.

He built a second dyke opposite the first one, on the Tangier side, leaving a space of six miles between them. When the dykes were finished, he let the water in from the ocean and it flowed between the two sea walls into the Mediterranean. The water rose to a level eleven times the height of a man above the level of the dykes, overflowing them and drowning many people on both sides of the channel.

Qcar-el-Majaz (Qcar of the Passage), Ceuta and Tangier are on the Moroccan side, the rock of Tariq ben Ziyadv (Gibraltar), the island of Tarif ben Malek (Tarifa) and the green island (Algeciras) on the Andalusian side. The strait known as Zoqaq or Boughaz (the Strait of Gibraltar) lies between Algeciras and Ceuta.

Classical Latin and Greek historians speak in almost the same terms of the fact that Morocco and Spain were contiguous but they attribute the opening of the strait to the powerful king Hercules. The Good Lord knows what truth there may be in the story”.

The history of Tangier (Tingis) also has a place in Greek mythology. The giant Antaeus, son of Poseidon and Gaia, is said to have founded it and named it after his wife, Tingo or Tinga. According to legend, his strength depended on contact with the earth, and he was strangled by Hercules. Hercules is said to have lived in caves near the city, which are still to be seen. The tomb of Tinga is believed to be on the Charf heights, close to the city.

One thing is certain, reality not myth: after a brief Phoenician presence, from which two small burial sites remain, the city was founded in the 4th century BC by the Carthaginians and became a prosperous trading post under the name of Tingi. It acquired increasing importance after the fall of Carthage and became the capital of Mauretania Tingitana in the 3rd century. It was occupied by the Vandals in the 5th century but they were driven out by Justinian at the beginning of the 6th century. Thanks again to its fortunate geographical situation, it was the base for the conquest of Spain by the troops of Tarik Ibn Ziad in the 8th century and Gibraltar bears his name (Djebel Tarik: the Rock of Tarik).

From then on, until 1925 when it was declared an international zone and free city, it was coveted for its highly strategic geographical situation. It was taken or held in fief by the Omeyyades of Spain, the Fatimides, the Hafsid, the Spanish, the Portuguese, the French and the English, but was always recaptured by one of the successive dynasties who ruled in

¹⁸ Miège. J-L. Bousquet G. Dernaud. J and Beaufre F. (1992), Tanger : porte entre deux mondes. ACR édition, Paris, p. 46.

Morocco. This continued until Moroccan independence in 1956 and the Conference of Fédala (now Mohammedia). A junction as well as a destination, it stands at the crossroads of civilisations.

But, quite apart from the legends which cast a rosy glow over the popular image of Tangier, both national and international, it is rich in history and enjoys an exceptional geographical position, situated as it is where the Atlantic meets the Mediterranean, between Cape Spartel and Malabata Point, overlooking an extremely beautiful bay.

For Jean Genet, it was also a city of multiple betrayals. The gateway to Africa, with one eye on Europe. A city complicit in every kind of traffic, a meeting point for artists in search of light, inspiration and a touch of the exotic, but also for spies and smugglers. A city that has always attracted writers and enchanted painters and musicians. Delacroix, Saint-Saëns, Pierre Loti, Matisse, Van Dongen, Tennessee Williams, Paul Morand, Jean Genet, Joseph Kessel, William Burroughs, Paul Bowles and many others lived there for a time.

A-b The city and region of Tangier: myth and reality

Tangier is in an increasingly pivotal position in both real and symbolic terms. Africa is seeking to redefine its social, economic and geographical structure in the light of the enlargement of the European Union, and the Maghreb countries have been trying to form a union ever since the historic meeting of their leaders in 1948, though it has proved to be a difficult task.

Tangier occupies a special place in the migration movement in general and clandestine emigration in particular. It is a magnet, a staging post, a place of retreat, concentration and negotiation. It would really be more appropriate to speak of the Tangier region rather than Tangier itself, as a point of departure, and particularly its 375 km coastline. It is highly variable in terms of relief. About 400 000 ha, i.e. 35% of the total surface area, is covered in forest.

The region covers the Wilayas of Tangier and Tetuan, with their capital cities, Tangier and Tetuan. For administrative purposes it comprises the provinces¹⁹ of Tangier-Asilah, El Fahs Beni Makada, Tetuan, Larache and Chefchaouen. It covers an area of 11 570 km², i.e. 1.6% of the total surface area of Morocco, and contains 100 districts, 13 urban and 87 rural²⁰. Geomorphologically, the coast and the Mediterranean basins constitute the axis of the Rif mountain range, comprising many mountainous areas and coastal plains. The climate is subject to the oceanic influence, with annual precipitation sometimes exceeding 700 mm. Average temperatures vary between 14° and 18°.

It is a densely populated region with an average of 176 inhabitants per km², i.e. five times the national average (37 inhabitants per km²). With just over two million inhabitants, it accounts for about 8% of the total population of Morocco (Table n° 2). It is also one of the most highly urbanised regions of Morocco, at 55.9% compared with 51.4% for the nation as a whole. The average size of family is 5.5, slightly below the national average (5.9); this is more marked in the rural areas (6.1) than in the towns (5.1). 40% of the population is under 15 years of age, compared with barely 35% in the nation as a whole. This young population is explained by the relatively high total fertility rate (average number of children per woman) of 4.2 compared with the national average of 3.3. The difference is even wider in rural areas where the figure is 6.2 compared with 4.3 for the nation as a whole.

¹⁹ A Province is the equivalent of a Department in France. Each Province is administered by a Governor and is subordinate to a Wilaya directed by a Wali, corresponding to a Region and the Prefect of a Region respectively.

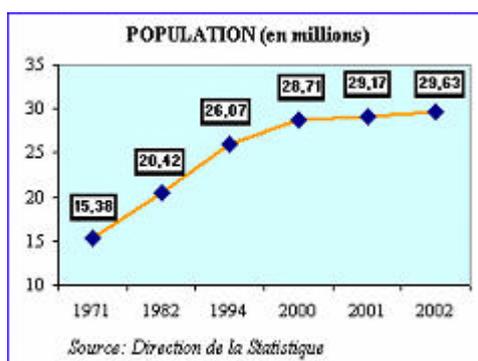
²⁰ See *Débat National sur l'Aménagement du Territoire: éléments introductifs*. Direction de l'aménagement du territoire (Land Development Directorate). Rabat, 2000, 56 pages.

It should be noted in this connection that the economically active population (15-59) represents 53.5% of the population of the region and is below the national average (58%). The rate of unemployment is about 15.9% compared with a national average of about 17%. It is 22.5% in urban areas and barely 7.4% in rural areas, compared with 16.9% and 8.5% respectively for the nation as a whole.

Overall, 46.1% of the economically active population is employed in the primary sector (agriculture, livestock, forestry, mining and fishing). This is because the industrial fabric is still embryonic, with only about 600 undertakings, representing 9% of the national total. 63.6% of these are concentrated in the city of Tangier, which is regarded as the second industrial centre after Casablanca, generating some 39 000 permanent jobs, 76% of them in the textile sector, with the result that it is highly vulnerable and depends to a very great extent on Europe.

There is a wide range of craft industries, concentrated in the cities of Tangier, Tetuan and Asilah, employing a large number of people in many different fields, notably marking carpets, which alone accounts for some 4 000 jobs.

But the Tangier region depends a great deal on the development of the free zone attached to the airport, 18 km from Tangier, to increase the number of undertakings, mainly foreign export undertakings and including many international brand names such as the Japanese Yazaki Group or the German Volkswagen. It also has high hopes of progress on the construction of the port of Tangier-Med, which aims to establish a hub²¹ for shipping business in the region and capture much of the Mediterranean trade.



Source: POPULATION (millions), Directorate of Statistics

Thanks to its geographical situation and its many assets the Tangier region is regarded as one of the most attractive tourist centres in Morocco. In 2000, it had 239 hotels with a total of 19 930 beds, i.e. 16.2% of the national total, not to mention the many lodging houses and small hotels where clandestine migrants can find accommodation and information. It also attracts many national and foreign tourists, including almost 2 million people travelling to and from Europe each year²².

Each summer season sees a massive influx of tourists and Moroccans resident abroad, arriving via one of the various transport networks (road, rail, sea or air), enhancing the region's reputation and enabling it to serve as the interface between Africa and Europe in the Western Mediterranean.

²¹ A post for the transshipment of goods bound for other destinations.

²² Charef. M (1999). La circulation migratoire marocaine un pont entre deux rives. Editions Sud-Contact, Agadir, 312 p.

The region's road network comprises 417 km of trunk roads, representing 4.4% of the entire Moroccan road network, i.e. a density of 3.64 km per km², substantially higher than the density at national level, which is only 1.34 km. The busiest road in the country is still the Tangier-Larache trunk road, used by an average 9 068 vehicles a day in 2000. This high average figure is largely explained by the heavy flow of migrants between 15 June and 15 September. But progress with the work on a motorway a few cables' length away from the city of Tangier has certainly relieved the pressure on this busy road, which is overloaded, particularly in summer. The motorway which serves the major cities on the Atlantic seaboard of Morocco (Settat, Casablanca, Rabat, and Kenitra, to be followed soon by Marrakesh and then by Agadir, where works will be completed in 2009) ends just short of Tangier. On the other side, the European motorways and main trunk roads are based on the port of Algeciras, the European terminal on the northern shore.

Transport Ferroviaire		
Trafic ferroviaire	2001	2001
Voyageurs (en milliers)	13570	14685
Marchandises (en milliers de tonnes)	27493	29945
Longueur des voies ferrés (en Km)	1907	1907

Source: Direction de la Statistique

Source: Rail transport, Directorate of Statistics

The rail network remains one of the weak links in Morocco's communications network. It comprises about 1907 km of line, including 1626 kilometres single-track and 1003 kilometres, from Marrakesh to Bou Arfa, electrified. It is divided into sections, some lines running to the coast – the ports of Safi and Tangier – the others serving the phosphates mines in the central plateau. Work started in 1997 on a second track on the Kenitra-Meknès line and the project, in three phases, will be completed in 2005.

The Tangier region is served by the Tangier-Sidi-Kacem line, a single track about 200 Km long. Experts on the subject regard it as rather poor but it nevertheless carries some 800 000 passengers a year to Tangier station. There are also two international airports in the Tangier region, Tangier-Boukhalef and Tetuan-Saniat R'mel. But they are so close to each other that the first overshadows the second, handling almost 300 000 passengers and about 800 million tonnes of freight a year; the second handles just over 10 000 passengers a year and barely 3 million tonnes of freight.

The strong point of the Tangier region is its port infrastructure, consisting of five ports: Tangier, Asilah, Larache, Martil and M'diq. Apart from the first, the other four are used by fishing boats and leisure craft. Their equipment is rudimentary and they serve mainly as non-industrial fishing ports. That is by no means true of the port of Tangier, which attracts tourist, commercial and industrial business and employs more than 3000 non-industrial fishermen.

The strategic position of the Tangier region really comes into its own in the passenger traffic sector. The port of Tangier alone handles almost 70% of all maritime passenger traffic, far more than the port of Nador, in second place with 25%. Between them, they deal with most of Morocco's maritime passenger traffic, which increased from 2.26 million travellers in 1998 to 3.22 million in 2002, the remainder passing through the ports of Casablanca, Agadir and Safi.

Although it handles relatively little freight, barely 10% of the national tonnage loaded and unloaded, the port of Tangier is heavily polluted and it is hoped that the construction of a new port – “Tangier-Méditerranée” – will solve the problem. The first phase of this integrated port complex, comprising a port platform, a logistics zone, and commercial and

industrial zones covering 900 hectares in all, should be completed by the end of 2006²³. In addition to its primary aim of relieving congestion in the city and port of Tangier, the project also hopes to attract international undertakings and capture some of the 200 million tonnes of container traffic passing through the strait.

Trafic maritime		
	2001	2002
Navires (entrées et sorties)	30 664	32 240
Passagers (COMANAV)	303 200	469 170
Marchandises (en milliers de tonnes)	57 550	56 950

Source: Direction de la Statistique

Source: Maritime transport, Directorate of Statistics

It is also important to point out that the Tangier region handles travellers using the port of Ceuta, who have to pass through Fnidq on their way to Tetuan or Tangier. To prevent this causing major problems, the Spanish and Moroccan Governments are considering the possibility of establishing a permanent link²⁴.

In this particular geographical and historical context, the region is inevitably crossed by Moroccan nationals, both local and expatriate, and also by clandestine migrants from Morocco and elsewhere, creating a general movement which includes smuggling between Ceuta and the Tangier region, drugs trafficking (the Rif is still one of the largest sources in the country) and migrants involved by force of circumstance in a web of more or less criminal interests.

It is an almost obligatory point of convergence in respect of available opportunities and expertise in the business of clandestine migration and every maritime activity connected with transshipment, departure by stealth, and trafficking in general. Clandestine migration is simply the latest form of historical, geographical and cultural «potential», just one more profitable activity among many others.

B. Migration routes and the various ways in which irregular migrants reach the Tangier region

Europe, traditional goal of African migration, is increasingly obsessed with the utopian idea of hermetically sealed borders²⁵. The “eldorado” of African dreams is consequently becoming an ever more inaccessible fortress. Since the mid-seventies, the European Union, like almost all the developed countries, has adopted a large number of restrictive measures to control the entry of foreigners and limit the length of their stay.

²³ It is planned to construct a 50 km motorway to link this complex with the north-bound motorway, join the future Tetuan-Fnidq motorway and establish a 52 km rail interconnection with Tangier. See the *Economist*, 23 April 2004.

²⁴ Charef. M (2003). “ Les retours des immigrés marocains en vacances : l'état du trafic routier ”, in *L'Europe en mouvement : population-transports, aménagement-tourisme* (E. Auphan et B. Dézert, Dir., collection of unpublished papers dedicated to Professeur G.Wackermann), Editions ELLIPSE182, Collection Transversale, Paris. pp. 167-182.

²⁵ Charef.M.(2000) « La migration internationale marocaine entre mondialisation & assignation à résidence », Proceedings of the symposium *Entre deux rives. L'immigration dans les enjeux euro-maghrébins : les hommes, le droit et l'histoire*. Organised by the Centre d'Information et de Documentation sur l'immigration & le Maghreb (Centre for Information and Documentation on immigration and the Maghreb, CIDIM), Marseilles, 9 November 2000.

Sebta (Ceuta) and Melilla are considered to be points of transit and are increasingly protected by wire fences, bugging devices on the ground, all-terrain vehicle and helicopter patrols, infrared detection systems, etc. to deter any attempt at clandestine emigration.

But forbidden fruit is usually much coveted and would-be emigrants join forces to get round the obstacles and constraints placed in their path, often risking their lives in the attempt. "Successful emigration" depends on their ability to make the most of the law or the rules of the game, which are constantly changing and over which they often have no control, and on their ability to develop stratagems and make contact with the various networks. It also depends to a great extent on networks and intermediaries, paid and/or unpaid, even the criminal fraternity on occasion, and on a willingness to take mad risks in some cases. Their motto is: "Who dares eats".

B- a The role of Morocco as age-old interface

We know from history²⁶ that there are caravan routes which were used for centuries by nomads, traders and pilgrims (in the African kingdoms' days of splendour) and which have gradually been erased from maps and memory alike, to be replaced by more modern modes of transport (by sea and air).

These traditional routes provided a natural link between the northern and southern parts of Africa, a fertile meeting ground on which Islamism and animism sometimes merged in complementary fashion, the trade in spices and precious metals creating a cultural mix that left its indelible mark on the peoples and their history, with the result that these lands bear the seal of the Zaouïas as hallowed ground and still carry vestiges of a relationship established by the ceaseless coming and going of individual men and women.

As a result of its geographical position and its special historical relations with the Sahel-Sudan region, Morocco has always had strong personal links with that area²⁷, hence the existence of relatively large business and student communities on both sides and, since the mid-eighties, an increasing flow of people making their way to Europe.

Also, until the beginning of the 20th century, Morocco was largely open to the Sahel in general and West Africa in particular, to personal contacts, trade in products and consumer goods, and an exchange of ideas, particularly religious ideas.

The connecting tracks, historically inseparable from the birth of Islamic Africa, are the routes followed by the western peoples who brought Islam to Africa. These religious and trade routes pass through the Atlas mountains and the oases of the Sahara, from Morocco in the north to Sub-Saharan Africa (bilad es Soudane).

However, some authors like Delfosse emphasise the importance of trade, even before the advent of Islam, with legendary cities such as Sijilmasa, Awdaghost, Tamentit, Araouane, Teghazza, Chinguetti, Timbuktu, Gao or Agadès. At one time in the history of Morocco, it was possible to travel from the banks of the Senegal river to the north of Spain along the same road within the borders of the same Kingdom! Glorious and blessed times according to many chroniclers.

²⁶ See our note in the context of the interdisciplinary programme *Les migrants africains : des acteurs invisibles du développement urbain durable?* funded by the French Ministry of Research and the CNRS ("Développement Urbain Durable" (Sustainable Urban Development, DUD), IRD. Marseille, 2003-2004. 12 pages.

²⁷ Charef.M.(2004), « Les migrations internationales passées et présentes des Marocains », in *Trajectoires et dynamiques migratoires de l'immigration marocaine de Belgique* (Nouria Ouali, Dir.), pub. Académie/Bruylant. Brussels

Colonisation and the development of trade and means of communication eventually weakened the traditional forms of interchange between these two areas. The discovery of oil saw a decline in the role of the traditional cities and the rise of new towns associated with the exploitation of mineral resources, such as Tamanrasset.

By no means the least extraordinary result is that we find ourselves wondering about the revival of caravan routes by these latter-day nomads forced by circumstance into the role of clandestine migrants! It is a fact that many Sub-Saharan nationals are following the old routes to the Mediterranean coast (their aim and objective), making the same journey their forbears made for different reasons.

And it is remarkable that, although many modes of transport have developed since their predecessors' time, one aspect of the trajectory has not changed, namely a particular perception to do with transience. How could it be otherwise for people who, in some cases, left home years ago (twenty-four months according to Gambian and Congolese nationals) and find themselves held up by force of circumstance only a few cables' length from Europe. As though drawn to the nearest crossing point by the magnetic proximity of the Spanish coast, visible from Morocco and virtually within reach, every new group to arrive swells the mass of would-be migrants waiting to depart.

B- b The role of the strait as “funnel”

After a long trek across the “sea of sand” (as the Arabs called the Sahara), overcoming many obstacles, all manner of controls, the attentions of thieves, political unrest and military surveillance, not to mention the usual mob of assorted villains lying in wait, ready to cheat, deceive or even denounce them, the luckiest candidates will be able to enter Moroccan territory from the east, south of the city of Oujda ²⁸. From there, they make their way across country guided by reliable sign posts which are supposed to get them to their destination.

There are two possible ways for them to reach the shores of the Mediterranean: either to make for Nador and hope to get from there to Melilla, or to head for the Tangier region with a view to reaching Ceuta or the Iberian coast. The sheer volume of this visible, albeit clandestine, presence gives some idea of the extent to which the Tangier region acts as a funnel, on a scale marked by tradition, fuelled by “specialists” in the field and a kind of role the area has assumed as a more or less obligatory point of departure for clandestine migrants subject to various hazards and vicissitudes, turning their journey into a series of stops, breaks, and rearrangements of all kinds.

The objective is then to adopt the right strategy and deploy their forces more effectively so as to complete this stage of the journey, which depends on the following conditions:

- climatic, the state of the sea being more favourable in summer than in winter;
- logistical, in terms of availability of smugglers to carry them across, high- or low-level presence of coastguards and pressure from the forces of law and order (these two aspects being linked). Rumour is also likely to play a significant role in this type of irregular microcosm;
- financial, because the traveller's funds are often limited if not non-existent after a journey lasting months (or even years). So how can they pay their passage except by

²⁸ Maghnia (in Algeria) is northeast of Oujda but it too has a camp housing almost 3000 Sub-Saharan Africans hoping to leave one day for Europe!

acting as guides to new arrivals or finding work? Or, at the very best, counting on a member of the family who has already emigrated to cover the cost of the journey?;

- strategic, in that the chance of success in clandestine migration is increased by using the quantitative screen afforded by the returning summer visitors mentioned above, which in turn leads to a mobilisation of the security forces not just to control the clandestine migrants (areas suffering from chronic overcrowding, where it is easier to melt into the crowd and move about freely until the time comes to attempt the long-desired crossing).

The image of a corridor is in fact attributable to the exponential increase in the number of would-be clandestine migrants, combined with the initially natural and later strategic reduction in the number of crossing points, hence the bottlenecks formed by these points of contact.

What is in fact a historical phenomenon to do with the dynamics of migration is increasingly taking on the appearance of a marketing opportunity for smugglers, who use proximity and porosity as arguments to persuade clandestine migrants that they have chosen the right crossing.

C The legal framework of international migration in Morocco:

In response to repeated demands from Europe, for instance during the « First 5 + 5 Dialogue Summit » in Tunis in December 2003, which concentrated on the problems of clandestine emigration and security, Morocco has strengthened the means of combating what is now described as a “scourge”. The essential legal and police resources have gradually been strengthened because the European community is increasingly forcing the Maghreb countries, despite themselves, to act as a screen²⁹ and to be stricter about border security controls and turning people back at the frontiers.

This is also a form of check on the quasi-military resources, in terms of manpower and logistics. Logistics deployed at vast expense, in both Ceuta and Mellila, to discourage the ever-increasing “hordes” of clandestine migrants.

C-a Legal reception conditions :

A law on clandestine migration was promulgated at the beginning of 2003. It covers not only clandestine migrants but also any person involved in migration in Morocco. It was passed without debate, either in parliament or in civil society, despite its highly restrictive character and without any accompanying measure. The implementing decree was published in the Official Bulletin on 13 November 2003.

In the same spirit, with regard to the various measures taken at national level, a *Direction de la Migration et de la Surveillance des Frontières* (Migration and Frontier Surveillance Directorate) was established, its principal mission being operational implementation of a national strategy for combating human trafficking networks, and frontier surveillance.

These tasks are in principle performed by the *Brigade Nationale de Recherche et d'Investigation* (National Search and Investigation Brigade) which is responsible for combating clandestine migration. It is required, in particular, to investigate cases relating to

²⁹ Charef M. (2002), Les migrants marocains, passerelles entre l'Europe et le Maghreb, in *Marocains en France et en Europe*, special issue of the review *Hommes & Migrations*, n° 1242, March-April, Paris, 2003, pp 6-17.

human trafficking throughout the whole national territory. It is supported by seven regional delegations (Tangier, Tetuan, Al Hoceima, Nador, Larache, Oujda and Laâyoune) which are responsible for implementing the national policy at regional level.

Strange to say, their remit coincides with the areas in contact with Europe and/or the points geographically closest to it. Does this mean that the rest of the Kingdom is not affected by clandestine immigration?

Morocco is currently experiencing a certain degree of economic development, albeit on a modest scale, and it has more assets than other African countries. It is consequently likely to attract an increasing number of immigrants. It is already estimated that 65 million Sub-Saharan Africans will try to reach North Africa if desertification (i.e. not the advance of the desert but the degradation of agricultural land) continues at the present rate.

We have also observed that there are a certain number of immigrants in the major cities in Morocco, waiting for a good opportunity to leave for Europe and vegetating in the meantime, content to do “odd jobs” or beg. Not to mention the legal immigrants, about whom we shall have more to say later.

The national decision-makers did not deem it necessary to establish Delegations, but decided for the time being to appoint local committees in each province and prefecture. These are simply responsible for collecting data, information and statistics on migration, and forwarding them to the Migration Directorate, which has full powers to take the necessary measures.

A Migration Observatory has also been established, with responsibility for collecting, centralising, processing and issuing statistics and information on migration at national level. It comprises representatives of the Ministries of the Interior, Foreign Affairs, Finance, Justice, Employment, the Royal Armed Forces, the National Gendarmerie, the Auxiliary Forces, the Directorate of Customs and the Directorate General for National Security.

It is required to produce studies and conduct research projects, its principal mission being to record the facts relating to migration and propose specific measures for the decision-makers to take. It is also required to issue regular reports designed primarily to set out the national strategy on migration.

To the same end, the various departments have been given the necessary human and material resources, notably operational units, to complete their tasks of “*investigation, surveillance, detection, coordination and intervention*”³⁰. The objective is to dissuade would-be migrants passing through Morocco and direct them to some other crossing point. This calls for substantial resources, which are not necessarily within Morocco's means.

Such measures sometimes place the Moroccan authorities in a contradictory situation arising from two different approaches to the subject of migration. One is sometimes tempted to see it as a double game. How can one assert the interests of one's own citizens and insist on their protection in countries in which they are immigrants while at the same time inflicting on Sub-Saharan Africans the very injuries one is at pains to condemn in the case of one's expatriates. Hence the talk of operating a policy of “double standards”!

C-b The migrants' living conditions :

It appears from the investigations that have been conducted that there are two camps in northern Morocco, just outside Ceuta and Mellila, the first called ‘Ben Younech’ after the forest where it is situated, and the second ‘Gourougou’ as a reminder of Sub-Saharan Africa.

³⁰ See Maghreb Arabe Presse (MAP) communiqué dated 11 November 2003.

They are situated on steep hills, away from the lines of communication, concealed in the heart of the forest, and with no equipment. Each holds about a hundred people, brought together and dispersed at the whim of the law enforcement agencies. In material terms, they consist of improvised plastic tents, without running water or sanitation.

They are under the responsibility of a village chief elected by his peers and are very often organised by nationality in outlying areas (enclosed villages, districts on the outskirts of towns, natural habitats such as caves along the coast traditionally used by local fishermen, forests, etc.).

D Picture of the foreign presence in Morocco and the Tangier region:

Morocco is still a country of emigration rather than immigration³¹, a phenomenon adequately explained by a recital of the economic and social facts. However it has always been, and still is, a transit point and a melting pot, for both historical and cultural reasons. In addition to the normal flows, there has been an increase in recent years in the number of Sub-Saharan Africans and other migrants passing through the country.

D-a Irregular immigration passing through Morocco

At a joint conference of the Ministries of the Interior and Justice held in Marrakesh on 19 December 2003, the following figures were given to support and justify the basis of the Moroccan Government's new policy on migration:

More than 1600 clandestine migration networks have been dismantled and some 65 000 people arrested since the beginning of the 1990s, including people involved in some way in organising clandestine migration. These figures, constantly rising, reflect the development and adoption of restrictive measures on both sides of the Mediterranean, and the increase in attempts to leave Africa by any means, even at the risk of losing one's life.

It is estimated that almost 100 000 people a year try to cross the Strait of Gibraltar in clandestine fashion to get to Europe³² from this geographical area of Morocco alone³³! We think this is probably a slight exaggeration in the light of the theoretical ratio normally accepted by security experts in the case of these contact areas, i.e. a ratio of 1 clandestine migrant in 6 getting across the border.

In the absence of plausible official figures, it is thought on the basis of a range of separate statistics (persons drowned, arrested or turned back) that about 4000 individuals are involved, bringing the figure down to about 20000, with all the usual precautions in an area as obscure as clandestine immigration.

Others consider that the figures might be higher, depending on European budgetary interests to be unblocked to ensure effective control. The strategy of inflating the figures pursued by certain associations is thought to arise from a desire to alert public opinion, always greedy for sensation, to the full tragedy of the situation because the emotions aroused may, through public protest, influence the national policies of the states affected by the problem.

³¹ Charef M (2002), « Un aspect méconnu des vieux émigrés-immigrés : la transnationalisation », in Jeunesses, vieillesse, démographie et sociétés. Chaire Quetelet, Réseau démographie de l'Agence Universitaire de la Francophonie (AUF), Editions Académie / Bruylant et l'Harmattan, pp. 275- 291.

³² Barrada Yto, Masson Anaïs, Maxence Rifflet. (2003) : Fais un fils et jette-le à la mer. Marseille/Tanger. Editions Atelier Sujet/Objet. Paris. p.8.

³³ See the Journal Hebdomadaire, 3 to 9 January 2004. p 23.

D-b Legal immigration:

Since independence Morocco has encouraged African and Arab students to come to the country, with the idea of reviving an age-old tradition. There are now a thousand students, on average, with a substantial increase in students opting for sometimes very expensive professional training courses in private institutions.

It should also be noted that there are some cases of Sub-Saharan Africans employed for their technical expertise in activities such as motor mechanics, journalism, etc. There are not many of them and they only work long enough to accumulate a nest egg to take back with them. However it is not unusual to see Africans on the streets of the big cities in the Kingdom and in the tourist areas on the coast, offering exotic African objects '*Made in Deutschland*' to the tourists and passers-by. Their presence does not upset the local traders at all and sometimes adds a transitory touch of colour to the scene.

The public authorities take a different view, seeing it as a sign of a black market if not smuggling, leading to alternating bouts of prosecution and respite, for Africans and natives alike.

Mention must also be made of people engaged in cooperation in the strict sense of the term, i.e. those who are sent out by their country of origin within the framework of a general international cooperation project (teaching, research, engineering, development, etc.). There are also technicians and specialists seconded by their parent companies or recruited by Moroccan companies (there are a great many Koreans and Spaniards in Agadir in the fishing sector).

There is another form of professional activity performed by European migrants, whom people are at pains to describe as engaged in "cooperation" namely the work of individuals in special niche activities. These are generally people with a trade or craft who have decided to leave their own country for personal or professional reasons and exercise their talents in an economic sphere where there is real demand and less competition, and wages go further. I am thinking of restaurateurs, hoteliers, joiners, and sandwich merchants who settle down as and when their commercial activities expand.

Mention should also be made of a recent and growing phenomenon, namely Europeans who retire to Morocco because of the good climate and the low cost of living, and who may sometimes find themselves taking part in activities where their skills and experience are appreciated, such as teaching languages, dancing, singing, etc. They constitute a special new category.

E Economic activities and employment of foreigners :

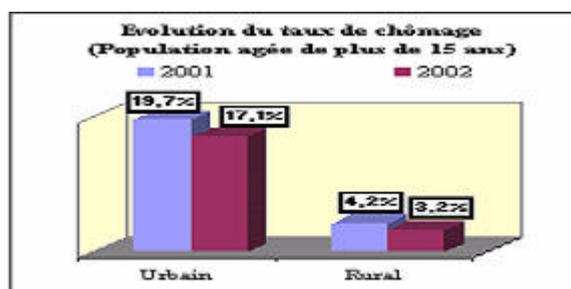
In view of the escalating "all-round security" which serves and operates as a migration policy by default, it might be thought or feared that there would be no more departures. But, given the demographic, social, economic and statistical facts and the constant difference in the level of development, there seems to be every chance that the chronic impulse to leave will continue and even grow.

According to the *Centre d'Etudes et de Recherches Démographiques* (Centre for Demographic Studies and Research, CERD), the population of Morocco probably passed the 30-million mark in 2003, a relatively sharp rise from about 15 million in 1971 to over 20 million in 1982 and 26 million at the last census in 1994.

Young people between 15 and 24 years of age account for 21.1% of the population, 23% in the country and 19.7% in the towns. The economically active population is now 10.9 million strong, a rise of 5 % compared with the figure for 2002.

150 000 jobs were created in the towns and 277 000 in the country in 2003 but this did not reduce unemployment, the official figure being close to 1.37 million in the last quarter of 2003 as against 1.31 million in the previous year. Almost 13% of the economically active population in Morocco is affected but, probably for “statistical” reasons, the rate is higher in the towns (20.4%) than in the country (4.1%).

Projections and forecasts suggest that the future trend will be up not down. The *Centre Marocain de Conjoncture* (Moroccan Economic Research Centre) estimates that 5.1 million jobs will be needed in 2014, 4.3 million in the towns and 756 000 in the country!

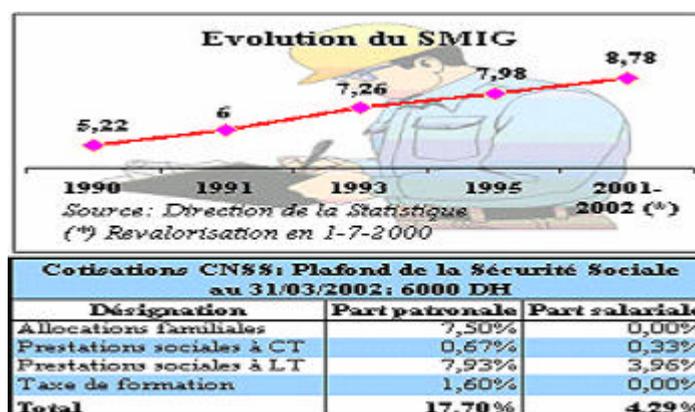


Changes in the rate of unemployment (People over 15 years of age)

The SMIG (*Salair Minimum Interprofessionnel Garanti*/Guaranteed Minimum Wage) in 2003 was MAD (Moroccan dirhams) 8.78 per hour, equivalent to a gross monthly wage of MAD 1826 for 208 hours' work, and the guaranteed minimum wage should normally increase by 10% in two stages (the first in July 2003 and the second in July 2004). This substantial boost should benefit 600 000 private sector employees as well as civil servants.

Contributions to the *Caisse Nationale de la Sécurité Sociale* (National Social Security Fund, CNSS) have also gone up. An employee on the SMIG (MAD 1 800) pays MAD 18.54 more. The proportion of salary is now 4.29% as against 3.26%. The employer pays MAD 12.78 more, a contribution of 16.1% as against 15.39. The lower limit for monthly wages subject to contributions has risen from MAD 5 000 to 6000. Employees earning MAD 6 000 and over, pay the CNSS a contribution of MAD 257.4 instead of MAD 163. The CNSS contribution appearing on their pay slips has increased by MAD 94.4. However, very few employers comply with the regulations in force, pay the SMIG and declare their employees to the CNSS. Consequently, despite relatively high unemployment (between 18% and 30%, depending on the source), it cannot really be maintained that clandestine migrants represent a genuine and proven source of competition for Moroccan nationals, at least for the time being. They are not at present the target of job seekers in North Africa, the objective of their migratory travels.

This situation could change if the social and economic indicators in Morocco improve and it becomes more and more difficult to get to Europe.



Source: Changes in the SMIG, Directorate of Statistics

F Objective reception conditions :

In view of the manifest migration phenomenon and the legal, administrative and other implications of this massive influx of migrants, the logical response is to establish structures to give assistance and advice to people from Ghana, Guinea, Mali, Senegal, Benin, Niger and Nigeria, etc. who are directly or indirectly involved in the clandestine emigration circuit.

The relevant organisations include:

The *Association d'Aide aux Familles Victimes de l'Immigration Clandestine* (Association for Assistance to Families that are Victims of Clandestine Immigration, AFVIC), for victims of clandestine emigration.

The Association *Darna* ("our house" in Arabic) established in the Tangier medina in 1996, a consultation and literacy centre for children living on the streets. It has extended its activities, opening a community youth training centre in 2000, building a children's refuge in 2001 and an educational farm on the outskirts of Tangier in 2002, all projects designed to prevent these young people from resorting to clandestine migration because they have no prospects.

The local branches of established organisations such as the International League for Human Rights, Human Rights Watch and Amnesty International are also active. But the action of associations of Moroccans abroad sometimes takes a more spectacular form, as in the case of a meeting outside the Moroccan Embassy, for which the following notice was issued:

" Meeting to be held outside the Moroccan Embassy in Paris. 2 dead, 8 injured, 116 arrested in Morocco today. In the night of 25 to 26 April 2004, the repressive policy vis-à-vis Sub-Saharan migrants on Moroccan soil reached intolerable limits. In the Gourougou and Bel Younech camps, African migrants passing through Morocco on their way to Europe have been the victims of numerous police operations (robbery, violence) to prevent transits. Among other things, this human tragedy raises the question of the responsibility of the European Union which, through its policy of North-South cooperation, is trying to force its partners in the South to take on the role of guarding its territory against migrants and erecting a protective wall round its external borders. It is also delegating responsibility to the Moroccan State, which has agreed to guard this new iron curtain and act as sub-contractor for the repression of Sub-Saharan migrants. In return for this service, Morocco has received European aid under the MEDA National Indicative Programme 2000-2004, amounting to 40 million euros over three years. The undersigned associations are observing with deep concern the consequences of the European policy of exporting its own violence and, in particular, the situation of Sub-Saharan Africans in transit through Algeria and Morocco, seeking to escape from poverty and war and exercising their right to life and freedom of movement. The said associations wish to remind Morocco that it is a signatory to the UN Convention on the Protection of the Rights of all Migrants and Members of their Families and the 1969 OAU Convention governing the Specific Aspects of Refugee Problems in Africa and is consequently required to comply with the terms of those conventions. They repeat their requests that France and the Member States of the European Union accede to that convention which they disregard. The undersigned organisations firmly condemn: the Moroccan authorities who use ill-treatment, violence, imprisonment and expulsion as deterrent; the European authorities who, in order to seal their borders, make their aid to States in the South subject to the introduction of measures to curb immigration. The undersigned organisations call on the States of South and North to respect the dignity and security of migrants. They ask the European Union to review its policy which increasingly tends to make its aid to the countries of the South subject to their

agreeing to police migrants, particularly through the medium of readmission agreements. They will be addressing an appeal to the European Commission and, in the meantime, they invite the public to attend a meeting to be held at 18.00 on 18 May 2004 outside the Moroccan Embassy (5, rue Le Tasse, 75016 Paris)".

The authorities concerned are keen not to restrict their role merely to the security aspect delegated to them. Hence the publicity campaigns in the national media, often timed to coincide with the summer influx of Moroccans resident abroad.

Reports, discussions and interviews are broadcast at peak periods, with talks by experts and people in positions of responsibility and personal anecdotes, aimed mainly at Moroccan nationals and dealing almost exclusively with clandestine Moroccan migrants.

It must be acknowledged that initiatives of this kind have limited impact, usually not extending beyond the emotions of the moment or the events depicted. But it should be noted that the Moroccan consular authorities in the immigration countries play an active part in attempts to solve particularly thorny problems.

G Seeking a new way

Migration is by no means a rash and spontaneous venture. It is the fruit of long, hard thought and is embarked on more or less abruptly after a process of psychological, social and material preparation, the decision depending on a combination of factors, both favourable (finances, family, etc.) and unfavourable (with which we are already familiar).

Clandestine migration therefore involves lengthy preparation, meticulous organisation and the cooperation of a great many people. It is still surprising, in this connection, to discover how much knowledge and information would-be migrants have accumulated about the journey, the material conditions associated with it, the legislation in force in the countries they intend to cross, who to see and where to go! Knowledge they will often need to overcome unexpected or occasional obstacles.

One consequence is a flourishing trade in minor services in the areas round consulates (selling forms, stamps, envelopes, and even places in the queue). Another is the development of fictitious companies abroad, which feed the dreams of an idyllic life "elsewhere" and encourage the desire to leave. What usually happens is that the company sends a letter informing the recipient that he has won a visa for the USA, Canada or Europe. All the "lucky winner" has to do is send the company the equivalent of 50 US dollars. Once he actually applies for the visa, the dreams vanish and the swindle is discovered, although the authors of the swindle generally suffer no ill consequences.

Others hope to "fulfil their dreams" by buying a tourist visa for up to MAD 20 000 or 30 000 and taking advantage of the opportunity not to return when it expires. Apparently, this scheme worked in the past for middlemen offering visas for Italy, Spain and France. But the consular sources have more or less dried up following a series of scandals, investigations and lawsuits.

Some law firms in the United States and Canada have no compunction about placing full page advertisements in Moroccan daily papers, offering their expert and very expensive services to prepare "immigration documents". The Moroccan press reports on these swindles and on the *Harragas* who try by all and any means to cross the increasingly impassable borders.

At regional level, it certainly seems that the towns in the Tangier region are under severe pressure as a result of the flight from the land. Seven out of ten people deserting the

countryside for the town make for this region. Tangier alone attracts 40% of these particular migrants, Tetuan 29%, Larache 19% and Chefchaouen 12%.

This substantial current of immigration results in a breakdown of the structures in urban areas, housing shortages, a deterioration in the traditional fabric of urban life and the environment, a lack of resources and machinery for management and control, the development of slums and districts on the outskirts of town that are under-equipped and out of control, increasing marginalisation and social segregation, an acute shortage of jobs and rising unemployment, etc. Fertile ground for drugs trafficking, Islamic fundamentalism, a propensity for clandestine emigration, etc.

This is the situation that greets the new migrants arriving from other parts of Morocco or other countries and hoping to leave Africa for Europe, so close on the map but so hard to reach. What can possibly be done to establish a viable and efficient system to give assistance specifically to foreigners from third countries, particularly if they have entered the country illegally!

It is a fact that expatriate Moroccan migrants returning from Europe are accorded every possible attention by the public authorities, who are full of solicitude for them. One has only to read the papers or watch the media just before the advent of summer each year, to realise that this is the case. All the usual authorities (customs, border police, gendarmerie, etc) are mobilised for “Operation Transit” and they are now, increasingly, joined by the medical, social, information and accident prevention services.

The bodies responsible for Moroccans resident abroad, acting on the highest authority, do all they can to facilitate these returns, with special emphasis each year on a specific aspect such as customs formalities or road safety. Information leaflets in French are produced for young Moroccans from other countries, bringing tourism in Morocco to the attention of these young expatriates with their pockets full of money to persuade them to combine business with pleasure.

The situation is different in the case of clandestine migrants, from Sub-Saharan Africa or elsewhere, because there is no real policy for managing these people apart from the security system, that is to say control³⁴, arrest and escort back to the border. Some private charitable organisations try to help in some of the northern provinces when improvised camps are set up by the clandestine migrants but they lack the necessary resources and are distrusted by would-be migrants, who are in the habit of hiding in order to avoid being found and arrested.

According to statements by local people, there seems to be a sporadic show of solidarity in the form of gifts of food, clothing or medicines, but here again the resources are too meagre to have any real effect.

It is symbolic but revealing that a clandestine immigrant from Sub-Saharan Africa figured for the first time as a character in a major feature film entitled “Lalla Fatima”, broadcast on the Moroccan channel 2M during the month of Ramadan.

In one episode, the educational and civic point was made that these migrants must be treated well and that they were in much the same situation as our compatriots abroad, perhaps even a member of our own family! This shows that there is at least some sign of growing awareness and that the phenomenon is now achieving a level of social visibility that will make it difficult to ignore. It would therefore be desirable, by way of recommendations, to take the following steps:

³⁴ Morocco received funding amounting to EUR 40 million in 2000, to strengthen control over the flow of clandestine migrants. Rabat considered that this substantial envelope was still “insufficient” to enable Morocco to take on the role of “policeman” for the EU.

- ❑ Provide more information in order to heighten public awareness and dissuade people from choosing clandestine emigration.
- ❑ Give substantial aid to organisations working in the field, for the reception of migrants and the establishment of appropriate infrastructures to encourage a charitable and human approach that is productive in terms of care, assistance, guidance, reception or dissuasion.
- ❑ Strengthen international cooperation to develop the social and economic potential of the migrants in question and enable them to settle more confidently in their country of origin³⁵.
- ❑ Refine their tools and intellectual resources allowing a range of academic and scientific approaches with sufficient logistical and financial backing at European level or within Morocco in order to provide the decision-makers and institutions, which often seek help in taking decisions, with reliable up-to-date information, reports, projections, personal accounts and other material connected with the field.

By way of conclusion:

Apart from the brief considerations consisting of figures, dates, statistics and other means of rational evaluation we have drawn on in the present report, it seems sensible to return to a completely different aspect of the problem, one which was mentioned at the beginning of the report.

We rightly consider that the clandestine migrants from Sub-Saharan Africa or elsewhere, who are currently in the region or making their way there, are part of a historical movement which extends far beyond social and economic vicissitudes, established and unavoidable though they may be. These migrants are, to our mind, “heroic” for many reasons. First, in respect of the original journey they have made and the obstacles they have encountered. Also, because, like the gods on Mount Olympus long ago, they appear to be fascinated by this area which forms a continuum between two continents, regions, religions, cultures and ways of life.

They are, despite themselves, modern heroes in a historical tragedy, in which the true motives and the wider issues are beyond their grasp, whims of capricious modern deities gathered to watch them fighting for survival. At least, they help to perpetuate the line that made up the magical tale of Tangier and its region. A city that has fascinated eminent scholars, discoverers, warriors and missionaries from every shore throughout the course of history, a city that has also attracted adventurers and poor people seeking a better life. This has made the region a country apart, a legendary and welcoming land, from antiquity to our own times. So one ends with an instructive juxtaposition of individual geostrategic factors and the collective heritage of myth.

³⁵ It would suffice to implement the recommendations of the Parliamentary Assembly of the Council of Europe on strengthening co-operation in the Mediterranean, for example [Recommendation 1359](#) (1998) on sustainable development in the Mediterranean and Black Sea basins, [Recommendation 1329](#) (1997) on the follow-up to the Mediterranean Conference on population, migration and development (Palma de Mallorca, 15-17 October 1996), [Recommendation 1306](#) (1996) on migration from the developing countries to the European industrialised countries, [Recommendation 1249](#) (1994) on cooperation in the Mediterranean basin, [Recommendation 1211](#) (1993) on clandestine migration: traffickers and employers of clandestine migrants, and [Recommendation 1154](#) (1991) on North African migrants in Europe.

**At the cross-roads between Europe and Asia - complexity of transit migration in Istanbul^{*}, by Mr Jean-François PEROUSE,
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Introduction: the dramatic emergence of an international focal point for transit migration

The launch in late 2003 of an expensive (45 million US dollars) radar surveillance system for international maritime traffic in the Bosphorus (VTS system) was heralded by the Turkish authorities as a means not just of making maritime traffic safer, but of effectively combating human trafficking by sea. Since then, the number of vessels bound for Europe chartered by the traffickers has indeed diminished very considerably.

As recently as April 2004, however, the Turkish daily *Birgün*³⁶ ran a headline “Turkey: transit route for clandestine migrants”, drawing attention once more to a phenomenon which appears to have taken on worrying proportions in recent years: the transit through Turkey of a growing (or at least increasingly visible) number of would-be emigrants to the rich countries. With its location right on the border with the European Union (and with a mainly maritime border with Greece which offers an inviting crossing-point), Turkey is becoming a staging-post for stays of varying length en route to what are seen as greener pastures. Within this “Anatolian corridor”, Istanbul appears to play a key role.

Since the collapse of the Soviet political system and its satellite regimes in central and eastern Europe, Turkey seems to have become (once again) a hub for international mobility, migration and traffic, acting as a “corridor” between Europe and “third countries” in Asia³⁷ (as far away as China) and even Africa, and as an almost compulsory point of transit between the Russian and Ukrainian plains and the eastern Mediterranean.

However, it is not always easy or relevant to distinguish the short, and in many cases, frequent, work or trade-related trips undertaken for economic reasons by shuttle migrants from Romania, Russia, Ukraine, Macedonia or the Maghreb, from the international movements of persons passing through Istanbul, both legally and illegally, or even from foreign tourism. The descriptive categories generally used are tentative, relative and subject to change: a person can easily move from one category to another (for instance, when their tourist visa expires). Furthermore, a clandestine migrant with carefully forged papers is treated as a tourist or an ordinary foreigner in transit. We shall therefore try to avoid constructing hard-and-fast categories in advance, mindful of the fact that transitions from one status to another, in the eyes of the Turkish or the international judicial system, are occurring constantly, and that the terms “foreigner” and “clandestine migrant” (kaçak) are not synonymous in Turkey.

Here we shall examine:

1. what makes Istanbul “predisposed” to attract these flows;
2. what transit migration routes focus on Istanbul or are arranged from there;

^{*} This report is also available in French on the Council of Europe Migration site: www.coe.int/migration.

³⁶ 19/04/2004, p.5.

³⁷ The death from exposure in early December 2001 of a Pakistani attempting to cross the Turkish-Greek border secretly in Thrace is just one example of a now almost commonplace phenomenon which appears to be acquiring vast proportions.

3. the numerous different categories of foreigners in the city;
4. finally, how foreign migrants participate in the underground economy and what assistance they receive.

I. The many assets of an international metropolis offering a wealth of opportunities

A) Outstanding setting and location

In one sense, Istanbul provides first and foremost an excellent setting: shaped by the Bosphorus, an impressive waterway over 30 km in length which divides the urban space into two increasingly equal parts. Integration of the urban space awaits the completion of new infrastructure such as the rail tunnel under the Bosphorus – a major feat of engineering, given the depth and especially the risk of earthquakes – on which work is due to commence by the end of 2004. Once it is completed (late 2007?) it should connect up the European and Asian rail networks and speed up the modernisation of intra-urban rail transport. In tandem with this, and despite vehement opposition from residents' associations in the areas along the route, the Public Works Ministry announced in 2003 the building of a third road bridge, and possibly even a fourth and fifth. Istanbul's role as a point of transit between Europe and the Caucasus or the Middle East, which is emphasised by all the European and international motorway-building programmes, makes it essential, however, to find some means of separating through traffic from local traffic within the city.

Istanbul also occupies an unrivalled location which, while it may be on the fringes within Turkey, is hugely important in regional and international terms. It acts as a point of contact and interface between economic, political and geopolitical worlds which, while constructed differently, are interacting more and more. The people of central Asia, the Caucasus, the Transcaucasus and the Near and Middle East see Istanbul as the gateway to the European Union, despite all one's protestations to the contrary.

B) A hub for national, regional and international transport networks

At all levels and for all modes of transport, Istanbul has become a hub in the transport system, one which logistics experts are seeking to make even more important. Compared with the early 1980s, Istanbul has thus opened up to the outside world in spectacular fashion, becoming a crossroads between Europe and the rest of Turkey and some way beyond (the Caucasus, the Transcaucasus, central Asia and the Middle East). A number of foreign firms from North America, South Korea and Japan have even set up their headquarters there, covering an area extending in some cases from Morocco to Kazakhstan.

As regards air traffic, almost four million people arrived in Istanbul from abroad in 2002 via Atatürk international airport. Of these, a large proportion spent some time in Istanbul, alongside those visitors arriving from the Balkans and Europe by train and those who came by road and sea. The opening in 2001 of a second international airport on the Asian side of the Bosphorus (Kurtköy), should serve to consolidate its role as a hub for airlines from Asia and the Middle East.

With regard to the maritime route, known to be used by some networks (lorries carrying migrants boarding Ro-Ro vessels), Istanbul is also a crossroads between the Black Sea and the eastern Mediterranean. Its port infrastructure is increasingly fragmented (no doubt creating many more opportunities), both in structural terms, with the emergence of wholly private ports such as Kumport and Ambarli, and geographically, extending right along

the Marmara coast. Two-thirds of container traffic, for instance, is now handled by the private port of Ambarlı³⁸ (European suburb of Avcılar), with Haydarpaşa (in the city centre) being used less and less. The aim of the current reorganisation is to devote the ports in the centre exclusively to tourism and cruise ships.

Since the collapse of the Soviet Union, the Bosphorus is becoming an increasingly important international maritime route, with thousands of vessels using it to move between the Black Sea, Caucasian and Mediterranean regions. The growth in international maritime traffic, which overlaps with local intra-urban traffic, is linked in large part to the transport of oil and gas from the countries bordering on the Caspian Sea (from Azerbaijan to Kazakhstan). This rise in hydrocarbons traffic also engenders fear in Istanbul, where the tankers and gas carriers are viewed increasingly as powerful explosives passing through the very heart of the built-up area. Since July 1994 – despite some resistance from its Russian neighbour – Turkey has campaigned to be granted the right to control international traffic, arguing that it poses a threat to the safety of the population of Istanbul. It is endeavouring to introduce a right to regulate, as well as obligatory towing for all vessels above a certain tonnage or size (200 m). Given the narrowness of the Bosphorus at its narrowest points (less than 700 m), these demands appear justified, particularly in the light of the recent upsurge in traffic.

Since the 1936 Treaty of Montreux, however, the Bosphorus has been an international route on which Turkey may not unilaterally impose restrictions of passage. A new Treaty would be required, which the current principal users of the Bosphorus (Russians, Ukrainians, Maltese, Syrians and Bulgarians) are unwilling to negotiate. However, the ports of Istanbul still receive only a small proportion (less than a third) of this international maritime transit traffic. For the time being, a very costly radar surveillance system introduced in 2003 serves to regulate international traffic and identify suspicious vessels engaged in illicit trade (not just in hydrocarbons and the like, but also in human beings). An improvement in the infrastructure of these ports, their management and their connections to land-based transport networks would enable Istanbul to join the ranks of the major world ports, while capitalising more on, and further enhancing, the wealth passing through the Bosphorus. In addition, Istanbul could assert itself as a port for exports as well as imports (Table 2).

Table 1: International commercial traffic in the Bosphorus (1996-2003)

Year	No. of international vessels	Vessels over 200 m long	No. of tankers
1996	49 952	7 236	4 248
1997	50 942	6 487	4 303
1998	49 304	1 943	5 142
1999	47 906	2 168	4 452
2000	48 079	2 203	4 937
2001	42 637	2 453	6 516
2002	47 283	3 113	9 427
2003	46 939	-	8 097

Source: Maritime Pilots' Association, Istanbul

³⁸ A consignment of heavy armaments (missiles, etc.) was found here in June 2004 in two containers on their way from Ukraine to Egypt; see *Radikal*, 3 June 2004, p. 7

**Table 2: 1998 traffic in the ports of Istanbul
(in the narrow sense): indicators**

Loading/embarkation	
Number of full or empty containers	131 810
Number of passengers	161 040
Tonnes of cargo	1 559 845
Unloading/disembarkation	
Number of full or empty containers	188 114
Number of passengers	152 395
Tonnes of cargo	13 512 388
<i>Total number of vessels</i>	<i>15 374</i>

Table 3: Container traffic in the ports of Istanbul 1994-1998

Port	Year	Number of containers loaded or unloaded
Haydarpaşa (Istanbul)	1994	132 648
	1995	188 578
	1996	235 645
	1997	230 211
	1998	221 881
Kumport (Istanbul)	Opened in 1999	?
Derince (Greater Istanbul)	1994	2 885
	1995	3 393
	1996	12 300
	1997	9 554
	1998	4 638

Table 4: Ports of Greater Istanbul

Name	Location	Specialisation
Haydarpaşa	Kadıköy	Container vessels
Salıpazarı	Beyoğlu	Cargo and passengers to the Black Sea
Kuruçeşme	Beşiktaş	Passengers
İstiniye	Sarıyer	Passengers
Sarayburnu	Eminönü	Passengers
Zeyport (estd. 1998)	Zeytinburnu	Passengers and cargo
Ambarlı Liman Kompleksi (incl. the private port of Kumport). Estd. in 1991	Avcılar	Containers and cargo
Darıca	Gebze	Ferry and passengers
Derince (İzmit) Hereke, Yarımca (İzmit)	İzmit	Containers

Table 5: Journeys by commercial vessels through the Bosphorus in 1998

Country or flag	Total vessels	Percentage making stopover in Istanbul
Russia	6 061	49%
Ukraine	5 304	54%
Malta	4 666	26%
Syria	2 203	7%
Panama	1 094	16%
Bulgaria	1 053	24%
Republic of Cyprus	1 164	0%
Greece	829	11%
Romania	682	8%
Lebanon	438	9%
Honduras	415	23%
Liberia	324	17%

If we study the main regular routes for roll-on/roll-off transport, we can see that the most significant, in terms of both the number of lorries transported and of frequency, is the Mediterranean route between Haydarpaşa (Istanbul) and Trieste. However, Trieste is more significant as a staging-post for northern and central Europe - and especially for Germany, Turkey's main trading partner - than for the Mediterranean countries (Annex, Table C). This is echoed in the arguments advanced by the company backing a new regular weekly service from Istanbul to Trieste, launched in June 1999. Nonetheless, the name given to the latest container vessel acquired by the major Turkish transport company UND Ro/Ro in September 2000 - Akdeniz Mediterranean - was taken as a sign of the increasing Mediterranean bias of trade from Istanbul. In addition, a new weekly goods service between Marseille and Istanbul (the port of Kumport in the European suburbs) has just been launched, constituting the first step towards strengthening maritime links between Istanbul and the Mediterranean countries of the EU.

Finally, Istanbul represents the only road crossing of the straits between the Aegean and the Black Sea. Since 1989, the bulk of transit traffic has used the second bridge, linked to the Trans European Motorway (TEM), an important component of the road transport system between the Balkans, the Caucasus and the Middle East. A whole series of road transport companies and storage areas/warehouses involved in transit traffic have sprung up along the TEM. The Ikitelli³⁹ industrial complex, for instance, is more of a transit centre for goods (among other things) than a manufacturing zone in the true sense.

C) The region's foremost commercial centre

Let us start with a simple fact: in 2003, the province of Istanbul alone accounted for over 60% in value terms of Turkey's official external trade. Over 65% of the country's import/export firms have their headquarters there. This gives some idea of the crucial role played by Istanbul in Turkish trade. In addition, Istanbul is the operative interface between a huge hinterland (in central Asia and the Near and Middle East) and the world economy, despite attempts to establish other focal points such as Trabzon on the Black Sea or Mersin on the Mediterranean. The projected growth of coastal traffic in the eastern Mediterranean, the Black Sea and even within Turkey seems set to make Istanbul an even more important centre.

However, commercial activity can take other forms, such as "suitcase trading", which since the 1980s has contributed to the internationalisation of Istanbul.

The "shuttle traders" or "suitcase traders" come from countries relatively close at hand. Arriving as ordinary tourists they may, like any other tourist, become clandestine migrants if they prolong their stay on Turkish soil. Some of the foreigners residing temporarily in Turkey are attracted by the considerable commercial drawing power of Istanbul and also of Trabzon and Antalya. The city attracts people from the former Soviet Union and eastern Europe, as well as, once more, from the Maghreb⁴⁰ (primarily Libya) since access to European markets has become more difficult. Hence, Russians, Ukrainians and Romanians – mostly women – have settled in Turkey in order to act as intermediaries in local shops dedicated almost entirely to "suitcase trading". The inflow of shuttle traders, which began in the early 1980s, represents one aspect of the internationalisation of the Turkish economy.

The following tables show the extent of the inflows of shuttle migrants, which can be quantified only by reference to the numbers of tourists entering Turkey, through Istanbul airport in particular. A proportion of the 13 million tourists entering Turkey each year is made up of suitcase traders who are there for commercial reasons rather than conventional tourism. Moreover, it is easy in the following tables (6 and 7) to distinguish "conventional" tourism for leisure and sightseeing, from "suitcase trading".

³⁹ According to the findings of the investigation, the bombs which were used in the terror campaign in late 2003 were manufactured in this vast industrial estate (700 hectares).

⁴⁰ For a number of years in the mid-80s people from the Maghreb – in the broad sense, extending from Libya to Morocco – were frequent visitors to Istanbul. Together with the Iranians, they were the forerunners of today's commercial tourists.

Table 6: Trends in the number of foreign tourists in Turkey (1996-2003)

Year	Total no. of foreign tourists
1996	8 582 000
1997	9 689 000
1998	9 752 000
1999	7 464 000 (-23%)
2000	10 428 000
2001	11 618 969
2002	13 246 875 (+14%)
2003	13 958 000

Source: Turkish Ministry of Tourism, 2004

Table 7: Foreign tourists entering Turkey, by country of origin (1981-2003)

Country	1981	2002	2003
Germany	181 773	3 480 844	3 327 800
United Kingdom	67 273	1 040 228	1 091 200
Russian Federation	12 134 (URSS)	945 678	-
Netherlands	19 759	871 560	938 700
Bulgaria	15 901	833 848	1 006 000
France	134 945	524 170	470 200
Iran	11 286	432 224	494 800
Austria	36 664	376 995	379 700
Belgium	-	313 436	308 100
Greece	18 335	280 307	393 400
Israel	-	271 024	321 100
United States	101 966	247 837	222 600
Italy	74 971	211 069	236 800
Sweden	11 451	203 830	188 600
Ukraine	-	191 202	-
Others	-	3 023 985	-
<i>Total</i>	<i>1 158 125*</i>	<i>13 246 875</i>	<i>13 958 000</i>

* including 450 519 leaving the same day

Source: Turkish Ministry of Tourism, 2004

The above table gives details of certain selected nationalities only. The total figure covers all nationalities, not just those listed in the table.

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The figures for Atatürk airport show a clear increase over the past fifteen years, levelling out in recent years to just under four million foreigners annually⁴¹, arriving, since the end of December 2000, through a new international terminal, which is running well below full capacity. However, Istanbul does not (now) have a monopoly on tourists entering Turkey: for those arriving from the Russian Federation, the towns of Antalya, Trabzon and in recent times even Çorlu, are also significant. In 2003, Antalya airport was a serious rival to Istanbul, as a proportion of the tourists who had previously travelled via Istanbul flew direct to Antalya.

⁴¹ *Zaman*, 27 January 2003, p. 9.

In addition to those foreign tourists arriving by air, there are those who arrive by road (alighting at the city's numerous hotels, terminals and bus stations, formal and otherwise) and by sea. In Karaköy, for instance, where the Golden Horn meets the Bosphorus, ships (half-passenger, half-cargo) arrive every week from Ukraine and Russia in numbers which are once again on the increase⁴², while still falling short of the levels of 1996-97.

Studying the tourists' countries of origin (Table 7) gives us an idea of the areas from which tourists come to Turkey (Istanbul) and of possible profiles of the various tourists. Some of the tourists entering Turkey are primarily or to some extent "suitcase tourists" who may be there as much for commercial reasons as for conventional tourism. But the tables do not tell us who are conventional tourists, visiting for leisure and sightseeing, and who are suitcase traders. In fact, the two are often combined, and no hard-and-fast distinction can be made. Bulgarian tourists visit Turkish coastal resorts, particularly in low season, and some may be engaged in suitcase tourism as a sideline. We shall therefore avoid associating a particular nationality too closely with a particular form of tourism. Some of the German visitors, for instance, are Turkish citizens based in Germany, and not all tourists from countries with a reputedly low standard of living, by western European standards, are commuting out of necessity.

Hence, whatever the reasons behind the visits, Istanbul plays host to large numbers of tourists, whose visits constitute the backdrop to other forms of movement and may provide the basis for other activities, in accordance with the principle of shifting status referred to in the introduction.

The flow of tourists, then, includes shuttle tourists, to translate the Russian term *čelnok* (Yükseker 2002), engaged in suitcase trading, a key activity in the Istanbul marketplace. This form of trading, which is not confined to Istanbul, has for many years (since the late 1970s⁴³) been the dominant form of "commercial tourism".

Table 8: Eastern European "tourists" in Turkey, 1990-2003

Country of origin/year	1990	1995	2000	2003
Bulgaria	72 000	141 000	381 500	1 006 300
Czech Republic	66 000	37 000	65 500	48 700
Hungary	172 000	16 000	36 700	48 200
Poland	206 000	33 000	118 000	102 200
Former Yugoslavia	325 000	70 000	285 600	370 900
Romania	377 000	283 000	265 100	185 000

Source: www.tursab.gov.tr

With the shift from suitcase trading into organised, declared, import/export activities, shuttle trading appears to have passed its peak, although it continues for certain countries and

⁴² In October 2001, three ships per week arrived from Russia and eight or nine from Ukraine (see *Bavul ticaretinde umut veren canklanma* ('Encouraging resurgence in suitcase trading'), *Radikal*, 17 September 2001, p. 12.

⁴³ See Yenal, 1999, p. 59.

nationalities. What concerns us here, however, is the shift from being a tourist, whether or not a shuttle tourist, to being a clandestine migrant. This occurs when visitors are drawn into clandestine employment, as in the case of some Moldovan women who moved from suitcase trading – which enabled them to acquire some familiarity with the country – into undeclared childcare and domestic work.

This kind of undeclared commercial tourism involves foreign tourists who take their goods back with them and make frequent return journeys. Laleli, at the heart of the historic peninsula, continues to be seen as the archetypal example of this “suitcase trading”, although trade there has largely been normalised. The emergence of the phenomenon predated the collapse of the Soviet Union properly speaking. Today, millions of shuttle tourists visit the shops of Istanbul every year, on mostly short but frequent trips (at least every two months). The most sought-after products range from spare parts for cars to textiles and leather. This activity, then, which has been the basis for the commercial development of a number of districts on the historic peninsula (Eminönü and Fatih) and even beyond, and has spawned numerous secondary occupations (ranging from productive activity upstream to transport downstream), is at the root of a new kind of presence based on intermittent return journeys. Many of the Russian, Ukrainian and Romanian women who have remained in Istanbul have done so in order to act as “go-betweens” in the shops in these districts given over almost entirely to suitcase trading. Some have even married Turkish men.

As this trade is undeclared, it is obviously difficult to obtain reliable statistics concerning the income generated from suitcase trading: depending on the source, the figures vary by a factor of four (Pérouse 2002). What appears certain is that the peak years for this kind of tourism – 1992 to 1996 according to traders – have passed, following the combined efforts of the countries concerned to control the trade. Since 1996, the Russian and Ukrainian authorities, as well as those in Turkey, have been more vigilant and have sought to obtain their share of the proceeds by imposing tighter controls on this kind of “backpack” commerce.

Since the late 1990s there has been a shift in this activity, at least in its traditional strongholds, which may result in a reduction in the number of shuttle traders or in the latter becoming established businessmen and women. This shift consists in the “professionalisation” of this branch of commerce as a result of the use of remote ordering and trusted transport agents. Many of the Laleli shopkeepers we interviewed recently said that their customers were travelling less –this is certainly true of the Russians – preferring to use fax or telephone and to entrust transport of the goods to reliable intermediaries. But this is possible only if a relationship of trust has already been built up, i.e. if the vendor and purchaser have established personal contact. After the intensive travelling phase during which contacts are built up, a “long-distance relationship” can commence. Only those who have neither an official company name, nor the necessary logistical resources, continue to travel. In addition, traders from relatively far-flung countries, such as those of central Asia, rely largely on orders rather than travelling back and forth.

It is our belief that suitcase trading, far from disappearing, is reorganising, leaving its initial bases in order to spread out and hence become less visible. Despite the normalisation of trade taking place in Laleli, the dividing line between declared and undeclared trade is invariably blurred: there are always undeclared goods being shipped alongside declared cargo consignments. This type of trade is being kept alive by Bulgarians, Moldavians, Georgians and Maghrebis, to name but a few. Hence Istanbul – Babel - continues to attract scores of tourists still drawn to this teeming marketplace, where Kazakhs rub shoulders with Bosnians, Libyans, Armenians and Iranians.

D) A huge conurbation, difficult to police, at the crossroads between “internal” and “international” migration flows

1. A vast metropolis unrivalled in the region

While it has not been the seat of government since 1923, Istanbul, by virtue of its status as ancient imperial capital, Turkey’s largest conurbation and both a megalopolis and a metropolis (owing to its unparalleled influence and drawing power within Turkey and even at a regional level⁴⁴), occupies a special place in Turkey and in the hearts of Turkish people, wherever they may reside officially. This phenomenon has intensified over the past two decades. Even a long way from Istanbul, in the most remote parts of the country, all Turkish people⁴⁵ know about Istanbul (some even dream about it) even if they lack the opportunity to visit from time to time. Istanbul is well known, if only through the powerful medium of the national commercial television channels, all of which broadcast from the city and report with relish on its unsurpassed nightlife. Images of Istanbul (bridges over the Bosphorus, St. Sophia, etc.) are also to be found in many homes and vehicles. For many Turks, furthermore, both in Turkey and abroad (i.e. émigrés) Istanbul represents the perfect place to invest in bricks and mortar. Ancient Byzantium, the conquest of which is mentioned in the Koran itself, the beacon of a Turkey aspiring to a place in Europe, Istanbul is also the ancient capital of the Sunni world.

Be that as it may, its very size, its population (greater than that of the whole of Greece), its municipal budget⁴⁶, its cultural and media activities and its prosperity all make Istanbul a veritable State within a State. The conurbation is home to almost one-sixth of the Turkish population and now extends over more than 5 000 km², reaching beyond the boundaries of the province of Istanbul, particularly to the East (around Izmit). Since 1980, when the province had scarcely two million inhabitants, i.e. in twenty years, the urban area of Istanbul has been completely transformed, reaching a size which makes it one of the largest urban areas in the world.

During the past decade, (1990-2000) the city’s continuing growth has been concentrated mainly in the outlying areas, with unprecedented spread on both the Asian shores of the Bosphorus (Gebze, Ümraniye) and the European shores (Büyükdere, Kagithane). This extends even into provinces bordering on or close to Istanbul (Kocaeli to the east and Tekirdag in Thrace). By contrast, the districts which have seen a decline in population since 1985 are, historically and geographically, the most central on the European side: Eyüp, Fatih, Eminönü and Besiktas.

But the name Istanbul has a whole host of connotations nowadays, which require explanation. In order of increasing size, the term denotes first a densely-populated urban area, headed up since 1984 by a “metropolitan municipality”. It also denotes a Turkish province (il) over 95% of whose population, according to the latest census (October 2000), lives in urban areas and the boundaries of which were reviewed again in 1995. Finally, Istanbul refers more broadly to an urban region which extends beyond the confines of the municipality and the province. This large urban region (which might be termed Greater

⁴⁴ Here taken to mean the international region: Istanbul’s sphere of influence extends beyond Turkey’s borders.

⁴⁵ Or at least the men.

⁴⁶ Five billion US dollars in 2004.

Istanbul) is described by some Turkish authors as a “Eurasian megalopolis” (Avrasya Megapolü). This last definition seems to us the most apt and the one which best reflects the process of urbanisation taking place.

It is clear, then, that a large proportion of the country’s assets are to be found in Greater Istanbul and the Marmara region (ten or so provinces located around this small inland sea⁴⁷), a trend which seems if anything to have intensified over the past twenty years. If we take as our basis a broad and functional definition of Istanbul (rather than a narrowly administrative one), its economic importance makes it a “producer State” in its own right. GDP in the Marmara region, with Istanbul at its centre, is higher than in several neighbouring countries such as Bulgaria and Romania, and represents almost half of Turkish GDP. Even if the province of Istanbul alone is taken into account, the extent to which added value for the whole country is concentrated there is striking (see Table 9).

Similarly, a comparison between the provinces of Istanbul and Ankara speaks volumes: whereas Istanbul accounted for 27.5% of Turkey’s wealth in 1994, Ankara represented a mere 5.8%⁴⁸. A more detailed study highlighting tertiary or industrial activities reveals an even more marked concentration in areas such as financial services, advertising or technology-intensive civil industries.

**Table 9: Economic importance of Istanbul province
(percentage of total Turkish GDP)**

Year	Istanbul
1965	19.6
1975	20.8
1979	21.2
1986	23.3
1998	23

In demographic terms also, if we look at how Istanbul province’s share in the overall population has evolved over time (Table 10), the growing concentration in Istanbul is hard to deny. From 1960 onwards, the annual growth of Istanbul begins to clearly outstrip that of Ankara and the former’s drawing power becomes, and remains, much more sustained. The result has been a growth in the importance of Istanbul as a centre compared to other urban centres in Turkey, and in particular to Ankara. It is almost as though Istanbul were striving inexorably to regain its past pre-eminence (before the proclamation of the Republic), despite the best efforts of the Turkish nationalists to promote a more even development centred on Anatolia.

⁴⁷ The Sea of Marmara has a surface area of 11 000 km²

⁴⁸ See Mustafa SÖNMEZ (2001), *Bir ücretli Kenti: Ankara* (Ankara: city of employees), *Istanbul Dergisi*, No. 3, *Istanbul – Ankara*, January 2001, pp. 93-96

Table 10: Population of Istanbul province as a proportion of the Turkish population (1950-2000)

Year	National population	Istanbul	Percentage of Turkish population
1950	20 947 188	1 166 477	5.57
1955	24 064 763	1 533 822	6.37
1960	27 754 820	1 882 092	6.78
1965	31 391 421	2 293 823	7.31
1970	35 605 176	3 019 032	8.48
1975	40 347 719	3 904 588	9.68
1980	44 736 957	4 741 890	10.6
1985	50 664 458	5 842 985	11.53
1990	56 473 033	7 196 753	12.74
1997	62 606 157	9 198 229(*)	14.69
2000	71 200 000 ?	10 100 000 ?	14% ?

* 8 193 652 within the municipal area of Greater Istanbul

Source: *Genel Nüfus Sayımı*, compilation, and *Zaman* "İstanbul eki", 17 December 1997, p. 1.

Hence, with its share of the population increasing from 5% in 1950 to almost 15% in 2000, Istanbul's influence within Turkey has grown very substantially. Finally, in the cultural sphere, there is an even clearer shift towards Istanbul, which has a large proportion of Turkish and foreign students and, in particular, is home to the bulk of the country's cultural attractions (cinemas, theatres, galleries and festivals). The pre eminence of Istanbul, therefore, takes a variety of forms, and the economic liberalisation underway since the 1980s has served to reinforce the trend.

Finally, there is no doubt that this vast conurbation offers an inviting setting for all kinds of trade and trafficking, both licit and illicit, owing to its anonymity and the opportunities it provides for concealment and encounters. This teeming metropolis, which is ultimately very difficult to police, and the relative anonymity it provides, allow would-be immigrants to find means of contacting smugglers who will provide them with the documents they need to pass through border controls. The hundreds of thousands of empty dwellings and vast, deserted industrial estates, for instance, are frequently used for activities linked to clandestine travel. Hence, if Anatolia is a corridor in the international system of movements between Europe and the less well-off countries, Istanbul is its main centre and its jumping-off point.

2. Internal movements

While the rural exodus seems to have had its day (barring the collapse of Turkish agriculture...), Istanbul continues nonetheless to be affected by high levels of internal movements, fuelled by the frequent comings and goings of the new arrivals who, according to the census of October 2000, still account for over two-thirds of the city's population. These journeys are made between people's region⁴⁹ of origin and Istanbul, and are made largely for economic reasons. In the context of an extensive subsistence economy, the province's agricultural resources continue to be harnessed to the needs of daily life in the metropolis. People's ties to their region of origin, too, remain strong -leaving aside the forced migrations (of Kurds) in the early 1990s - as the intense activity around the city's bus stations testifies.

⁴⁹ *Memleket* in Turkish

II. Routes and networks of transit migration

A) The convergence of routes and networks on Istanbul

While a distinction between arrival in Istanbul (convergence) and departure may appear artificial, we feel that the structure of the networks justifies it. Networks tend to be fragmented: very few are truly integrated from the country of departure all the way to western Europe via Turkey. The most common case is that of a stopover in Istanbul, where the networks converge and intersect. Several commentators agree that the professional networks of clandestine emigration to western Europe only begin in earnest in Istanbul; up to that point, those involved are amateurs or resourceful individuals.

The 1979 Islamist revolution saw the creation of the first truly organised international migration networks in Istanbul, with hundreds of Iranians passing through the Turkish metropolis. Later, with the 1991 Gulf War, networks sprung up starting in northern Iraq, with Iraqi Turkmen apparently playing a central role. Every week, new networks of varying degrees of professionalism are created, which have stopover points close to the borders where would-be emigrants cross (Turkey's borders with Iran⁵⁰ and Iraq), and also in Ankara, Istanbul and outside Turkey (mainly Greece, but also Cyprus, Bulgaria and Romania). As regards arrivals by boat, Ukrainians, Russians and Georgians seem to have cornered this share of the market, as testified by the arrests made. To sum up, we can distinguish five main networks converging on Istanbul, categorised according to country of origin and management:

- a northern Iraqi network, which is broken down into a Turkmen branch, a Kurdish branch and an Assyrian-Chaldean branch;
- an Iranian network, run by Iranians, often Azeris, Kurds and Turks, which smuggles large numbers of migrants, from Chinese to Afghans, across the Turkish-Iranian border;
- a Syrian/Lebanese network, which smuggles Maghrebis and black Africans by land and by sea (sometimes via Cyprus);
- a Russian or Russian/Ukrainian network;
- finally, a Caucasian network, broken down into Azeri, Chechen, Armenian and Georgian branches.

There are numerous entry points into Turkey, given the extent and configuration of Turkey's borders; they are fairly easy to pinpoint, with arrests being concentrated in certain border areas. The location of border incidents – including the death of identified clandestine migrants who fail to respond to warnings – is also a good indicator. Hence, the main points of entry are as follows:

- North-eastern borders with Armenia and Georgia
- Turkish-Iranian border
- Turkish-Iraqi border
- Turkish-Syrian border

⁵⁰ Heat-seeking cameras have recently been installed along the 240 km-long Turkish-Iranian border in a bid to monitor clandestine movements; see *Yeni Gündem*, 24 February 2001, p. 6.

Buses, lorries and trucks are used to travel to Istanbul via these points of entry, with stopover points throughout Anatolia; there is a growing tendency to use smaller roads in preference to major roads, which are more heavily policed.

B) Istanbul as a redistribution centre

Istanbul is rich in opportunities, and acts as a crossroads between networks and routes offering a whole series of elements, both tangible and intangible, which together allow people to move around.

The range of services of all kinds (travel agencies, translation bureaux, consulates, airlines, etc.) designed to help people move about is infinite. But when it comes to illegal services – false passports, emigration networks, smugglers – the resources offered by Istanbul appear to be unrivalled. Counterfeiters and forgers abound and thrive thanks to a web of complicity. In December 2000, for instance, a network of traffickers providing false papers and assistance to would-be emigrants to Europe was broken up by the Directorate for Organised Crime and Arms Trafficking of Istanbul police; the network included a police superintendent based in Atatürk airport and two police officers, as well as two employees of a commercial airline. The network, which had been in operation for over a year, supplied, for a fee of 5 000 or in some cases 10 000 US dollars, residence permits for the destination country (mainly Denmark, the Netherlands, Sweden, Switzerland and Germany) and false papers enabling the person to leave Turkey without being challenged⁵¹. Also, in the case of Kurds who are Turkish citizens, the would-be migrants (especially those unable to obtain a passport because they have not performed their military service) often leave Turkey with a fake identity card which enables them to obtain a genuine passport. These identity cards are secured with the collusion of civil registry officials who issue them in return for “baksheesh”. Since 2001, however, following repeated warnings from the United States, the Turkish authorities have woken up to the situation, stepping up the number of controls and taking firmer action against Turkish citizens complicit in this “trade in human beings”.

When it comes to the issuing of false visas, Istanbul is still in a league of its own, offering unparalleled opportunities for clandestine travel to Europe. One example is the Akasaray district and surrounding areas⁵² on the historic peninsula, known for their somewhat specialised travel agencies which issue false papers or travel documents for Europe. But, given its immense influence, Istanbul must not be considered in too narrow a sense: the outlying areas must also be taken into account. Proof of this is the fact that the Aliens Department of the Istanbul police recently uncovered a clandestine operation in Silivri, on the western outskirts of Istanbul (on the “overland route to Europe”, 80 km from the historic centre), run by a Moldovan and a Turk issuing false passports at two hundred dollars apiece⁵³.

Furthermore, Istanbul can claim to be the point of convergence of several networks: not just transport and telecommunications networks, as we have already seen, but also intangible networks. It is the latter which concern us here. These networks, based around ideology, politics, family, religion, nationality, trade, mafia-like practices, ethnicity, etc.,

⁵¹ See ‘Mavi’yakalandi, *Sabah*, 8 December 2001, p. 28.

⁵² Around Fatih and Eminönü: in April 1997, for example, three Iraqis and two Iranians were found to be selling passports which had been stolen from tourists and subsequently doctored; they were based in a quiet corner of the Fatih district. Similarly, the clandestine migrants found on the vessel “Lale -1” in May 2001 had been assembled in a Laleli hotel (in Eminönü).

⁵³ See *Radikal*, 4 January 2000.

criss-cross in Istanbul and enable people to establish contact quickly and be taken care of. A Bengali arriving in Istanbul knows that he will be able to find compatriots in the city who will assist him. In other words, the density of “social interaction” offered by the metropolis, to borrow an expression from leading urban sociologists, creates an environment which is highly favourable to mobility, by creating a wealth of opportunities.

Istanbul connects up to numerous “points of exit” from Turkey, the layout of the country and its long stretches of coastline providing numerous opportunities. According to press reports once again, the main exit points are as follows:

- the Aegean coast;
- the Mediterranean coast;
- Thrace and the Bulgarian and Greek borders;
- Istanbul airport⁵⁴;
- the ports of Greater Istanbul and the Sea of Marmara .

Hence, the exit routes are numerous and being redefined constantly. Air travel is one possibility, but takes two different forms: using scheduled airlines or “special” charter flights. For those who have enough money, whether they be foreigners or Turkish citizens based in Turkey, taking a scheduled flight – and Istanbul, as a genuine regional hub, is a pivotal point – using false papers is obviously the simplest option. Available only to would-be migrants of considerable means who have the necessary false papers, it sometimes entails buying two tickets at once in order to be able to board the aircraft of choice at the last minute. Departures by “special plane” require extensive collusion on the part of customs officials and the civil aviation authorities. Networks exist between Istanbul and Thessalonika, Athens, Tirana and Skopje and even Amsterdam and Vienna. However, this option is reserved for the privileged few, and the majority take more perilous routes.

As regards overland travel by train, lorry or bus, the break-up of the Eastern bloc and the ensuing lack of organisation undoubtedly opened up land routes for would-be emigrants to western Europe. In August 1997 one Turkish lorry alone containing 53 Kurdish migrants was apprehended on the Romanian-Bulgarian border at Giuru. The migrants had each paid 1 000 deutschmarks to travel to Europe. In November 1998 another Turkish lorry packed with 20 fugitives was intercepted on the Turkish-Bulgarian border.

C) Istanbul as a stopover (“antechamber”): the struggle for survival

Istanbul is also a stopover - of varying lengths - for migrants in transit, during which many of them accumulate capital and establish contact with networks for travel to Europe. This stopover requires accommodation and some means of subsistence (hence the recourse to clandestine employment). The city’s vast size and the large number of empty dwellings and buildings present⁵⁵ opportunities which are seized by migrants and those who assist them.

⁵⁴ Vessels departing from these ports carrying clandestine migrants have actually been seized: for instance, on 5 May 2001 a vessel was apprehended in the Istanbul region transporting in its hold 449 clandestine migrants. The make-up of nationalities is interesting: the 449 migrants included 66 Turks, 123 Iraqis, 36 Ethiopians, 83 Afghans, 28 Pakistanis, 37 Bengalis, 7 Iranians, 22 Palestinians, 1 Egyptian, 40 Moroccans and 6 West Africans (*Cumhuriyet*, 8 May 2001).

⁵⁵ The Istanbul urban planning authorities estimated in June 2004 that almost 15 million dwellings were unoccupied throughout Greater Istanbul.

From time to time, the Istanbul press features stories of fires or collapsing buildings followed by the discovery of clandestine occupants. Recently, thirty Bengalis escaped from the smouldering ruins of a building believed to be long unoccupied and which had been destroyed by fire. Similarly, in 2003, following a tip-off to the Turkish police, 58 clandestine migrants – Indians, Pakistanis and Bengalis – were found in a 90m² apartment in a deserted building in Beyoglu, central Istanbul.

A number of run-down districts on the historic peninsula are well known for their squalid furnished rooms and other lodgings, bedsits or garrets where international and internal migrants⁵⁶ sometimes live together. We can assume that quieter (and less central) lodgings are kept by the better organised, and more expensive, networks. Furthermore, as observed in the outlying areas, some foreigners live with their employers and are therefore dispersed according to where work is available.

Istanbul acts as an antechamber, a stopover and a switching point where migrants can accumulate capital – primarily financial capital, but also social, cultural (language) and professional capital – in order to prepare themselves to move on. This stage may also involve a change in civil status (hence the juggling of nationalities, making some counts by country of origin unreliable) and religion. Conversion, most frequently to Christianity, but also in some cases to Baha'ism, is regarded as an advantage and an asset for the future. Here again, the image of Istanbul as a switching point in the system of international movements may come into play. Shuttle migrants who arrive as ordinary tourists may, if they extend their stay on Turkish soil, become clandestine migrants. The opposite is also true: some former clandestine migrants, by forming partnerships with Turkish traders or marrying Turkish citizens, obtain a residence permit and thus cease their clandestine existence.

III. The multiple facets of “foreign” residence in Istanbul

A) Small numbers of legal migrants

Compared with the numbers on the move, the number of foreigners officially resident in Istanbul, temporarily or otherwise, is very small: this is perhaps one of the paradoxes of the city. If we examine the census of the Turkish population as a whole, the very small number of foreigners officially recorded is surprising – less than 1% of the population of Istanbul in 2000. Istanbul is home to almost a quarter of foreigners registered and residing permanently in Turkey, a proportion which is slightly, but not significantly, above the city's share of the overall population. However, these statistics, which are based on the settled and officially declared population, must be treated with caution.

The fact that so few foreigners are registered with the Interior Ministry is undoubtedly related to the bureaucratic hurdles – leaving aside the financial aspects – which foreigners wishing to regularise their situation must overcome. Hence, many foreigners resident in Turkey opt to leave the country every three months, for Greece, Bulgaria, Syria or Cyprus, and retain their tourist status, rather than becoming embroiled in lengthy and laborious procedures. The small numbers are due above all to the ease with which foreigners are integrated in Turkey and, prior to that, in the Ottoman empire.

⁵⁶ The district of Küçükpazar (in Eminönü) was described on maps as far back as the 1930s as a “run-down transit area” for internal migrants.

Part of the explanation lies in the rapid integration of “brothers” or “cousins”⁵⁷ - i.e. Turkish-speakers and/or Muslims – from other countries, to whom Turkey has played host throughout its history. According to official counts, Turkey has, since 1923, opened its doors to 2.5 million foreigners⁵⁸, most of them from the Balkans – Bulgaria, Greece, Yugoslavia⁵⁹, Romania – from the Transcaucasus, the Caucasus and central Asia (2 878 “Turkestanis”⁶⁰ according to some official sources⁶¹). The most recent wave dates from 2000-2001 and comprises Turkish-speaking Macedonians⁶² (by the end of March 2001, over 6 000 arrivals had been recorded). Whether Bosnians, Crimean Tatars, Iraqi Turkmen⁶³, Turkmen from the Afghan Pamirs⁶⁴ or Bulgarians⁶⁵, these “foreigners” had no difficulty in securing Turkish nationality, without necessarily severing their ties with their country of origin.

However, our purpose here is not to provide a detailed breakdown of the foreign population settled in Istanbul, which interests us only in relation to the migration and mobility trends which are our primary concern. By way of example, among the European population⁶⁶, the largest contingent is made up of Germans, many of whom have dual nationality or have a Turkish spouse, and travel and run businesses between the two countries. In that respect, there is a real link between the presence of these “foreigners” (at least as regards their civil status) and the “emigration propensity” of the Turkish population. The foreign population can be divided into three sub-categories: “wives”, expatriate workers and students.

Some of the “wives” are female traders who settle down after marrying Turkish men. Many of these women, moreover, act as intermediaries in negotiations with their compatriots who carry on their work. In such cases, the link between the presence of foreigners and commercial movements is clear, with these women having a foot in both camps. Hence, we met several Romanian, Russian and Ukrainian women running shops in the commercial districts or working for road haulage firms in Istanbul, who act as a strategic interface owing to their knowledge of the languages used by the customers who converge on the city. There are fewer “wives” among the Maghrebi community. However, the new legislation on acquiring Turkish nationality adopted in early 2003 is liable to alter the picture, as the period of cohabitation after marriage required in order to obtain Turkish nationality has been raised

⁵⁷ Known as *Göçmen* (formerly *muhacir*), i.e. migrants rather than foreigners.

⁵⁸ See Kemal Kirişçi in *Forum*, Istanbul, 15 November 1999, pp. 24-29

⁵⁹ 000 of these (actually Bosnians) who arrived between 1958 and 1964, still live as a community in the Pendik district of Yenimahalle, on the south-eastern outskirts of Istanbul; see *Cumhuriyet*, 2 May 1992, p. 22.

⁶⁰ These are Chinese Kazakhs who settled mainly in Günesli (western outskirts of Istanbul) following the creation of the People’s Republic of China. The number also includes some Uyghurs, known as “eastern Turkestanis”, supported by some elements of the Turkish extreme right in their political demands vis-à-vis China; see *Türkiye*, 16 November 1998, p. 19.

⁶¹ See *Radikal*, 23 March 2001, p. 5.

⁶² The current independent state of Macedonia has more than 140 000 Turkish speakers.

⁶³ The 1990-1991 war in Iraq, for example, led to an influx of these Turkish-speaking Iraqis into the Mossoul region.

⁶⁴ In 1982 General Evren, then President of Turkey, invited a number of his “brothers” from Afghanistan to settle in Turkey; see *Sabah*, 18 November 2001, p. 21.

⁶⁵ However, 125 000 of the 600 000 Bulgarians who came to Turkey in the late 1980s eventually returned to Bulgaria; a further number returned in 2001 when the Schengen area was extended to Bulgaria.

⁶⁶ Numbering 131 884 in 1998 according to the Turkish Interior Ministry; see *Cumhuriyet Dergi*, No. 634, pp. 4-7.

from one to three years. Similarly, more stringent controls are to be imposed on marriages of convenience, which involve complicity on the part of civil registry officials.

As mentioned earlier, the internationalisation of Istanbul's economy since the mid-1980s has attracted growing numbers of foreign businessmen, not to mention the members of various international organisations. As over 60% of Turkey's trade is with Europe, it is no surprise that there are many European businessmen (Germans, Spaniards and Italians) in addition to Russians, Japanese, Americans and, since the Turkish-Israeli rapprochement in the mid-1990s, Israelis. A large number of Japanese, South Korean and North American firms have set up headquarters in Istanbul serving the Balkans, central Asia and the Near and Middle East. At the same time, highly-qualified individuals – specialist doctors⁶⁷, engineers, etc. from the former Soviet Union (from Russia to Azerbaijan) have settled in Istanbul, drawn by its proximity to their countries of origin, the amenities available and the fact that they are paid in dollars.

Students make up a further proportion of the official foreign population. The figures we have are a little out of date, but in the case of Iranian and Greek students (for the most part actually Turks from Thrace who are Greek citizens), we believe they retain a certain relevance. Nowadays students also come from the “Turkish world” and the “Muslim world”, and from the entire developing world, particularly Africa. The presence of Bosnians, Kosovars, Albanians and Macedonians is explained by the Balkans' Ottoman heritage. Many of these students are Turkish-speaking, but they see Turkey more as a jumping-off point for Europe and North America than as their ultimate destination. Overall, the number of officially registered foreign students is low, particularly when compared with the number of Turkish students abroad (over 50 000 in 2002).

As regards the Africans, their social status and careers are so diverse that it is impossible to identify a coherent “black African community” in Istanbul, as the casual observer might be tempted to do. Some of the street traders identified as “Africans” or “blacks” by Turkish people are Senegalese students who are financing their studies⁶⁸ by this means. Meanwhile, other black African students, with scant knowledge of Turkish, whom we encountered in the Laleli district, saw enrolment in a Turkish university simply as a means of allowing them to remain in Istanbul and continue street trading. For the Senegalese we interviewed, some of whom may be members of the Murid brotherhood, Istanbul has the advantage of offering a wide range of recognised courses, more and more of which are taught through English, at a much lower cost than in Europe (to say nothing of the United States) in a setting they describe as both Muslim and European. Most of these African students live in the historic/central districts of Beyoğlu⁶⁹ and Eminönü alongside internal migrants, many of them Kurds, in often very dilapidated housing blocks⁷⁰.

⁶⁷ Like the Russian physiotherapist we interviewed in August 2003 who had been working on a temporary contract in a private hospital in Istanbul for seven years and went back regularly (once every two months for a short stay) to visit his family in Minsk.

⁶⁸ See *Sabah-Istanbul*, 12 December 1998, p. 5.

⁶⁹ *Hürriyet-Pazar*, 17 June 2001, pp. 2-4.

⁷⁰ The Tarlabasi sector is fairly typical in this respect of the new African presence in Istanbul.

B) Irregular immigration and transit migration

1. Wide range of nationalities

As regards the nationality of transit migrants, Iraqis and Moldavians appear to be top of the list, followed by Afghans, Pakistanis, Iranians, Romanians, Russians and Georgians (Table 11). Other nationalities include Bengalis, Indians, Sri Lankans, Filipinos, Palestinians, Moroccans, Nigerians, Somalians, Sierra Leoneans and Eritreans⁷¹. For example, on 9 December 2001, ten Nigerians aged between 21 and 31 who had got rid of their passports, were intercepted on the Turkish-Greek border attempting to enter Greece. According to their statements to the police, they had arrived in Istanbul four months earlier hoping to be taken on by a football team... When these hopes were dashed and their papers had run out (i.e. they had overrun their three months' authorised stay), they decided to try their luck a little further west, in Europe.

Table 11: Main nationalities of persons arrested between 1999 and 2003

Nationality	No. of persons arrested
Iraqi	71 518
Moldovan	40 806
Afghan	27 033
Pakistani	23 164
Iranian	19 556
Romanian	17 726
Russian	14 115
Georgian	11 337

Source: *Radikal*, 5 January 2004.

Each "national group" arrived at particular times, and sometimes through their own particular channels. Since 1995, for instance, the number of irregular migrants from Afghanistan has been on the increase: the date coincides with the coming to power of the Taliban. The 2002 war in Afghanistan resulted in a further upsurge in the number of Afghans entering Turkey. The number of Maghrebis (including Libyans) also seems to have increased in recent years, suggesting that some are taking the indirect rather than the direct route to Europe. The tragic case of five young Moroccans, arrested by Turkish coastguards in December 2001, is very telling in this regard. Arriving as tourists in 2000, they soon became clandestine migrants after attempting to find work in Istanbul as waiters or cleaners. Disappointed by their experiences in Istanbul, they finally decided to head for Europe, in this case Greece. In liaison with some of their compatriots already in Greece, they set off by themselves from Çesme (near Izmir) in makeshift boats heading for the island of Sakiz (Chios). The expedition ended in tragedy⁷².

Iranians represent something of a special case, as the largest influx dates back to the early years of the Islamic revolution. In addition, a fair proportion of the Iranians in Turkey are Azeri speakers, and the absence of a language barrier makes it easier for them to enter the undeclared labour market. In the mid-1980s, some commentators estimated that more than 1.5 million Iranians lived in Istanbul: this figure is undoubtedly an exaggeration, given that

⁷¹ And to a lesser extent, migrants from Togo, Namibia, Liberia and Uganda.

⁷² One of the young men drowned.²²

the city had only some six million inhabitants at the time. For the majority of these Iranians, Turkey was just a stopover en route to Europe or North America. For many, it has been prolonged. Furthermore, there is no doubt that a fair proportion of the Iranians, like the Iraqis and Syrians in transit through Turkey, are Kurds, although they do not, of course, appear as such in police records. In addition, clandestine migrants from the Balkans and the former Soviet Union tend more often to be clandestine workers in an irregular situation than migrants in transit.

Whatever the case, Table 12 gives an idea of this diversity, as the nationality of those intercepted on board boats bound for Europe is never uniform.

Table 12: Nationalities of the occupants of a boat carrying clandestine migrants bound for Europe arrested on 5 May 2002 off Pendik (a district on the eastern outskirts of Istanbul) aboard the *Lale-1*

Country of origin	No. of migrants
Iraq	123
Afghanistan	83
Turkey	66
Morocco	40
Bangladesh	37
Ethiopia	36
Pakistan	28
Palestine	22
Iran	7
West Africa	6
Egypt	1
<i>Total</i>	<i>449</i>

Source: *Cumhuriyet*, 8 May 2001, p. 9.

2. Internal migrants in transit: a special case?

The second case concerns Turkish citizens, often but not always of Kurdish origin, who attempt, sometimes successfully, to leave the country, prompted by a combination of factors which cannot be reduced to a single motive. These account for almost a tenth of all the border arrests, and are often confused with “foreign” clandestine migrants. In truth, no distinction can be made between foreigners in transit through Turkey and Turkish citizens who, driven by various kinds of necessity, are also trying to reach the European promised land. Both use the same networks, as demonstrated by the nationality of the occupants of the boats heading to Europe from Turkey (Table 12) (see also Buldan, 2000).

The appalling case of five Turkish citizens – two of them children – found dead from asphyxiation or starvation in a container in Ireland, having being in transit for several days, is the most striking illustration of this. Originally from eastern Turkey (Kahramanmaraş province), the head of the family, whose six brothers and sisters already lived in Europe, first tried to find work in Istanbul. Unable to gain a foothold there, he headed for Europe with his family through illegal channels. On arrival in Belgium the family, having resolved to join one of the father’s sisters who lived in England, established contact with a new network of traffickers. On 30 November they were bundled into a container which, they had been told, would arrive in England seven hours later. But the container was bound for Ireland, with the result that the family was left without food or air for four days...

For the Turkish Kurds who have migrated to Istanbul in recent years – often after being expelled from their village – the city is ultimately, as it is for Kurds from other countries, a kind of “antechamber” to Europe. And despite being “nationals”, citizens of the Republic of Turkey, these Turkish Kurds behave like foreigners in the large conurbations of the west, supplying the same labour markets as clandestine foreigners. Both use the same networks, as demonstrated by the nationality of the occupants of the boats heading to Europe from Turkey. Both live in the same squalid furnished rooms and bedsits in Eminönü or Fatih. Hence, it is fair to say that Istanbul has more or less the same role for Turkish Kurds as for Kurds from elsewhere. And despite being “nationals”, citizens of the Republic of Turkey, these Turkish Kurds behave like foreigners in the large conurbations of the west, supplying the same labour markets as clandestine foreigners.

In this instance, internal and international movements overlap completely. Leaving aside the sometimes tragic case of the Kurds, the desire to leave the country, often to join a family member already living in Europe who acts as a contact point, is shared by a section of the Turkish population. It is inspired by a certain vision of a prosperous Europe and a sense that the outlook in Turkey (particularly in terms of job prospects) is bleak. Many Turkish people, moreover, make no secret of their plans to leave – it has almost become a commonplace in discussions in other countries – painting a pessimistic picture of life in Turkey, from both an economic and a political viewpoint (corruption, a closed political system, etc.).

IV. Participation in the underground economy and weakness of the legal framework

A) Importance of the undeclared labour market in Istanbul

1. A phenomenon not confined to foreigners

It is important to be aware that the activities of foreigners in transit through Istanbul take place in a setting where undeclared work is commonplace and widespread among Turkish citizens, particularly in those sectors where the most foreigners are found. Accordingly, the working conditions of foreigners are shared by hundreds of thousands of Turkish workers, a fact which no doubt contributes to the relative invisibility of these migrants, who are not singled out for exclusion and exploitation. Some trade unions and chambers of commerce estimate that 40% of economic activity in Istanbul takes place in the black market – undeclared, with no guarantees or social security cover. Foreign labour, therefore, is just one dimension of a huge and worrying phenomenon.

2. Participation by foreigners in the underground economy

Irregular foreign migrants living in Turkey on a temporary or permanent basis work for the most part in the black economy. The men are found in construction⁷³, haulage and handling, in the clothing industry, small-scale chemical industries, restoration, woodworking and the recycling sector. The woman, apart from those involved in prostitution and disguised forms of prostitution, are engaged in domestic work⁷⁴, looking after children⁷⁵ and in the

⁷³ Mostly, according to our findings, Azeris, Armenians, Moldovans, Georgians, Romanians, Afghans and Iraqis.

⁷⁴ See Erder, S. and Kaska, Selmin (2003) “Düzensiz Göç ve Kadın Ticareti: Türkiye Örneği” (IOM).

⁷⁵ There are two networks which we have come across several times: one Moldovan and one Filipino, rather similar to the situation in the Lebanon and the countries of the Arabian/Persian Gulf. A third,

textile industry (sometimes rather a grand description). Foreigners are also involved in clandestine work in agriculture, particularly in Thrace.

Some of these foreigners pay for their false papers or their clandestine travel to Europe by working illegally, thus supplying the huge undeclared labour market. It goes without saying that this foreign workforce is at the mercy of employers and that no recourse is available in the event of an accident. We met several foreigners who had been dismissed by their employers, sometimes without pay, and who recognised that they had no possible means of redress. However, in recent years, under pressure from some of the trade unions, the Turkish government has launched a broad-ranging campaign against clandestine work, and penalises unscrupulous employers whilst escorting the foreign workers back to the border.

Despite the large number of arrests already made, the issue is far from being resolved, such is the extent of undeclared work even amongst Turkish nationals. In the textile sector alone, according to a recent trade union estimate, two-thirds of the million-and-a-half workers in Greater Istanbul are employed on an irregular basis⁷⁶. However, the penalties are now more severe, which should lead the traffickers to be more cautious. Nevertheless, the number of foreigners working in Turkey who, on leaving Turkish soil once or twice a year, opt to pay a fine for having exceeded the three months allowed rather than leave every three months, is still very considerable⁷⁷.

To take a specific example: in December 2001, in the central, run-down area of Tarlabasi (in the heart of the central district of Beyoglu), we interviewed a young Romanian man – a graduate from a Romanian university with an impressive command of Turkish – who had been in Turkey for two years working in a small firm (with a total of twelve employees) specialising in the processing of metal parts for the clothing industry. This case highlights the distinction between foreigners from countries relatively close by, often former shuttle migrants, who come to work for a short time in order to pay for their studies or those of their children, and transit migrants who are forced to join the illegal labour market in Turkey in order to continue their journey. The latter live in squats or slums in the old run-down areas and are at the mercy of their employers and their landlords (who provide furnished rooms and other squalid bedsits).

B) Involvement in various kinds of trafficking

1. Prostitution

A figure of 100 000 foreign “prostitutes” working throughout Turkey has been bandied around since the beginning of the millennium. Given the immense difficulty of defining this category and the fact that those concerned move around a great deal, we will not comment on this figure. Prostitution, in a wide variety of forms, is indeed a form of

Moroccan, network might also be added: for these Moroccan women, moreover, Turkey is clearly seen as an antechamber to Europe, and in particular France; see *Istanbul Dergisi*, No. 11, 1994, pp.109-110. Finally, there has been talk in the Turkish press for some time of a fourth network, involving Ethiopian women: see *Radikal*, 17 May 1998, p. 4.

⁷⁶ Recent migrants of Turkish nationality are also heavily involved in this underground economy which is highly flexible, with workers often taken on for a specific task, by the day or by the week, depending on the state of the order books. This represents the highest possible degree of flexibility for employers.

⁷⁷ Several people admitted this to us, including a Georgian woman we interviewed in December 2001 who spoke Russian and Turkish and worked as a sales assistant in Eminönü.

clandestine work related to international movements. Some women who originally arrived as suitcase traders have been found to be engaged in casual prostitution, outside organised networks. In 2001, of the total number of cases in which clandestine migrants were deported, almost a fifth were linked to prostitution.

Table 13: Origin of persons deported for involvement in prostitution in 2003 (whole of Turkey)

Country of origin	Number of persons	No. of transmissible diseases detected
Moldava	354	104
Azerbaijan	262	28
Ukraine	258	65
Russia	235	29
Georgia	206	37
Uzbekistan	63	20
Kyrgyzstan	47	7
Romania	38	24
Belarus	17	1
Bulgaria	16	6

Source: Directorate-General for Security, Ankara

Organised prostitution, run by Russian, Chechen or Turkish crime rings, exists in Istanbul. However, it is impossible to assess how many of the women deported for engaging in prostitution were working for organised networks. “Trafficking in women” also exists between the former Soviet republics and Turkey. In August 1999, for example, a woman from Kazakhstan was arrested and found guilty of involvement in a network importing young women “sold” to Turkish businessmen for between 3 000 and 5 000 dollars. Similarly, in December 2001, a network which included police officers and civil registry officials was uncovered, specialising in importing women from Russia and the former Eastern bloc countries for Turkish men (with a view to arranged marriages). For 3 000 dollars (of which 500 dollars went to the civil registry officials) these Turkish men could take their pick of foreign women. Again in December 2001, finally, another network “selling” young Russian women was uncovered in Kurtköy on the Asian outskirts of Istanbul, involving Turkish and Russian men “supplying” girls under 16 for 2 000 or 3 000 dollars, using massage parlours as a front. There is no doubt that the ideological vacuum and economic chaos reigning in some of the former Soviet republics – and some former Eastern bloc countries – boosted this trade in the 1990s.

With its usual sensationalist leanings, the Turkish press has launched a tirade against foreign women engaged in prostitution. A study of press coverage in recent years reveals the emphasis on this type of activity. The most famous of these women are the “Russian” Natashas⁷⁸ (many of whom are actually Ukrainians, Georgians or others) who provide plentiful fodder for the Turkish press. Accordingly, the raids and arrests staged by the vice squad attached to the Security Directorate receive widespread media coverage, which contributes to perpetuating the negative reputation of foreign women. This kind of sensationalist coverage helps to form a dominant image of foreigners as somehow deprived.

⁷⁸ Since 1992, the term has been used in Turkey to denote a prostitute from Eastern Europe.

C) Criminalisation of foreigners and harsher penalties for illegal work

1. Criminalisation

Finally, there is also a growing tendency to criminalise clandestine migrants, who are accused of a growing number of offences each year (50 000 in 2002 according to police figures published by the press) and often make perfect scapegoats. For example, there have been attempts recently to blame them for some of the fires which ravage Turkey's coastal resorts. However, the number of foreigners in Turkish prisons is very low (Table 14).

Table 14: Foreigners in Turkish prisons (late 2003)

Nationality	No. of prisoners
Iranian	271
Syrian	93
Bulgarian	69
Iraqi	61
Azeri	61
Romanian	55

However, there is no denying that, since the collapse of the Soviet Union, there has been an upsurge in illicit trade towards Turkey, often destined for Europe, which comes to light only when traffickers are arrested and the story actually reaches the media. The trade involves drugs, weapons and nuclear or chemical products. Recently, for example, nuclear waste from Russia which could have been used to manufacture weapons was found on the outskirts of Istanbul. In early November 2001, also, two people selling uranium (in possession of over a kilo) were arrested in a suburb of the city, claiming to have bought this "sensitive material" from eastern European traffickers in Istanbul. In the same month, a network trafficking mustard gas between the Caucasus and Europe via Istanbul was discovered by the Istanbul police⁷⁹.

In total, 104 incidents of trafficking of nuclear material have been recorded in Istanbul since 1993. On each occasion, the materials came from the numerous nuclear installations in the former Soviet Union and had arrived in Turkey via the Caucasus. Co operation between the US and Turkey on combating this trade has also been stepped up considerably since 11 September 2001.

Drugs, a more familiar phenomenon, tend to come from Pakistan, Iran or Afghanistan and are bound for the European market (particularly Germany, the Netherlands and the United Kingdom). However, the number of seizures is on the increase, and in particular the overall quantities seized are larger. In May 2001, over nine kilos of heroin destined for the United Kingdom were seized at the cargo terminal of Atatürk airport. There seems to be a brisk trade, too, in chemical materials between Romania and Istanbul, as illustrated by the seizure of over a tonne of anhydric acid – used in the manufacture of heroin – in June 2000. However, it is important, in discussing trafficking, to avoid focusing solely on foreigners and clandestine migrants, at the risk of being taken in by the popular rhetoric linking them together.

⁷⁹ See *Zaman*, 29 November 2001, p. 15.

2. Harsher penalties for illegal work

Finally, following a sharp increase in police controls in recent months, the number of foreign workers being expelled has risen, as has press coverage of their presence. It was not long, of course, before these workers began to be held responsible for the renewed upsurge in unemployment in Turkey⁸⁰. It should be noted that some trade unions join in this rhetoric, portraying Romanians as fierce competition for “home-grown” labour.

D) Legal framework, reception of migrants and refugee policy

1. Limited involvement of local and international NGOs

Overall, international NGOs still have a low profile in Turkey and have little input into policy regarding foreign migrants. A fear of interference by outsiders in domestic affairs has long bred mistrust on the part of the Turkish authorities towards foreign NGOs. However, recent amendments to the law on associations (early 2004) seem to offer scope for more effective NGO involvement. Until recently, even large organisations such as the International Red Cross have had difficulty operating on Turkish soil.

The only associations truly active on the ground are those which are linked to churches, often Protestant or evangelical. Operating sometimes just at parish level, they offer migrants considerable help in terms of shelter (often in the church itself), material resources, information or even training (especially language classes) and legal aid. Within the Catholic Church, Caritas, attached to the Vatican’s representation in Istanbul, is quite active in support of Catholic migrants (whether or not newly converted).

As for Turkish NGOs (STKs), their level of involvement too remains low⁸¹. The Turkish Human Rights Association (IHD), set up in 1986, has taken an interest in the past in the case of foreigners in Turkey, but without having much room for manoeuvre. Similarly, human rights organisations with a strong Muslim bias (such as Mazlum-Der⁸² or the IHH⁸³) assist foreigners from “Muslim” countries such as Chechnya or Iraq. Mazlum-Der also launched a specific campaign on refugee rights in 2001, focusing on the need for civil society to assist migrants.

Finally, the infrastructure of associations of people from a particular country or group of countries – we are thinking here of associations of Turks from the Balkans or the Caucasus – play an important role, but primarily within the community. The coming years should see improved coordination between the activities of the government, UNHCR and associations which have shown proof of great dynamism in other spheres.

⁸⁰ “Istanbul kaçak işçi cenneti” [Istanbul, paradise for clandestine workers], *Hürriyet*, 15 February 1999, p. 5.

⁸¹ Away from Istanbul, near the UNHCR camps in Van and Silopi or holding centres (around twenty located mainly in central Anatolia), local associations seem able to play some kind of role, however modest.

⁸² See www.mazlumder.org.tr.

⁸³ Literally: “Foundation for Liberty and Human Rights in the service of Humanitarian Aid”. Founded in 1995 to assist Chechen and Bosnian refugees; see its website: www.ihh.org.tr.

2. The effect of appeals from Europe and the international community

Given the huge scale of transit migration, the issues of collusion within Turkey in this “human trafficking” and of the effectiveness of surveillance and control, are bound to be raised. Often this is done vigorously in the different international reports on this type of trafficking. The frequency with which vessels leave Turkey - bound for southern Europe via the Mediterranean - raises questions as to how high up in the Turkish State apparatus involvement in their organisation goes. There is no doubt that vessels, some of them carrying more than 500 people, could not be chartered or set sail without at least the passive collusion of certain customs officers, police officers or coastguards. The scandals concerning phantom exports which rocked sections of the customs authorities in the 1990s certainly provide grounds for speculation. In December 2000 a network of dealers in false papers and expensive services to would-be migrants to Europe was broken up by the Directorate for Organised Crime and Arms Trafficking of Istanbul police; the network included a police superintendent based in Atatürk airport and two police officers, as well as two employees of a commercial airline. The network, which had been in operation for over a year, supplied, for a fee of 5 000 or in some cases 10 000 dollars, residence permits for the destination country (mainly Denmark, Netherlands, Sweden, Switzerland and Germany) and false papers allowing the person to leave Turkey unchallenged. As regards Turkish Kurds, several cases of false declarations of ill-treatment or imprisonment have been exposed, suggesting collusion within the Turkish authorities (customs, medical authorities, the judiciary or the police), with officials taking advantage of the influx of applicants for refugee status in Europe to make money by providing false papers.

As a result the United States went so far, in early 2003, as to threaten to suspend further loans to Turkey if the latter failed to take stern action to stem this despicable trade, in particular by introducing harsher penalties for those involved. The Turkish authorities have responded by pointing out that their country, faced with a phenomenon way beyond its capacities (and also involving the United States where Iraqi refugees are concerned), needs international assistance in order to combat it effectively, particularly given the high cost of such action.

However, the Turkish authorities appear to have taken note, stepping up the number of controls and adopting a firmer stance towards Turkish collusion in this human trafficking. In November 2001 the Turkish captain and six Turkish crew members of the vessel “Erenler” which was illegally transporting 714 clandestine migrants to Italy⁸⁴, but was forced to make a stopover in Greece when a fire broke out in the engine room, were each sentenced to 716 years in prison by the Turkish courts. In addition, the coastguards were given additional resources in July 2001 to step up the fight against trafficking in drugs, arms and human beings.

3. Policy on granting refugee status

Turkey has a long tradition of welcoming foreigners, a fact that is all too frequently overlooked. Whole districts of Istanbul were founded by “foreigners” who arrived in Turkey in large numbers (mainly from the Balkans or the Caucasus). But this policy of taking in refugees, whilst a very ancient Ottoman tradition, applied mainly to Turkish-speaking and/or

⁸⁴ Including 428 Turks (Kurds in fact), 108 Iraqis, 36 Afghans, 12 Iranians, 7 Ethiopians, 13 Indians, 28 Palestinians, 1 Pakistani, 8 Sri Lankans and 19 Eritreans: an interesting mix. See *Milliyet*, 10 November 2001, p. 23.

Muslim populations. The most recent waves – which seem to be swiftly forgotten – consisted of Bulgarians in 1989, Bosnians between 1991 and 1992 and Kosovars in 1999. However, owing to their religious and cultural links to Turkey these refugees were not really regarded as foreigners. They were integrated by being granted Turkish nationality rather than refugee status.

Applicants for refugee status prefer to apply either to UNHCR or once they have arrived in Europe or North America. In 1998, moreover, Turkey was the country with the largest number of refugees (according to the UNHCR definition) in the Council of Europe. Between 1994 and 2002, citizens of Iraq and, above all, Iran, made the largest number of applications for refugee status in Turkey.

In 2003, 2 933 asylum seekers were taken in by a host country⁸⁵ (“third country”) under the UNHCR’s policy. In this respect, Ankara plays a more important role than Istanbul, as UNHCR has its headquarters in the capital. However, large numbers of Syriac and Chaldean Iraqis have passed through Istanbul or remain there pending a decision on their fate, under the auspices of the Vatican’s representative.

Conclusion

Istanbul’s status as a major metropolis makes it a switching point in the complex system of international migration and movements, a place for changing over from one system of transport to another, and for redeployment of, and interaction between, the players in the system, whilst offering them numerous comparative advantages. As a leading centre of consumption and trade, offering a vast labour market and a host of opportunities for travel, Istanbul thus appears to play a key role in the international transit system, at the interface between Europe and the poor countries.

Not enough is known still about the situation of transit migrants in Istanbul, and more detailed research is needed, if only to improve the human rights situation of the migrants, who continue to fall prey to organised crime rings and unscrupulous employers. The Turkish authorities seem fully aware of the urgency of this matter, as the progress made in recent years testifies. But the phenomenon is on such a vast scale that only by dint of international co-operation and greater involvement by Turkish civil society can any improvement be achieved.

⁸⁵ Half in the United States, moreover (well ahead of Canada, Australia and Norway).

Turkish legislation concerning the rights of foreigners and refugees (from the website of the association Mazlumder)

1. Iskan Kanunu, 14. 6. 1934.
2. Yabancı ların (en un mot) Türkiye’de İkamet ve Seyahatleri Hakkında Kanun
Kanun No: 5683
Kabul tarihi: 15.7.1950.
3. Mültecilerin Hukuki Durumuna dair Sözleşme – Cenevre 1951
Kabul tarihi: 29.8.1961
Türkiye Resmi Gazete ile ilanı : 5.9.1961 Sayı: 10898.
4. Mültecilerin Hukuki Durumuna Dair Protokol’ün Kabulüne dair Kararname
Karar sayı sı (en un mot) : 6/10266
Resmi Gazetede ile ilanı : 5.8.1968 Sayı : 12968.
5. Mültecilerin Hukuki Durumuna Dair Protokol’ün yürürlüğe konulması na (en un mot) ilişkin kararname
Karar sayı sı (en un mot) : 6/10733
Resmi Gazete ile ilanı : 14.10.1968 Sayı : 13026.
6. Mülteci Misafirhaneleri Yönetmeliği (İçişler Bakanlığından)
Yayımlandığı (en un mot) Resmi Gazete:
29 Nisan 1983; Sayı: 18032; sh: 24-33.
7. Türkiye’ye iltica eden veya başka bir ülkeye iltica etmek üzere Türkiye’den ikamet izni talep eden münferit yabancılar ile topluca sığınma amacıyla sınırlarımıza gelen yabancılar ve olabilecek nüfus hareketlerine uygulanacak usul ve esaslar hakkında yönetmelik
Bakanlar Kurulu Kararının Tarihi : 14/9/1994 No: 94/6169
Dayandığı Kanunun Tarihi : 29/8/1961 No: 359
Yayımlandığı R.Gazetenin Tarihi : 30/11/1994 No: 22127.
8. Yabancıların Türkiye’de İkamet ve Seyahatleri Hakkında Kanununun İki Maddesinde Değişiklik Yapılmasına ve Bu Kanuna Bir Ek Madde Eklenmesine Dair Kanun
Kanun No: 4360
Kabul tarihi:14.5.1998.

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**New Migratory patterns at the Tunisia-Libya frontiers - Case of the Sahara desert area^{*},
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**Transit migration between Tunisia, Libya and Sub-Saharan Africa:
study based on Greater Tunis.**

This report is designed to highlight a series of developments in migration flows in Tunisia and in the Maghreb in general. A part of the world which is no longer purely an area of out-migration, but also a transit zone and a centre for the movement of people, goods and funds, reflecting major changes in the migratory functions of this region. The changes in question are not confined to the demographic and social sphere but are also, and indeed primarily of a humanitarian, legal, political and diplomatic nature.

In order to understand the growth of transit migration in Tunisia, a wider perspective is needed, focusing on the migration trends that have been occurring in the Maghreb for almost a decade and a half now.

I. Maghreb's new role as a transit region and a crossroads for migration

A series of major shifts in international migration in the Maghreb have helped push this region to the fore and prompted the Maghreb states to begin gradually introducing regulatory and administrative procedures for managing and monitoring both inflows and outflows of migrants.

The Maghreb: still primarily an area of out-migration

The Maghreb remains, of course, a "classic" area of out-migration, most of it to Europe. Between 4.5 and 5 million nationals of central Maghreb states and/or persons born in these three countries, live abroad (2.5 million Moroccans, 1.2 million Algerians and 0.8 million Tunisians), 85% of them in Europe. The problems engendered by this emigration are felt chiefly in Europe (integration, citizenship, religious practices, the role of Islam, etc). The volume of migration flows within the Maghreb is also considerable. Communities from each country are present in other countries in the region. Libya is home to a large Maghrebi community (200,000 Moroccans, 60,000 Tunisians and 20,000 to 30,000 Algerians). Libya being one of the biggest oil-producing countries of immigration, 2 to 2.5 million foreigners live there, ie 25 to 30% of the country's total population.

The myriad problems experienced by Sub-Saharan Africa (backwardness or development failures, civil wars and political instability, deterioration in living conditions in many countries, etc) fuel massive outflows to other regions, with Europe and North America as the final destination. The introduction of tougher rules on the entry and residence of foreigners in all countries of immigration, however, have pushed the Maghreb to the fore as a transit region for Africans, in particular Africans heading for Europe.

Various factors have contributed to this re-emergence of the Maghreb as a crossroads for migration.

- The presence of Libya as a major country of immigration in the Maghreb, with 2 to 2.5 million immigrants, including 1 to 1.5 million Africans. The magnitude of Libya's Saharan borders coupled with the free movement of people between Libya

^{*} This report is also available in French on the Council of Europe Migration site: www.coe.int/migration.

and the African states and Libya's pan-African policy have helped turn this country into a country of immigration and transit for Africans from south of the Sahara.

- The emergence of large Maghrebi Saharan and Sahelian towns (Sebha, Tamanrasset, Layoune, Agadès, Abéché), as a crossroads for flows of people between the two shores of the Sahara. This has helped to breathe new life into Saharan regions, to integrate them more closely into their respective national areas and, above all, to turn them into centres for transnational migration between Africa, the Maghreb and Europe.
- The free movement of people between Libya and Tunisia, and between the Maghreb states and the countries of Sub-Saharan Africa, have helped swell the flows of Africans and Maghrebi nationals passing through and staying in this area.
- Lastly, geography has been a crucial factor in all these trends, in that the proximity between Morocco and Spain and between Tunisia and Italy have turned the Straits of Gibraltar and Sicily into "bridges" for illegal crossings, especially to Europe.

A new migratory landscape

The most significant changes have occurred since the 1990s, a decade in which the Maghreb found itself caught up in a new and, as we will see later, in some ways unfortunate shift in the migratory landscape, characterised by two major features:

- the emergence and growth of illegal migration to Europe, first and foremost by nationals of Maghreb states.
- An increase in flows of migrants from Sub-Saharan Africa who either pass through or stop for short periods in the Maghreb before "taking off" again, the most popular final destination being the European Union.

Migrants from Sub-Saharan Africa have gradually joined Maghrebi migrants to swell these illegal flows and now make up the majority of participants in this traffic. The "spectrum" has widened to include other geographic areas such as the Middle East (Kurds, Iraqis, Palestinians, Egyptians), East Africa (Somalis) or the Indian Sub-Continent (Pakistanis, Sri Lankans, etc).

The Maghreb has thus become a crossroads for migration, providing a nexus between geographic regions, both neighbouring and far apart, the chief of which are Sub-Saharan Africa and Europe.

Migratory pressure from the south and tougher entry rules in Europe.

It is ironic that at a time when Europe is steadily clamping down on migration, Africa (including North Africa, excluding Libya) is "bleeding" population and developing problems that merely serve to exacerbate these trends: unemployment, under-employment and economic and social problems in the Maghreb; conflict, civil wars and poverty in Africa. "Irregular" or illegal migration is the culmination of this process. In order to reach Europe, Maghrebis are risking, or losing, their lives crossing the Strait of Sicily (which separates Tunisia from Italy), or the Strait of Gibraltar (which separates Morocco from Spanish Andalusia) or, more recently, the 150 miles that separate the Canary Islands from the shores of the Moroccan Sahara.

Africans, meanwhile, risk or lose their lives twice over:

- first when crossing the Great Sahara, with its no-man's lands, its ergs and regs and its bands of robbers who target travellers heading north or returning home in the case of people working in Libya.
- And then a second time when attempting the sea crossing from Africa to Europe, during which hundreds of people drown every year.

In dealing with these new parameters, governments, international organisations and NGOs, on both sides of the Mediterranean, have had to contend with problems and challenges of a widely varying nature and scale.

In effect, the growth in Sub-Saharan migration across the Maghreb has created knock-on effects that eventually culminate in Europe. Some random examples of these includes a tightening of controls on the southern borders of the Maghreb states, revised rules on the entry, residence and employment of foreigners (nationals of African countries in this instance) in the Maghreb, the emergence of various issues related to the rights (and lack of rights) of these people during their stay in the area, a tightening of border controls at points of departure to Europe, humanitarian problems associated with migration (poverty, exploitation, segregation and various forms of abuse, etc).

The consequences of Schengen: migration policies in Europe and illegal migration.

The Maghreb has risen to the fore as a transit region since the tightening of European migration policies (tougher rules governing asylum and the entry and residence of foreigners in the Schengen states, and even in countries in the “migration buffer” provided, until 2004, by EU applicant states (ex-PECO countries). These measures have severely limited the opportunities for migrating to and settling in Europe, even as European businesses talk of the desperate need for imported labour.

This hardening of European migration policies has come at a time when, in the south too, opportunities for employment in and migration to the oil-producing countries of the Gulf and North Africa in particular have dwindled: collapsing oil prices, political uncertainty in Algeria and the international embargo on Libya, tightening of Libya’s job market, social tension and increased anti-foreigner sentiment among the Libyan population, which spilled over into clashes between Libyans and Sub-Saharan Africans in Tripoli and Ezzouiyi in September-October 2000.

All this in a period that has also seen the escalation, in Africa, of inter-ethnic conflict, civil wars and humanitarian crises: in Sudan, Congo, Liberia, Sierra Leone, the Great Lakes regions, etc. and, more recently, in Côte d’Ivoire, Nigeria and in Sudanese Darfur.

With deregulation and the introduction of economic austerity programmes in the majority of indebted African countries, governments have proved increasingly incapable of performing their former role in the economic and social sphere (public-sector employment, subsidies for essential goods, guaranteed provision of services such as health care, education and social welfare, etc).

Like Africans, Maghrebis have seen two “windows” of migration close to them since the 1980s:

- The first was the introduction of Schengen visas in a few core signatory states, including France where 85% of Maghrebi emigrants to Europe reside, followed by the extension of the scheme to Spain and then Italy, a country which had initially served as a fallback area for Maghrebis emigrating to Europe.
- The second was the reduction in the capacity of the Libyan and Algerian job markets to absorb foreign (and national) labour owing, as has already been mentioned, to economic and social difficulties and to problems on the international front, experienced by Algerian and Libya respectively.

It is through this chain of events that, over the past ten years, the Maghreb has seen an increase in transit migration by Africans, who have joined the ranks of Maghrebis migrating illegally to Europe. The Maghreb, indeed, has become a means of bypassing the direct routes into Europe, and a meeting point for flows of migrants from Asia, the Middle East and Africa. Illegal emigration across the sea that separates North Africa from southern Europe has come

to be seen as the last remaining possibility of getting close to or reaching the Italian or Spanish coast, owing to the geographical proximity of these two countries, separated from the African coast by the Strait of Gibraltar to the west and the Strait of Sicily to the east.

At first, Morocco and Tunisia were inclined to turn a blind eye. Now, however, with the coming to power of the right in Spain (Popular Party) and the centre-right in Italy and the intensification and swelling of flows of illegal migrants to the southern coast of Europe, both countries have introduced more stringent controls.

Maghreb states under pressure to create a buffer zone between Africa and Europe

The Maghreb states are coming under heavy pressure from Italy and Spain in particular to work more closely with Europe in combating illegal migration, although the preferred term is “co-operation”. The first stage was the signing of readmission agreements. The Maghreb states are now required to share the task of policing their international borders with the countries of destination (Italy in the case of Tunisia and Spain in the case of Morocco, as with Albania, which is opposite Italy). The best example of this can be seen in the police and naval co-operation between Tunisia and Italy in monitoring the Tunisian coast. This collaboration/co-operation takes various forms: the production of legal instruments to punish those guilty of organising and participating in illegal migration, training for coastal surveillance staff (coast guard and naval forces), provision of electronic equipment and logistical support for the maritime security forces, joint patrols in Tunisian territorial waters, etc.

Europe, it seems, is turning into a “fortress” against migration, “defended” by a ring of so-called third countries whose job is to act as a buffer between Africa and Europe, by monitoring the exit points to Europe while at the same time policing the southern borders with Africa.

Tunisia, like Morocco – a “springboard” for illegal immigration?

In the space of 5 years (1998-2003), over 40,000 people, representing over fifty-two nationalities, were caught trying to make an illegal border crossing. While the majority are from the Maghreb (with Tunisians accounting for 30% of the total) and Sub-Saharan Africa, Asia, eastern Europe and even Latin America are heavily represented as well. Those with direct or indirect experience of this phenomenon (smugglers, illegal migrants, security services and the courts) estimate the failure rate at 20%, ie only one illegal migrant in five is apprehended. 179 smuggling rings involving small groups of illegal migrants (three to four people) have been broken up in five years. The Tunisian authorities believe that, for now, there is no connection between these rings and international mafia organisations (Turkish, Russian, Kurdish, Afghan mafias, etc). There have, however, been a number of press reports about attempts to set up Turkish smuggling rings in Tunisia.⁸⁶

According to an official survey by the Tunisian Ministry of the Interior, 3,318 illegal migrants were apprehended trying to leave Tunisian territorial waters in 2003, half of whom were intercepted at sea.⁸⁷ In the first three months of 2004, 213 people were rescued at sea. The figure is low because of the difficulties involved in sailing in winter, and the spring and summer months normally see a sharp rise in the number of attempted illegal sea crossings.

⁸⁶ Le Figaro, 5 December 2003.

⁸⁷ Agence France Presse, 3 April 2004.

Libya, a new “partner” for Europe?

The most dramatic development in this context has been the re-integration into the international community, at the beginning of the summer 2003, of Libya which has just signed a co-operation agreement with Italy to combat illegal crossings from the Libyan coast to Italy. The terms of the agreement have not been disclosed, but according to the press, the two countries' security forces are to carry out joint patrols in Libyan territorial waters. These moves came following an accident in which over 200 illegal migrants died after embarking in the Libyan port of El Zuwarah, in Tripolitana, not far from the Tunisian border. The boat carrying the migrants sank in open waters between Libya and the Italian island of Lampedusa, opposite the Tunisian coast. A number of Italian officials have criticised Libya for acting as a hub for illegal emigration in the Mediterranean. They have gone so far as to accuse Libya of being “lax” in controlling migration across its land borders and in particular its Saharan borders. The principle of the free movement of people, however, is enshrined in the agreements signed between Libya and most of its partners in Sub-Saharan Africa, as part of Libya's policy of rapprochement with Africa and the setting up of the African Union, a project in which Libya has played an active part. The international embargo imposed on Libya between 1992 and 2000 prompted it to look to its African “roots”, by developing a policy of co-operation, alliances and substantial development aid for the countries of Sub-Saharan Africa. Regional organisations such as the “Group of Sahel and Sahara States” or the new “African Union” are the result of this active stance taken by Libya on the diplomatic front. The free movement of people within this regional entity is one of the cornerstones of the regional co-operation process. Being neither willing nor able to police its vast land borders, Libya has become a major arrival and transit zone for flows of people from the African interior.

II. The re-emergence of Tunisia as a country of transit and immigration.

Over a period of 15 years (1986-2000), traffic in foreigners across Tunisia's borders show an average net inflow of 77,300 people. Net inflows of nationals of the three Maghreb states cited account for almost all of this figure: 70,500 people, ie 6 out of 7 foreigners are Maghrebi. Libyans, it seems, are among the three Maghrebi groups which regularly extend their stay in Tunisia from one year to the next: 59,300 Libyans, 8,500 Algerians and 2,700 Moroccans.

The rates, movements and net inflow figures for Maghrebis vary from one nationality to another. Large numbers of Libyans entered Tunisia between 1988 and 1991, a year in which net inflows of Libyans into Tunisia exceeded the 200,000 mark.

1991 was a crucial year for our two neighbours, Algeria and Libya. Travel by Algerian and Libyan nationals to Tunisia and the net inflows recorded followed completely opposite trends, owing to domestic factors in the case of Algeria and international factors in the case of Libya. The outbreak of civil war in Algeria in 1990-1991 and its continuation well into the latter half of the decade boosted the number of Algerians entering Tunisia, from 435,200 in 1990 to 744,300 in 1991, and to just under a million (988,600) in 1995. Net inflows of Algerians rose from 9,700 to 35,500 in 1994, before falling to 5,000 people on average between 1995 and 1998, with a sharp drop to 400 people in 1997, when the Tunisian government introduced tighter border controls for Algerians.

On the other side of the country, and in contrast to the Algerians, the embargo imposed on Libya in 1992 led to a drastic fall in the number of Libyans crossing in and out of Tunisia, with significantly lower net inflows than in previous years.

As in the case of the Algerians, from 1995 onwards, Libyan migration never recovered from this fall: after 1993, annual average net inflows hovered between 20,000 and 30,000, before falling back to 5,500 in 1999.

Lack of reliable data on the number of non-European foreigners present in Tunisia.

Without some research and field observation work based on micro-spatial and micro-social surveys and the cross-checking of data, it remains difficult to rely on Tunisian statistics. Only the data on Italian and French residents in Tunisia may be regarded as more or less accurate. These data were gleaned from the last general census of population and housing (RGPH) conducted in 1994.

Table 1.: Number of foreigners present in Tunisia, based on the main nationalities:

Nationality	Number of persons	%
Algerians	13,757	37
Libyans	1,224	3
Moroccans	7,274	19
Other Arabs	4,447	12
French	3,870	10
Italians	1,622	4
Other	5,759	15
Total	37,953	100

The long interval between censuses means that these are rough, aggregate data, a deficiency that is not remedied by the government statistics departments. Data on the residence and employment of foreigners, in particular Maghrebis and Africans, are not reported by the relevant authorities (Ministry of the Interior and Ministry of Employment and Vocational Training). It is also widely acknowledged that foreigners whose stay or employment in the country of residence is not officially authorised tend to avoid census takers, thereby rendering the data less reliable.

Nationals of Maghreb states and the majority of Sub-Saharan African countries can enter Tunisia without a visa, as tourists. At the end of their lawful stay, some Algerian, Moroccan and, to a lesser extent, African nationals remain in Tunisia for two fundamental, and usually related, reasons: to make a career in Tunisia by entering the Tunisian labour market (in the case of Maghrebis) or to work in order to save up for an illegal passage to Europe (in the case of Moroccans, Sub-Saharan African nationals, etc).

Two categories of Africans (students enrolled in Tunisian universities and sports players who have come to the end of their contracts with Tunisian sports clubs) work during the university holidays or illegally extend their stay while working, after obtaining their degree in the case of the first category. Sports players, like students, stay on illegally, while working in leisure and tourism. As with Moroccans who settle in Tunisia for varying lengths of time, both sports players and students work to save money in the hope of one day making an illegal crossing to Europe. With more and more people wishing to make what is an increasingly difficult journey, however, these foreigners are now gradually evolving into a form of immigrant labour. Other Africans, who are migrants in the "conventional" sense, arrive directly in Tunisia from their country of origin, and like the African students, become illegal migrants.

The employment of foreigners in Tunisia

Maghrebis have the largest and most visible presence in the labour force. Algerians are particularly present in construction and car maintenance. The Moroccans remain dominant in what has traditionally been their specialist area, namely caretaking, and have a strong presence in crafts and dressmaking. The tourist industry, particularly in the Sahel region and the area around Hammamet, likewise attract large numbers of Maghrebis. Very

often, these jobs are held unofficially owing to the problems which foreigners, and in particular Maghrebis and Africans, have in obtaining licences and work permits. Many Algerians, Moroccans and Africans are routinely deported for exceeding their 3-month tourist stay in Tunisia.

The proliferation of forms of movement and temporary or extended residence by categories of foreigners with varying and sometimes even overlapping status has led Tunisia, and other Maghreb states, to devise laws and regulations to govern the entry, residence, status and employment of these foreigners, and disputes between foreigners, or between themselves and the nationals, or governments, of the countries concerned. Alongside these statutory provisions, governments may also find themselves called upon to take administrative measures which are unwritten and hence not covered by any regulatory framework, in response to international situations or situations that arise on their borders. Sometimes, the legislation or administrative measures, or both, are incompatible with fundamental human rights, prompting human rights organisations and groups to respond by suggesting constructive ways of helping states to incorporate this human rights aspect. Recent years have seen a flurry of new instruments and laws covering various categories of foreigners according to their status at the point of entry and during their stay in the country (in this case Tunisia). Some regulations are of a general nature (rules governing the entry and residence of foreigners), others are more specific: status and rules governing the entry and employment of other categories of foreigners (economic operators, entrepreneurs, experts, European tourists, etc).

Geography of illegal emigration zones in Tunisia.

Studies carried out in recent years in Tunisia⁸⁸ show the extremely complex and diffuse nature of migration patterns and outflows involving illegal crossings of the maritime borders of Maghreb states which are but a short distance from the Italian or Spanish coast (Strait of Sicily, Strait of Gibraltar), or whose coastlines are opposite European outposts such as the Italian islands of Pantalleria and Lampedusa or the Spanish-owned Canaries. Morocco, Tunisia and, more recently, Libya are now in the front line.

In the case of Tunisia, it is the ports of the east coast governorates that are the biggest centres for recruiting migrants and organising departures. From north to south respectively: the governorates of Nabeul, Sousse, Monastir, Mahdia, Sfax and Medenine. The latter, situated in south-eastern Tunisia, is also a border zone with Libya. The Libyan ports of Tripolitana, however, have recently joined the “network” of Tunisian ports in organising illegal departures, a sign that the rings which organise and recruit illegal migrants heading for Europe have been redeployed, probably in the wake of the clamp-down on Tunisia’s maritime borders, and possibly too a sign that the smuggling rings have grown stronger and more transnational. The precarious state of farming in rural areas and unemployment and poverty in both rural and urban areas are obviously key factors in the decision to emigrate. Alongside these, the rise in graduate unemployment has fuelled resentment among large sections of the population, in particular young people, over the inability of the government and the economic system to provide people with the minimum income required for subsistence and basic amenities.

Marked participation by the capital and coastal cities

The four governorates of Greater Tunis (Tunis, Ariana, Manouba and Ben Arous) together with the governorates of Nabeul and Bizerte account for 60% of Tunisian and foreign illegal migrants. The major role played by Greater Tunis has to do with its demographic and economic importance within the country and to its wide range of international connections.

⁸⁸ Abidi R. (2003), Bourguiiba T. (2002), Mabrouk; Palmisano L. (2002), M. Rouis S. (2003)...

Tunis Carthage airport is the staging post where flights arrive from source countries and regions for illegal migrants: Morocco, Sub-Saharan Africa, Turkey, etc. A third of the migrants originate from or pass through the port towns and communities of the Sahel (governorates of Sousse, Monastir and Mahdia). The region's many fishing ports provide a jumping-off point for young people from rural areas and towns in the Sahel interior. This string of ports stretches from Hergla, north of Sousse, to Chebba, which lies to the south of Mahdia.

The farming communities on the outskirts of Tunis and the market- and fruit-farming areas of the Cap Bon peninsula form the main centres for recruiting illegal migrants. The districts of Greater Tunis, inhabited by disadvantaged, marginalised groups, provide a vast pool of would-be emigrants. The departure points are spread over 300 km of coastline, the three most popular areas being: the west coast of the peninsula (from Soliman to Sidi-Daoud), the ports on the northern tip of Cap Bon from Haouariya to Kelibia, and the east coast ports (from Menzel Temime to Hammamet).

Various routes are available to illegal migrants looking to reach Italy (T. Bourguidba. 2002). Whereas the Tunisians play an active part in smuggling people out, the Italians are actively involved at the point of arrival, particularly on the islands opposite the Tunisian coast:

- Migrants bound for the south coast of Sicily (in particular Mazzara del Vallo) leave mainly from the shores and small ports situated to the north and south of Tunis (Kalat Landlous, Raouad, Lagoulette, Hammam Echatt, etc)
- Migrants departing from Cap Bon generally head for the island of Pantelleria. This island is also a disembarkation point for migrants departing from the shores and ports of the Sahel, between Sousse and Monastir.
- The islands of Lampedusa and Linosa, which lie further south, form the destination for migrants departing from areas to the south of Monastir.
- Another more roundabout route is: coast of Mahdia – Lampedusa – Malta – Ragusa.

In an effort to avoid detection by the police, the smugglers have premises known as "Gouna" where would-be migrants are kept for several days prior to departure. These facilities, which are usually dwellings, sheds or disused garages, are scattered across rural areas and urban districts. They are heavily concentrated all along the coast and in the rural areas and villages immediately inland. With the increase in migration of this kind, the recruitment areas and the logistical base needed to operate the smuggling rings have spread. Gounas have been found in Zarzis in the south-east of the country and even in the petroleum port of Skhira, to the south of Sfax. Sfax, which is the second largest city after Tunis, acts as a gathering point (ABIDI R. 2003)

The smugglers play a central role in these crossings. They pay fishermen high prices for old, run-down boats and have been known to dump migrants, in particular foreign migrants, on Tunisian beaches (such as the island of Kerkennah or Zembra), claiming that they are the Italian islands of Lampedusa or Linosa⁸⁹.

Since the late 1990s, the profile of Tunisian illegal migrants has changed: in addition to low-skilled persons from poor backgrounds, we are now seeing a growing number of educated, highly skilled young people and also more and more women. In Tunisia, over a third of job-seekers are university graduates or equivalent.

⁸⁹ La Repubblica, 18 August 2003.

Table 2. Press information on illegal departures from Tunisia (2003-2004)

Period	Place of embarkation (actual or planned)	No.	Place where apprehended/observed	Nationalities reported/ Origin	No. of persons apprehended/rescued	No of deaths
12/08/2003	Tunisia	250	Lampedusa, Marsala, Ragusa	S-S Africa, Bangladesh, Somalia, Liberia	250	
16/08/2003	Cap Bon (Menzel Témime; Korba)	12	Coast of Menzel Témime	Tunisia	12 (RS)	
18/08/2003	Tunisia	45	Lampedusa	Tunisia, Morocco	45 (AA)	
19/03/2004	Sfax	44	Sfax	S-S Africa	44 (ABD)	
Mar-04	Sfax	61	Sfax (via Libya)	S-S Africa; Tunisia	59 (+2: owner+ smuggler) (ABD)	
Mar-04	Sousse	70	Beaches of Sousse	Maghrebis (20) + Others (50)	70 (ABD)	
Mar-04	Cap Bon (Korba)	?	Coast of Korba	?	04 (RS)	
Mar-04	Tunis	55	Den-Den (Outskirts of Tunis)	Ghana, Nigeria, Sierra Leone, South Africa	55 (ABD)	
06/04/2004	Cap Bon (Nabeul)	16	Nabeul (port)	Tunisia	16 (14 migrants+ smuggler+ middleman) (ABD)	
02/05/2004	?	52	Tunisian territorial waters	Egypt (52)	52 (RS)	
05/05/2004	Sfax	35	Coast of Sfax	Sudan(23); Côte d'Ivoire (11); Liberia(1)	34 (RS)	1
05/06/2004	Sfax (Sidi Mansour)	11	Coast of Sfax (Louza)	Tunisia	01 (RS)	06 Dead + 04 missing
05/06/2004	Sfax	10	Sfax	Tunisia (Kairouan)	10 (ABD)	
05/06/2004	Cap Bon (Kélibia)	18	Coast of Kélibia	Tunisia	18 (AS)	
09/06/2004	Bizerte region (Ras Jbel)	11	Ras Jbel	Tunisia	11 (ABD)	
11/06/2004	Bizerte	7	Bizerte	Tunisia	07 (ABD)	
11/06/2004	Bizerte	18	Bizerte	Tunisia	11 (AS)	
18/06/2004	Cap Bon (Haouaria)	11	Coast of Cap Bon	Tunisia	11 (AS)	

ABD: Apprehended before departure

AS: Apprehended at sea; **RS:** Rescued at sea; **AA:** Apprehended on arrival in Italy

Sources: Tunisian newspapers (Essabah, Echourouk, etc), press agencies (AFP, Reuters, etc)

III. Role and place of Greater Tunis in transit migration

Tunis, an international economic metropolis

Tunis is the political, economic and cultural capital of Tunisia. It is also the country's main university town. The population of Greater Tunis is projected to reach just over 2 million in 2004⁹⁰.

As an international metropolis in a country which is small in terms of surface area (164,000 km², half of which is arid or actual desert) and population (just over 10 million in 2004⁹¹), Tunis performs the main managerial functions of a capital-cum-international metropolis.

The increase in human traffic in Tunisia is due, *inter alia*, to Tunisia's function and to its "reputation" as a tourist destination. This makes it much easier for migrants, persons in transit in general and tourists to move around and travel.

Tunisia, a tourist destination

At the beginning of 2002⁹², Tunisia had 755 tourist establishments and a total capacity of 205,600 beds. In six years (1995-2001), the tourist sector grew by 25 to 30% (table...). The impact of the crisis in the tourist sector following the September 11 attacks are not yet known, as the figures for 2002 are not due to be published until the summer of 2004. In 2001, Tunisia recorded almost 7 million entries (6,984,000 people), equivalent to just under three quarters (72%) of the country's resident population. In that same year, the number of non-resident travellers entering Tunisia totalled 5.4 million, of whom 31% (1.7 million) were nationals of the other three Maghreb states (1,016,600 Libyans, 623,300 Algerians and 35,500 Moroccans). Inflows of nationals of Sub-Saharan Africa are not counted separately in Tunisian statistics but are included under the heading "Other nationalities" (398,300 entries).

The number of Tunisians entering the country came to 1.6 million, ie 22.8 % of the total entries (Tunisians and foreigners combined) and 29.6% of entries by non-residents (foreigners only).

The gateways to Tunisia

Tunis is the main gateway to Tunisia from Sub-Saharan Africa and North Africa, and the main terminus for the country's land links with neighbouring Algeria and Libya. An international airport (Tunis-Carthage) and an international port (Tunis-La Goulette) provide Tunisia's international connections with the outside world.

Table 3. Entry routes into Tunisia

	Foreigners		Tunisians		Total	
	Volume	%	Volume	%	Volume	%
Air	3761	69.8	661.9	41.4	4422.9	63.3
Land	1,554.3	28.8	759.9	47.6	2314.2	33.1
Sea	72	1.3	174.9	10.9	246.9	3.5
Total	5,387.3	100	1,596.7	100	6,984.0	100

⁹⁰ These are estimates, the General Census of Population and Housing (RGPH), conducted in April 2004, is in the process of being analysed

⁹¹ Ibid.

⁹² Institut National des Statistiques (INS): Annuaire statistique de la Tunisie. N° 44. Tunis, 200.

The volume of outflows being roughly the same, the total number of persons crossing Tunisia's border points is in the region of 14 million. Just under a quarter (23.3%) of this traffic is made up of Tunisians.

The Tunisian capital is the main point of entry for non-European tourists arriving by air. In 2001, Tunis-Carthage airport was the disembarkation point for 24.5% of entries by non-residents arriving by air (921,100 entries), which was equivalent to roughly half the level of traffic entering via Monastir airport, Tunisia's leading airport for charter flights, and, it seems, Africa (1,866,200 entries). Almost all non-European foreigners entering Tunisia, however, end up at Tunis-Carthage airport, which has links with Sub-Saharan Africa, other North African countries and the Middle East.

Rapid growth in inflows from Sub-Saharan Africa

Almost 100,000 passengers from Sub-Saharan Africa passed through Tunis airport in 2001. In two years, the figures have soared: 16,900 entries in 1999, 49,500 in 2000 and 96,600 in 2001, ie a 471% increase in the space of 2 years.

In the context of this study, it is clear that some of the Sub-Saharan nationals heading for Europe via Tunisia arrive in Tunis by air.

Entries by sea being fairly limited (1.3% of entries by non-residents, 9% of entries by Tunisians and 3.5% of the total number of entries), 88.6% of entries via the ports take place at Tunis-Lagoulette. The number of non-European foreigners passing through this port is really very low, however.

The other main gateway to Tunisia is provided by the land border points with Libya and Algeria.

The Tunisian-Libyan border points are the main land route into Tunisia. The *Ras J'dir* border point (in south-eastern Tunisia) handles two thirds of all cross-border land traffic.

The Tunisian statistics published do not provide a breakdown by nationality of foreigners entering or leaving via each land border point, so we cannot provide any information as to the nationality of the foreigners crossing Tunisia's land border points with Libya and Algeria. We do know, however, that Libya provides a base for large numbers of migrants from African countries south of the Sahara and from Asia in particular and that, consequently, most of the people from these regions who enter Tunisia do so from Libya to the east. That is not to say that there are no inflows from Algeria to the west, but this "route" is more problematic because of the long distances that Sub-Saharan migrants would have to cover, particularly when crossing, from north to south, the entire Algerian Sahara, in order to pass through the towns and along the roads of eastern Algeria before finally reaching Tunisia. Tunisia's "reputation" among Sub-Saharan migrants as a possible bridge for illegal crossings to Italy prompts would-be illegal migrants to try to reach Tunisia in order to arrange sea crossings to Italy. At this stage in the research, however, we are unable to give any percentages or figures that would help to identify this phenomenon more clearly.

Is Tunisia a transit country?

Although Tunisia is not (yet) an area of mass transit migration, the number of Tunisians emigrating abroad is huge and certain indications and factors suggest that the country has an environment that helps to attract migrants looking to reach Europe. These indications and factors, we believe, point to a reinforcement of Tunisia's role as a "backdoor" to Europe.

For Sub-Saharan nationals, Tunisia offers a number of advantages as a springboard for illegal migration to Italy:

- Geographical configuration: Tunisia is small compared to its neighbours, Algeria and Libya, whose territories cover vast expanses of desert.
- The density of population, urban development and industry in the Tunisian-Libyan coastal plain of Jfara, which connects Tripolitana (north-western Libya) to south-eastern Tunisia, affords Tunisian and Libyan nationals as well as foreigners ample opportunities for travel and trade, thanks to a well-developed road network. For migrants who have made the difficult and sometimes traumatic journey across the Libyan or Algerian deserts, this combination of factors can make Tunisia seem like a safe haven.
- Tunisia has a fairly extensive network of fishing and commercial ports for a country of its size. The small fishing ports are often situated not far from the large coastal towns (Bizerte, Tunis, Sousse, Sfax, Gabès), providing opportunities for employment, accommodation and social interaction in preparation for illegal crossings to Italy.
- Mention has already been made of the desert wastes to the south which have to be crossed in order to reach the North African coastal areas. A further journey of similar magnitude then awaits anyone wishing to make an illegal sea crossing to Europe from Algeria or Libya: hundreds of kilometres separate these countries' coastlines from the southern shores of Europe. By contrast, as in the case of Morocco and Spain, much shorter distances (150 km at the Strait of Sicily) separate Tunisia from Italy. Boats carrying illegal migrants departing from the Libyan coast, moreover, normally skirt the territorial waters of eastern Tunisia in order to reach the Italian islands of Lampedusa, Linosa or Sicily, rather than sailing straight from south to north.

For all of these reasons, Tunisia, lying as it does on the main Africa-Italy route, is a popular destination for migrants in transit, in particular migrants heading for the Europe. For some of these migrants, Italy serves as a transit country for the rest of Europe as well.

Increased African presence in Tunisia

Since virtually the mid-1990s, there has been mounting evidence of an ever expanding African presence in Tunisia.

Since gaining independence, Tunisia and other African countries, in particular French-speaking countries, have instituted bilateral and multilateral co-operation in a number of areas: training for journalists, public- and private-sector university education, technical co-operation aimed at developing water supplies, agriculture, health care, etc.

Other factors have emerged, especially in recent years, which have further contributed to this trend:

- The practice of recruiting African players (especially for team sports). Roughly a hundred African players are said to be hired by Tunisian clubs every year. Although this figure is not high in itself, the sociological and media impact is considerable, as it helps to promote the image, or illusion, of Tunisia as a land of opportunity and prosperity.
- The staging, in February 2004, of the African Cup of Nations. Dozens of charter flights from the African countries participating in the event took off from Tunis empty at the end of the competition. This has led the Tunisian authorities to launch a crackdown on Africans living in Tunisia, including night raids and searches. 2003 and 2004 have not been easy years for Tunisia's African community, especially for individuals who find themselves in breach of the law on aliens.

Africans in Tunis: types of presence⁹³

In order to gain a better insight into the African presence in Tunis, we have sought to identify the places and institutions that may serve as a base for Africans in the city, or which they are likely visit or stay in. Mapping this presence has become increasingly difficult in recent years following a tightening of the conditions governing entry to Tunisia and the treatment of Sub-Saharan African nationals by the Tunisian security services. Discretion and even effacement are now a way of life among these African nationals, a population which is increasingly “on the run”. For two years now, the Tunisian police have been carrying out night raids in search of bogus tourists or migrants posing as students or sports players. The latest two laws passed in 2003-2004 apply directly not only to Tunisians but also to foreigners whose presence in, or passage through, Tunisia has not been officially registered, even if the individuals in question are in the country legally.

From interviews conducted with diplomatic staff in the African embassies (Senegal, Mali, Côte d'Ivoire, Nigeria, etc) it is clear that these officials are somewhat at a loss to deal with the growing number of requests for help from fellow citizens in difficult situations: exceeding the legal residence period (three-month tourist visit), fake documents/student cards, arrest for attempted illegal emigration from Tunisia, deportation of Tunisian and African nationals to Tunisia, obligation to readmit them under the terms of the readmission agreement signed with Italy. Apprehended prior to embarkation or deported from European countries, these Africans then have to undergo a second round of procedures to have them deported from Tunisia to their country of origin. Few of these nationals can afford the return ticket, however, particularly if they have already spent their savings on the attempted crossing to Europe. While embassies do occasionally manage to arrange for individuals to be repatriated, in most cases they are unable to do so for lack of funds, and have to deal instead with the presence on their doorstep of destitute nationals. According to some reports, the Tunisian authorities have set up “reception centres” (actually detention centres) to accommodate illegal aliens, whether apprehended in Tunisia or deported to Tunisia from other countries. Both categories are usually undergoing deportation proceedings.

Matters become more complicated in tragic cases where Africans die or go missing (contacting relatives, identification and burial, etc). Some international NGOs provide assistance for destitute individuals (accommodation, medical treatment, food, help with finding temporary employment, contacting relatives, etc): the Tunisian Red Cross, Caritas, HCR, etc.

Admittedly, too, many of those who enter Tunisia as tourists and then seek to leave or to enrol in university, or who find jobs with Tunisian employers or diplomatic staff or with the African Development Bank, are genuine refugees who have fled war zones or ethnic tension in their country of origin.

The different “faces” of the migrant in transit in Greater Tunis

At first sight, the presence of Sub-Saharan Africans is barely noticeable in Greater Tunis. There are no “African” quarters as such and because they are few in number, the migrants tend to be scattered over various districts depending on what category they fall into. “New arrivals” tend to rent rooms, either individually or in groups, in cheap hotels around the station (in the vicinity of place Barcelone). Others armed with address books find shelter in apartments or houses rented by “compatriots” or contacts who are legally resident in Tunisia

⁹³ Some of the data presented in this chapter are derived from the preliminary findings of a study being conducted by myself and Sylvie MAZZELLA (senior research fellow at the Maison Méditerranéenne des Sciences de l'Homme (MMSH)/ CNRS-Aix_en_Provence), as part of an ACI (Incentive Concerted Action) co-ordinated by Olivier PLIEZ (researcher at the CEDEJ/ French Embassy in Cairo). This research programme is entitled: "Territorialités sahariennes. Nouvelles configurations urbaines et circulations migratoires entre les deux rives du Sahara".

(students, diplomatic or consular staff, tourists who have not exceeded the statutory period of stay), etc. This second category is found mainly in the outlying districts where interaction between Africans and the local population tends to be easier: Cité Ibn Khaldoun, Omrane Supérieur, Cité Laouina, cité Olympique, Hammam Echatt, L'Ariana. Student hostels are used mainly by students receiving bursaries under co-operation agreements between Tunisia and their countries of origin.

Students, indeed, are the largest and most visible migrant group in Tunis.

African student population in Tunis

Tunis receives very few foreign students: 3,000 to 3,500 people, ie just over 1% of the total student population (262,502 students in 2002-2003).

42.5% of foreign students enrolled in Tunisian state universities in 2002-2003 originated from Maghreb states (Table). Moroccan students made up the largest group (51.6%), followed by Mauritians (30.9%).

A quarter of all foreign students (ie 700) originate from Sub-Saharan African countries. Malians are the most numerous (32.1%), followed by Ivorians (22.6%) then Senegalese (21%). Africa as a whole accounts for two thirds (67.6%) of these foreign students.

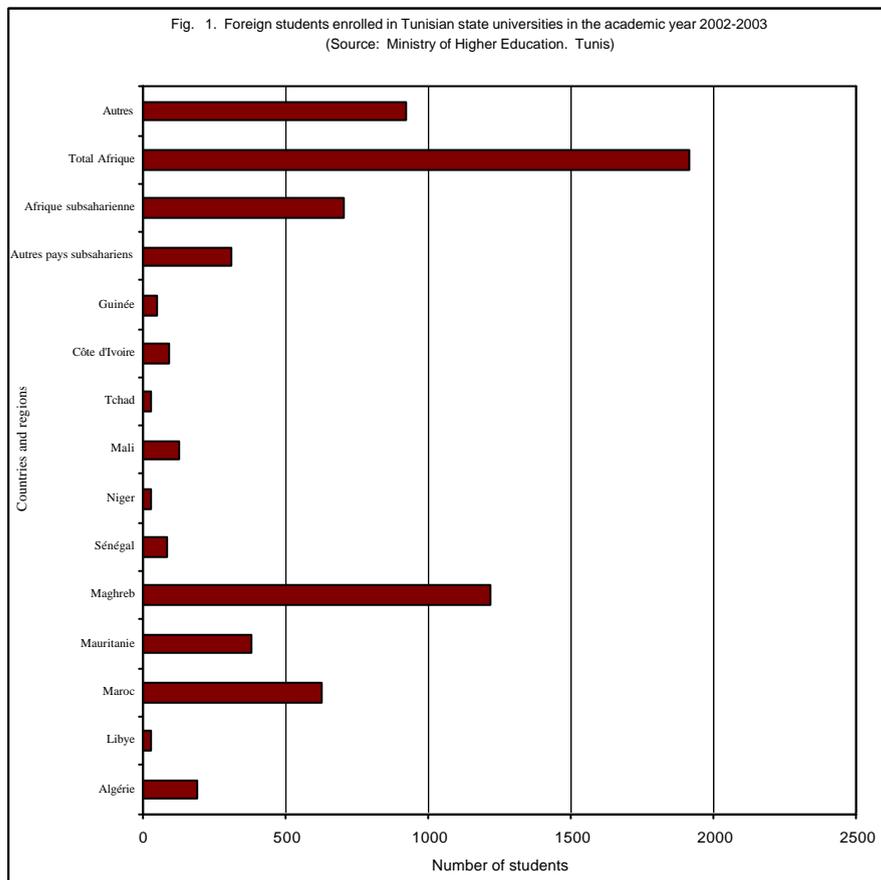


Table 4: Foreign students enrolled in Tunisian universities between 1998 and 2003

Status	State higher education										Private	
	1988-1999		1999-2000		2000-2001		2001-2002		2002-2003		2002-2003	
Year	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Country of origin	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Algeria	264	17.4	246	16.6	202	15.6	188	15.1	188	15.5	9	23.1
Libya	23	1.5	19	1.3	21	1.6	22	1.8	25	2.1	21	53.8
Morocco	741	49	737	49.8	631	48.7	652	52.4	627	51.6	3	7.7
Mauritania	485	32.1	479	32.3	443	34.2	383	30.8	376	30.9	6	15.4
Maghreb	1513	100	1481	100	1297	100	1245	100	1216	100	39	100
Senegal	104	23.6	98	21.8	87	19.9	81	17.8	82	21	0	
Niger	73	16.6	57	12.7	58	13.2	55	12.1	26	6.7	0	
Mali	122	27.7	138	30.7	136	31.1	142	31.2	125	32.1	0	
Chad	20	4.5	20	4.5	21	4.8	23	5.1	25	6.4	0	
Côte d'Ivoire	69	15.7	77	17.1	89	20.3	100	22	88	22.6	0	
Guinea	52	11.8	59	13.1	47	10.7	54	11.9	44	11.3	0	
Gabon	0	0	0	0	0	0	0	0	0	0	346	
Sub-total	440	100	449	100	438	100	455	100	390	100	346	100
Other Sub-Saharan countries	326		289		263		284		310		257	
Sub-Saharan Africa	766		738		701		739		700		603	
Total Africa	2279	73.2	2219	72	1998	70.9	1984	69.4	1916	67.6	642	98.6
Others	833	26.8	864	28	820	29.1	876	30.6	920	32.4		1.4
Total	3112	100	3084	100	2818	100	2860	100	2836	100		100

Source: Ministry of Higher Education, Tunis

Studies and informal employment

Although they do not publicise the fact, most students admit that they have to “moonlight” in order to supplement their meagre grants, particularly if the latter are paid by the country of origin. The students’ position is that much more difficult because they do not have access to the kind of support networks that would normally be available to them back home.

The majority of students have few illusions about the chances of finding jobs that match their qualifications, wherever they plan to live after graduating, be it Tunisia or even Europe. They frequently complain of a lack of regard for education and skills among policymakers and the business community in their countries of origin. Only graduates in information and communication technologies (ICTs) are more sanguine.

All of this explains the slow but steady increase in the number of young people from Sub-Saharan Africa (students, graduates and others) working illegally in the service sector, leisure industry, catering, office work (computing, book-keeping, marketing, etc).

For it is important to recognise that, alongside the official figures for enrolments by African students in Tunisia, the majority of these individuals do undeclared work⁹⁴: selling “ethnic” produce and items (ie produce and items from the country of origin) to Tunisian shopkeepers in the craft markets located in major tourist centres (Tunis, Hammamet, Sousse, Djerba, Sfax, Tozeur and Douz, etc). Hammamet serves as a logistics base for organising the distribution of merchandise by students throughout the tourist resorts. These students fill gaps in the informal economy, sharing roles (some students act as “smugglers” or “wholesalers” while others rent out space in their house or apartment for storing merchandise)⁹⁵. A percentage of the profits is used to buy North African products which are difficult to find or expensive in the migrants’ countries of origin. This informal trading system, as it were, is often disrupted by searches and seizures carried out by the Tunisian customs authorities.

African students participate along with others in these informal business activities. Of these, M. Pellicani and L. Palmisano, cite the example of “Afro” hairdressing services provided by female African students for Tunisian women or western women living in or visiting Tunisia. African jewellery and beauty products are also increasingly sought after. Some female African students also work as dancers, entertaining tourists.

Other female students work as baby-sitters, cleaners or tutors (particularly language tutors) for the children of families living in the wealthier districts of Tunis (Banlieue nord; El Manar, El Menzah, etc).

In addition to this, there are also instances of formal business creation, such as the workshop run by a Malian woman, making “Touareg” jewellery. The workshop employees are Africans who have trained as professional craftsmen.

⁹⁴ M.C. Pellicani & L. Palmisano: les migrations élitaires en Tunisie dans le cadre des migrations sud-sud; In Réunion finale du programme "Le Maghreb et les nouvelles configurations internationales: mobilité et réseaux". IRMC. Sousse, 2002. (In preparation).

⁹⁵ Ibid

Unrest in Côte d'Ivoire and the temporary relocation of the African Development Bank (ADB) to Tunis.

The decision to move the headquarters of the African Development Bank (ADB) to Tunis in 2003-2004 is one of the reasons for the increased African presence in Tunisia, and explains why the African community has begun to acquire a new visibility in everyday life.

The unrest in Côte d'Ivoire reached its height in the period 2002-2003. After the United Nations upgraded its security alert level, on 5 February 2003, to phase IV, involving the emergency evacuation of non-essential staff, the ADB was obliged to follow suit. 400 staff from the ADB were assigned to maintain essential services (100 were sent to Paris which served as a business continuity site, and 300 to Tunis). According to the Tunisian press, Tunisia was chosen from an initial list of 13 African countries willing to act as hosts for the Bank's Temporary Relocation Agency, with the headquarters remaining in Abidjan. Tunisia was then selected from a shortlist comprising Tunisia (in first place) followed by Egypt and, in third position, Ethiopia.

All of the ADB's activities have been re-created at the Tunis site (where the agency is to remain until at least 2006): 600 officials have been transferred in addition to the 400 moved at the beginning of the relocation exercise, ie 1,060 employees in total, to whom may be added a further 1,300 service staff (office workers and domestic staff).

Forms of integration and interaction

With the setting-up of this African colony of ADB staff in Tunis, it is now possible to identify the different forms of representation and the types of relations that exist between the host (in this case Tunisian) society and African migrants. Consisting as they do of senior and middle-ranking executives, the Bank's staff tend to live in the wealthier districts of Tunis (El Menzah, El Manar and El Nasr).

The presence of this affluent group of Africans has attracted considerable attention from the Tunisia media, raising its profile in a community that is more used to associating Africa with destitution and poverty. This in turn is helping to change the way Africans are perceived by a city that is unaccustomed to dealing with a wealthy black population. The experience has not been an entirely positive one, however. The large influx of children of ADB staff arriving in Tunis from Abidjan have been enrolled in the city's two French schools and in the Lycée Français de Tunis and Tunis International School, where they have met with a hostile reception from some children and parents from "white" (European and in particular Tunisian) backgrounds.

IV. Tunisian migration policy

Government action

Tunisian migration policy, if it can be said to exist at all, remains largely confined to the field of emigration and is aimed at making it easier for emigrants to transfer assets to their country of origin and encouraging them to invest at least a portion of their income in Tunisia.

Government action is also aimed at maintaining contact with Tunisians living abroad by facilitating access to the Tunisian justice system in order to settle family disputes, in particular, and by ensuring that they are always governed by domestic (ie Tunisian) law in such cases.

As far as **illegal migration** is concerned, Tunisia takes a tough line on illegal migrants (imposing criminal penalties for illegal border crossings), a policy dictated by the constraints of its relations with the neighbouring destination countries (countries on the northern shore of the Mediterranean). Agreements have thus been signed between Tunisia and the Italian government on border surveillance and on the readmission of illegal migrants

arriving from Tunisia, irrespective of their nationality. Finally, by a decree dated 31 March 2003, Tunisia ratified the Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the United Nations Convention against Transnational Organised Crime adopted by the UN General Assembly on 15 November 2000.

New Tunisian legislation to combat illegal migration

At the beginning of 2004, in response to Italian and EU pressure and concern over the increase in illegal migration from the Tunisian coast, Tunisia introduced a series of new laws.

One such law provides for closer surveillance of vessels in order to spot boats that might be carrying illegal migrants. It is designed to regulate the ownership of inshore and deep-sea fishing vessels and to clarify the procedures and rules for mooring in ports.

Another law provides for new passports and travel documents and in particular, the introduction of tougher penalties for people smuggling. The new law serves to amend law 40-1975 of 14 May 1975 on passports and travel documents, which stipulated a maximum prison sentence of 6 months, with 15 days' imprisonment for crossing a border without travel documents.

The new law represents a radical departure from its predecessor: the penalties now range from 3 to 20 years' imprisonment and 8,000 to 100,000 Tunisian dinars⁹⁶ in fines. The scope of the old law has been significantly extended to include anyone directly or even indirectly involved in the offence charged (either individually or as part of a ring). Such involvement, moreover, is not confined to participation in the offence but can also cover mere attempts or even preparations which never reached the execution stage. The law even applies to persons who were aware of the planning or execution of certain acts but failed to report them, including in cases where they were bound by professional secrecy. The crime is considered to be aggravated (12 to 20 years' imprisonment) if it was an organised crime, if it involves children or if it results in the corruption (or attempted corruption) of a public official, or in the death of one or more of the persons transported. The new law also includes administrative and judicial restrictions (administrative supervision, restriction on places of residence, business practice restrictions and bans, withdrawal of license at the expense of the persons charged).

A number of genuinely independent Tunisian NGOs (human rights organisations, lawyers' associations) and a great many prominent individuals have criticised the new legislation for being overly punitive, complaining that many of its provisions are in the nature of "exceptions" and/or derogate from ordinary law. The feeling in these quarters is that the new law is an extension of the thinking embodied in the anti-terrorist law 99-2003 and a sign that Tunisian criminal law is turning into a series of emergency acts.

Migrants' rights and current rules⁹⁷

The International Convention on the rights of migrants and members of their families, adopted by the UN General Assembly on 18 December 1990, came into force on 1 July 2003 after 22 states ratified it. Tunisia was not in this first wave of countries to ratify the instrument.

⁹⁶ I.e. the equivalent of 5,400 to 67,500 euros (1 TND= 0.675 Euro, at the June 2004 exchange rate).

⁹⁷ Some of the data presented in this chapter are derived from a national report produced by myself together with Hafidha CHEKIR and Monia BEN JEMIA: "Rapport national sur les droits des travailleurs migrants (Tunisie)". This report is one of three national reports (Algeria, Morocco, Tunisia) on the rights of migrants in the Maghreb, commissioned by UNESCO and co-ordinated by Ms Khadija ELMADMAD (UNESCO Chair: "Migrations et droit". Casablanca). UNESCO publishing (in preparation). 2004.

Tunisia's growing involvement in migration flows as a country of out-migration, but also as a country of immigration and transit, should encourage the Tunisian authorities to ratify the convention. For despite the emergence of this new migratory function, Tunisian legislation on respecting the human rights of migrants, foreigners and their families still falls far short of humanitarian standards in this area. The challenge now therefore is to design and implement a migration policy in Tunisia which could pave the way for sound management of the migrant issue and good "governance" of migration flows and the movement and residence of foreigners across Tunisia.

The UN convention regards migrants' rights as human rights which are indivisible, inalienable and universal, and has the advantage of being based on other instruments already adopted by the United Nations and the specialised agencies.

The convention fills the gaps that exist in national legislation, particularly as regards the rights of illegal migrants, which are addressed other than simply in terms of crime control. It aims to safeguard and ensure respect for all the human rights without distinction of any kind, and to secure racial and gender equality. It is concerned with all categories of migrants, legal or illegal, and states that illegal migrant workers are not to be deprived of any rights derived from the principle of equality of treatment by reason of any irregularity in their stay or employment (Article 25-3 of the convention).

The convention defines migrant workers and applies to all migrants and to members of their families. The advantage of such a definition is that it now includes all migrant workers irrespective of their status in the country where they engage in their activities, whether these workers are permanent or seasonal, whether they are frontier workers, itinerant workers, workers on an offshore installation, seafarers, project-tied workers, workers admitted for a specific job or self-employed.

As regards migrants' families, the convention clearly establishes which members have the right to family reunion.

NGO and trade union action

This is more wide-ranging and tends to encompass the issue of immigration as well as illegal emigration.

◆ **Role of the LTDH:** the Tunisian League of Human Rights (Ligue Tunisienne des Droits de l'Homme) became interested in migration mainly after the emergence of the problem of illegal immigration, and of smuggling rings in some coastal regions of Tunisia. In June 2003, a seminar was accordingly held on the challenges posed by new migration patterns in the Mediterranean. A series of recommendations were adopted, emphasising the need to give proper attention to this problem by **organising a national debate** with NGOs in order to find ways of curbing illegal immigration.

The recommendations also stressed **the need to ensure freedom of movement as a human right**, to be enjoyed by all men and women without discrimination. They also called on Maghreb Arab and European states to **bring a human dimension to the Euro-Maghrebi partnership** so that the focus would no longer be solely on the free movement of goods and capital but would extend to the free movement of people as well. The recommendations further called for **all migrants to be granted human rights** and in particular the right to full citizenship, political rights, the right to vote and stand for election, the right to equal treatment in terms of employment, pay and social security, the right to family reunion, etc.

◆ **Role of the U.G.T.T (Union Générale des Travailleurs Tunisiens).** This trade union organisation, the only one of its kind in the country, has made it an objective to give special attention to migrant workers. The UGTT tries to provide assistance and support for Tunisian migrants faced with integration problems and ignorance about their rights and role in the

country of employment. The UGTT advocates the adoption of **a series of measures to protect and uphold the rights of migrant workers**, in particular those living in European Union countries, in keeping with international conventions and instruments and the partnership agreement between Tunisia and the European Union. These measures, which would be supported by the UGTT, USTMA and the European trade unions, would aim to secure:

- recognition of migrants' right to training and employment
- application of the principle of equality of treatment between migrants and nationals
- protection of the right to family reunion
- enforcement of the free-movement rule for legal migrants in the European Union countries
- the granting of social benefits and social cover to migrants
- granting of the right to a specific cultural identity

◆ **Role of the ATFD:** the Association Tunisienne des Femmes Démocrates has focused on migration as part of its broader action on violence against women, irrespective of whether they live in Tunisia or abroad. It is not uncommon for migrant women to be forced to return to Tunisia to be married against their will, or in order to break up a relationship with a non-Tunisian or even a non-Muslim. Often, these women are kept locked away by their parents and have their papers and passports confiscated.

In 2003, the ATFD published a short guide for women travelling to Tunisia which sets out the law on marriage, divorce, violence, the freedom to travel and the right to protection from physical and psychological duress.

Conclusion

While this report contains a number of data which help to shed light on some aspects of transit migration in the Maghreb and Tunisia in general, and in Tunis in particular, other issues remain to be identified and explored outside Tunis: in other Tunisian cities, in particular on the Tunisian-Libyan and Tunisian-Algerian borders. Scientific rigour has also prevented me from including reports and rumours about other situations and phenomena which I have been unable, for lack of time and resources, to verify and authenticate: reception (actually detention) centres for illegal aliens, reportedly financed by the European Union, deportations, by the Tunisian authorities, of African nationals and the practice of abandoning them in the Libyan "desert" (that is the term used), the existence in Bengardanne (on the Tunisian-Libyan border) of cemeteries containing the bodies of Africans shipwrecked at sea, etc. These are all practices which, if confirmed, are an affront to human dignity and the most basic human rights. Our knowledge of migration to Libya likewise remains extremely limited. Yet unless we understand the dynamics of a migrant population of some 2 to 2.5 million people, the rationales behind the trends and flows of transit and illegal migration that are of so much concern to European and also Maghrebi policymakers are liable to elude us as well.

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**Introduction to the debate: Identification of issues and current and future trends of irregular migration in transit countries – Summary Report* by
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General introduction

With each year that passes, the news reports from the northern Mediterranean coasts, stretching from Spain to Turkey, recount a fresh litany of tragedies. Veritable fleets of boats, whether Spanish *pateras* or fishing boats, and sometimes even rusty cargo ships, though always unsuitable and dangerous vessels, drop thousands of illegal immigrants along this coastline in search of a better future in the industrialised countries of Europe. Whenever these incidents occur they raise questions and cause concern, trigger controversies which swiftly become politically shaded and force the local military and civilian authorities, rather than the actual governments, to take emergency action, setting up accommodation centres which are often improvised and soon overstretched, as one very recent news story related⁹⁸. Incidents, accidents and chance events have in this way been fuelling a fragmentary form of journalism which glosses over the extent of the phenomenon: the number of victims of illegal migration along the external borders of Europe (whether we mean the European Union, Schengen Europe or geographical Europe) is estimated at over 5000, at various points between the Straits of Gibraltar and the boreal forests of Finland⁹⁹. This is the total number of identified or unnamed victims actually recorded. New routes emerge from time to time: the Canary Islands (to avoid Gibraltar), Normandy or Brittany (circumventing the Pas-de-Calais and Ostend regions, which have been more closely monitored since the “Sangatte affair”), etc. On the eastern “edges” of Europe, Istanbul is currently an intermediary for African or Maghrebi emigration, and Moscow and Kyiv are stopovers on the Afghan, Chinese and African migration routes. We might, however, see this as merely the tip of the iceberg, an image which, incidentally, is also used by Irina Ivaniukh, because these irregular-status, undeclared, clandestine and illegal migration flows are so numerous, fluid, unknown and uncontrolled. This is one of the major problems, namely how to designate such migration. Another aspect, albeit one which will not be central to our report, is that of quantifying flows which might look new but which in fact follow rationales already well-documented in the field of international migration.

The economic wealth and democratic values of Europe and North America has made these two continents equally attractive to migrants, Europe having by turns been a region of emigration (especially in the 19th century) and then one of immigration (particularly after the second world war). While the “American dream” is an historic and social reality, the European continent is currently prompting a much higher level of immigration from outside than of internal migration: of the 175 million persons currently residing in a foreign country, Europe accounts for 56 million, as against North America’s 41 million and Asia’s 50

* This report is also available in French on the Council of Europe Migration site: www.coe.int/migration.

⁹⁸ The last-minute rescue of 26 African (Somali) migrants off the island of Lampedusa (9.08.04, Radio France Internationale: Lampedusa: le rêve naufragé des clandestins (the illegal immigrants’ shipwrecked dream), report by J.-B. Sourou). Some 1500 individuals were rescued off the island in a fortnight.

⁹⁹ <http://www.united.non-profit.nl/pdfs/listofdeatht.pdf>: 5 017 deaths registered at 9.06.2004.

million¹⁰⁰. This is the great irony of the “Schengen area”, named after the small border town in Luxembourg where the Schengen Agreements were signed: national populations that are entitled to mobility remain largely stable, while every effort is made to limit the admissions of immigrants from outside. It is true that from 1890 to 1970 north-western Europe experienced massive immigrations of workers: Poles, Italian and Spaniards, followed by North Africans, Portuguese, Greeks, Turks and Yugoslavs, while a few decades previously the British, Irish, Germans and Swedes had helped populate North America.

The new political definition of Europe, with the admission of ten new members, is pushing its eastern borders back to extremely vague geographical limits: the plains and hills of Karelia, the Baltic plains, the Hungarian plain, etc, where it is very difficult to make out any boundary that might be seen as “natural” because emphasised by a mountain or other obstacle. For instance, Hungary, is alone in having to supervise 1103 of the total 7412 km of “external” borders surrounding the new European Union. The 14000-strong Hungarian Border Guard is preparing for the task: between 1999 and 2002, 108784 offences were registered, including 81864 cases of illegal immigration¹⁰¹. To the south, the EU expansion to Malta and Cyprus brings Europe a little closer to the Middle East, an unstable region which also produces mass migration. Further east, outside the “Schengen area” and the European Union, the Turkish Police reports 728534 arrests of illegal immigrants over a comparable period, viz from 1999 to 2003 (ELECTROui No. 17 of 3 April 2004)¹⁰². Each country publishes its own annual report on the subject: for example, Austria arrested 38000 illegal migrants and 2700 traffickers in 1999, Bulgaria arrested 8118 persons in 1998 (although the fact that 41 million persons crossed the national borders in 1999 somewhat puts this phenomenon in perspective), and Ukraine announces between 15000 and 17000 arrests every year (Migration News)¹⁰³. We are quoting these statistics in an attempt to illustrate the dimensions of the phenomenon, rather than just trotting out the figures.

Most of the persons monitored and, in the instant case, apprehended in this way (here again we could use the “tip of the iceberg” metaphor, however great the progress made by the security services in question) are not primarily endeavouring to immigrate to and settle in Hungary, Ukraine or Turkey, but rather to continue their journey to a country, an economy situated further west, and at all events to a State considered more successful and socially safer than the country of departure. We shall come back to this point in our report, but any country can serve as a transit area; it applies equally well to Belgium and France when Afghan or Iraqi “refugees” are in these countries trying to reach British territory at all costs¹⁰⁴. However, the relative tolerance for Afghan and Iraqi nationals, who are potential refugees because of recent political events well-known to the public, tends to evaporate in the case of Turkish, Moroccan or Malian nationals. This raises the additional question of how to establish a migrant’s real motives and objectives in the current atmosphere.

“Irregular-status migration”, “illegal migration”, “clandestine migration”, “transit migration” and “refugee migration” are all too easily lumped together, and this means that on

¹⁰⁰ Statistics from <http://www.unpopulation.org> and <http://www.un.org/esa/population/publications/itmig2002>.

¹⁰¹ The Hungarian border of the European Union, pamphlet entitled “Hungary at the Gates of the European Union”, 4 pp.

¹⁰² Electronic bulletin (in French) of the Istanbul Urban Observatory, operating in the French Institute for Anatolian Studies.

¹⁰³ Statistics available at <http://www.migration.ucdavis.edu/mn>.

¹⁰⁴ Refugees by default, because in practice such persons never submit applications for official refugee status.

the ground it is often difficult to differentiate between these cases, with the fluctuating boundaries between the various statistical, statutory, legal and other categories. There is an enormous risk that such major international legal instruments as the 1951 Geneva Convention will be eroded and rendered ineffective. There is a similar danger of Europeans retreating behind their fortress walls, which would be disastrous in terms, initially, of political image, credibility and prestige, and ultimately of economic power.

Transit migrants, people leading a precarious existence but with a more or less definite goal in mind, have probably always existed. At the present time, the problem of supervising them and managing their presence (or indeed disappearance!) is highlighted by the determination to “control migration flows” in many European countries and in North America. Is the distinction between “transit migrant” and “irregular-status migrant” relevant, justified and, for the purposes of this report, operational? In the contextual rationale – which nevertheless reflects an ingrained trend – of controlling migration flows, is the current debate aimed at abolishing the “irregular-status migrant” category or managing and protecting persons who are temporarily in transit in a country which is not their desired final destination? The title of the meeting scheduled by the Council of Europe for Istanbul, an iconic venue which has been a crossroads for migration for many centuries (Aslan and Pérouse, 2003), leaves no room for doubt: the objective here is to protect human rights, while concurrently improving our understanding of how transit migration functions.

Transit migration: in search of a functional definition

Transit migration is one of those “blindingly obvious” concepts – everyone knows the meaning of the words “migration” and “transit” – and yet the sense of the term remains elusive in the absence of relevant statistics, indeed of any statistics at all. Clear as the categories “immigrant”, “foreign”, “seasonal”, “illegal” and “irregular”, or the words “clandestine”, “undocumented” and “asylum-seeker” might seem (although we know that these matters are never as simple as they seem at first sight), the expressions “transit migrant” and “transit migration” are highly confusing because they refer to an individual who is there but does not want to be there! The persons in question may only be passing through, without any kind of social reality, be blocked against their will in a country to which they had no wish to go and as a result find themselves saddled with a totally unwanted social reality, or be transiting through their own country (the case of displaced persons accommodated in a camp because of a conflict, or persons preparing for subsequent departure from home).

The latter case may apply to the Afghans and Iraqi Kurds in Sangatte, whose sole dream was to cross the English Channel to Great Britain after a long, exhausting (and perilous) journey of several thousand kilometres, the Bulgarian Muslim whom I met in Strasbourg and whose sole wish was to reach Turkey – to the chagrin of the local social workers and the Prefecture, which could only suggest that he apply for asylum in France, something he did not want – or the Turkish Yezidi Kurds who were washed ashore at Fréjus, arrested in Alsace (at the Franco-German border) and sent back to Fréjus, while all the time they had been trying to get to Germany (they obviously did not remain in Fréjus). However, there are many other cases, some of which I know at first hand: a Polish couple who are being put up by cousins in the Mulhouse region (France), having come to learn French with the ultimate goal of emigrating to Canada, Africans in accommodation in Malta and Lampedusa pending repatriation or regularisation, or being rescued along the coasts of the Canary Islands because the bad reputation of Gibraltar is beginning to filter through to villages south of the Sahara, North Africans arrested by the Turkish Police at the Greek and Bulgarian borders, and so on. One aberrant case has just been filmed in Hollywood, namely that of “Alfred” Mehran,

an Iranian national who has been living in Terminal 1 at the Roissy-Charles de Gaulle airport for sixteen years¹⁰⁵.

Transit migration, whether or not covered by a transit visa, may be simply defined as a temporary stay by an individual in one foreign country with a view to moving on to another. Unlike international tourists (“transit passengers”), or professionals who retain their principal residence (international transporters and the “circulation of professional elites” as analysed by the sociologist Alain Tarrus), migrants have decided to leave their place of residence for a sufficiently long period for the authorities in the country of settlement to consider them as migrants. In the great majority of cases, this period of residence in the target country exceeds three months, which is the standard cut-off point for tourist visits that do not necessitate visas or residence permits.

When transit is accompanied by a visa, the stay may, depending on individual cases and the regulations in force, range from a few hours (in the territory of a country being crossed by train or car, in the international zone of an airport for a stopover or a plane connection, etc) to a few months. Legally speaking, transit must be temporary and limited, but in practice it can last much longer (from a few days to a few years), although the boundary between transit and immigration is impossible to pinpoint, unless the migrant voices a desire to move into the territory of a different State (which is the case of asylum-seekers taken in by the UNHCR in Ankara). To the authorities of the “transit country” there is no such thing as transit migrant status, only the status of asylum-seeker, Convention refugee, person granted territorial asylum and resident alien, with or without work permits. This means that the “transit migrant” can be a tourist, student, visitor, undeclared worker, irregular-status migrant, etc, but never a transit migrant, since such status does not exist. On 8.8.1998 Portugal adopted a Law on the entry, residence, departure and expulsion of foreigners in an attempt to differentiate among the various categories. This text sets out seven different types of visa: stopover, transit, short stay, temporary residence, residence, study and work (Tapinos - OECD 1999).

The available publications on the geography or sociology of international migration concentrate more on irregular-status/ clandestine/undocumented migrants than on transit migrants. But the fact is that such migrants do exist: the best possible illustration of the phenomenon was provided by Sangatte, a reception centre for migrants the vast majority of whom refused to be taken in by France, whatever the status on offer, desiring solely to gain entry to Great Britain (Laacher 2002). There are other cases, such as the improvised camp in the Ben Younes forest (Morocco) along the Straits of Gibraltar, and the squats and makeshift residences for irregular migrants, many of which are unclassified hotels specialising in this specific type of customer, in the suburbs of Istanbul, Algiers, Tunis, Tangier, or even Sarajevo, and which are now more prominent in the news than Ljubljana, Budapest or Sofia (cf. Ivaniukh, Boubakri, Charef and Pérouse reports). Accounts have also recently emerged of various staging posts and relay stations for Sub-Saharan Africans crossing the desert towards Europe via the Maghrebi countries, eg at Tamanrasset, Agadez and Sebha (Bensaïd 2001, Pliez 2000).

So **legal transit** (with or without visa) is when the individual in question holds temporary documents authorising a short stay (ranging from a few hours to a few months) as officially recognised by the authorities and intends to depart for a third country, while **illegal**

¹⁰⁵ The curious story of an Iranian national who refuses to leave the airport terminal. This story, which is surprising to say the least, is the subject of a film by the American director Steven Spielberg, which is to be released in September 2004. See the French daily *Libération* of 28.7.04, or Reuters agency on 11.8.04, a news item taken up by the French TV channels and many US websites.

transit is when the person is forced, for whatever reason, to reside in the intermediate country without any legal documents recognised by the authorities.

There are no statistics available to gauge the size of the “transit migration” phenomenon, even though it can sometimes take on considerable proportions: in the case of Iranians transiting via Turkey, as studied by Sebnem Köser-Akçapar (2004a), it is often said that over one million Iranian citizens have used Turkish national territory to travel to the West (Europe, USA, Canada and Australia). Estimates of the Iranian presence fluctuate between 10 000 and 500 000 illegal residents out of a total of three million entries into Turkey since 1979 (İçduygu 2003, Narlı 2002). The following specific example comes from the official Turkish statistics:

- drawing on the number of residence permits issued, 3514 Iranians were legally resident in Turkey in 2003 (including 942 in gainful employment and 624 students); their numbers have varied in recent years, standing at 3869 in 1992 and 5879 in 1999 (1384 in employment and 867 students); the 1986 total was 9652 ;
- according to the UNHCR, between 2500 and 3900 Iranians per year submit asylum applications in Ankara (1999-2002)¹⁰⁶; the figures provided by the Directorate General of Security range from 740 (1993) to 3697 (1999);
- according to the statistics of the Internal Security departments, 19556 illegal Iranian migrants and 108 Iranian people-smugglers were apprehended between 1999 and 2003;
- according to border crossing statistics (which come from the Ministry of Tourism but ultimately derive from the same Internal Security departments), there were 484263 entries and 406044 departures in 2003, but in fact a total of 3689514 entries are recorded for the period 1984-1999.

Such transit migration in Turkey, Russia and elsewhere actually combines:

- labour migration, which is often irregular because it is not declared as such;
- migration by potential refugees who will go on to apply for refugees status in a different country and many of whom are liable to be refused the right of asylum;
- students registered at university, a considerable number of whom will either find a job on the spot or else depart for a third country (the Ivaniukh report quotes the case of Chinese students in Moscow, 48.8% of whom are planning to return home, 41.5% want to use Russia as a springboard to another country, and 9.8% would like to stay in Russia, possibly acquiring Russian nationality);
- commuting, as exemplified by the Russian *chelnoky* (possibly) foreshadowing a steadier type of work-oriented migration. For instance, the Lâleli, formerly Lâlezâr district of Istanbul, not far from the Grand Bazaar, houses a centuries-old Iranian trading colony which has very recently been joined by a Maghrebi trading colony, although the latter has much older historic roots, going back to the 19th century (Zarcone and Zarinebaf-Shahr 1993; Tunger-Zanetti 1996);
- mobility linked to organised crime (prostitution, trafficking in labour, narcotics, human organs, arms and any other items conducive to illegal trading).

The case of Iranian nationals in Turkey is a perfect illustration of the difficulty of determining the statistical reality of irregular transit migration and the fantasies surrounding

¹⁰⁶ Turkey subjects entry by refugees to a geographical restriction clause. Only European refugees are covered by the provisions of the Geneva Convention on Refugees in the country.

it: large sections of the public are convinced, backed up by the media, that millions of Iranians are living clandestinely in Turkey. But the fact is that no one ever sees these Iranians unless they visit the few areas where they have settled. Here again the combined statistics on residents and asylum-seekers must be seen in relation to overall cross-border flows.

Marc Parant (1999), the author of a thesis on transit migration to Canada, rightly stresses the concept of temporality linked to the individual migration itinerary, and the rationale of the migrant who is following this itinerary. He pinpoints three different types of itinerary (drawing on the results of field investigations):

- planned temporary itinerary: on arrival in a transit country the migrant takes the requisite steps to re-emigrate as quickly as possible, the whole strategy having been thought out and prepared prior to departure;
- random temporary itinerary: regularisation in the transit country has not worked out as planned, the strategy was never properly prepared from the outset, and the migrant becomes illegal;
- durable but non-permanent itinerary: the migrant has acquired a stable legal status in the transit country and is preparing for a fresh departure after a fairly long period of residence.

Parant points to the large number of cultural, economic, social and political parameters involved in the functioning of transit migration, which lies somewhere in between permanent and temporary migration and so would be worth finding a specific niche for in migration terminology. In this particular case – especially as regards migrants transiting through western Europe (France, Belgium, Switzerland and Germany) – the migrants' disappointment with their reception conditions plays a major role in decisions to continue their journey to Canada.

The functional and non-legal definition we would propose is as follows:

- *A transit migrant is a foreign national in a legal or irregular situation whose intention is to leave his or her current country of resident “as soon as possible” in order to reach a third country. “As soon as possible” may, however, mean a variety of durations depending on the individual in question.*

- *A transit country is a country located geographically between the departure/emigration country(-ies) and the arrival/immigration country(-ies), being required to manage a temporary population liable at any time to turn into a legal or illegal resident population.*

Illegal migration, transit migration, refugees, displaced persons and clandestine migrants: obvious interlinks, but no lumping together

A previous report for the Council of Europe (de Tapia 2003) showed just how fluid, ephemeral and often inaccurate the boundaries are between the definitions of so-called clandestine, irregular and illegal migration flows, and also the difficulty experienced by the public and the media (and also by some researchers!) in differentiating among the various categories, so that they often seemed to overlap and blur on the ground, whereby the same individual could switch over at any time from one status to another. The second finding of the report was that the categories in question were more often “made up” by the public

authorities than created by economic and social realities, legislation or practices, which were stricter for some and laxer for others, echoing widespread concern about unemployment, underemployment, demographic ageing, theories about insecurity, etc. The observation concerned the whole of Europe, inside or outside the European Union, and irrespective of the latter's recent enlargement. The "standards" of security-oriented Europe set out in the Schengen Agreements have thus spread far beyond the signatory countries, because third States, whether EU applicants or not (Romania, Bulgaria, Turkey, Ukraine, Russian Federation, Morocco, Algeria, Tunisia, Libya, etc) are often called upon to implement exceptional measures that would be totally incompatible with the Constitutions and legislation of European countries. The recent insistence by Italy (backed by Germany) to "help" Libya build holding camps for political asylum-seekers in Europe, for example, is worrying (rumours are also circulating in Tunisia about European-funded "reception camps", according to the Boubakri report). These activities, or rumours of activities, whether justified or not, can damage the image of the whole of Europe, without affecting the migrants' determination to cross the borders come what may.

The desire to secure a balanced management of migration flows respecting both the laws of the market, against a background of economic liberalism, and human rights comes up against an unprecedented upsurge in mobility within the general context of globalising exchanges. We shall not be going into such polemics as the suggestion that it is much easier and acceptable to circulate goods and capital than human beings, or the fact that international migrant and refugee volumes have actually remained fairly stable in relative terms, while greatly increasing in absolute terms because of the booming world population. If the number of immigrants worldwide has doubled in twenty years (175 million in 2002, with an additional 16 million refugees), the same applies to the world population. In fact the proportion of immigrants among the total population has remained at 2% to 2.5%, and this applies equally to the 1960s and the beginning of the 21st century (Simon 1995: 3; Guillon and Sztokman 2000: 138).

This relative stability, combined with a highly visible ageing of all the European populations (east and west, northern shores of the Mediterranean, central and north-west Europe), is powerless to assuage the concerns of large sections of the general public and their elected representatives about the need to control migration flows. There is frequent heated debate between proponents of "fortress Europe", which *cannot take in all the poverty of the world* (to quote a former French Prime Minister) and opponents of the concept of "security-oriented Europe", who do agree that migration has to be controlled but at the same time point out that such control is illusory and random and therefore unjust. A further contradiction deserves our attention: at a time when unemployment has become a fixture in most industrialised countries (with blatant variations from one country to another which are often due to the statistics system rather than economic realities), when it is making conspicuous advances in many eastern European countries, whether EU members or not (although usually Council members), the employers are – discreetly – advocating the use of immigrants to make up for the present and future shortfall in manpower. Several violations of labour legislation have recently been pinpointed on building sites in Berlin and Paris, involving principals and sub-contractors from the construction and public works sector; in each case the sub-contractor brought in extra-Community workers in breach of the current regulations or at least of certain safeguards (safety, wages, social security).

Against a background of general globalisation, increasing liberalisation and radical economic change, the use of casual, undeclared labour provided by illegal immigrants is therefore a potential counterpoise to relocation policies. In the case of the construction and

public works sector, the problem is reducing costs and internal competition. Against a backdrop of the gradual dismantling of social benefits, in both western and eastern Europe, largely due to demographic imbalance and ageing, immigration might be one conceivable solution for preserving economic activities.

Four symbolic case: Tangiers, Tunis, Istanbul and Moscow

Selecting the four sites

Following joint discussions between myself, the participants at a preparatory meeting for the Regional Conference on Transit Migration held in Strasbourg on 12 March 2004, and members of the Migration and Roma/Gypsies Department of the Directorate General of Social Cohesion of the Council of Europe, four sites were chosen as examples of observation of transit migration:

- Moscow, capital of the Russian Federation, a Council of Europe member, and a crossroads for both the former Soviet Union and the current Russian Federation (Ivaniukh report);
- Istanbul, the main urban area and economic capital of the Republic of Turkey, a member of the Council of Europe and a major crossroads between Europe and the Middle East (Pérouse report);
- Tunis, capital of the Republic of Tunisia, with an international port and airport, Africa's main route to Italy (Boubakri report);
- Tangier, housing the main port and airport of the Kingdom of Morocco, Africa's main route to Spain (Charef report).

These sites are all currently facing considerable illegal migration flows and are already areas of intense exchange (international tourism, legal migration and migratory movements, circulation of capital and commercial trade, etc). In their day-to-day administrative procedures (State departments, municipalities, social services and civil society), all of them are facing national and international pressure to supervise and control domestic, international (concerning nationals emigrating and engaging in other migration) and transnational (involving such foreign populations as tourists, immigrants and irregular-status transit migrants) migration flows.

Many other sites could have provided the basis for interesting reports: Warsaw, St Petersburg and its region, Algiers, the Northern Caucasus (with Stavropol), Kyiv and Ukraine, or indeed the Far Eastern part of Russia from Vladivostok and Khabarovsk to Blagoveshensk. For obvious financial, and also practical reasons (we did not want to unduly prolong matters and exhaust available resources) these four sites were selected. There follows a brief summary of all four.

Main features of the four sites

1. City and region of Moscow, capital of the Russian Federation

Moscow, the ancient Russian city and former capital of the Romanovs, was stripped of capital status by Tsar Peter the Great (1713) in favour of St Petersburg, and then reverted to capital status under the USSR, an immense Eurasian territory covering 22 400 000 km². The city subsequently became the capital of the current Russian Federation, within a territory that had lost its 14 former Soviet republics in 1991 and 1992. The current Russian State nevertheless remains the largest in the world (17 075 000 km²), extending from the Baltic Sea to the Black Sea and from the Arctic Ocean to the Pacific Ocean. With the Mongol invasion under Genghis Khan (the Mongols later becoming the Tatars), Moscow came into direct contact with Asia, as shown by the old “Kitaygorod” (Chinatown) neighbourhood next to the Kremlin. The city, which is often referred to as the “Third Rome” because of the major role played by the Orthodox Church, symbolises and personifies Russia, probably more so than St Petersburg, which was designed from the outset as a window on to the West, a meeting point with Europe. This broad historical overview stresses the deep-rooted links between Moscow and its Eurasian hinterland (Siberia, Central Asia, the Caucasus, the Far East and China, etc). Moscow’s reinstatement as capital of the USSR was to deepen these relations even further: the attraction of Moscow extended far beyond the indigenous Russian population to those Russians who had emigrated and then been “repatriated”.

Moscow-Capital, with its 10357000 inhabitants (with an additional 6700000 in the Moscow *oblast*), is the largest urban area in Russia, housing the main airport – in fact there are five airports, three of which are international: Sheremetievo, Domodiedovo and Vnukovo (over 20 million travellers passed through these three airports in 2002¹⁰⁷) – and the main railway stations. As in Paris, London and Budapest, there is no central railway station but nine rail terminuses (Ryazan, Kazan, St Petersburg, Jaroslav, Kursk, Kiev, etc), plus seven bus stations and two riverside stations, handling a total of two million passengers every day (Ivaniukh report). This links Moscow to all the European and Asian capitals, including Beijing and Tashkent, the rail terminus for the Trans-Aral and Trans-Siberian lines, the latter then joining up with the Trans-Manchurian and Trans-Mongolian lines to provide access to China. Several sources indicate that the Trans-Siberian railway has resumed service for Chinese migrants from the north of China (not for those from the south, who have formed the trans-oceanic diaspora). Some 45% of the population increase in Moscow in the broad sense (which covers a total urban area of 1060 km²) is reportedly due to all the different forms of immigration (internal migration, plus refugees and displaced persons from adjacent foreign countries, plus foreign immigration, plus transit migration).

2. City and region of Istanbul, the Turkish economic metropolis

Istanbul, which used to be called the Second Rome as the capital of the Byzantine Empire and Greek Orthodox Christianity prior to 1453, has a number of features in common with Moscow, if only because of its status as the capital of the Ottoman Empire, which linked it up to the Maghreb and the Mashrek, the Balkans, the Caucasus and Crimea ... before the Russians came along. Istanbul, whose population increased from 700000 to some ten to twelve million between 1927 and 2000, has been stripped of capital city status in favour of

¹⁰⁷ Sheremetievo is Moscow’s main international airport (75% international traffic: 70% of all air traffic in Moscow and 50% of all international air traffic in the city), Domodiedovo is mixed (freight plus domestic and international passengers), Vnukovo specialises in charter traffic in Russia, the Caucasus, the Black Sea basin (including Ukraine, Bulgaria and Turkey) and Germany.

Ankara but has remained the economic capital of Turkey. It has three major airports, namely Yesilköy-Atatürk, Kurtköy-Sabiha Gökçen and Corlu-charters (in 2002 Yesilköy-Atatürk catered for 11357691 passengers, 8506204 of them international; fewer passengers use the Kurtköy and Corlu airports, which in fact have rather irregular traffic), bus and dock stations linking it up to the whole of the rest of Europe, the Middle East, Central Asia and beyond (North America, the Far East, etc)¹⁰⁸. Unlike their Muscovite counterparts, Istanbul's rail connections (there are two stations, Sirkeci on the European side and Haydarpasa on the Asian bank of the Bosphorus) do not play a major role in exchanges, despite the direct lines to Baghdad, Damascus and Teheran. So Istanbul is the main gateway to Turkey (emigration and immigration, international tourism and trade), but also the main centre of attraction for internal migration: since the 1960s some 60% of the population has been made up of people from other parts of the country.

Perhaps more so than Moscow, Istanbul is what the historians, eg Fernand Braudel, and geographers (such as the Germans Stewig and Hütteroth) call a global city, with a concentration of highly diversified populations leaving a multicultural, multi-faith imprint. This idea would no doubt be worth debating: Moscow, like Istanbul and Beijing, was an imperial capital at the time of the Romanov Tsarist dynasty and also during the Soviet period, and thus exerted a pull on all the populations of Empire. The reason why we stress this aspect is because such cities have had centuries of experience of different juxtaposed linguistic, national, ethnic and religious groups and are therefore particularly conducive to coexistence by mixed populations, though this is not always easy. Lastly, there is an old image of Istanbul, mentioned in all the tourist guides, as a city of transition and contact between different cultural areas (Islam, Christendom, Judaism; the Turkish, Armenian, Arab, Slav and Hellenic worlds, etc), between Europe and Asia, between tradition and modernity, between East and West.

The cities of Tunis and Tangier are much smaller and have a more modest role to play, but today their situation as ports on the Mediterranean and the Straits of Gibraltar, bridgeheads between Africa and Europe is giving them renewed importance.

3. *The city and suburbs of Greater Tunis, the capital of Tunisia*

Greater Tunis, (embracing the governorates of Tunis, Ariana, Mannouba and Ben Arous), houses two of the ten million inhabitants of Tunisia, ie 20% of the total population, and probably as much as 60% of the estimated total number of illegal migrants. Tunis is the country's political, economic and cultural capital, and is also the main gateway for Tunisian and foreign travellers, goods and capital. It has an international airport (Tunis-Carthage, which handled 36 000 flights and 3356522 passengers in 2001, including 921000 non-residents, overall traffic levels having fallen over the period 1998-2003), a passenger port (La Goulette: 88.6% of maritime traffic, mainly comprising Tunisian migrants travelling between Marseille, Genoa, Trapani and Naples). Tourist development in the country has led to the construction of a second major airport in Monastir (specialising in tourist charter flights, with 1866000 entries in 2001). However, nationals of other African countries mostly enter Tunisia via Tunis (some 100 000 per year).

¹⁰⁸ Yesilköy (Atatürk) airport is the hub of the national Turkish Airlines and has been the main international airport in Turkey ever since it opened in the 1930s. Sabiha Gökçen in Kurtköy is a recent private airport, and Corlu a military aerodrome which has only just opened up to civil aviation (51 010 passengers in 2002, 93 887 in 2000). Neither of these sites are operating to full capacity but are likely to boom in the near future, particularly in terms of charter traffic: in 2004 Kurtköy began catering for a large number of Russian and Kazakh aircraft, and traffic from the former Soviet area generally.

Tunisia is a small country, with an area of 164 000 km², whose Saharan borders (with Algeria and Libya) are easily crossed, although they are nevertheless dangerous because they open directly on to the desert. The bulk of the international road traffic crosses at Ras J'Dir on the Tunisian-Libyan border. Tunis houses and redistributes all air, sea and land traffic between central Saharan Africa and the Italian peninsula (going on to France and Germany, etc). The islands of Lampedusa, Linosa and Pantelleria, and a little further afield, Sicily, bring Italian territory to within 150 km from the Tunisian coastline (Straits of Sicily).

4. *Tangier port and region, Morocco*

Tangier is another of those “magical” cities that attract a variety of populations simply because of their geographical location and situation. Tangier is the Moroccan port that links Morocco to Spain via the narrowest crossing point on the straits separating Europe from Africa and the Atlantic Ocean from the Mediterranean Sea (16 km wide). It has a goods and passenger harbour, an international airport (Tangier-Boukhalef-Ibn Battuta) and a multitude of possible transfer points, including a number of small fishing ports conducive to clandestine links with Spain, and there are major expansion plans for the international port (Tangier-Mediterranean and Tangier-Atlantic, Tangier-Casablanca motorway). Container, ferry and ro-ro traffic, especially that linked to the strong Moroccan presence in Europe (migratory movements) seem set to intensify, especially since the Spanish *presidios* of Ceuta (Sebta) and Melilla (Melilia) are there to reinforce the system (links with Spain). Further east, Oujda airport near the Algerian border is also helping reinforce the connections.

Tangier and its surrounding region between Ibn Battuta and Oujda-Angads airports houses a concentration of international tourism, international trade, domestic migration, migratory movements, foreign immigration facilitating cultural contacts (there are long-established exchanges with a wide variety of artists and intellectuals), illegal migration and all forms of trafficking. In 2003 Tangier handled 7418 flights and 259352 air passengers (470969 in 1987); in 2004, during the first few weeks of the “Transit Operation”, the port handled 407176 Moroccan passengers, 84428 light vehicles and 1394 buses using 14 permanent sea links (to and from the ports of Algeciras, Sète, Perpignan and Genoa)¹⁰⁹. This traffic might seem quite modest compared with Istanbul and Moscow, but the Spanish authorities provide for the transfer of a total of 2743280 sea passengers and 66141 vehicles on board 32 ferries (77137 passengers and 16000 vehicles per day at the peak periods) throughout the region, which in fact houses all the international traffic to and from the ports of Tangier, Ceuta and Melilla.

Identifying the problems: convergences and divergences between the four case-studies

Despite their apparent diversity (two metropolises with populations of tens of millions, one metropolis with two million inhabitants and a city relegated to the backwaters for a time which is now seeking to redevelop, or put differently, three ports with a maritime border and one continental city), the four cases studied still highlight a number of convergences. In all four cases illegal migration is intermingled with highly complex mobility systems, continuing on from long-established, smoothly running practices, itineraries

¹⁰⁹ Every year the “Transit” operation run by the Moroccan authorities aims to facilitate the entry and departure of “RMEs” (Ressortissants Marocains à l’Etranger – Moroccan nationals abroad) to and from Morocco, involving Red Crescent doctors, social workers, police, tourist boards and road traffic agencies.

benefiting from a centuries-old familiarity with mobility (the *savoir-circuler* of the French sociologist Alain Tarrus). This migration is well-known, maintains a high profile, and fits in with an urban and rural landscape facilitating and attracting illegal employment; it is based on pre-existing social networks capable of adapting to changing demands and regulations, even those imposed from the outside. All four cities have different specific personalities based on multiple cultures drawing newcomers in but stopping short of actually integrating them.

The ensuing paragraphs are based on reports prepared at the request of the Council of Europe, further to consultation of various documents listed in the appendix. This section endeavours to summarise the joint problems encountered on all four sites.

- **Gauging the phenomenon: contradictory figures and defective statistics**

Even though this report is not aimed at gauging the exact extent of transit migration, we cannot overlook the fact that statistics are a real problem in this field (Tapinos – OECD 1999, Salt 2002). Practices diverge enormously: it is difficult to compare Turkish or Maghrebi liberalism in the field of migration and settlement in spontaneously emerging shantytown districts (Turkish *gecekondu* and Maghrebi *gourbivilles*) with the Soviet *propiska* requirement, which has been retained by the new Russian authorities in Moscow. However, owing to the lack of resources rather than of technical ability, these statistical mechanisms preclude comparison of the different national censuses or gauging of migration flows which endeavour to go unnoticed or which remain vague because they are temporary. Lastly, it is equally difficult to put an exact figure on the Moscow, Istanbul, Tunis and Tangier populations. Where the transiting population is concerned, the only reliable figures come from the police services when they arrest persons infringing employment legislation or residence regulations or holding forged documents. However, all the rapporteurs stress the fact that such figures are not representative: all of them agree with the security officials that such arrests only account for a limited proportion of the actual migration flows, and go on immediately to ask what becomes of the arrested persons, who are virtually always supposed to be escorted back to the border. The rapporteurs and observers stress that most cases of expulsion are illusory (the migrant returns by clandestine or other means, or else becomes a clandestine before the police can carry out official checks), adding that expulsions also come up against the high costs to the community.

- **International politics and geostrategy**

The files and reports consulted show that all the transit countries (in this case Russia, Turkey, Morocco and Tunisia) are subject to “flows” whose origins are distant and often unconnected with their own economic and social development. With the conspicuous exceptions of the “imperial capitals” (Moscow and Istanbul), which attract migratory movements linked to their history – the Chechen, Caucasian, Central Asian and other communities in Moscow, and the Albanian, Bosnian, Iranian, Caucasian (including Chechen), Central Asian and other communities in Istanbul, which provide potential bases for taking in the new arrivals – the migration comes from regions undergoing economic or political crises, without any pre-established links. However, specific though often tenuous links have foreshadowed subsequent migration flows (special political relations between parties belonging to the same family during the Soviet socialist period, eg Vietnamese and Afghans in Moscow, academic relations between Moscow and the Third World (see Ivaniukh report) or the interesting case of the transfer of the African Development Bank from Abidjan to Tunis (see Boubakri report). In fact each of the sites studied has at some stage woken up, completely unprepared, to find itself housing some kind of foreign or transit immigration, when in fact it was accustomed to its role as a source of emigration (Istanbul, Tunis and Tangier) and/or a reception centre for internal rural migration (Moscow, Istanbul, Tunis and Tangier) and/or a reception centre for

“repatriates” (Istanbul Muhacirs, Muslim or Jewish “Andalusians” in Tangier or Tunis, and more recently the Moscow returnees).

- **The economy: a question mark over the real impact of illegal transit migration flows**

All the rapporteurs stress the fact that transiting illegal migrants are only marginally, if at all, integrated into the local production system. They always quote the same sectors, namely catering, general tourist activities, the clothing and textile industry, construction and public works, intensive agriculture for urban food supplies, formal and informal trading, and domestic and industrial cleaning, before even broaching the more serious problems with such activities as crime, all manner of trafficking and prostitution. Such activities are often the same as in the migrants’ original target countries, before whatever kind of regularisation they are able to obtain. In countries where the market economy is a recent phenomenon and is still rather shaky (Russia, Albania, Romania, Bulgaria, Algeria, etc), or where the informal sector is still important (Morocco, Tunisia, Turkey, southern Italy and southern Spain), undeclared labour is still a prime fact of economic and social life which facilitates very flexible employment arrangements and lower cost prices in the globalised economies.

- **Informal economies benefit from converging interests on the part of criminal organisations**

The Italian word “mafia” has been taken over by many languages, including Russian and Turkish. Having originally had a very specific meaning in its Italian and later Italo-American context, it has come to designate a variety of groups having in common the fact of getting round the law by means of an organisation combining social invisibility, extreme violence and effective networks. The “mafias” in Russia, Chechnya, Ukraine, Turkey, Kurdistan, Albania, etc (which are more common than in the Maghreb) are involved in all kinds of trafficking (drugs, arms, nuclear items, forged papers, smuggling and counterfeits, black-market labour, money laundering, prostitution, etc), have joined the ranks of the Italian Mafia, the N’drogheta, Cosa Nostra, etc, in the collective imagination. All the documents consulted (reports, surveys, scientific articles, press reviews and Internet items) highlight the fact that transnational crime organisations must be either colluding or effectively co-operating on either side of the border (Moroccans and Spaniards, Tunisians and Italians, Albanians and Italians, Turks and their neighbours, even during the Cold War, eg with the Bulgarians, Romanians and Albanians). Nevertheless, we should look at the social and anthropological aspects of some of these groups, which are based on mutual assistance and solidarity stemming from patriarchal, ancestral or tribal traditions (Albanian *fis*, Chechen *taip*, Kurdish *asiret*, Arab *ashayir*, Afghan *qawm*, etc). These traditions are part of the group’s survival strategy, while also ensuring that the group itself is more organic and coherent than a mere “criminal association” (a specific code of honour, which is, in particular, very hard on the female members of the group, with total contempt for women outside the group, which leads to extreme violence, *omertà*/conspiracy of silence, *vendetta*, etc)¹¹⁰.

- **These illegal networks cannot be effective without State deficiency at several governmental levels**

These governmental levels or sectors concern action to combat corruption, the training and equipping of officers responsible for control and suppression, social cover for workers, action against undeclared work, tax fraud and money laundering; however, the problem also involves major deficits in information transmission between States and

¹¹⁰ These words have all entered the international lexicon from Italian, and the concepts are shared by all the communities in question.

security services. Several reports mention inadequate wages for members of the security services, inappropriate or obsolete legislation and regulations (or deficient or non-existent implementation of the latter where they are in fact suitable), and a lack of relevant information for the general public, economic circles, or even the local authorities and the judiciary. Considerable or even sweeping legislative changes have been made in the transit countries, bringing their legislation into line with European or international law, but their mode of implementation is still shaky or incomplete. The general public and the competent authorities or elected representatives must be alerted to the fact that suppressing illegal migration without working in depth on the actual underlying causes of such movements, without defining the organised crime networks or pinpointing the economic mechanisms capable of maintaining a parallel underground economy (rather than an informal one, because the issue also involves tax regulations) is insufficient to stop migration flows. Any lack of effective interstate co-operation is immediately exploited by the trafficking networks (eg the international embargo on Libya enabled Tunisian and Egyptian people-smugglers, in constant liaison with their Italian “colleagues”, to fall back on this neighbouring country, which is very difficult to monitor with its 2000 km of coastline, 4000 km of desert borders and its inadequate technical resources owing to the embargo, a situation which was complicated by the corruption of individuals with influence in the security services)¹¹¹.

- **Transit States resent the pressure exerted by European governments**

Authorities in the transit countries emphasise the lack of shared responsibilities, which is often expressed in unequal cost-sharing for accommodation, food, health care, expulsion, etc, and the lack of mutual trust between security services which are *de facto* and, increasingly, *de jure* partners that conclude bilateral agreements (on training, equipment, readmission, etc). Conversely, the media, NGOs and universities, with some degree of support from the general public, are denouncing such agreements as exceptional measures curbing what is still a rather fragile democratic system, interferences in the management of the transit country’s political and social life, or even threats to national independence and democracy. A number of local observers have accused authorities in the transit country of taking advantage of (American or European) pressure to restrict public liberties. Some also think that the mere presence in the transit countries of holding camps and police measures is undemocratic and will be seized upon by European countries to criticise the democratic deficit in the former countries (the case of the Turkish application for EU membership) and to restrict freedom of movement for their nationals to the EU.

- **Geography: permeable borders and lack of clearly identifiable boundaries**

Tangier and Tunis have many similarities: key points on seafronts opening up on to foreign countries, both cities handle intensive port and airport traffic, and especially comprise coastlines with a multitude of fishing ports and tourist marinas, as well as many natural shelters that are difficult to monitor. This also applies to the wider region around Istanbul, which is not far from the Bulgarian and Greek land borders, with long urbanised and rural seafronts (Marmara, an inland sea, is in constant contact with the Mediterranean and the Black Sea, with an Aegean front facing the Greek islands). These seafronts open on to straits (Gibraltar, Sicily), islands (the Ionian Sporades; the Italian Pelagie, comprising Lampedusa, Pantelleria and Linosa; Malta; the Canaries); “European” territories located only a few kilometres away (Greece-Turkey), a few dozen km (Jbel Musa-Gibraltar: 15 to 18 km, Straits of the Canaries: 80 km), with a maximum distance of 400 km (Straits of Sicily)¹¹². Even more than distance, it is the climatic conditions and

¹¹¹ *Les filières des clandestins* (Illegal migration channels), report by J.-B. Sourou for Radio France International, 17.8.2004.

¹¹² All tourist guide books stress the theme “*on a clear day you can see the coastline of...*”, which applies to Gibraltar, the Greek islands, Pantelleria between Sicily and Tunisia, and ... Calais -Dover.

currents which pose the real problems, genuine dangers. Such coastal regions (Greek islands, Aegean coast of Turkey, northern Tunisia, the Moroccan Rif, the Canaries and Andalusia) are often mountainous, and they all have alternate beaches and steep rock faces providing discreet hiding-places and shelters. In other words, not only would it be expensive and illusory to systematically equip them with surveillance technology or to build continuous walls, but also it would boil down to destroying large sections of all these countries' tourist heritage.

- **Geography: vast tracts of hinterland**

All four sites have an enormous network of relations which have grown up through geography and trading history, and are sometimes only intermittently maintained. According to the specialist terminology, Moscow, Istanbul and Tunis are national airline hubs (Aeroflot, Turkish Airlines, TunisAir) and also house private regular or charter companies. Annual passenger flows run to millions or tens of millions, but even more, these air links connect the cities in question directly with many destinations worldwide. This also applies to seaports (by extension Istanbul, Tunis and Tangier, with its two major Tangier-Mediterranean and Tangier-Atlantic projects), and indeed the international railway stations, in the case of Moscow and, to a much lesser extent, Istanbul. **These communications nodes and relay stations on the international networks make these sites natural terminuses for rapidly expanding migratory phenomena.**

- **The urban phenomenon: cosmopolitanism and anonymity of the metropolis**

Three of the cities studied are dynamic, swiftly changing capitals with huge populations, hosting a wide variety of activities and producing employment for both residents and newcomers, be they nationals, immigrants or persons in transit. The concentration of formal and informal activities and of economic, political and social networks, which may also be formal or informal, enables new arrivals to merge into the urban landscape by living with friends, relatives or persons from their home regions, to be subsequently catered for by traffickers and people-smugglers, or not as the case may be. Accommodation is much more discreet in cities with millions of inhabitants where anonymity is the rule than in rural areas where all aliens are inevitably spotted and possibly reported. The presence of illegal migrants can even mean that there are economic outlets for a considerable section of the population (casual, undeclared jobs, accommodation in unclassified establishments, work in cafes, dilapidated, insalubrious housing, all kinds of trafficking and organised prostitution). The arrival of fresh groups of migrants does not change the behaviour of a population fluctuating between solidarity (because this type of situation has already been experienced and managed with older groups that are now settled) and rejection, which may sometimes be violent.

- **Managing transit migration: unprecedented situations for local authorities**

NGOs and voluntary associations can play a considerable "avant-garde" role at the local level. The Boubakri report mentions the Tunisian Human Rights League, the General Union of Tunisian Workers and the Tunisian Association of Democratic Women, each of which has realised the gravity of the situations faced by illegal migrants. The Charef report quotes the well-known case of the Moroccan association AFVIC, which was set up to protect and defend the interests of illegal Moroccan migrants, and in fact the association is currently working on the case of the Africans stranded at the Straits of Gibraltar. On the other hand, Russian and Turkish voluntary associations are fairly inactive and uninterested in this issue, leaving it to the State authorities and departments to take care of migrants. In Turkey, only the second- and third-generation immigrant associations show any real efficiency, as highlighted in the Pérouse report.

- **Managing transit migration: monitoring and management procedures remain unreliable**

The reports and other documents consulted emphasise the lack of provision for migrants detained in the holding centres or tolerated in makeshift camps. Families which have been split up (because men and women, including married couples, and parents and children are held separately), deficient hygiene and nutrition, lack of internal security in the places of detention (often compounded by external insecurity stemming from the law enforcement agencies themselves), excessively long investigatory procedures because of the lack of qualified staff, the dearth of qualified defence lawyers, etc) seem to be more common along the eastern land borders (Turkey, Ukraine and Russia) and the transit sites in the Maghreb (Morocco, Algeria, Tunisia and Libya) than at the European sea borders (Spain, Italy, Greece, or indeed France). The point at issue is not so much a deliberate tactic on the part of the law enforcement agencies (even though the latter are sometimes criticised for grave misdemeanours) as a problem of deficient human and material resources, a lack of training or information. Reference is, however, often made to the corruption of officials responsible for monitoring and managing migration flows. This is a matter for the States themselves, where their instructions are vague or ill-applied: random deterrence cannot replace a genuine migration policy.

Foreseeable future trends in illegal transit migration

It remains very difficult to forecast precise scenarios for the development of international migration in the years to come, an area that basically involves guesswork. In past decades, ever since the 1973-76 recession, we have seen a determination on the part of the States to control migration flows or even to stop them at the borders, starting with national boundaries and then pushing out to the European Community limits. However, this determination, which was very largely dictated by a general public concerned about the steep rise in unemployment after the thirty post-war boom years, has always come up against such harsh realities as increased corporate productivity, the apportionment of social contributions (between the State, the enterprise and the employee), the development of free market mechanisms, and domestic and foreign competition (which is increasing with the effective globalisation of trade). With each new border closure the migrants have applied fresh strategies to get round the obstacles, and, more seriously, migration has become criminalised with the arrival of illegal networks. In fact, there is a more or less conscious realisation that controlling migration flows will remain illusory unless the underlying cause of emigration are tackled. The specific case of political migration is particularly instructive: in the specific situation of the illegal migrants picked up along the Italian and Maltese coasts, it is virtually impossible to treat unlawful economic migration in isolation from political migration (Eritreans, Ethiopians, Sudanese, Somalis, etc). The same applies on the eastern side of the Mediterranean when Kurds (of what nationality?) Afghans, Iranians, Iraqis, Palestinians (again, what is their nationality?), Albanians and Chechens turn up at borders. Several Council of Europe and OSCE member countries are affected by chronic domestic or border instability, which rather complicates the processing of individual files by immigrant reception and management services. The same applies on the western front: labour-“exporting” west African countries are both politically fragile and economically unstable or even regressive (a situation often exacerbated by the AIDS pandemic and the consequent social chaos: decimated families, plummeting life expectancies and huge numbers of orphans, who are also contaminated with the virus). While most researchers and field workers are convinced that closing the borders will prove powerless to solve the basic problem of emigration, the authorities in the potential host countries for new immigrants seem still to consider penalisation and deterrence as the primary solutions. Not only are border control services being reorganised and equipped with this aim in mind, but new loans are being awarded to third countries associated with the operation (Turkey, the North African countries, Ukraine, etc) in order to fund police training and co-operation budgets and to invest in new electronic and computer equipment, etc. The objective realities and socio-economic parameters in the

emigration countries are not changing rapidly enough to eliminate the causes of migration. There are increasing public calls to alert populations to the dangers of illegal migration and organise joint development ventures between industrialised and emigration countries, but practical measures to make these wishes reality are at the embryonic stage. All the same, it would be a mistake to think that the situations are all in stasis: the well-known cases of Italy and Spain and the lesser-known ones of Portugal, Greece and Turkey, which have become immigration countries after long decades as emigration areas, provide evidence that any given situation can be reversed very quickly (on the historical scale). The fact of holding transiting groups in Tunisia, Morocco or Algeria could soon place the latter in the immigration country category, provided that their economies transformed swiftly enough to provide employment, or even just casual labour (though with a genuine potential for economic growth and eventual regularisation) for such transit migrants.

We might therefore legitimately conclude, all other things being equal, that is to say irrespective of any new international or national conflicts, that the main sources of emigration will continue in the medium term to produce migrant populations seeking to reach the developed or genuinely developing economies. Demographic transition and economic growth rate on the one hand, and internal security and international conflicts on the other, would appear to be the main parameters in the development of sources of emigration. Balances between global economic growth, distribution of GDPs and income per head of population, and the ability of individuals to project into a better future are primordial. China might be seen as symbolising all these booming economies, which, owing to new emerging imbalances, are fuelling a high level of emigration of fairly skilled workers dissatisfied with their current living conditions. The same rationale is exemplified by the virtually systematic use by European groups of Turkish or Moroccan origin of such procedures as marrying young people to spouses from the same group (“primary” [first-generation] family reunion or “secondary” reunion [marrying European nationals who are themselves the children of migrants], which the French sociologist Altan Gökalp considers as a veritable “marriage market”).

We probably ought to differentiate among several categories of situations, three or four major types of emigration source:

- areas affected by armed conflict;
- areas experiencing new development and economic change;
- areas of economic non-development;
- areas hit by environmental disasters.

The areas affected by armed conflict can be further broken down into:

- areas of open conflict (war or low-intensity strife: chronic insecurity, terrorism, repression by undemocratic State apparatuses);
- areas of latent conflict (temporary ceasefires, disputed regions, closed borders, embargoes).

The boundary between these two categories is unstable by definition. Where migration is concerned, such regions produce mass flows, which are often concentrated into a short period of time or, on the contrary, fairly protracted, but which are seldom considered as labour migration flows, although they inevitably turn into the latter if they do not return (eg Spaniards during the Civil War, Palestinians, Afghans, etc).

- Areas of open armed conflict (Palestine, Iraq, the Caucasus, Darfur in Sudan, Liberia and Kashmir) block any kind of social or economic stabilisation. Even if the great majority of refugees and displaced persons remain close to the area of conflict, unless the conflict is settled the populations are liable to be dispersed far and wide in the long term, with the emergence of a diaspora (eg the Palestinian, Kurdish, Vietnamese and other diasporas).
- Areas of latent conflict (Kurdistan, Karabakh, Cyprus, Afghanistan, Tibet, Xinjiang-Uygur, the former Yugoslavia, the Horn of Africa, the Western Sahara, Mozambique, Angola and Central America) restrict or upset economic development, maintain a climate of insecurity, and also limit the refugees' and displaced persons' chances of returning. These latent conflicts, which are often former open conflicts, have on occasion created mass emigration flows similar to diasporas: for instance, Greek and Turkish Cypriot emigration is particularly marked in the United Kingdom and several Commonwealth countries (eg Australia and Canada) despite the vigorous growth of the Greek Cypriot economy.
- Areas experiencing new development and economic change (Northern China, coastal China, western Turkey, Russia and Central Asia), where the changes are leading to huge imbalances (eg when the ex-Soviet republics changed over to the market economy), can prompt new populations, who may or may not have a tradition of international migration, to emigrate. Central Asia, which was completely centred on Moscow for decades, is attractive to foreign investors (oil and gas reserves, rebirth of the Silk Rout between Europe and China, domestic market to be developed), but is also producing new emigration, if only because of the departure of Slav populations destabilised by the newfound independence of these republics. Northern China was until recently excluded from the international migration taking place as part of the trans-oceanic diaspora, but now emigration has begun because of the restructuring of State industry (steel and heavy metal in Manchuria and Hebei, around Beijing and Tianjin). Russia is the main transit area for both these new flows.
- Areas of economic non-development (Sub-Saharan Sahelian Africa, Andean Latin America and Haiti), which often have a critical food balance sheet, no possibilities for economic and social progress (under current conditions), in a context of demographic boom, produce many migrants who are attracted by the idea of a better life, especially for their children. Women travelling on their own with young children or complete families are becoming increasingly familiar sights along the Straits of Gibraltar and Sicily and the eastern borders of Europe. This also applies to the Central American borders. The case of Armenia, a Council of Europe member and newly independent republic, supported by an active diaspora, is quite exemplary: it produces a great deal of emigration despite the restoration of independence and the ethnic cohesion of the national population; this emigration is fuelled much more by economic stagnation and the lack of prospects for a young, well-trained population faced with an economy thrown into chaos by the break-up of the USSR than by any latent conflict (the Nagorno-Karabakh crisis with Azerbaijan and a border dispute with Georgia).
- Areas hit by environmental disasters (Chernobyl region, Aral Sea, the nuclear "polygons" in Kazakhstan, Xinjiang, Qinghai, Ganges Delta, African Sahel) are potential, though not automatic, sources of emigration, either because life is no longer possible there (the hundred or so towns situated in the Chernobyl contamination zone on the Belarus-Ukrainian border were evacuated to Kyiv and southern Ukraine), or because life is becoming difficult and will preclude any short-or medium-term progress (Aral Sea). Some low-lying islands in the Pacific (Tuvalu and Nauru) or the Indian Ocean (the Maldives) are showing worrying signs of probable partial submersion, while the Bangladeshi coasts (Ganges Delta) experience recurrent fatal

flooding which the local authorities are unable to combat owing to the lack of investment capital for hydraulic redevelopment of the whole region. Just as the situation of the Polynesian atolls will never shift massive populations (although this is what Australia dreads), equally the extremely dense Bangladeshi population, which is already well represented in international migration, is liable to pose major problems.

Each of these categories of *de facto* situations must be considered in its entirety and also in its global context so that joint decisions can be taken at the European level. To take two familiar examples, Iraq without Saddam Hussein's dictatorial regime and post-Taliban Afghanistan are still sources of insecurity which are jeopardising very many civilian populations, or indeed creating new perils (eg for Iraqi Christian communities, hitherto reasonably well protected but now preparing for a westward exodus). How are we to consider the transit migrants coming from these regions?

In other words, before and after conflicts, in accordance with a variety of factors (political oppression, embargoes, economic crises, civil wars, interethnic wars and foreign intervention) these are two active sources of dense emigration liable to accelerate at any time unless the economic, social and political situation is quickly stabilised. A faster return to secure living conditions could both prompt mass returns, as in Afghanistan, and reduce, or indeed completely stop out-flows, provided that national and international public and private investment is available for reconstruction (the case of Iraqi Kurdistan, which has been self-governing *de facto* since 1991).

Local experiments and initiatives

It emerges from the reports that few local experiments and initiatives have been carried out in the non-EU transit countries. Where the authorities have fully realised the challenge of illegal transit migration, they have mainly concentrated on prevention and border checks, although there is a growing concern to differentiate between victims of illegal migration and the criminal operators, people-smugglers and traffickers belonging to criminal rings. National regulations are currently undergoing change, as in Turkey (Içduygu report: Article 201 of the Penal Code on organised crime defining trafficking in human beings and increasing the penalties incurred by people-smugglers and traffickers, Law No. 4817 on work by aliens, amendment to Article 5 of Law No. 403 on citizenship, also quoted by Köser-Akçapar 2004). Turkey is revising the geographical clause restricting asylum rights for non-Europeans, the Russian Federation is signing the Geneva Convention on Refugees, Tunisia is signing the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, etc. Civil society, which is often in gestation (in Turkey, Tunisia, Morocco and Russia), is using the voluntary sector, the local HQs of international NGOs, and sometimes trade unions, the media and emigrants' organisations, to launch schemes to adapt to the local context. The following list sets out the activities noted by the rapporteurs:

- planned national debate on illegal migration (TN and RU);
- measures to protect and defend the rights of migrant workers, as proposed by trade unions (TN);
- information and awareness-raising on migrants' rights and their situation in transit countries (TN);
- harmonisation of national legislation (entry and residence of foreigners, right of asylum, labour legislation) based on European and international *acquis* and standards (RU, TR, TN and MR);
- training for officials and modernisation of resources and methods of monitoring and security services (TR and RU);

- recourse to solidarity networks set up by migrants who departed prior to the current migration flows (TR and RU);
- providing for victims and families of victims of clandestine migration by the voluntary association network (MR: experiment often quoted by the AFVIC);
- providing for street children and unaccompanied minors by the voluntary association network (MR and TR);
- media information and awareness-raising on the issues of international migration, including TV dramas (MR);
- using emigrants' and expatriates' solidarity networks (MR); etc.

Such activities may seem fairly paltry in view of the size of the task ahead, but at least they do exist, demonstrating a nascent public realisation of the problem. Nor can we be sure that European countries can give any lesson in this field: the sole effect of the decision to close the Sangatte centre (with all its obvious defects and disadvantages) was to spread the problem of receiving and managing transit migration along a larger section of the French coastline. The idea, put forward by Italy and Spain, of setting up transit camps in the Maghreb countries provides no guarantee of settling a question whose root causes are located much further south and east of the European continent.

Conclusions

Despite the relative “stagnation” of the percentage of the global population involved in international migration, namely 2 to 2.5% of the world’s population, the absolute number of migrants is set to increase over the coming years. One of the aspects of the problem is that the migrant populations are much younger than the ageing indigenous European populations (embracing both the original inhabitants and the descendants of immigrants). Current economic change, such as the relocation of labour-intensive and polluting industries and the increasing productivity in existing occupations, will increase the supply of tertiary employment, especially in individual services. Conversely, the populations of third countries (Latin America, Sub-Saharan Africa, the Maghreb – despite the demographic transition which is well under way there – and Southern and Central Asia) will continue to grow and experience a high degree of dissatisfaction largely arising from improved education and an idealised image of the West as conveyed by the global media. The risks of illegal migration are both minimised and fairly well understood by prospective emigrants, who weigh them up against their current situation.

Unless we really do wish to consider Europe as a fortress under siege, at best experiencing an emergency situation and at worst engaged in war, leading to serious consequences in terms of public liberties and democracy, which would necessarily also affect all EU citizens, we must conclude that the desire to control migration flows completely is unrealistic. Such an approach could even have disastrous economic consequences, sterilising part of the European heritage and related tourist and cultural activities (building walls and barriers, limiting outside linguistic influence, etc) or recruiting enormous numbers of personnel and earmarking immense budgets for guarding external borders and preventing and punishing internal offences. This realisation does not, however, remove the absolute need to devote appropriate resources to combating organised crime and infringements of labour legislation, as well as violations of property and assaults on individuals (the fight against terrorism).

Recommendations

These recommendations are nothing new. They partly derive from the work of the five local rapporteurs (Ivaniukh, Içduygy, Boubakri, Charef and Pérouse) and the Council's past achievements (reports, opinions and recommendations). The Charef report, for instance, mentions Recommendations 1359 (1998), 1329 (1997), 1306 (1996), 1249 (1994), 1211 (1993) and 1154 (1991), all of which potentially concern the issue of transit migration. More recently, we might quote the Iwinski report and Recommendation 1489 (2001). The CDMG and several European bodies, the OECD (via the SOPeMI report, Tapinos, OECD 1999, SOPeMI 2000, 90-93¹¹³), the UN and its various component bodies (UNHCR, UNESCO, UNICEF, etc), a number of associations and NGOs specialising in international migration (IOM, physicians' and social workers' associations, etc) are currently addressing the problem of transit migration and pinpointing new avenues of inquiry which should eventually help improve the situations observed and analysed.

These recommendations might be set out as follows, having regard to the specific national and international responsibilities of each partner State (as stressed by the Ivaniukh report):

- consideration of Recommendations of the Parliamentary Assembly of the Council of Europe 1306 (1996), 1327 (1997), 1440 (2000), 1467 (2000) and 1489 (2001) as a sound working basis, the foundation for a substantive analysis of the issue of transit migration and illegal migration;
- forceful reaffirmation of the principles of the major international agreements and conventions (eg the 1951 Geneva Convention on Refugees and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families);
- affirmation of the political and methodological need to treat the different types of international migration separately (asylum-seekers, legal migration, illegal migration and transit migration), from the democratic angle of defending human rights and protecting the victims of trafficking;
- detailed studies of the processes and mechanisms at work in the definition and operation of illegal and transit migration, considered as decision support facilities;
- consideration of migration systems (G. Simon 1995, I. Ivaniukh 2003) in their specific and overall context (European migration system, Mediterranean and Middle Eastern migration complex mentioned by G. Simon, Eurasian migration system quoted by I. Ivaniukh), but also of the major historic and cultural specificities (citizens of the ex-USSR countries for Russia, Muslim citizens of the former Ottoman Empire for Turkey, the Commonwealth for the United Kingdom, and the French-, Spanish-, Portuguese and German-speaking communities for France, Spain, Portugal and Germany);
- harmonisation of national legislation and regulations drawing on international agreements on border controls, reception and residence of foreigners with legal or irregular status, protection of asylum-seekers and refugees, employment of foreigners and labour law;
- affirmation of international co-operation without a priori assumptions or "secret clause" in combating trafficking in labour and human beings, organised crime, laundering of capital linked to organised crime, management of provisions for readmissions and border controls;

¹¹³ See SOPeMI 2001 report, Table 1.15: table recapitulating national mechanisms to combat the employment of irregular-status foreigners in a number of OECD countries.

- implementation of bi- or multilateral policies on joint development and aid to sustainable development of emigration countries in order to deal with the primary causes (economic and social problems, democratic deficit) of international migration, developing specific partnership suited to regional specificities (Euro-Maghreb, Euro-Arab, Euro-African, Euro-American and Eurasian partnerships);
- information and training for officers responsible for border surveillance and controls, reception of asylum-seekers and migrants and management of administrative arrangements for integrating migrant populations, concerning the issues of legal and illegal migration, transit migration, political migration and displaced persons;
- public information and awareness-raising in the emigration, transit and target countries on the objective realities of international migration and political or ecological migration by means of media operations, whereby TV dramas, as in the case of Morocco, can have a greater impact than straightforward information.

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- Ahmet İÇDUYGU : *Migration Management from the Prespective of a Transit Country. The Turkish Case.*
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TRANSIT MIGRATION – EXPERIENCES OF SOME COUNTRIES

**Treatment of transit migration in North America – Case of Mexico,
by Pr Jorge SANTIBANEZ ROMELLÓN, President, El Colegio de la Frontera Norte,
Mexico**

Introduction

Today, Mexico is experiencing three modalities of migration: emigration, transit migration, and the arrival of international migrants. Clearly, these three interrelated processes take on special characteristics because of Mexico's proximity to the United States, and the policies that latter nation has developed to address immigration, particularly, those relating to a model for shared border management.

These three processes occur in a chaotic setting, governed essentially by the U.S. labour market and labour markets in the migrants' sending countries. The processes are regulated by inappropriate legal frameworks that are obsolete or un-enforced. This creates space for omissions and oversights, which, in practice, lead to migrant abuse. Mexico's best-defined policy may be that governing the arrival of migrants, but practically speaking, no policy governs migrants who are leaving Mexico or crossing through it.

The movement of migrants is perhaps one of the processes most deeply affected by the association between migration, sovereignty, and U.S. national security, which, even if theoretically and practically unjustified, takes on explicit forms that significantly affect how the migration process unfolds. This has been particularly true following the terrorist attacks on U.S. soil in September 2001. This short document attempts to illustrate the various manifestations of the migration that crosses Mexican soil; its basic characteristics; the legal framework that, on principle, should govern it; and some examples of what we good call "good practices" in the management of migration.

General Characteristics

We should point out at least a few of the various forms of international migration that cross Mexican soil:

- Mexican migrants going to the United States;
- Mexican migrants returning from the United States;
- Local movement of border residents (going to neighbouring localities in the other country);
- Regional migrants (primarily Central Americans), who are not Mexican and whose destination is the United States; and
- Extra-regional migrants, whose destination is the United States.

The context in which these modalities of migration occur includes the following interrelated components:

1. Asymmetry;
2. Size, continuity, and complementarity;
3. The significance of border regions, as places of neglect, vulnerability, and risk;
4. An obsolete legal framework;
5. A relationship to U.S. national security; and
6. "Good practices" in the management of migratory movements.

1. Asymmetry

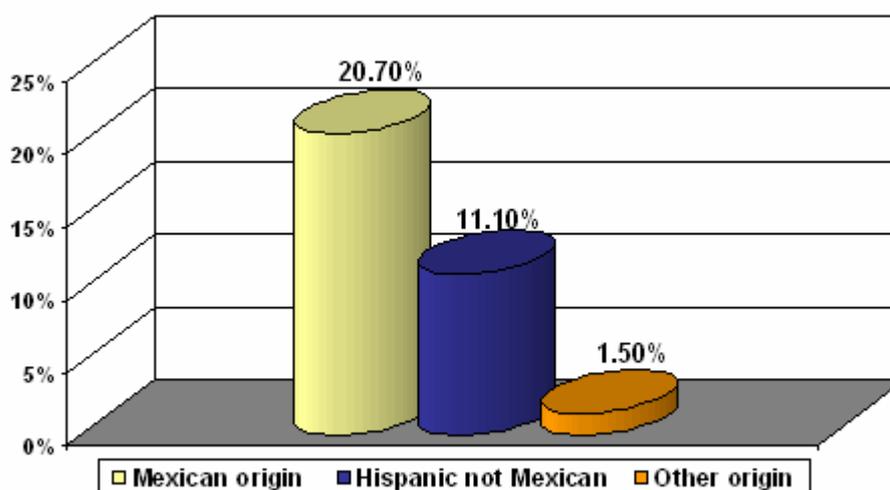
Migratory movement occurs in a setting of ongoing interaction, in which invariably the migrant -- often disoriented and unprotected -- has much less power than the person with whom he or she must interact. Especially when a migrant lacks legal documents to enter the United States, we can say that the abuse begins with the migration itself, and it follows the migrant throughout the journey, occurring during all of a migrant's interactions. This happens in situations that are legal (for example, treatment by those providing services designed particularly for migrants, such as certain airlines, services used in airports, or hotels at border crossings). It can also occur when the laws in force are disobeyed, as happens when a migrant uses the services of a *pollero*,¹¹⁴ or interacts with an employer, who has much more power than the migrant does.

The asymmetry between the migrant and his or her environment exhibits nuances, based on the modality of the migration. For example, if the migrant is going to the United States, he travels under more asymmetric conditions than he will when he returns to Mexico. Undoubtedly, this is because the migratory experience itself "empowers" him and also because the Mexican government has developed certain initiatives to orient and protect returning migrants, which will be described later.

This asymmetry culminates with the migrant's insertion into society at his point of destination. As seen in Figure 1, Mexican migrants and even U.S. citizens of Mexican descent make less use of educational services. Consequently, 20 out of every 100 adults of Mexican origin have only a primary-school education, whereas that is true for only 15 in every 1,000 adults who are not of Hispanic origin.

Figure 1

Percentage of population with only a primary-school education, by ethnic origin



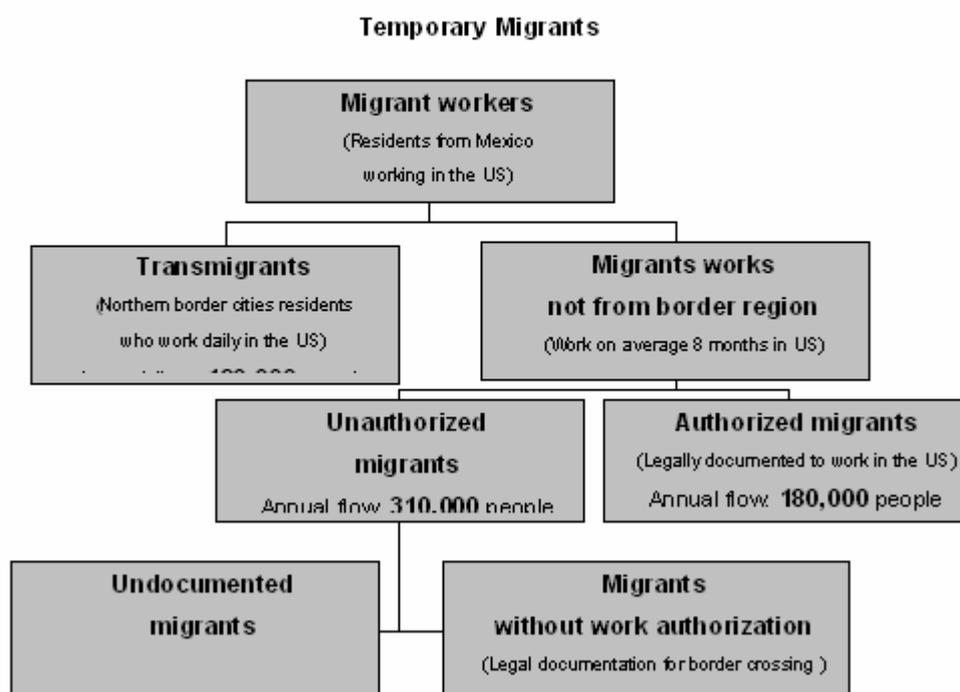
Source: The March 2000, 2001, and 2002 Current Population Survey (CPS), U.S. Census Bureau.

¹¹⁴ A term used to describe a person who guides the undocumented migrants in their clandestine crossings into the United States.

2. Size, continuity, and complementarity

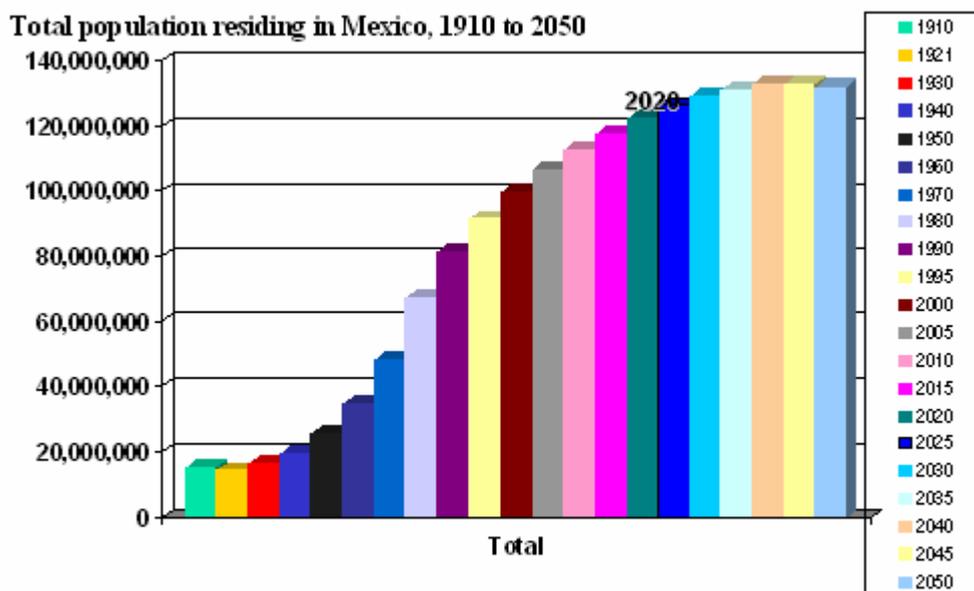
In Mexico, migration is a mass process that has resulted in almost 25 million individuals of Mexican origin living in the United States. Almost 10 million of these people were born in Mexico, and annually, a substantial number, with or without legal documents, move to the United States. The corresponding figures are in the next table:

Table 1
Estimates of Mexican migration to the United States based on information gathered in Mexico:
 Annual Migratory Flows (averages for 1995 – 2000)



Furthermore, it must also be emphasized that even taking into account demographic factors only, during at least the next 20 years, the migratory process and, consequently, the movement of migrants across Mexican soil, will continue at the current rate. Indeed, as seen in Figures 2 and 3, the Mexican population will grow at current rates until approximately 2020, after which it will stabilize between 120 and 140 million inhabitants. Of particular relevance for the issue of migration is that this growth will be concentrated in the 15-to-34 age group.

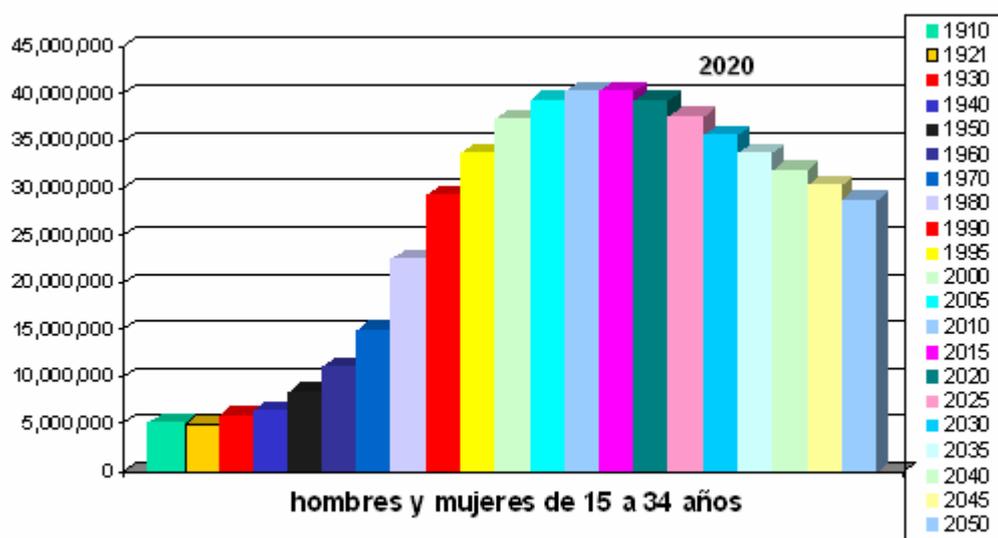
Figure 2



Source: 1910 to 2000 figures taken from census data; 2005 to 2050 figures are projections by Consejo Nacional de Población (National Population Council, CONAPO).

Figure 3

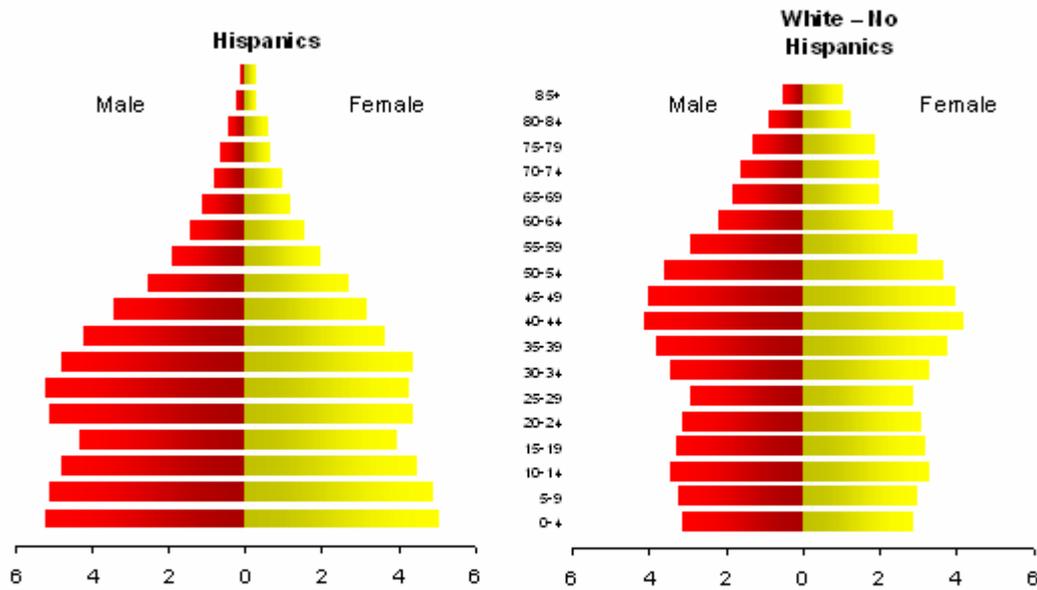
Population in the 15-to-34 age group residing in Mexico, 1910 to 2050



Source: 1910 to 2000 figures taken from census data; 2005 to 2050 figures are projections by Consejo Nacional de Población (National Population Council, CONAPO).

In the United States, a completely inverse process is occurring. Demographically speaking, that country needs to build up certain age groups, just as shown in Figure 4. In the United States, the non-Hispanic white population is concentrated in older age groups, which require the presence of younger manpower, which is concentrated in the Hispanic-origin population.

Figure 4
Age distribution by gender and Hispanic origin, 2002



Note: Each bar represents the percentage of the Hispanic population (non-Hispanic white) for each given age group.

Source: Current Population Survey (CPS), March 2002, PGP-5

3. The importance of border regions

Mexico's border regions have become the setting for the passage of a considerable number of regional migrants (primarily from Central America) and extra-regional migrants, all of whom are headed for Mexico or the United States. In the case of Mexico's southern border, added to those who traverse Mexican territory from one end to the other in order to reach the U.S. border are an even larger number of Mexican international migrants.

Migration takes on its most troubling and painful aspects when a migrant crosses the international border. At that moment, it becomes a truly dangerous situation in which the migrant essentially risks his or her life. What happens in the borderlands, particularly in the north, is the result of an unfortunate mixture of U.S. border-management policy based on national security and sovereignty, and failures by Mexico, which does not have effective programs for migrant orientation and protection, let alone a well-defined migration policy. Meanwhile, on the southern border, the risks arise from Mexican omissions and oversights as well as from the failure of the sending countries to establish emigration policies.

In the case of the border with the United States, beyond the already mentioned structural considerations, there are at least two factors that have directly contributed to an increase in those risks: the U.S. government's implementation of strict border-control programs, and the absence of effective programs to protect migrants on the Mexican side of the border.

Owing to factors that are beyond the scope of this document, during the 1990s, and particularly during the second half of that decade, the U.S. government opted for stricter border controls as a mechanism for regularizing and controlling the flows of undocumented migrants. The United States implemented programs that built up manpower and technology at certain points along the border. As internal documents of the former U.S. Immigration and

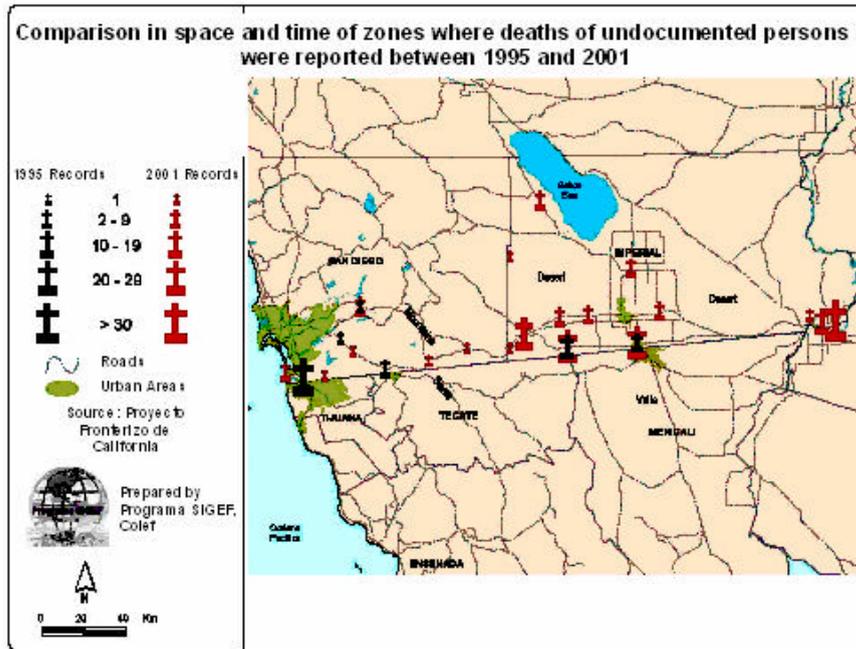
Naturalization Service (today part of the Interior Department) demonstrate, the idea was to impede the migratory flows or detour them to other parts of the border. These documents even mention that this would provoke “more complaints” from the Mexican government, and that it would increase the use of falsified documents, which supposedly would be more easily detectable compared to locating migrants who were entering surreptitiously, by crossing the Rio Grande River or the deserts or mountains along the border.

One of the programs, begun at the end of 1993, has undeniably had the most negative impact. Called Operation Gatekeeper, it was implemented in the northwestern-most region of the border, in the area around the city of Tijuana. It involved building a metal (and eventually, concrete) wall, which ran for approximately 50 kms. (out of the 3000 km. that make up the entire Mexico-U.S. border). It also involved beefing up patrols. As a result, this area alone saw the deployment of almost 2,500 Border Patrol agents, heavily equipped, with motion- and heat-detecting sensors, night-vision goggles, and even eight helicopters, patrolling simultaneously.

The program’s effects were quickly visible. The migrants, who previously had crossed into the United States on the same day that they arrived in Tijuana, now encountered major impediments. However, far from deterring them from crossing the border, they developed new (and riskier) strategies. These had the following characteristics:

1. **Migrant deaths as a product of U.S. immigration policy.** The areas where undocumented migrants crossed the border were progressively shifting to the east, initially around the town of Tecate, and later to Mexicali, and even into Arizona. One of the most serious problems that the migrants encountered on these new routes was that the clandestine crossings were now taking place in regions far removed from urban areas, the road system, and the possibility of rescue. Climate extremes characterize these regions: in the desert during the summer, temperatures exceed 50 degrees (centigrade), and in the mountains during the winter, temperatures drop below freezing. Many migrants, lacking even the most minimal clothing or equipment to meet these adverse conditions, have died simply because they got lost and could not be rescued. The association between these fatalities is clearly visible in Map 1. In it, black crosses are proportionally sized to indicate the number of fatalities for migrants who died during 1995 in that region, when the program was still not fully implemented. The red crosses indicate fatalities in 2001. Note how there are more red crosses, and they are more widely dispersed, including occurring farther to the north. This is because prior to the full implementation of Operation Gatekeeper, deaths occurred almost immediately upon crossing the border through Tijuana, primarily as a result of accidents on U.S. highways.

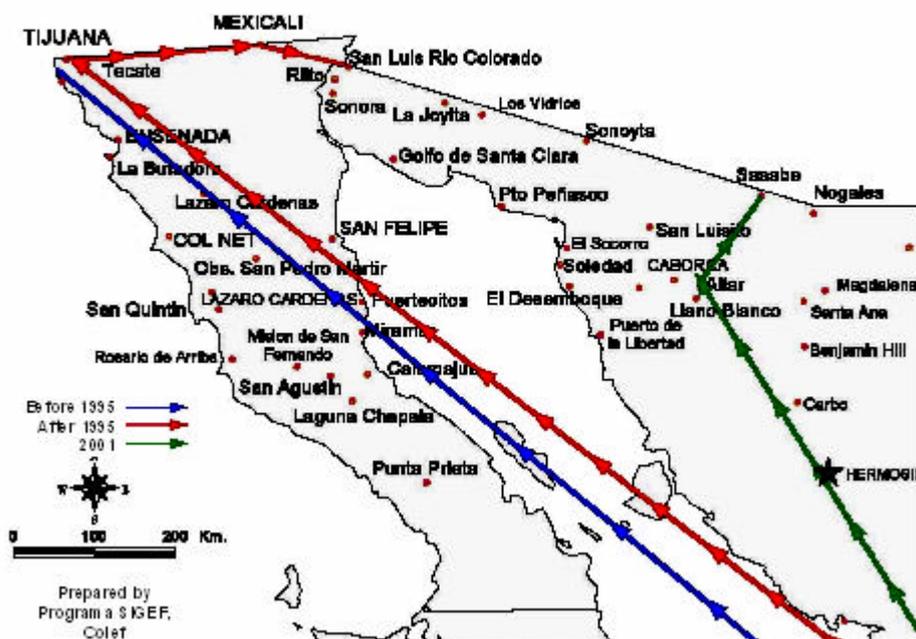
Map 1



2. **The Sonora-Arizona Route.** Later, because of the detours that migrants had to take, structural changes occurred in those pathways. As a consequence, a sizable number of migrants -- who before would have gone to Tijuana and crossed the border there -- now began their journey at the airport in Hermosillo. From there, they would go to the town of Altar in the Sonoran desert, crossing the Sonora-Arizona border to the north (see Map 2). The airport in Hermosillo saw a considerable increase in the number of flights arriving from the south, and the airport's taxi service was turned over exclusively to transporting migrants to Altar. That small town was transformed by the appearance of new businesses, such as companies offering transportation from Altar to the border, businesses accepting money for the migrants (who, out of fear of being robbed, did not want to carry it with them), and small stores selling goods, like hats and small satchels, for the desert crossing. All this activity is only marginally regulated, which creates or reproduces risks. Particularly important in this dangerous scenario is the reaction, as condemnable as it is foreseeable, on the part of the ranchers in Arizona, who began shooting at migrants who trespassed on their lands when they got lost in this remote region, without signage and not heavily monitored by the Border Patrol.

Map 2

Migrant Routes



- 3. The transformation of the *polleros*.** The characteristics of the *pollero* altered noticeably in virtue of the growing complexities associated with undocumented border crossings and the absence of any mechanism to grant visas to migrants so that they might enter the United States in a regularized manner. From the *pollero* who was charging US\$200 to show a migrant “where to run to” on the day of his or her arrival at the border-crossing point, the *pollero* became someone charging US\$2,000. This happened because now, he needed to pay for hotels and houses where the migrants could sleep and vehicles to transport them. The *pollero* also had to pay off a corrupt network of local authorities on both sides of the border, to get them to turn a blind eye to these activities. Thus, the transformation of the *pollero* into organized-crime figure is a consequence of U.S. immigration policy that strictly controls the border, without offering alternatives for the movement of a workforce that, in one way or another, will find employment.

One of the clearest impacts of this transformation is the increasing danger migrants run when they place themselves in the hands of less professional *polleros*, with links to organized crime, who are now replacing the *pollero* who had been known in the community. Despite that, the U.S. construction of the *pollero*, as the party with sole responsibility for migrant fatalities along the border, is only partially correct. Moreover, it does not match the image that the migrants themselves have of the *polleros*. The U.S. government has systematically complained that Mexico is not doing enough to prosecute the organizations that traffic in human beings. However, in practice, the *pollero* would not exist if migrants had access to official and regularized means for crossing and working in the United States.

- 4. Ignorance of the risks.** The various publicity campaigns that Mexican authorities have implemented to convey to migrants the dangers they may face have been ineffective for two basic reasons:

First, it must be noted that the decision to migrate takes on great significance in the life of an immigrant. It is unrealistic to think that a decision of such magnitude could be altered by a communications campaign. Once the decision to migrate has been made, nothing will stop

him, and that is why the migrant is willing to run the risk if, in return, he will earn ten times the income he could in Mexico. This also explains the failure of the voluntary repatriation programs that return migrants to their regions of origin after they are captured by the Border Patrol. Repatriation is unacceptable to the migrant because people in his hometown might brand that as a “failure.” His decision is firm, and because of that, he will try to cross the international border as often as may be necessary.

Second, the migrant does not perceive the existence of the dangers. In a survey taken by the Colegio de la Frontera Norte in 2000, 83% of those surveyed did not discern any risk in undertaking the journey to the border, and 14% thought the principal danger was robbery (which explains why they do not take money with them on the journey). Regarding the risks associated with crossing the border, 92% of the migrants waiting at the border before crossing it stated that they did not perceive any danger whatsoever. In this context, it is important to emphasize that strict border controls have not regularized migratory flows. Indeed, we can claim that the decade in which stricter border controls were implemented coincided with the greatest increase in the number of Mexicans, above all, those without documents, who were living in the United States. This has altered one of the principal characteristics of Mexican migration, namely, circular migration that involves rotating stays in both countries. The migrant, knowing that the border is heavily patrolled, prefers to remain in the United States, given the dangers and costs a new crossing would entail. We must recognize that, unfortunately, the risks run by Mexican migrants on their way to the United States form part of a more global process, in which the receiving and the transit countries are insensitive to those risks, which creates dangerous situations for the migrants. Almost no action has been taken to address this or, in the best of cases, only very limited actions have been implemented, which do not noticeably reduce those risks. This is the case for the Mexico-U.S. border, the Mexico-Guatemala border, and the area around the Mediterranean Sea, which acts as a border between the countries of northern Africa and Europe. Although management models for these borders are seemingly different (in North America, it is stricter, whereas in Europe, the regions in which migrants arrive are spread out as much as possible), the consequences are similar in the sense that migrants are placed at greater risk, new migratory routes appear, and “*polleros*” or “*coyotes*” are transformed into organized-crime figures.

4. Obsolete legal framework

The legal framework, which should contribute to regularizing the migratory process, is frankly obsolete. In the Mexican case, the corresponding laws, inserted into the General Law on Population, is more than 30 years old (*Ley General de Población*, available at www.cddhcu.gob.mx/leyinfo/pdf/140.pdf). The law is so far removed from the current reality, particularly regarding the movement of migrants, that it not only is inapplicable but it makes room for oversights and a framework advantageous to abusing and even perpetrating extortion on the migrants. To support this claim, here are some features of the relevant law:

- a) The only border crossing that is recognized is that which occurs at authorized ports of entry.
- b) ...in unauthorized places ... surveillance is the responsibility of personnel from the migration services and the Federal Preventive Police.
- c) Transit must not exceed 30 days.
- d) While in transit, migratory status may not be changed.
- e) In no case will internment be permitted ... of a foreigner lacking a visa to enter the country to which he or she is going.

The following figures show the disorganization in which undocumented crossings occur along the Mexico-Guatemala border, where for 30 cents (on a US dollar), it is possible to cross without documents. Recently, Mexico has begun negotiations to revise the relevant laws, particularly the chapter relating to migration issues. The government has also created plural advisory committees, such as the Consejo Consultivo del Instituto Nacional de Migración (Advisory Council of the National Migration Institute) or the Consejo Consultivo

de Población (Advisory Council on Population). Academics and members of civil society, but not government officials, sit on these councils. In the absence of a clearly defined migration policy or an adequate legal framework, they evaluate the operation of the branches charged with managing migration issues.

5. The relationship to U.S. national security

The subject of undocumented migration, from the U.S. perspective and to some extent from that of Mexico as well, has never been disconnected from matters of national security. This does not mean, however, that immigrants are perceived as a national security risk. Instead, undocumented crossings are associated with factors that pose national security risks, inasmuch as, under this logic, the enemies of the State might use the same channels, the same guides, or the same routes that are sometimes used by undocumented migrants.

Adequately reflecting that logic is a statement, delivered in 2002 by a State Department spokesperson, and only one of many proclamations and references by the president of the United States himself. It places undocumented migration in the same category as terrorism or weapons of mass destruction:

“The massive flow of people and goods across our borders helps drive our economy, but it could also serve as a conduit for terrorists, weapons of mass destruction, illegal migrants, contraband, and other unlawful commodities ...” Office of the Press Secretary, January 25, 2002.

<http://www.whitehouse.gov/news/releases/2002/01/20020125.html>

This situation became clear following the terrorist attacks of September 11, 2001. In the logic of the United States, the enemies of the State came from outside, and at the extreme, all that that comes from outside is thus a potential enemy. Obviously, as long as this is the logic behind the management of migration, particularly international migration, we must not expect great advances in its application.

Thus, after September 11, the Homeland Security Department was created, which absorbed the Immigration and Naturalization Service and the Border Patrol. One of the most important sections in this new department was focused on managing the U.S. borders, and the person named to lead it was someone who, for many years, had worked as the head of the office responsible for issues relating to drug trafficking. With these signs, it is hard not to recognize that today, the issue of international migration is being managed under the logic of U.S. national security and not under that of labour-market integration and complementary demographic processes.

Possible future scenarios do not install optimism in this regard. The November 2004 U.S. elections were won by President Bush, whose administration was responsible for the design and implementation of this security policy. Clearly, the people of the United States continue to be concerned primarily for security that rests on vigilance over its territory. Under that logic, this necessarily implies a monitoring of the country's borders, and with that, surveillance over the entrance of new immigrants.

6. “Good practices” for the movement of migrants

We have described a chaotic situation, marked by the failure of the involved countries to implement migration policies, or in the best case, by the establishment of policies that do not regulate migration and are not based on knowledge about migration and its realities. The situation is also marked by the presence of obsolete or faulty legal frameworks and strictly controlled borders, the management of which is based on erroneous principles. For at least the next 20 years, the migratory processes described here will inevitably continue to mark the

region, and they will continue to choose their own ways of manifesting and organizing. Within this chaotic setting, it is possible to identify a few government, academic, and civilian initiatives. Some are reactive, some merely conjunctive, while others take a mid- or long-term view, based precisely on the scenario described here. Despite these efforts, their positive impacts, and undeniable value, one must note the disparity between the size of the migration that crosses Mexican soil and the limited reach of these “good practices.” Some of these initiatives include:

- a. **Programa Paisano (Migrant Program).** This counseling and orientation program was designed in 1989. It protects Mexican migrants, who were visiting Mexico after a stay in the United States, from abuses inflicted, in part, by Mexican officials. It is the only initiative that has external review mechanisms, and it coordinates the activities of offices that are involved in matters relating to migrant visits and temporary or permanent return to Mexico (www.paisano.gob.mx).
- b. **Grupos Beta.** These are police forces dedicated to protecting and assisting migrants in areas where undocumented and in-transit migrants cross the borders. In formal terms, these forces, of which there are nine in Mexico, are illegal under existing law, which establishes that the exit from and entrance into Mexico must occur only at official ports of entry and with documents permitting entrance into the destination country. However, in light of the abuses against migrants, perpetrated on occasion by government officials themselves, the Mexican government decided to implement this program. Just to give an idea of the limitations of this type of effort, in the Tijuana-San Diego sector in extreme northwestern Mexico, the Grupo Beta has 45 agents assigned to it, while the U.S. Border Patrol has almost 2,500 agents along the same length of the border.
- c. **Voluntary Repatriation Program.** In at least 15 years, this has been the only program agreed upon and jointly run by the Mexican and U.S. governments. It consisted of a pilot program to send Mexican immigrants captured by the Border Patrol in the Tucson, Arizona, region directly back to their places of origin, if they were willing to go voluntarily. Studies by the Colegio de la Frontera Norte estimated that, in virtue of the tightening of border controls, approximately 30% of all captured undocumented migrants, frustrated at their lack of success in crossing the border surreptitiously, want to return to their region of origin, at least, temporarily. The program that operated in Summer 2004 confirmed that.
- d. **Statistical observatories for migrant flows across Mexico’s borders.** This involves a system of two statistical observatories, one which has been present for 10 years on the U.S.-Mexico border and the other that has operated on the Mexico-Guatemala border for one year. They are based on a system of ongoing surveys of migratory flows in both directions. These observations make it possible to characterize those flows and the problems that the migrants encounter in their movement through the border regions. (*Encuesta sobre Migración en la Frontera Norte de México (Survey on Migration along Mexico’s Northern Border), 1993-2004.* STPS, CONAPO, EL COLEF, INM. Mexico.)
- e. **The non-government observatory for Mexico-Guatemala migration and the Grupo Binacional México-Guatemala sobre Migración y Desarrollo (Binational Mexico-Guatemala Group on Migration and Development).** This binational, non-governmental, and academic initiative analyzes from a variety of perspectives, the challenges of migration between Mexico and Guatemala, and more generally, with Central America. It makes public policy recommendations to those who are responsible for managing migration processes. (Grupo Binacional México-Guatemala sobre Migración y Desarrollo, El Colegio de México, and the Guatemala Office of the Facultad Latinoamericana de Ciencias Sociales.)

Reconciling refugee protection with combating irregular migration: the experience of Turkey, by Prof. Dr Kemal KIRISCI

Introduction

During the course of the 1990s the issue of immigration in general and irregular migration in particular has been high up on the political agenda of many European countries. The arrival of boatful of illegal migrants to the shores of France and Italy especially during the late 1990s accompanied with surges in the number of asylum seekers during the same period played an important role in the rise of anti-immigration feelings in some European countries. These developments came to dominate the domestic politics of a number of EU countries and became hotly contested issues during election campaigns. Efforts to develop a "common asylum and immigration" European Union policy have also been deeply influenced by these developments. Most strikingly during the run up to the Seville European Council in June 2002, the British and Spanish prime ministers, Tony Blair and Jose Aznar, called for tough measures to stem illegal migration and asylum applications. There were even calls for the introduction of sanctions against countries failing to cooperate against illegal migration. One of the countries threatened by sanctions for not combating transit illegal migration rigorously enough was actually Turkey itself. In the meantime the European Council authorized the European Commission to negotiate readmission agreements with a list of countries including Turkey. Furthermore, the European Union during the course of early 2004 adopted a series of Directives on Asylum that has left the refugee advocacy community deeply concerned about the erosion of the international refugee regime based on the 1951 Geneva Convention Relating to the Status of Refugees. Hence, the European Union has been increasingly depicted as becoming a "fortress of Europe" with little room for asylum seekers, refugees and migrants.

Turkey has been one of the countries at the center of the ongoing immigration debate in Europe. In Europe Turkey has traditionally been depicted as a country of emigration and country of origin for asylum seekers. During the course of the last couple of years, but especially late 1990s and early 2000s, it also came to be seen as a source and transit country for illegal migrants. What is less well known is that Turkey has long been a country of immigration and asylum. From 1923 to 1997, more than 1.6 million people immigrated to Turkey, mostly from Balkan countries. In the 1930s there were many Jewish and German intellectuals who sought temporary asylum in Turkey. Turkey's neutral status during the Second World War led to ten-thousands of Jews from German occupied lands in Europe to flee to Turkey and transit to Palestine while many nationals from neighbouring Balkan countries and Italians from the Dodecanese islands sought temporary asylum in Turkey. During the Cold War, thousands of asylum seekers fled to Turkey from Communist states in Eastern Europe. The overwhelming majority was recognized as refugees, and was resettled to third countries such as Canada and the United States by the United Nations High Commissioner for Refugees (UNHCR). In the late 1980s, this pattern began to change as increasing numbers of asylum seekers began to arrive from Iran and Iraq, as well as other developing nations. Turkey also experienced a mass influx of almost half a million mostly Kurdish refugees from Iraq in 1988 and 1991, as well as mass influxes of Albanians, Bosnian Muslims, Pomaks (Bulgarian-speaking Muslims) and Turks in 1989, 1992-1995, and 1999, not to mention Ahiska (also known as Meshketian) Turks ending up in Turkey after failing to return to their homelands in Georgia from areas in Central Asia that they were deported to by Joseph Stalin during World War II. This was a period (1988-1999) during which Turkey was host to, almost, one million asylum seekers and refugees. This is in some contrast to the approximately 336,000 Turkish asylum seekers¹¹⁵ reaching Western European countries during the 1990s that continued to perpetuate the image of Turkey as a country of emigration. More recently, over the last fifteen years or so, Turkey has become a country of transit to the

¹¹⁵ The figure is obtained from *The State of the World's Refugees: Fifty Years of Humanitarian Action* (UNHCR, Oxford University Press, Geneva, 2000), Annex 10, p. 325.

European Union for irregular migrants from Asian countries such Afghanistan, Bangladesh, Iraq, Iran, and Pakistan. Turkey itself too is becoming a destination for irregular migrants from former Soviet Bloc countries and elsewhere.

The changing patterns of immigration into Turkey and Turkey's efforts to become a member of the European Union are creating pressures for an overhaul of its immigration and asylum policies. In accordance with the Accession Partnerships (AP) strategies prepared for Turkey in 2000 and 2003 Turkey adopted its own National Programs for the Adoption of the Acquis that aims to overhaul Turkey's practice and policy in a wide range of areas from asylum and combating illegal migration to improving the management of border control. This paper aims to study the reforms that the Turkish government has been introducing in these two areas. However, the paper will argue that these efforts to overhaul the system are trapped between two conflicting pressures. Turkey is, on the one hand, under pressure to improve its asylum system to match EU and international standards and on the other hand it is expected to combat irregular transit migration as immigration issues become "securitized" in many EU member countries. The emphasis that the EU governments and publics have been putting on the security dimension of asylum and irregular migration risks jeopardizing the gains that have been achieved in Turkey in terms of human rights. The paper will conclude by arguing that greater emphasis on a developmental approach in addressing the challenges created by asylum and illegal migration trends over the last decade or so may better help to reconcile human rights and security priorities.

Asylum:

Turkey is among the original signatories of the 1951 Convention relating to the Status of Refugees.¹¹⁶ However, Turkey is today among a very small number of countries that maintains a "geographical limitation" to the agreement's applicability as defined in Article I.B(1)(a) of the Convention. Accordingly, Turkey does not grant refugee status to asylum seekers coming from outside Europe, and maintains a two-tiered asylum policy.

The first tier of this policy is centered on Europe and is deeply rooted in Turkey's role as a Western ally neighbouring the Soviet Union during the Cold War. During that period, in close cooperation with UNHCR, Turkey received refugees from the Communist Bloc countries in Europe, including the Soviet Union. Such refugees, during their stay in Turkey, enjoyed all the rights provided for in the 1951 Convention relating to the Status of Refugees. Only a very small number were allowed to stay on in Turkey, often as a result of marriages with Turkish nationals. The others were resettled out of Turkey. Although it is very difficult to obtain accurate statistics on their numbers, the Ministry of Interior has indicated that some 13,500 asylum seekers benefited from the protection of the 1951 Convention between 1970 and 1996. Statistics for previous years are not available. Additionally, during the 1990s there were almost 40,000 Bosnians and Kosovars that were granted temporary asylum in Turkey. The majority have returned.

The second tier of Turkey's asylum policy deals with people from outside Europe. The new policy emerged in 1980 in the wake of the Iranian Revolution, and subsequent instability in the Middle East, Africa, and Southeast Asia. Upheaval in these areas led to a steady increase in the number of asylum seekers coming from outside Europe. For a long time, the government allowed UNHCR considerable leeway to temporarily shelter these asylum seekers with the tacit understanding that they would be resettled out of Turkey if UNHCR recognized them as refugees, and that those whose claims were rejected would be deported. However, the growth in the number of illegal entries into Turkey and in the number of rejected asylum seekers stranded in Turkey strained this practice. The situation was also aggravated by the 1988 and 1991 mass influxes of Kurdish refugees amounting to almost half a million. To cope with this overload, the government introduced the 1994 Asylum Regulation, which reflects the ascendance of national security concerns over refugee rights.

¹¹⁶ For a detailed examination of Turkey's asylum policies see K. Kirisci, "UNHCR and Turkey: Cooperating towards an improved implementation of the 1951 Convention on the Status of Refugees" *International Journal of Refugee Law*, Vol. 13, No. 1/2, 2001.

Its application led to an increase in the number of violations of the principle of "non-refoulement" (the return of asylum seekers to situations in which their lives and human rights may be threatened) and attracted widespread criticism from refugee advocacy and human rights circles.

However, starting in 1997, UNHCR and the Turkish government returned to the closer cooperation that had characterized their relationship up until 1994. This cooperation was also subsequently supported by EL) governments. As a result of this cooperation that emphasized particularly training in asylum law helped to reduce cases of violations of the principle of "non-refoulement". More significantly, administrative decisions concerning deportation orders on asylum seekers have been opened to judicial review since 1997. There have been a number of local court rulings on appeals lodged by asylum seekers suspending government issued deportation orders. These orders have been accompanied by a similar ruling of the European Court of Human Rights (*Jabari vs. Turkey*, 2000) too.¹¹⁷ One important consequence of these rulings has also been a government decision to introduce some improvements to the 1994 Asylum Regulation to reduce potential cases of deportations of asylum seekers or recognized refugees.

Table 1: Applications under the 1994 Asylum Regulation, 1995-May 2004

Country	Applications	Accepted cases	Rejected cases	Pending cases	Cases not assessed
Iraq	12,274	4,541	3,502	3,139	463
Iran	21,601	13,062	1,441	6,030	236
Afghanistan	658	221	180	196	58
Russia	43	15	13	7	3
Uzbekistan	128	36	39	24	22
Azerbaijan	33		18		5
Other Europe*	101	51	28	19	4
Other**	324	59	43	63	140
Total***	35,162	17,985	5,264	9,478	931

* Includes Albania, Belgium, Bosnia, Bulgaria, Georgia, Greece, Italy, Macedonia, Switzerland, Ukraine and Yugoslavia.

** Includes Algeria, Bangladesh, Birmania (Myanmar), Burma, Burundi, China, Congo, Egypt, Eritrea, Ethiopia, India, Israel, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libya, Morocco, Pakistan, Palestine, Philippines, Rwanda,

*** Not appearing in the table but included in the total are 1,504 applications that were subsequently withdrawn.

More than 35,000 asylum applications (see Table 1) have been lodged with the Turkish authorities between 1995 and May 2004, approximately between 4,000 to 4,500 applications per year. In cooperation with the UNHCR Turkey has granted temporary asylum to more than 17,900 during this period. However, in accordance with the "geographical limitation", Turkey expects those asylum seekers that have been granted refugee status to be resettled out of Turkey. According to government statistics between 1995 and May 2004, close to 17,500 were resettled outside of Turkey, mostly to North American and Scandinavian countries as well as Australia and New Zealand. Those whose applications are rejected are supposed to be deported to their country of origin, but many go underground and stay in Turkey or try to move on to European countries illegally.

In accordance with the Accession Partnership (AP) strategy for Turkey of March 2003 and the National Program for the Adoption of the Acquis (NPAA) of July 2004 Turkey

¹¹⁷ European Human Rights Court (Fourth Section), Case of *Jabari v. Turkey* (Application No. 40035/98), Judgment, Strasbourg, 11 July 2000.

is expected to harmonize its asylum policies with that of the EU.¹¹⁸ In accordance with these two documents Turkey will have to put into place institutional and legal structure that will have to enable to do its own status determination as well as lift the "geographical limitation". These changes are supposed to take place by the end of 2005. Considerable progress has already taken place however the finalization of these changes is still very dependent on whether the European Council in December 2004 will indeed decide to open accession negotiations with Turkey. Should the decision of the Council be a positive one it is highly likely that Turkey will come under increasing pressure to implement the EU *acquis* on asylum and in particular in respect to the "first country of asylum". Furthermore, the current practice of resettling asylum seekers recognized as *bonafide* refugees out of Turkey will come under increasing pressure. Consequently, Turkey will need to put into place legislative and institutional changes to enable refugees to stay on and integrate into Turkish society.

Irregular migration:

Since the early 1990s, Turkey has been witnessing new forms of immigration. These include students from a variety of countries as well as nationals of EU countries who have officially sanctioned presence in Turkey with proper residence and work permits. EU nationals include individuals engaged in professional activities and their families particularly in Istanbul, as well as European retirees in some of the Mediterranean resorts. They, too, constitute a relatively new phenomenon in terms of immigration into Turkey, and the numbers of EU nationals are estimated at 100,000-120,000.¹¹⁹⁶ As a result of a liberal visa policy followed by Turkish governments the 1990s was characterized by the phenomenon of "suit case" trade bringing nationals of particularly former Soviet Union and Soviet Bloc countries to Turkey on repeated trips. This has led to some of these people to stay on in the country, embark on more permanent business connections as well as marriages. There have also been among these people those who take up jobs illegally on a temporary or "pendular" form in various sectors of the Turkish economy. There are no reliable figures but there are such illegal immigrants from as diverse countries as Armenia and the Ukraine. Furthermore, there are also a growing number of sportsmen and women from a wide range of countries who are acquiring growing public attention. It is against this background as well as in respect to efforts to harmonize Turkish policy and practice with that of the EU *acquis* that the government in 2003 adopted a new labour law for foreigners to facilitate and streamline the acquisition of work permits. The government has also prepared a draft law to replace the Settlement Law from 1934 governing immigration into Turkey.

There is also a form of transit *irregular* migration involving nationals of neighbouring countries such as Iraq and Iran as well as nationals from more distant countries such as Afghanistan, Pakistan etc... These are people that often resort to the services of human smugglers and pay large fees to get themselves smuggled into western European countries.¹²⁰⁷ In the case of Turkey they are more likely to enter Turkey through its Eastern borders, travel through Turkey and try to enter Greece illegally across the land border and the Aegean Sea. There are also occasionally boats that try to smuggle people directly on to Italy and France. These boats carrying illegal migrants now and then sink leading to human tragedies. It is very difficult to estimate the numbers of such irregular transit migrants in Turkey and figures that are cited are in variably speculative ones. However, according to government statistics there were more than 477,000 such persons apprehended between 1995 and 2004 (June). The general consensus appears to be that Turkey has considerably reduced the number of illegal migrants using Turkey as a transit country to reach Europe Union member countries. This

¹¹⁸ These documents can be reached respectively from <http://www.mfa.gov.tr/grupa/ad/adc/AccessionPartnership2003.pdf> and <http://www.abgs.gov.tr/up2003/up.htm>.

¹¹⁹ B. Kaiser, Bianca "Life Worlds of EU Immigrants in Turkey" in Emrehan Zeybekoglu and Bo Johansson (eds.) *Migration and Labour in Europe: Views from Turkey and Sweden* (Istanbul: Şefik Matbaasi, 2003).

¹²⁰ For an extensive and thorough study of this problem A. Icduygu, *Irregular Migration in Turkey* (Geneva, IOM, 2003).

was, for example, acknowledged in the *Progress Report* prepared by the European Commission in 2003¹²¹.

In August 2002, in an effort to align Turkish legislation to international standards laid by the UN Conventions of 2000 concerning trafficking and smuggling of humans, the government introduced new articles to the Penal Code criminalizing human smuggling and trafficking, and instituted stricter controls at borders and ports. Turkey has also had to sign and negotiate readmission agreements with third countries from where many of the illegal migrants come from. So far Turkey has been able to sign such agreements with Syria in September 2001, Kyrgyzstan in May 2003 and Romania in January 2004¹²². In the context of the agreement with Syria, Turkey has returned 854 illegal migrants to Syria and readmitted 18 migrants to Turkey. Turkey has proposed to negotiate readmission agreements with 15 countries, but it has failed to get any response¹²³.¹⁰ It is, on the other hand, in the process of negotiating agreements with Byelorussia, Bulgaria, Egypt, Kazakhstan, Libya, Lebanon, Macedonia, Sri Lanka, Russia, Ukraine and Uzbekistan. The negotiation of so many agreements simultaneously is a taxing exercise, particularly considering that progress is often extremely slow and governments often have little incentive to cooperate. The latter explains very much why Turkey has failed to start negotiations with 15 countries. On the other hand, it should be noted that Turkey's performance in terms of number of readmission agreements concluded and being negotiated is much better than the performance of the European Commission. At its meeting in Seville on 21-22 June 2002, the European Council called for speeding up the conclusion of readmission agreements with a number of targeted countries¹²⁴. The Council also authorized the European Commission to enter into negotiations on multilateral readmission agreements with Morocco, Sri Lanka, Russia, Pakistan, Hong Kong, Macao, Ukraine, Albania, Algeria, China and Turkey. The Commission has encountered serious difficulties in the negotiations process with most of these states and has managed to conclude agreements only with Hong Kong, Macao and Albania¹²⁵¹² and Albania.

Turkey itself has been required to start negotiating a readmission agreement with the EU. Turkey had long resisted the signing of such an agreement and instead expressed a readiness to receive back any third country irregular migrants as long as they were returned to Turkey promptly and without delay. Turkey also argued that constitutionally it was required to accept back its own nationals in any event. In March 2004 Turkey, reluctantly, agreed to start negotiations with the EU on such an agreement. However, officials have expressed resentment with respect to the level of pressure they have come under to start these negotiations. They fear that Turkey will become a dumping ground for unwanted immigrants by the EU. Turkish officials are especially concerned because Turkey is encountering great difficulties in initiating negotiations let alone actually concluding agreements with many of the sending countries of illegal migrants. They fear that this may lead to a situation where the EU would be able to send back illegal migrants to Turkey while Turkey will not have the means of ensuring their return to their respective countries of origin.

¹²¹ 2003 Regular Report on Turkey' Progress towards Accession:
http://europa.eu.int/comm/enlargement/report_2003/pdf/rr_tk_final.pdf.

¹²² These agreements were published in the *Official Gazette*: Syria, Law 4901, *Official Gazette*, 17 June 2001, No. 25148; Greece, Law 3914, *Official Gazette*, 24 April 2002, No. 25148; and Kyrgyzstan, Law 5097, *Official Gazette*, 17 February 2004, No. 25376. The one with Romania has not yet been ratified and put into force.

¹²³ For the full list of countries as of August 2004 see Appendix.

¹²⁴ See Presidency Conclusions Seville European Council, 21-22 June 2002, point 30 that deals with measures to combat illegal immigration.

¹²⁵ See Report on the Proposal for a Council Decision concerning the signing of the Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission persons residing without authorization, European Parliament, 24.2.2004.

In the meantime Turkey did sign in November 2001 a bilateral readmission protocol with Greece. This is the longest-standing readmission agreement that Turkey has had with a current EU country. In spite of a dramatic improvement in Greek-Turkish relations in recent years and the presence of a very positive cooperative climate, the implementation of the agreement has encountered difficulties. Since the agreement came into force, Greece has provided Turkey with a list of more than 14,101 illegal migrants that they would have liked to send back to Turkey. Turkey has agreed to admit 2,416 from this list, but Greece was only able to hand over to the Turkish authorities 1,006 persons from this list. These illegal migrants, 270 Iranians and 736 Iraqis, were handed over to the Turkish authorities between October 2002 and January 2004. They were subsequently repatriated to Iran and Iraq¹²⁶. According to the Turkish authorities; an additional 2,816 illegal migrants were forced back to Turkey in violation of the provisions of the agreement. On the other hand, the Turkish side asked 753 illegal migrants of 28 nationalities to be readmitted by Greece. Greece was able to accept back 19 Somalis. The problems encountered are indicative of the practical difficulties associated with readmission agreements even when it involves two neighbouring countries with reasonably good relations.

Policies on illegal migration continue to be a major source of concern for EU governments. An impressive body of *acquis* has been developed in this area. The new accession countries have had to adjust their policies accordingly¹²⁷. Turkey is under pressure to follow precisely the same route. However, many Turkish officials feel that they are not receiving the recognition they deserve for the energy and resources that are being channelled into combating irregular migration. Furthermore, they also feel that Turkey is being treated differently than the previous candidate states who signed readmission agreements only after accession talks started and then only on a bilateral basis. This difference constitutes a major source of distrust. This distrust is further aggravated by what Turkish officials consider an absence of burden-sharing. They complain that Turkey is basically left to its own devices with respect to combating irregular migration in general and to arranging for the return of the illegal migrants to their countries of origin. The offer of granting to Turkey of EU financial and technical assistance that is typically offered to 'third countries' in the areas of migration and asylum (the so-called AENEAS programme)^{128, 15} also represents a fundamental factor for the lack of confidence by the Turkish side on its potential candidacy status. In addition, Turkish authorities often pay out of their own salaries the upkeep of the migrants and encounter great financial and administrative difficulties in ensuring the deportation of such persons. They frequently cite a project that Turkey has carried out with Holland, Sweden and Switzerland together with the International Organization for Migration (IOM) involving the return of rejected asylum seekers to Iraq via Turkey. The project protocol was signed in October 2001 and until its completion in July 2003, ensured the return of 91 migrants. The project was strictly based on voluntarism and was actually carried out by the Anatolian Development Foundation, a Turkish non-governmental organization with extensive experience dealing with refugees, with the cooperation of Turkish authorities.

Trafficking in human beings is yet another form of migration that has come to attract considerable governmental and public attention. The new legislation incorporating the UN Conventions on human smuggling and trafficking has made trafficking a serious crime and training programs have been run to make the police, the Gendarmerie and the judiciary more sensitive. Most strikingly the Interior Ministry officials together with the Gendarmerie were able to make arrangements with a nongovernmental organization. Human Resources Development Foundation (Insan Kaynaklarini Gelistirme Vakfi-IKGV) and the Directorate

¹²⁶ The readmission and repatriation of Iraqis were suspended between when the war in Iraq started, March 2003 and June 2003.

¹²⁷ For a general analysis of this situation see S. Lavenex and E. Ucarer (eds) (2002), *Migration and the Externalities of European Integration*, Lanham, Maryland: Lexington

¹²⁸ Regulation (EC) No. 491/2004 of the European Parliament and of the Council establishing a programme for financial and technical assistance to third countries in the areas of migration and asylum (AENEAS) of 10.3.2004, OJ L80/1, 18.3.2004

General of the Status of Woman to provide social assistance to victims of trafficking until their return to their countries of origin could be arranged. The IKGV has also instituted a mechanism which enables it to receive instant information about trafficked women apprehended by the Police. The Police, together with IKGV, cooperate closely with the authorities and non-governmental organizations of the country of origin of trafficked women to ensure a safe repatriation. The cooperation between the Turkish state and this particular non-governmental organization is significant in terms of the transformation that Turkey is going through and constitutes an example of the close cooperation that is developing between bureaucracy and civil society in Turkey¹²⁹.¹⁶ Furthermore, the Interior Ministry has also instituted the practice of granting humanitarian residence permits up to six months for victims of trafficking. These developments did not go unnoticed in the US when the US State Department's *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report* for 2003 upgraded Turkey from the "tier three" group of countries threatened with sanctions for their failure to combat trafficking¹³⁰.

In respect to combating irregular migration and trafficking in human beings on the one hand and putting into place an asylum system that lives up to the standards of the norms and principles of the international refugee regime, Turkey faces a number of challenges, as it prepares for pre-accession. Firstly, there is a degree of contradiction between the emphasis put by the EU on combating irregular migration and the protection of the rights of asylum seekers and refugees. Many of the asylum seekers that make it to Turkey come as part and parcel of movements of irregular migrants. They frequently make use of the services of human smugglers and enter the country illegally. At training seminars for officials a great effort is made by non-governmental organizations and the UNHCR to increase sensitivity towards asylum seekers who might be caught up among illegal migrants. This effort is sometimes actually lost, however, against the massive attention paid to combating illegal migration and human smuggling by the European Union. The increasing securitization of immigration issues in the EU is indeed undermining the almost decade-long effort to move asylum-related issues to a human rights policy agenda in Turkey.

Secondly, the AP requires Turkey to lift the 'geographical limitation' to the 1951 Convention. Turkey in the NPAA has undertaken to do so and is working on a draft of a fully fledged asylum law that envisages a national status determination system. Nevertheless, the lifting of the limitation issue is very sensitive. Officials realize that other candidate countries, especially Hungary, had to do the same and that Turkey will need to follow suit. They are also well aware that this is part and parcel of the exercise to harmonize Turkish law and practice with that of the EU. However, the EU suffers from a credibility deficit in the eyes of Turkish officials. The greatest nightmare scenario of officials is one in which they would find themselves lifting the 'geographical limitation' without Turkey's membership being taken seriously by the EU. Many Turkish officials as well as a large proportion of the public in Turkey do not trust the European Union and do not believe that the EU is serious about Turkey's membership. There is deep concern about giving up a 'right' engraved in international law and then ending up facing a huge refugee-generating region all alone.

A third and related issue in this respect is burden sharing. Owing to its geographical location, Turkish officials are concerned that Turkey risks becoming a buffer zone or a dumping ground for the EU's unwanted asylum seekers and refugees. The current *acquis*, if and when membership occurs, would make Turkey a typical 'first country of asylum' responsible for status determination¹³¹. This raises considerable concerns among officials in terms of the economic, social as well as political implications. Turkish officials will expect to

¹²⁹ For an extensive and thorough study of this problem, see S. Erder and S. Kaska (2003), *Irregular Migration and Trafficking in Women: The Case of Turkey*, IOM International Organisation for Migration, Geneva

¹³⁰ These reports can be accessed from: www.state.gov/g/tip/rls/tiprpt/.

¹³¹ Council Regulation (EC) No. 343/2003 of 18.2.2003 published in *Official Journal of the European Union*, 25.2.2003, L 50/1.

see burden-sharing mechanisms that would go beyond what the current Refugee Fund has to offer¹³². An important confidence-building measure would be that with membership there is a transition period during which EU member countries and leading immigrant-receiving countries continue to accept refugees for resettlement from Turkey. This will be particularly critical at a time when Turkish officials perceive a tendency in Europe in the direction of creating a 'fortress Europe' recently reinforced by the Council Proposals on Qualifications

and an example of the close cooperation that is developing between bureaucracy and civil society in Turkey. Furthermore, the Interior Ministry has also instituted the practice of granting humanitarian residence permits up to six months for victims of trafficking. These developments did not go unnoticed in the US when the US State Department's *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report* for 2003 upgraded Turkey from the "tier three" group of countries threatened with sanctions for their failure to combat trafficking.¹⁷

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¹³² Commission Proposal for a Council Decision on the European Refugee Fund COM(1999) 686, 14.12.1999. Council Decision 2000/596/EC on 28th September 2000 adopting a proposal establishing the European Refugee Fund.

critical at a time when Turkish officials perceive a tendency in Europe in the direction of creating a 'fortress Europe' recently reinforced by the Council Proposals on Qualifications and Asylum Procedures Directives adopted on 29 April 2004¹³³. The notion of "safe third country of asylum" associated with these directives may leave Turkey with the prospect of having to face rejected asylum seekers before it has put into place a status determination system that meets international standards. A Europe that tries to complicate if not deny access to asylum seekers before it has put into place a status determination system that meets international standards. A Europe that tries to complicate if not deny access to asylum seekers to reach the EU is not setting a good example for Turkey in terms of harmonization and credibility.

Turkey's Strategy Report on Asylum prepared in the context of twinning projects is already in place to draw up an Action Plan and to determine the steps for institutions-building. Turkey continues to cooperate very closely with the High Level Working Group of the EU, the UNHCR as well as non-governmental organizations such as Amnesty International with respect to training and awareness seminars. Asylum is going to be the Achilles heel of Turkey's efforts to develop enhanced border protection. The balance between protecting Europe from illegal migration and protection the "right to asylum"¹³⁴ is going to be a critical test of the credibility for the EU in Turkey as well as in Turkey's neighbourhood.

Conclusions:

The issues of illegal migration and asylum continue to be a highly sensitive issue on the agenda of many governments and publics in the EU. The public in many European countries feel threatened by immigration. The rise of extremist and fundamentalist terrorism accompanied with the climate created by the 9/11 and Madrid attacks have also increased the emphasis on advocating policies that aim to control movement of people and immigration into the EU. Turkey has been a country at the center of the debates around these issues as a country of emigration and transit. At the same time there is a growing awareness that Turkey is also becoming a country of immigration. Furthermore, over the last decade or so the nature of immigration into Turkey has changed very significantly. In particular, the question of asylum, immigration and irregular transit migration are having an important impact on Turkish policy and practice. Turkish legislation and practice is changing and these issues have come to have a growing impact on Turkish – EU relations. This is an inevitable function of Turkey's interest in becoming a member of the EU but also of Turkey's geographic location at the crossroads of countries of origin in Asia and asylum in Western Europe. Turkey is coming under growing pressure to cooperate with the EU and control the flow of transit illegal migrants and introduce an asylum system that can allow recognized refugees to stay in Turkey.

Turkey's asylum policy once used to be criticized from a human rights perspective. Ironically, since Turkey's performance improved significantly Turkey is also being asked to take a security driven approach especially towards irregular transit migration if not also on asylum. In the context of asylum most importantly Turkey has accepted to eventually lift the "geographical limitation" to the 1951 Geneva Convention Relations to the Status of Refugees. This is a very significant and revolutionary change as it reflects the Turkish state changing attitude towards Turkish national identity. The improvement in asylum practice in Turkey is also reflection of the growing influence of a "human rights" agenda over "national security". This is also reflected in Turkish authorities' preparedness to work more closely with the international community and civil society.

¹³³ Both the UNHCR and Amnesty International put out reports and statements criticizing these Directive Proposals for undermining the letter and the spirit of the 1951 Convention.

¹³⁴ Tampere Council, Presidency Conclusions, 15-16 October 1999 called for an « absolute respect of the right to seek asylum » and agreed that the development of the Common European Asylum System would be based on « the full and inclusive application of the Geneva Convention ».

The securitization of immigration issues in Europe and the pressure put on Turkey to combat illegal transit migration jeopardizes the improvements made in Turkish asylum policy. This could otherwise lead inadvertently to a paradoxical situation whereby the EU on the one hand assists a significant improvement in Turkey's asylum practices, but on the other hand undermines those gains as potential asylum seekers risk being deported without having their case fairly heard. Without a mechanism for burden sharing in place, the main EU legislative provisions on asylum, which call for asylum applications to be treated by the first safe country of entry into the EU, may lead to Turkey becoming a 'dumping ground' or 'buffer zone', rather than a member state that shares benefits and responsibilities equitably. With respect to combating illegal migration, the EU should give Turkey more credit for the progress it has achieved than is implied by a mere acknowledgement in the Progress Report. This recognition should extend to an effort directed towards the EU governments and the public to stop portraying Turkey as a major conduit of illegal migration. Particular efforts should be given to stop the citing of figures for the alleged number of migrants transiting through Turkey that are devoid of any empirical basis. The continued use of such figures generates considerable mistrust on the part of Turkish officials towards Europe. The lack of confidence and trust will inevitably lead to the question "What if Turkey at the end of all the adjustments is not admitted to the European Union as a member?" to linger on in the back of the minds of many officials.

Arriving at a balance between combating illegal migration and upholding the norms of the international refugee regime will continue to constitute an important challenge for European countries. This balance inevitably will be very dependent on whether the EU is able to develop a relationship based on mutual trust and interest with countries that are sources of illegal migration. The same applies for the countries of transit. A European policy that solely emphasizes the control and restriction of movement of people and puts the burden on third countries is not going to be a successful policy. It is difficult to see how third countries often with little motivation and scarce resources can be expected to cooperate with the EU. European countries will need to adopt credible policies that will need to address the root causes and the push-factors behind emigration and refugee movements. Inevitably such an approach will need to focus on human rights and development strategies rather than solely security and control priorities demanded by conservative and anti-immigration circles in European countries. Confidence and trust building is going to be critical too. In that respect Turkey can be a test case.

A European Union that continues to engage Turkey and does take the critical decision to start accession negotiations is going to be a EU that installs confidence among the Turkish public and officials. This will not only help to maintain the goodwill needed to cooperate effectively in stemming illegal migration it will also help to continue the reform of Turkish economics and politics. A Turkey that continues to reform itself will in itself be a Turkey that alleviates the causes of emigration as well as the factors that exacerbates illegal migration. Yet most importantly the decision on the part of the EU to start membership talks with Turkey will send the message to the Third World that the EU does live up to its promises and does actually care for developmental approach. This in turn may lend greater credibility to the EU's Wider Europe - neighbourhood policy that wants both to stem illegal immigration with the cooperation of target countries and at the same time promises these countries offers of concrete developmental incentives¹³⁵. Furthermore, Turkey itself can become a country that can help to improve the economics and politics of at least neighbouring countries that are sources of irregular migration. Such a Turkey would be a much more constructive Turkey than one, after having served as the bastion of Western Europe's defense during the Cold War against the Soviet Union thanks to its geo-strategically important location, this time serves yet another security objective by becoming a buffer zone for keeping the unwanted and/or uncontrolled movement of people into the EU.

¹³⁵ European Commission, « Wider Europe – neighbourhood : a new framework for relations with our eastern and southeastern neighbours », Brussels, March 2003.

The situation of Turkey concerning migration, illegal migration, trafficking in human beings and refugees,
by Mr Mehmet TERZIOGLU, Ministry of Internal Affairs, Head of Asylum and Border Issues Dept.

In order to focus on the phenomenon caused from migration and human movements, let me start by introducing the terms.

Illegal immigration can be described as the intention of a person to live and/or work for a long period in a country into which he/she has entered without legal permission after leaving his/her country of residence, or which he/she has entered legally and failed to leave it within the prescribed legal period.

People Smuggling, intentional procurement for profit of the illegal entry of a person into or illegal exit from or illegal residence of a person in a State of which the person is not a national or a permanent residence

Trafficking in Human Beings, means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion of abduction, of fraud, deception, abuse of power or position of vulnerability, or giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Major changes occur in the structure of international community, economic and politic agitations, conflicts among states, civil wars, natural disasters, scarcity, starvation, epidemics and especially wide human rights abuses urge millions of people to leave their homes either legally or illegally and search for a more secure place to live.

23 millions of people migrate from their origin homeland to another territory. The increase in illegal immigration and its adoption of massive proportions is a result of the increase in the means of transportation and communication brought about by globalisation as well as the increase in the absolute income of low-income countries while the income gap between regions has reached massive proportions. It is estimated that around 500,000 foreigners enter the EU illegally every year. In addition to America and Australia, Europe is also the target of serious illegal immigration.

It is generally accepted that illegal immigration cannot be prevented with the struggle efforts of one country but it can be checked and managed. In the event it cannot be controlled, it may evolve into a threat that may jeopardise law and order. On the other hand, yet another by-product of illegal immigration is the emergence of a chronic under-class whose human rights are not recognised and problems associated with this situation.

There are several international illegal immigration routes used by illegal immigrants and organizers in the world. In this presentation we will show some important ways. The First route starts from South and Middle Africa, going through North Africa, to Spain, Portugal, France and Italy. The Second route begins from North Africa to Italy or Greece by sea or from Lebanon and Syria to Turkey. The routes generally set out from Middle Asian countries such as Afghanistan, Bangladesh and India to North Hazar Sea, going through the Russian Federation and Poland to Western European Countries. The Fourth way goes to Iraq or Iran, and onto Turkey. Illegal immigrants try to enter European Countries via Greece by sea or the Balkans by land. The Fifth route goes on from North Iran to Caucasus, and then to the Ukraine, then they are dispersed from Former Soviet Union countries to Western Europe. The Sixth route From Turkey they go to the Balkans or Bosnia-Herzegovina to Western European countries. The Seventh route goes onto Iraq or Iran, to Syria and Lebanon, then to Greece or Italy by boat. Immigrants set out from meeting point of Europe, Italy then they go to Spain, France, UK, Belgium, Germany and Denmark.

The last route starts from Istanbul to Singapore or Malaysia by legal ways, from Singapore and Malaysia, the arms of the network take them to Australia by boat. In the recent months, A considerable new route has been used for illegal immigration purposes. Several ships carrying illegal immigrants set out their ways from Sri Lanka and India to Suez Canal and through this canal, they tried to reach to Italy or Greece.

Looking at the countries that have mostly become the subject of illegal immigration movements, we may observe Iran, Iraq, China, Bangladesh, Afghanistan, Pakistan, India, most of African Countries heading for the continent of Europe and Mexico citizens to the USA and Canada, are widely immigrate illegally all over the World.

Turkey has 2875 km long -green borders with Syria, Iraq, Iran, Azerbaijan, Armenia, Georgia, Bulgaria and Greece. Also sea borders of 6808 km. and in total, 9683 km. There have been 37 Air, 19 Land, 6 Railway, 42 Sea border gates and in total 104 Border Gates. Here we can see Turkey in the mid, in the conjunction of three old continents. In 2003, 13,461,420 foreigners entered Turkey, and in this period, 13,180,903 left. There are still 20,873 foreigners for working, 20,337 foreigners for education and 114,551 foreigners for other reasons and totally 155,761 foreigners legally reside in Turkey in 2004.

MEASURES TAKEN TO COMBAT ILLEGAL IMMIGRATION (1)

MEASURES TAKEN ON ENTRY-EXIT POINTS:

- Intensive controls at borders
- Visa or daily money implement for the citizens of countries that are the subject of illegal immigration
- Educational activities to prevent entry-exit by forged travel documents
- Intensive controls at land and sea borders to prevent illegal immigration by sea
- Intelligence efforts
- Personnel reinforcement

MEASURES TAKEN TO COMBAT ILLEGAL IMMIGRATION (2)

MEASURES TAKEN INSIDE COUNTRY:

- Intensive control points on routes
- Early warning and information exchange system between related institutions
- Intelligence efforts
- Operations on organised crime groups
- Service inside education activities
- To make conscious of related units, preparing and publicizing regulations

MEASURES TAKEN TO COMBAT ILLEGAL IMMIGRATION (3)

INTERNATIONAL MEASURES:

1. ACTIVE ATTENDENCE AT INTERNATIONAL MEETINGS AND WORKSHOPS
2. PREPARING READMISSION AGREEMENTS
3. BILATERAL COOPERATION AGREEMENTS¹³⁶

¹³⁶ Turkey has signed 49 security cooperation Agreements with some Asian, European and African countries to fight organised crime and terrorism. Those agreements consist of provisions to combat illegal immigration and human trafficking and cooperation in these fields. Also, Turkey shares the information related illegal immigration and trafficking in human beings, via Interpol, liaison officers of Turkey in the foreign countries and foreign liaison officers in Turkey.

4. EDUCATION AND TECHNICAL SUPPORT DISCUSSIONS (Albania, B-H Courses, Seminars on Early Recognition of Travel Documents, Discussions About Technical Support for Modernisation of Borders Gates)
5. INFORMATION EXCHANGE AND COOPERATION WITH ITALY
6. EU HARMONISATION STUDIES
7. BEING PART OF INTERNATIONAL CONVENTIONS

The illegal immigration organisers often choose the sea route to go and vessels to carry illegal migrants, due to its huge income for them. Moreover, it is evaluated that sea route will be a better change for the illegal immigrants who will probably find very good facilities in EU Countries such as holding asylum-seekers status or to have a temporary residence permit. In the previous years, as well as lots of Mediterranean countries witnessed, Turkey did a lot of attempts for illegal immigration by ships or small boats.

Turkish Law Enforcement Authorities have been taking several measures according to the new methods used by traffickers, to the new routes preferred by the organisers and the new trends in the region and in the world. Illegal immigrants who are detected sometimes in a bus, sometimes in lorry or sometimes in the country-side near the border line bring lots of problems with themselves. We should know that illegal immigration has economic and social sides as well as political and humanitarian sides.

Readmission agreements aim to send back illegal immigrants to the country of which they are a national, to their country of legal residence or to the countries they came from in a fast, effective and orderly manner commensurate with human dignity. These agreements which are encouraged and recommended by the EU, the Council of Europe, and the Budapest Process make arrangements for the reception of persons who have entered other countries illegally, by the country of which they are a national, the country of which they are a resident or the country they came from.

In many legal documents of positive international law, the states' obligation to readmit its nationals is emphasized. The readmission of nationals has been established as a general principle of international law.

In practice, however, it is observed that low-income states with large populations, or those where the administration of the country is not based on the rule of law, or those not ruled under democracy may create significant difficulties in readmitting their own nationals.

Turkey has started some readmission procedures with some of source and transit countries. As the first step, Turkey signed readmission agreement with Syria and readmission Protocol with Greece. Turkey has informed his willingness to start readmission implementation although the Protocols have not been ratified by the Parliaments of the Parties. Turkish Government has ratified the Turkey-Greece Readmission Protocol on 24 April 2002. During this process, very positive results have been achieved with Syria and 18 illegal immigrants readmitted to Turkey from Syria and 854 illegal immigrants were removed to Syria from Turkey. On the other hand, 2659 illegal immigrants were accepted by Turkey but, Greece could send readmit 1069 migrants from Greece to Turkey and only 19 immigrants could be removed to Greece.

Also, draft readmission agreements were proposed to Iran, Bangladesh, India, Sri Lanka, Pakistan and China as source country, to Bulgaria and Romania as transit country in 2001. The negotiations continue with Bulgaria and studies on Iran, Macedonia, Libya, Ukraine, and Belarus.

On the other hand, Turkey proposed draft readmission agreements to Jordan, Russian Fed., Tunisia, Uzbekistan, Mongolia, Egypt, Kyrgyzstan, Israel, Georgia, Ethiopia, Sudan, Algeria, Libya, Morocco, Lebanon, Nigeria and Kazakhstan in 2002.

The aliens' detention, reception and removal centres have been necessity for Turkey. Those centres will have opportunity to detect immigrants in secure and healthy places and also provide the secure and certain removal. It is planned to build up 12 detention centres in 12 different provinces in the West, Middle and Eastern Turkey.

In the name of education, Turkey participates or organises education seminars and courses to fight illegal immigration in the national and international basis. In the national basis, 1500 personnel were educated in 16 months period. 15 TV programmers were published on Turkish TV channels to inform people about illegal immigration and make the public conscious against any attempts. In the international basis, Turkey has given training courses to the Bosnia-Herzegovina and Albanian Police authorities in 2001, 2002 and 2003.

We divide mid and long term efforts to combat illegal migration into four groups:

- 1- Adoption of an overall strategy on border management, asylum and immigration.
- 2- Adoption of legislation
- 3- Concluding readmission agreements with source countries and then with transit countries.
- 4- Building up aliens' detention and removal centres.

In order to comply with the EU legislation and practice in the area of asylum, immigration and border management, Turkey has set up a Task Force. This study aims to bring different agencies responsible for the border management issues and improve an overall strategy on border management, asylum and immigration according to the EU Acquis. There are three working groups that still work on 3 sectors. It is expected from the Task Force complete its work until the end of 2002. After the strategy has been decided, a joint programme with Turkey and EU is going to be started in 2003 to develop an Action Plan regarding the implementation of the strategy.

Border security is one of the main responsibilities of Turkey. In the task of border gate security, Ministry of Interior - General Directorate of Turkish National Police; Prime Ministry - Undersecretary of Customs; apart from the border gates, but along the green border Land Forces and Gendarmerie and along the blue borders Coast Guard has the responsibility.

In the frame of acquis harmonization of EU Justice and Interior field, asylum, migration and protection of the borders are taken into consider in an intermingled. For an whole over harmonization strategy has been prepared and began June 2002 by the Task Force on Asylum, Migration and Protection of External Borders under secretariat of DG Turkish National Police - Department of Foreigners Border Asylum, consists of the said department, General Staff, Ministry of Foreign Affairs, Undersecretary of Customs, Coast Guard, Gendarmerie and Ministry of Interior - Department of Foreign Relations and EU Coordination, at the same time prepared by this department.

According to the Improved Action Plan: harmonizing Turkey's Border Management to the EU Legislation, Turkey'nin bütünleşmiş sınır yönetimi stratejisinin, including Schengen legislation, improving operational capacity of the responsible institutions along with the Schengen legislation (coordination, human resource, equipment), harmonising EU acquis and best practices, the Twinning Project proposals by the United Kingdom and France and put into practice.

In addition to this, a seminar on Schengen Border Management held with the support of TAIEX Office.

The EU High Level Working Group Project: “Support to the Turkish Immigration Authorities in the area of asylum during the EU Process”

The purpose of the EU High Level Working Group Project which is conducted by MoI is to promote a partnership with Turkey in migration policy to contribute to better control and prevention of migration flows and help to combat illegal migration and to develop an efficient and balanced migration administration in all fields and to establish and develop an effective asylum system in Turkey, corresponding to the EU *acquis* and comparable standards and practices. This project will be conducted together with the EU High Level Working Group Project.

It is planned the work schedule and the seminars to be organized for training and evaluation in 2003 and 2004. The various agencies interacting in the asylum and migration field participate in seminars besides MoI’s staff. The participants have insights into international refugee law and its application and procedures, EU *Acquis* in the field of asylum and migration, dissemination of EU *Acquis* to the relevant authorities, European Refugee Law in Comparison, and Regulations of Refugee Law during the period of EU enlargement.

Some staff participating in HLWG seminars is envisaged to assist in the seminars in the framework of Twinning Project in order to carry out the gap analysis at the evaluation meetings. At the end of Project Seminars, “The Seminar Evaluation Report” will be prepared and the results of these reports will be used in The Twinning Project on Asylum and Migration. Thus, it is targeted to provide the integrity between these two seminars by cooperating with each other

Twinning Project no. TR02-JH-03 for Support for the Development of an Action Plan to Implement Turkey’s Asylum and Migration Strategy.

The first Twinning Project Covenant, TR02-JH-03, on asylum and migration has been finalized and submitted to EU Delegation on 06.06.2003. The project covenant was examined by CFCU and EUSG to Turkey and our staff together. The changes were made according to their comments on 12-15 August 2003 and revised Covenant was submitted on 29.08.2003 to the Commission. We are expecting its endorsement by EUC. This project will continue for 1 year and conduct together with the EU High Level Working Group Project.

The overall objective of the Twinning Project, TR02-JH-03 on asylum and migration which was prepared in cooperation with Turkey and Denmark and UK is to align Turkey’s asylum and migration legislation and practice with the corresponding elements in the EU *acquis*, aiming at an overall strategy in the area of asylum and migration. And Project Purpose is to support the development of an action plan, to be realized in an enlarged part by the provision of EU funds, to implement Turkey’s asylum and migration strategy in line with EU legislation and the improvement of the operational and administrative (coordination, human resources, equipment) capacity of the agencies responsible for management and implementation of Turkish asylum and migration policy.

This table shows the number of illegal immigrants apprehended between 1995-2003. Among 1995 and 2000 there has been 90 % increase of illegal immigrants. Comparing the years of 2000 and 2001, there was no important change in the numbers of illegal immigrants.

However, if we look at the years 2002 and 2003, we can surely observe a significant decrease of the numbers, also taking into account that in 2003; only 56.219 illegal migrants have been apprehended, parallel to the decrease within all European countries. (To make a comparison, Italy has noted 49.3 percent decrease in the first half of 2003 very contrary to 2002.)

Illegal immigrants mostly come from the Asian countries and those of Former Soviet Union Countries.

When looking at the density of origin countries, Moldavia nationals consist of 15 % of all. Then Iraqis, Romanian and Pakistan citizens are the other largest groups of illegal immigrants detected in Turkey. Turkish Law enforcement authorities have detected illegal immigrants coming from 163 different countries. We can also talk about the significant decrease in Iraq and Afghan nationals and take into consideration that the recent developments in these two countries is a very important factor.

With regard to a very important point that, apprehending illegal migrants is not the only solution of the problem but 'breaking' the smugglers in is the key point; our security forces and authorities give very much patience to the subject. In this framework; up to now in 2001-1155, in 2002-1157, in 2003 937 and for the last 6 years totally 4384 smugglers have been arrested and sent to courts. Main nationalities of illegal migrants from these are Iraq, Iran, Afghanistan, Moldova, India China, Ethiopia, Somalia nationals other various African nationals such as Burma, Burundi, Congo.

The Aliens who cannot enter Turkey are introduced on Passport Law. Foreigners who;

- are the threat to national and public security,
- have no property to live in Turkey,
- came to Turkey with the aim of prostitution or women trafficking,
- have transmitted illnesses,
- convicted of a crime that is relevant of an extradition agreement.
- is prohibited to enter Turkey

Between 1999-2003, **66.812** foreigners were refused from Turkish border gates due to the reasons mentioned above.

Turkey takes very much care to stop illegal migration by sea through its territorial waters. In this respect, we share information by Interpol, European Early Warning System and diplomatic channels in emergency cases. You can see some statistics of the combating efforts in the picture.

When accepting the 1951 Convention, our country has taken the advantage of the right to make a reservation in determining the refugee status which was given to the states party to the Convention. Taking into consideration the region that our country is situated in, a declaration was issued with the Law numbered 359 announcing that only asylum seekers coming from Europe to our country shall be recognised as refugees within the scope of the Convention.

Taking into consideration the region that our country is situated in, a declaration was issued with the Law numbered 359 announcing that only asylum seekers coming from Europe to our country shall be recognised as refugees within the scope of the Convention. Because of the geographical structure of our country, its location as a bridge between Europe and Asia and the unstable characteristic of the region implementing geographical reservation was necessary. It is apparent that the unstable characteristic of the region foreseen when the Convention was signed is still valid. In this respect, because of its geographical location our country is situated in the region continually open to mass influx (asylum). For instance, in 1989 around 600.000 Iraqis sought asylum in Turkey and our country has managed to cope with this crisis with success.

Now, I would like to mention about migration flows that Turkey has received. Turkey has faced with migration and refugee flows more than decades ago. Within the frame of this point, the first accepted people were 300.000 Jewish escaping from Spanish interrogations. Upon this first example of being an asylum applicator country, after the Ottoman Empire, Turkish Republic has continued the same manner. Here, you can see the migrant and asylum seeker flows to Turkey in the picture.

- With regards to Asylum seekers and refugees, 36,133 people from different countries between 1995 and September 2004 applied for asylum and refugee status in Turkey.
- In our records 932 people did not qualify as refugees and therefore were not accepted and a total of 1,543 people returned to their respective countries after a brief stay in Turkey. Through investigation result another 5405 people were not accepted as refugees. However, a total of 18,580 people were given temporary refugee status. Currently, investigation on 9673 is still in process.

When Refugees and asylum seekers were accepted to third countries are given permission to move to the countries of their choice in 1995 995, in 1996 1171, in 1997 906, in 1998 1326, in 1999 1721, in 2000 2289, in 2001 2765, in 2002 2935, in 2003 2702, in 2004 1208.

A total of 395 asylum seekers, which includes 50 Iraq, 245 Afghanistan and 100 Iran national are currently undertaking educational programmes in Turkey's primary school, high schools and universities.

Moreover, cases against our Internal Ministry at the courts and Europe Human Rights Court's records have decreased immensely for the last 3 years. The foreigners who are refugees and asylum seekers in Turkey have right to apply to Turkish courts. Till the court decision is taken, the mentioned foreigners have right to reside in Turkey. It is attractive when compared to the other countries that, only 22 persons out of 11,627 who are holder of residence because of their refugee or asylum seeker titles, had applied to judgement. It displays how democratic is Turkish asylum system. For instance, 10,000 files out of 14,000 have reached in conclusion through jurisdiction in Sweden.

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However, if we look at the years 2002 and 2003, we can surely observe a significant decrease of the numbers, also taking into account that in 2003; only 56,219 illegal migrants have been apprehended, parallel to the decrease within all Europe countries. (To make a comparison, Italy has noted 49.3 percent decrease in 2003 contrary to 2002.)

Illegal immigrants mostly come from the Asian countries and those of Former Soviet Union Countries. When looking at the density of origin countries, Moldova consists of 13.7 % of all. Then Moldova nationals, Afghans and Romanian and Pakistan citizens are the other largest groups of illegal immigrants detected in Turkey. Turkish Law enforcement authorities have detected illegal immigrants coming from 163 different countries. We can also talk about the significant decrease in Iraq and Afghan nationals and take into consideration that the recent developments in these two countries is a very important factor.

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is prohibited to enter Turkey.

Between 1999-2002, 51102 foreigners were refused from Turkish border gates due to the reasons mentioned above.

It must be pointed out in this stage that the number of illegal immigrants coming from Afghanistan has increased abnormally in the recent years. According to the information taken from Iranian formal sources that 3 millions of Afghan nationals who are not under the protection of UN, are still waiting to go to the West countries in Iran. After 11 September, a sharp increase has been determined during this process.

With regard to a very important point that, apprehending illegal migrants is not the only solution of the problem but 'breaking' the smugglers in is the key point; our security forces and authorities give very much patience to the subject. In this framework; up to now in 2001-1155, in 2002-1157 and for the last 5 years totally 4018 smugglers have been arrested and sent to courts. Main nationalities of illegal migrants from these are Iraqis, Iranians, Afghans, Moldova nationals, Indians Chinese, Ethiopians, Somalis, other various African nationals, such as Burma, Burundi and Congo.

I would not like to look for any specific examples for the damage of trans-border crimes. The most impressive ones are of course, the dead around 30.000 Turkish Nationals because of terrorist attacks, by the terrorist network PKK-KADEK-KONGRA GEL, which is recently-named as KADEK and also the September 11th attacks to USA and the dramatic harms of it. To continue this example; I would also like to draw your attention to the determined activities of terrorist network, former PKK, in connection with illegal migrant smuggling as follows:

- They, by force take money from the potential illegal migrants in the source undeveloped countries, granting them high quality live standards,
- They transfer these people to the destination countries via transit ones, either from green borders or from blue borders by falsified documents.
- They, at the same time use these illegal migrants as the sympathizers and militants,
- They mainly provide legal residence and working permits in the destination western countries and at the end properly gain money by force,
- The members of the former terrorist PKK network also use these innocent illegal migrants in campaigns against the source or transit countries, mainly Turkey.

The immigrant smuggling has been an actual matter for some Mediterranean Countries such as Turkey, Greece, Italy and France for previous years. Turkey put into lots of measures in order to combat these smugglers. In this respect, An Early Warning System that works between all institutions combating illegal immigration according to the 24 hours working method and liaison officers were determined for the emergency cases. The immigrant smuggling has been an actual matter for some Mediterranean Countries such as Turkey, Greece, Italy and France for previous years. In the last two years, people smuggling via sea has become to be performed from India-Sri Lanka-Suez Canal-Mediterranean Sea. Also, Australia has lots of matters with illegal immigrants coming from Senegal, Malaysia and Singapore by boats. People smuggling via sea is a very important issue and international cooperation in this field is a key element in combating performs. In this respect, we share information by Interpol, European Early Warning System and diplomatic channels in emergency cases. In this respect, 41 vessels carrying 2516 illegal migrants have been apprehended in 2002, whereas this number in 2001 was 27 vessels and 2743 illegal migrants (The illegal migrants caught just before to embark on the coasts are not included). However, also in the year 2002, only 2 vessels which were said to have departed from Turkish coasts were detained abroad, although no clear evidence about departure from Turkey was reached throughout the investigations held. It's so distinctive and important that only from the beginning of this year, up to now, 8 vessels in the Turkish territorial waters with 1529 illegal migrants and 29 smugglers have been caught and arrested by Turkish security forces.

Turkey takes very much care to stop illegal migration by sea through its territorial waters. In this respect, we share information by Interpol, European Early Warning System and diplomatic channels in emergency cases. You can see some statistics of the combating efforts in the picture.

It is of course worth financial burden to cope with migration movement's in/to/through Turkey and in the table, you can see the amounts of money spent for irregular migrants in order to feed, accommodate and transport them in the humanitarian manner.

The amount of money separated from the budget of 2003 is about 3.3 billion Turkish Liras.

LEGISLATIVE AREA

During our Candidacy Process, amendments and drafts have been and are being prepared.

There was not a special regulation to combat people smuggling and trafficking in human beings that was full agreed by the States until the recent years. After 2 years study in UN, Convention for Combating on Transborder Organised Crime and its two protocols, UN Protocol Against the Smuggling of migrants by land, sea and air, Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children were signed on 12-13 December, 2000 in Palermo.

Turkey was among the initial signatories of the UN Convention Against Transnational Organized Crime and its two Protocols including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children. The said Convention and its protocols have come into force since 19 March 2003.

Before, in fulfilment of the provisions of the UN Conventions and its Additional Protocols, a law on additional articles to the Penal Code and on amending the law on Combating Benefits-Oriented Criminal Organizations has been adopted on 3 August 2002. Turkey has signed this Protocol.

As I've mentioned just now, Turkey has signed The Palermo Convention and its two Protocols and within the frame of this manner; before the ratification of the Convention, a new legislation has already been approved and come into force on 9 August 2002 according to the Palermo Convention and its Protocols. That new law introduces the immigrant smuggling and trafficking in human beings and brings deterrent measures to the traffickers.

The amendment to the Citizenship Law has been ratified by the Parliament. At present the foreigners (women) may require Turkish Citizenship upon request by marrying a Turkish national immediately. With this amendment a probation period of 3 years will be imposed. This law also has been ratified on 3 June 2003 and is now put into force.

The working permits of foreigners in Turkey were given by several institutions such as Under secretariat of Treasury, Ministry of Labour, and Ministry of Tourism. A new legislation called as "Law on Working Permits of Foreigners" to collect the permission authorities at the single authority and prevent illegal employment was approved by the Parliament. This legislation provides the working permits into 4 groups and enhances the adoption of several Turkish legislation according to the EU Acquis.

The draft "Law on Permits for Foreigners" has been accepted at the Commission of Health, Family and Social Affairs of the Turkish Parliament and submitted to the General Assembly and this law has been admitted here. After the approval and adoption of this law, the work permit of foreigners which was issued by several different bodies will be issued by the Ministry of Labour and Social Security. This will prevent the illegal employment. This draft law has just been adopted by the Turkish National Assembly on 26 February 2003 and is now put into force in a very short period of time.

As conclusion,

- Turkey is ready to support to improve the present mechanisms for exchange of information and sharing of experiences on illegal immigration issues.
- A joint European Fund should be established to expulse or remove illegal immigrants coming from African countries and transborder countries of candidate and Member States of European Union and should be added to the Green Paper of the Commission.
- More definite criteria should be looked for while the asylum applications are examined and illegal immigration phenomenon should be taken into account when the common asylum and immigration policy is created
- The position of transit countries should be evaluated in the concept of burden sharing and economic difficulties of origin countries should be taken into account.
- Joint meetings should be held with origin countries with participation of member and candidate countries.

I believe that the EU-Turkey partnership co-operation among states of origin, transit and destination should be in a manner of mutual benefit to combat and manage illegal immigration flows. It must be envisaged that leaving of illegal citizens of the origin countries is not a major problem for these countries. In this respect, developed and target countries have to provide economic and social support mechanisms for the source countries.

Thanks for attention

SESSION 2 :
BURDEN SHARING, NOT BURDEN SHIFTING – THE BASIS FOR A
GUENUINE CO-OPERATION ON IRREGULAR TRANSIT MIGRATION

Transit Migration and Migration Management Strategy – the need for a comprehensive approach , by Mr Michel VILLAN, Chair of the European Committee on Migration, CoE

Council of Europe actions carried out by the European Committee on Migration (CDMG) and its committees of experts in the field of migration

Ladies and gentlemen,

In the period immediately succeeding the 1940-1945 war, western economies resorted heavily to foreign labour in order to meet their manpower requirements.

In 1960 the report by Mr Sauvy drew attention to the falling birth rate in western countries. This marked the beginning of family immigration and reunion policies. We now know that the demographic patterns of immigrants tend to approximate the pattern of the native population in the medium term.

With the forthcoming retirement around 2010-2015 of the children born during the post-war baby boom, there is a high risk that a further significant requirement will arise for foreign labour to meet the needs of industry. By itself the debate about the extension of working life cannot solve Europe's population problems, just as immigration alone is not the answer to all the problems posed by the aging of the European population.

Nor can forced, or more or less forced, immigration be regarded as a way of solving the problems resulting from the various conflicts and violations of human rights and freedoms. Analyses, integration proposals and the management of migration flows must have regard to the above considerations.

The report "**Diversity and cohesion: new challenges for the integration of immigrants and minorities**" by the European Committee on Migration (CDMG) in 2000 established the principle that the integration of immigrants and national minorities was one of the pillars of social cohesion.

The **7th Conference of European Ministers responsible for Migration Affairs** held in Helsinki in September 2002 stressed Ministers' commitment to promoting societies based on equal rights, obligations and opportunities, encouraging cultural diversity and respecting the common values of a democratic society.

Member States' Ministers undertook to promote a welcoming and open society and to encourage the participation of legally resident migrants in economic, social, cultural and political life.

On the basis of the report "**Towards a migration management strategy**", Ministers undertook to:

- a) promote a migration-management strategy and intensify dialogue with a view to managing migration matters efficiently;
- b) develop legal-migration channels;

* This report is also available in French on the Council of Europe Migration site: www.coe.int/migration.

- c) combat people trafficking and the exploitation of migrants;
- d) establish close and lasting bilateral and multilateral cooperation between host countries, countries of origin and transit countries.

In conclusion to the conference, **four principles were stated**:

- a) **Orderly migration management**: the rules for this must be compatible with human rights;
- b) **Protection** enabling prompt management of population movements;
- c) **Integration of the populations concerned**, allocating all necessary resources to this policy;
- d) **Need for cooperation** between host countries, countries of origin and transit countries.

Finally, they recommended to the Council of Europe's Committee of Ministers that it:

- draw up, implement and make effective use of appropriate evaluation and monitoring instruments (**integration indicators**);
- create a **network of host towns** in order to study the impact of migration and integration at local level and assess how those towns had met the challenge. This network would be set up in close cooperation with the Congress of Local and Regional Authorities.

Ministers also took note of the proposal by the Council of Europe's Secretary General for the **creation of a structure to implement and monitor the migration- management strategy**.

Within the CDMG, the **Committee of Experts on Integration and Community Relations (MG-IN)** has worked on these questions and prepared proposals for specific policies.

In 2003, the MG-IN, among other things:

- finalised a **proposal for a recommendation on access by non-nationals to the civil service**;
- drew up a **list of quantitative and qualitative integration indicators** to be gathered by each country for the purpose of improved monitoring and evaluation of policies conducted in this field.

The **integration indicators** tool is the first of its type put forward by the Council of Europe. It relates to seven important areas of life, namely employment, housing, health, nutrition, education, information and culture, and analyses the bases of public functions, including the foundational, reparative and facilitative functions.

This tool is intended as a guide and reference point for those wishing to develop an integration policy for migrants in one of the sectors analysed. It allows short-, medium- and long-term objectives to be fixed in this area.

The **MG-ID (Committee of Experts on Integration and Diversity)** has continued the work of the MG-IN and in 2004 is in the process of testing and refining this tool. Two countries, Armenia and Ukraine, have already made partial experimental use of it, although for the latter country the exercise was more symbolic. Regions of three other countries - Italy, Spain and Belgium - have carried out joint work on socio-occupational integration indicators for migrants.

The MG-ID is also preparing a **draft recommendation on the promotion of access to employment and economic opportunities for migrants as well as for disadvantaged immigrant populations and ethnic minorities.**

For the Council of Europe:

"The social cohesion of a modern society is defined as all the relations and links that tend to strengthen society's capacity to ensure the well-being of all its members on a sustainable basis, including equitable access to the resources available, respect for dignity in diversity, personal and collective autonomy and responsible participation."

The integration of immigrants and minorities must be defined in accordance with the same social-cohesion principles. **Integration is no good without social cohesion, and social cohesion is no good without the proper integration of immigrants and minorities.**

As regards other CDMG work, the **Committee of Experts on the Legal Status and Other Rights of Immigrants (MG-ST)** has prepared a **draft recommendation on the legal status of migrants admitted for employment purposes.** This has already been submitted to, and debated by, the CDMG and, in principle, will be adopted at the next CDMG meeting.

Regional-dialogue conferences on migration and on implementation of the management strategy for migration flows have been organised by the CDMG:

- one in Malta in April 2003 on "Migration in the Mediterranean: Prospects for the Future";
- another in Kiev in October 2003 on "Migration policies on the eve of EU enlargement: what challenges for future cooperation within the East European region?"

A conference was also scheduled to take place in Istanbul on 30 September and 1 October 2004 on: "Migrants in the transit countries: sharing responsibilities in management and protection".

The Council of Europe's Political Platform on Migration

The **first meeting of the Council of Europe's Political Platform on Migration** was held in Rotterdam in December 2003 on the subject of North-South and East-West dialogue.

The goal of the Political Platform is to promote North-South and East-West dialogue as well as cooperation on migration between countries of origin, transit and destination.

Two themes were chosen for that first meeting:

- The first theme concerned the **role of information.**
- How can accurate information about migration conditions in Europe be circulated in countries of transit and origin (legal-migration channels, family reunion, recognition of diplomas (qualifications), visa arrangements, honesty and fairness of selection processes)?
- How can information about countries of origin, for example about migration pressures resulting from those countries' development levels, be circulated intelligently in host societies?
- How can a knowledge and understanding of migrants' cultures be developed in host societies?
- The second theme concerned **integration as a factor of development.** The question to be discussed was:

- What can be done to ensure that the process of integration in host societies benefits both countries of origin and countries of destination in the economic, social, cultural and educational fields?

The ensuing discussions showed that non-member countries which were either suppliers of immigrants or transit countries were definitely interested in collaboration with the Council of Europe; also that the Platform's work should take account of both cultures (country of origin and host country) in order to develop good-quality information.

Information should be developed in the following eight areas of life: social - employment - cultural - religious - education - health - housing - nutrition.

Information should concern:

- legal procedures;
- current legislation;
- customs and values of the host society and societies of transit or origin;
- risks entailed in a clandestine existence and illegality, dangers of getting involved in people trafficking;
- racial discrimination.

The usefulness of possessing an agency able to achieve these objectives was highlighted (organisation of round tables in countries of origin and transit; provision of evaluation systems etc). The CDMG is not, in fact, equipped to follow up all these proposals.

However, information is a good thing but is insufficient in itself. The populations of countries of origin must be helped to emerge from their underdevelopment, for example by supporting micro-projects and their impact on the population and by developing intergovernmental cooperation and projects in a spirit of co-development.

Vocational training for migrants was indicated as an important factor of integration in the host country but also as a means of fitting migrants for reintegration in their country of origin. The importance of better organising and/or managing financial transfers between host countries and countries of origin so as to provide more jobs in the country of origin was mentioned. The usefulness of involving the Council of Europe Development Bank in support for development projects in countries of origin and transit was stressed.

All representatives of countries of origin and other countries emphasised the importance of greater freedom of movement between countries of origin and host countries in boosting cooperation and promoting projects in countries of origin, provided that migrants could return to the host country if they so wished.

The second meeting of the Political Platform, held in Strasbourg in May 2004, tackled the subject of **student mobility**. The European Committee on Migration agreed to examine the situation of student migrants in Council of Europe member States in order to encourage student mobility and the transfer of qualifications and skills between countries of destination and countries of origin.

The problems raised by student mobility derive from its specific nature. The question of return to the country of origin is particularly important in this connection. Even quite recently, student mobility was always viewed from the educational standpoint. The only considerations were educational standards, the mutual recognition of diplomas and the Bologna process. Social, economic and legal questions were ignored. The debate now concerns the complexities routinely encountered by foreign students at every stage in their studies. The discussions dwelt particularly on the possibility of solving these problems through cooperation and co-development.

The debate concentrated on three sets of problems arising at the different stages of foreign students' studies:

- **Departure.** (How are coherent and transparent visa policies to be devised? How are students to be given reliable information? Etc)
- **Stay.** (How are students to be enabled to derive the maximum benefit from their studies? How can it be ensured that foreign students are not unfairly treated or exploited?)
- **Return.** (How is the brain-drain problem to be tackled? How can it be ensured that students return on completion of their studies?)

The following key points emerged from this meeting of the Platform:

- Cooperation agreements could be concluded between countries of origin and host countries on improving the educational systems of countries of origin, in order to help create new universities and facilitate the co-management of educational establishments in those countries;
- The eligibility of countries of origin for financial assistance or a development project financed by host countries could be examined from the viewpoint of student mobility;
- Assistance could be provided in various ways to diaspora groups and associations of former students residing in their countries of origin with the aim of creating favourable conditions for the development of social and economic links between countries;
- Returning qualified students could be recruited on favourable terms in their countries of origin. Western firms that had set up businesses in those countries could review their employment strategies so as to encourage the recruitment of people who had studied abroad;
- The question of recognition of diplomas and qualifications should also be examined in order to remove any obstacles to entry by former students to the employment market. The basis for this exercise should be the Lisbon Convention;
- Information provision should be reorganised so as to furnish full and reliable information to students intending to return to their countries of origin.

A questionnaire had been sent to member States requesting data about their policies, rules and procedures concerning the admission of foreign students to Council of Europe member States. A comparative report on member States' practices in this area would be submitted later.

A proposal was made that the future Migration Agency should be assigned an important role in the drawing-up and implementation of projects in all fields relating to student migration. Among other things, the Agency should take part in co-development by supplying expertise and assistance with the preparation of co-development projects designed to encourage former students to return to their countries of origin.

The third meeting of the Political Platform in November 2004 will discuss the question of **unaccompanied foreign minors**.

- How can we ensure that such minors are not traumatised for life?
- How can we ensure that they are not caught up in people trafficking?
- How can we ensure, right from the start, that neither they nor their families are tempted to take part in such migration?
- What training, education, monitoring and protection are such young people to have?

The Council of Europe's Migration Agency

The CDMG took note of Parliamentary Assembly Recommendation 1655 (2004) concerning the European Migration Observatory/Agency.

Although the CDMG had been unable to complete its discussion of the proposal to establish a Migration Agency, it had prepared a provisional opinion for the attention of the Secretary General and the Parliamentary Assembly.

The CDMG unanimously agreed that all necessary consideration should be given to the specific task which it wished to assign to the Migration Agency. The financial implications called for particular attention. The CDMG highlighted three other key aspects of the Agency's task:

- its size in terms of both structure and operations: the more important the task, the larger its structure and operations would have to be ;
- the political support for its task and areas of activity: political support could dictate a particular task or choice of particular activities;
- finally, the necessity for a complementary role.

In the CDMG's opinion, it was highly important that the European Commission and international organisations (NGOs included) be consulted and fully involved in the decision-making process so that the task of the Agency and its areas of activity might answer their needs as fully as possible and the Agency itself be a useful and relevant partner.

Task

In the CDMG's view, the Migration Agency's task should therefore be to promote regular dialogue, partnership and cooperation between countries of origin, transit and destination concerning migration movements within and towards Europe, and in so doing to imbue that dialogue and cooperation with human-rights values as advocated by the European Ministers.

To that end, the Migration Agency should act in accordance with the proceedings of the Political Platform (a forum bringing together member and non-member States and representing the four major elements of democratic societies, namely governments, parliaments, local authorities and civil society). As the purpose of the Platform was to identify needs which were not or could not be covered by other bodies, the Migration Agency's activities would necessarily be of a complementary and supplementary nature.

The Agency's task would be directed at promoting co-development. The Agency should strengthen interaction between policies in the fields of migration, integration and co-development, emphasising their common aim for which the label was co-development. The Agency's activities would thus give a strong boost to the orderly management of migration as called for by the European Ministers, reflecting the interests of all parties, including the human rights of migrants.

Fields of activity

The Agency should undertake the following activities for the accomplishment of its task:

- observation and analysis of phenomena identified by the Political Platform or as requested by external partners;
- assist governments with policy assessment;
- assess the feasibility of proposed projects;
- help governments to coordinate and implement projects;
- obtain and circulate information;

- promote involvement and initiatives by migrants (mobilisation of migrants and raising their awareness);
- promote partnerships in the field of co-development.

In conclusion, I should like to say the following: for several years and even decades, action to help migrants amounted chiefly, in the best of cases, to providing migrant groups with courses in the host- country language, refresher courses or vocational training. The aim was to encourage migrants to adapt to the native way of life, and little interest was taken in the attainments, skills and assets that migrants could bring to the host society.

Nowadays, while a sufficient number and quality of such actions are still necessary, especially for new arrivals, they must be accompanied by measures forming part of a more comprehensive path to integration in society.

Through their personal links in the host country and country of origin and appreciation of their skills, immigrants can occupy a leading place in the economic and cultural development of each of the two nations.

The social cohesion and integration of migrants cannot be solidly constructed without the genuine and effective participation of our citizens - migrants or not – who will certainly have to be consulted once the legal bases have been laid.

We shall have to leave behind national exclusivity as a criterion of political participation, for dignity and a place in society come from citizenship. Some 30 million people living in Europe are still too often regarded simply as foreigners.

**Financing of projects for migrants, by
Mrs Eva SCHWEBEL, Council of Europe Development Bank**

Ladies and gentlemen,

First, I would like to congratulate the Council of Europe for taking the initiative of organizing this important conference and for giving the CEB the opportunity to attend and present its activities in favour of migrants.

I would also like to thank the Turkish authorities for the excellent organization of this event and to pay tribute to the Turkish "art of hospitality".

Turkey is one of the CEB's founding members and as such, an important shareholder. 120 projects reaching an approximate total amount of €3.9 billion were approved in favour of our host country.

WHO ARE WE?

The CEB is a multilateral development bank established in 1956, by eight member countries of the Council of Europe.

Presently, **the Bank has 38 member countries** (among which the 25 European Union countries as well as the Western Balkans countries, Turkey). The CEB's headquarters are located in Paris. Since its inception, the Bank's **prime objective** has been to respond to emergency situations. **Statutory priority** is therefore given to providing **aid to refugees, migrants, and vulnerable populations**, including **minorities**. **The Bank** thus finances **investment projects** aiming at **helping migrants and refugees in the host countries**, or aiming at **facilitating voluntary return**- whenever possible- to their **countries of origin**. Over the years the Bank's fields of interventions have widened to include all the fields of intervention contributing directly to the **strengthening of social cohesion** in Europe.

I will focus, in this presentation, on the Bank's actions in favour of migrants, this vulnerable population being the target population of this Conference.

The CEB does not apply different treatment relating to the different status of the migrant (legal, illegal, transit); the Bank supports its member countries in co-financing investment projects. The decision to make use of this possibility is in the hands of the countries themselves.

Let me refer to **three major sectorial lines of action** to summarize the main the activities the Bank:

- I. *reinforcement of social integration* (aid to refugees and migrants, social housing, job creation, vocational training) ;
- II. *development of human capital* (education and health)
- III. *management of the environment*.

€ 4.3 billion is the total amount of loans disbursed -between 1956 and 2003- in support of projects helping refugees, migrants and minorities.

WHAT TYPES OF PROJECTS CAN THE CEB FINANCE ?

CEB's interventions address either "**emergency assistance projects**" or "**long term integration projects**". Referring to migrants, refugees and other vulnerable groups, the Bank can co finance, among other things, rehabilitation or construction of reception centers, temporary and permanent social housing, healthcare infrastructure, education infrastructure including vocational training.

EXAMPLES OF PROJECTS FINANCED

Turkey

Since we are in Istanbul, and considering the social importance of this project, I would like to mention **a US\$ 250 millions loan** approved in 1989, in favour of the Turkish Government for the integration of the Turkish minority coming from Bulgaria.

The implementation of the **project resulted in construction of 20.000 flats** and the related infrastructure in seven municipalities throughout the country.

Italy

In 2001, the Bank extended a loan of €15 million to Banca Popolare dell'Emilia-Romagna for the financing of a **social housing project** designed to immigrant workers, young families and people with low income in the region of Emilia Romagna. **164 apartments** were built facilitating the integration of the above mentioned target population.

Finland

In 2001, the Bank extended a €50 million loan to the City of Vantaa for partial financing of the **rehabilitation of schools and social infrastructures** (day care centers for children, hospitals). The CEB loan facilitated, among other things, the capacity of the city as to the integration of migrant children into schools.

WHO CAN BORROW?

The CEB works with three main categories of borrowers: the member states, the local or regional authorities and financial institutions.

As a general rule, the Bank provides 50% of the total cost of the project. In specific cases, the CEB's financing may reach up to 90% of the total cost.

The Bank has developed cooperation with other international institutions active in this field, such as UNHCR, IOM, European Union and others.

CONCLUSION

The issues tackled during this Conference -such as transit migration and migration management strategy, the current policies of the European Union - are of key importance to the Bank.

The Bank is following with interest the developments occurring within the Council of Europe be it via the Parliamentary Assembly's competent committees or via intergovernmental bodies.

I would also like to mention the extraordinary meeting of the CEB's Governing Board devoted to the issue of migration, held in Strasbourg, in November 2002.

In May 2004, the Bank in cooperation with the Secretariat of the Partial Agreement on the CEB, made a presentation on its activities and procedures aiming at the enhancement of a concrete cooperation between the interested member countries and the CEB, based on concrete projects for the benefit of migrants.

Thank you for your attention.

**New approaches to managing migration from the perspective of a country of origin –
Pakistani experience, by Mr Hassan HAIDER**

Mr. Chairman, members of the European Council Secretariat,
Distinguished delegates, ladies and gentlemen,

On behalf of the Government of Pakistan, I wish to thank the European Council for inviting my country to attend this conference. My gratitude is also due to the Turkish Government, the organizers of this conference for their splendid hospitality. It is indeed a privilege and an honour for me to be here to represent my country and speak on a subject that is of great importance to all of us.

It has been an enriching experience for me to listen to the papers presented and views expressed by various eminent people during this conference.

We have gathered here to discuss various aspects of migration with particular reference to migrants in the transit countries. Human migration, whether voluntary or forced is a phenomenon that has existed over extensive period of history. While voluntary migrations are typically undertaken in exploration of better economic prospects, forced migrations by and large involve those expelled by governments, during wars or other such political upheavals, instances of such migration have been witnessed during the Second World War, after the break up of Soviet Union and also during the Afghan and the Bosnian Wars.

My country Pakistan is all but too familiar with these migrations. An unprecedented migration was experienced at the time of its creation in 1947 when over 7 million Muslims crossed the borders of Pakistan amid communal riots and prodigious sufferings. 'the story of migration was not merely one of movement of people from one place to the other. It was deeply embedded in hatred between religious communities. Stories of migrations of individuals, families or whole communities were told many times over everyday in the refugee camps and through the press with a focus on tension, displacement, harassment, killing, rape, arson, and acts of terrorism as well as occasional acts of heroism.'

Pakistan further experienced mass migration in the 70s and early 80s when more than 4 million Afghans fled their homeland in the wake of war. These historical migrations have caused suffering of profound magnitude, and have more often than not, been characterised by violence, destruction, bondage, mass mortality, as well as genocide. Migrations Mr. Chairman should therefore be viewed against this backdrop. Migration whether regular or irregular, legal or illegal, forced or voluntary should be dealt with in a systematic as well as sympathetic manner. Migrants should not be treated as offenders, rather they be considered victims. This in no way means that human trafficking and smuggling should be condoned. It needs to be curbed and perpetrators of these crimes should be dealt with sternly. However, it is the human aspect that should not be overlooked. It is therefore necessary for all the stakeholders to devise policies and strategies, which are beneficial for everyone.

Ladies & gentlemen, the theme of this conference migrants in transit countries: sharing responsibility for protection and management is therefore extremely important for all of us whether we be country of origin, transit or destination. Before we do that let us set our priorities right as to what is our objective? In this context there are certain questions, which need to be looked into.

They are:

- 1) Is all transit migration illicit in nature and has criminal intent? Do we want to treat it that way?
- 2) Do emigrants benefit the transit and destination countries? Reference was made that 40% of all activity in Turkey emanates from these migrants.
- 3) Do we want to stop the immigration by having stringent border controls and signing re-admission agreements?
- 4) Or should we make policies to streamline the procedures and make immigration orderly, beneficial to all?

Taking a holistic view of the issue, it can be argued that every country benefits from migration in one form or the other. Migrants contribute significantly in the development of host countries. They have a number of direct & indirect political, economic and social consequences. However, stringent rules and regulations limit their capacity and ability to contribute both socially as well as economically. Migration is rarely only one way. There is no doubt that more often than not, the dream or conscious intention of any migrant is to return to the home country after a shorter or a longer period of time abroad. All those who benefit from stay abroad in developed economies can and want to contribute significantly upon return to their homes. They can lay the foundation of quality educational institutions and develop various plans for poverty alleviation by sharing their knowledge and experience. In order to stem illegal transit migration and to prevent illegal trafficking it is essential to deal with the root causes in the countries of origin of immigrants. It is therefore essential to increase overseas development assistance.

The linkage between migration and sustainable economic development cannot be over-emphasised. Prospects of economic migrations are critically dependent on the economic development of the region. If the intending migrants are to be discouraged then the pace of development has to be stepped up in the countries of origin. Economic growth does not automatically lead to the elimination of poverty but it certainly reduces the pace of migration through greater employment opportunities.

Mr. Chairman, here I would like to mention the emergence of a new school of thought in South Asia for the eradication of poverty in which the key word is *good governance*. There are basically two sides to these governance processes. One relates to democracy and other to sustainable development. These governance issues are being looked at in a holistic and not in a Cartesian frame of thought and action. Efforts are afoot to investigate the South Asian reality from a South Asian perspective, which could be a basis of an alternative paradigm for a cultural rooted pattern of development and democracy in South Asia. The plan is based on a pro-poor growth strategy and not on a re-distributive strategy of welfare, safety nets and charity. This new approach has led to some significant results towards alleviating poverty and improving economic conditions in the region, which I am sure will also contribute towards minimising/limiting the migration from South Asia to Europe. It is a step towards sharing the burden with our European partners.

However, it is in this field where Europe can take the lead and provide much needed assistance to the developing countries like Pakistan. I am sure the chairman will consider this and include this in the recommendations for the Council to find ways and means to implement this proposal. I would like to refer here to Document No.8904 of European Council Assembly, which is a report of the committee on Migration, Refugees and Demography, which states:

"The Assembly Stresses that the most effective way to combat illegal migration is to deal with the root causes in the countries of origin of clandestine immigrants. It is necessary to increase overseas assistance"

Mr. Chairman, there are few proposals that I would like to present for deliberations and adoption. They are:

- A central body or a standing committee or Immigration Agency may be established to provide technical assistance, capacity building and policy support and also to serve as an information bank on migration issues for the host as well as countries of origin.
- The host and destination countries be encouraged to utilize and strengthen the already existing bilateral and multilateral arrangements.
- Steps should be taken to raise awareness at all levels, including use of public information campaigns to inform the would be migrants about the adverse effects of trafficking and related abuse.
- Adopt strategies to strengthen dialogue between countries of origin, transit & destination on the problem of illegal migration and trafficking.
- Comply with relevant rulings of the European Court of Human Rights.
- Take steps to provide opportunities to the 'would be migrants' by allowing them legal access.
- Illegal immigrants or transit migrants should be provided humanitarian treatment, during the period their cases are being considered according to law. Any unfair or discriminatory treatment towards them should be avoided.
- Respect the right to family reunion and not subject this right to overly onerous conditions, such as quotas for the entry of certain family members and lengthy waiting periods, as well as other restrictions dependant on the fulfilment of certain requirements on the migrant's first admission;
- Immigration and asylum policies of the transit and receiving countries need continuous review to be in conformity with international human rights covenants.

Mr. Chairman, the measures that I have enumerated are not the solutions they are only part of the solution. I am aware that there are no easy answers to these very complex issues that have national and international ramifications involving the entire world community. However, desired results cannot be achieved without the active and genuine cooperation of all the stakeholders. Every country has to contribute equally if this problem has to be solved in any meaningful manner. Mr. Chairman, today's conference has provided us an opportunity to deliberate on this issue extensively. The issues/themes being discussed are of utmost importance and need immediate attention of all the policy makers and the governments. I would like to emphasise here that my government fully supports these issues and will be willing to play the desired role in the implementation of various proposals/initiatives that will be finalised by European Council.

Mr. Chairman let me conclude by saying that in modern world where economic development and globalization are the key words, it is incumbent on the world community to develop a New Social Contract between the developed and the developing countries that can bring various communities together and that new social contract has to be based on "Synthesisation" and not in the "clash of civilisations." Let us all contribute towards achieving this goal through equity and justice for all. Thank you ladies and gentlemen for your attention.

**Migration Management from the perspective of a transit country – the Turkish case, by
Mr Ahmet ICDUYGU, Koc University, Department of International Relations**

I. Introduction

The term “*transit migration*” is used for the phenomenon where migrants come to a country of destination with the intention of going and staying in another country. What makes the position of these migrants so unique is their own intention-based so-called “temporary” character in the country of transit together with largely “illegality-based” nature of their movement. Therefore transit migration is a matter of procedure. Indeed, originating from one area, transiting other area(s), and trying to arrive in another area are not an unvarying process but a context specific one: both local and international contexts matter. As I argued elsewhere (Icduygu: 2000:357), in recent years international migratory flows directed to the European countries have tended to include a large portion of migrants who first come to the peripheral zones of Europe, such as Eastern Europe, Western Asia, and North Africa, intending to enter Europe from those areas. Today, transit migration is an issue of concern to Europe as a whole (de Tapia, 2003). Turkey is one of the countries of transit migration at the edge of Europe. The growing importance of illegal transit migration through Turkey, together with the use of the country’s territory as a staging post for onward migration towards the west, pose a major challenge for the Turkish authorities as they seek to control and manage such movements. This essay discusses Turkey’s policies and efforts aimed at managing the substantial irregular transit migration flows through its territory in cooperation with Western European countries – the main destinations of transit migration through Turkey.

Any discussion of the transit migration must involve the country of origin, transit, and arrival. In the context of the present essay, there is a crucial need to establish the link between the various stages of the transit migratory process originated from various parts of the world, via Turkey to Europe, and to define the position of Turkey as a transit country as a part of these various stages. Hence, with regard to some theoretical and analytical considerations, there are three points which should be made: first, the importance of an understanding of the transit migratory process, with its causes and its consequences, in its totality; secondly, the importance of looking at the totality of transit migration from a historical perspective; and thirdly, the importance of locating and conceptualizing the position of transit country in this migratory totality. This essay, which is in four parts, presents a synopsis of these considerations. After this introductory part, the second part of the essay provides a brief analytical evaluation of the question of how to view the notion of transit migration. Drawing on evidence from the case of transit migration in Turkey, the third part considers various dynamics and mechanisms of the Turkish experience of transit migration in the last two decades. The concluding section comments on policy implications and future developments.

II. Some Analytical Considerations

From an analytical point of view, every migration situation can be divided into four main components: a sending component, a receiving component, a migrating component, and the larger component in which the other three components belong. In transit migration, a fifth component is added to the whole process: transiting component. Among these five, even though it is the presence of the transiting component, i.e. the transit country that functions as the core of the whole transit migratory process, this presence can only be designated in its relative position to the sending and receiving components. At the same time, without seeing the structural interdependency of the transiting component to sending and receiving components, it is almost impossible to explain the whole process. In other words, the different components in a transit migratory process are inseparably linked to each other; and the dynamic character of this process requires that each component in such a process should be seen as a part of a larger whole (Icduygu: 2000: 357).

Indeed, various alternative and challenging theoretical frameworks which are employed to determine the causal and consequential analyses of migration, explicitly or implicitly, use an analytical perspective of this kind to some extent. For instance, Lee (1969:285-288), highlighting the importance of 'push and pull' factors on the mobility of individuals, concluded that every migration involves an origin, a destination and between these two a set of intervening obstacles. On the other hand, there are some alternative theoretical orientations which focus on the causal and consequential analyses of migration and give the main emphasis to global economic and social dichotomies such as modern and traditional, centre and periphery, or developed and underdeveloped. In these, a number of scholars (for example, Myrdal, 1963; Amin, 1974; Portes, 1978; Meillassoux, 1981; Petras, 1981; Forbes, 1984) declare that migratory flow takes place through the polarity between places of origin and places of destination, resulting from the uneven development between regions or countries in the world system (Icduygu: 1991). Since a causal-consequential analysis of transit migration is beyond the scope of this study, I will not attempt a detailed discussion of the different and competing theoretical frameworks employed in such causal analysis. However, since Wallerstein's well-known analysis of the modern world system enables us to accommodate the three points made in the beginning of this section in relation to theoretical and analytical considerations in this study --- i.e. totality of migration process, historical approach to this totality, and position of individual migrants in this totality --- the world system approach is briefly summarized here. Wallerstein (1974a, 1974b) argued for the need to look at economic and social phenomena as part of a world system; on the basis of his writings, Jackson (1986:21) emphasized that social scientists such as Petras (1981) have usefully located the movement of labour across national boundaries within the world system theory.

According to the world system theory, which generates its premises through political economy, it is the process of uneven exchange between geographical regions that determines the emergence of a differentiated structure in the contemporary world economy in which various regions (or countries) may be called core, semi-periphery and periphery. Within the unevenness of the world capitalist development a complex network of cross-national flows of capital, labour, and commodities operates between these three components in the whole system (Wallerstein, 1974a:346-357; Wallerstein, 1974b:387-415; Wallerstein and Hopkins, 1977:111-145). From this perspective, Petras summarizes international migration as follows:

These flows [of capital, labour, and commodities] bind the peripheral populations to events and decisions in the core, just as they tie the formation of the core to the evolution of the social formations of the periphery. Labour migration is the movement of workers within this historically interdependent grid. Interstate movements of labour are: a) generated in part by the specific economic and political influences of the stronger core economies over the weaker ones, and the pattern of class formation which results; b) drawn from one labour market to another by variations in level of real and social wage remuneration of labour; c) recruited across national boundaries from an international pool of reserve labour; d) regulated by state policies which define the conditions of boundary crossing; and e) shaped by the cyclical rhythms and secular trends of the entry world economy. All of these influences fluctuate in form, content and degree (Petras, 1981:45).

Although this method of contextualizing transit migration as a phenomenon of (labour) migration between core and peripheral countries in the modern world system has been rare in the literature, this is largely because of a misconception about the issues of self-intention, temporariness and illegality in transit migration. Individual transit migrants are often considered as 'free-will, rational, and economic men and women' whose positions in the various stages of the migratory process are determined by their 'human capital' and their 'own free-will'. It is a general belief that there is a temporary orientation in transit migration generally, at least as far as the temporary nature of stay of transit migrants in the transit countries is concerned. Similarly there is a common understanding that transit migration is largely an issue of illegality. However, experiences from several countries in the European context make it clear that these arguments may be highly questionable. For instance, transit

migration can develop into further emigration and permanent settlement (Papadopoulou, 2004: 170). Transit migrants can regularize their so-called illegal status via the regularization (amnesty) program of the countries of transit or arrival. It is also widely argued that some policies and practices of these kinds (regularization and amnesty programs etc.) in Europe can ironically encourage a form of transit migration in the peripheries of the continent. Consequently, not only because of these, but also looking at the arguments from Petras's writing above, and considering the dynamics and mechanisms which impelled the flow of transit migrants, it is quite appropriate to locate transit migration in Turkey in a context of labour migration which has taken place through a centre-periphery relationship in the world labour market. In doing so, the aim is not only to be able to reflect the structural and historical background of the transit migratory process over Turkey, but also to be able to understand the position of Turkey as a transit country as a product of the historical-structural process in the world system. The advantage of this approach is that the position of transit migrants is assessed within a framework of social forces and structural conditions in the countries of origin, transit and destination, and it is treated in its 'structural context', as part of an international migratory regime (Icduygu, 2000).

III. Transit Migration in Turkey: An overview of the Two-decade History

It is now more than two decades that Turkey has been a well-known country of destination, transit and origin, in the irregular migratory movements in its neighbouring regions (IOM, 1996; Icduygu, 2000; Icduygu and Keyman 2000, Icduygu, 2003). It seems that there are four particular reasons, which seem to be shaping the irregular migratory movements to Turkey. *First*, the ongoing political turmoil and clashes occurring in neighbouring areas have pushed people away from their homelands with the hope of a better life, security and protection from persecution. *Secondly*, Turkey's geographical location between East and West, and South and North, has made the country a transit zone for many migrants intending to reach western and northern countries. *Thirdly*, the policies of "Fortress Europe", applying highly restrictive admission procedures and increasing immigration control around the continent, have diverted the Europe-targeted immigration flows to the peripheral zones around Europe, like Turkey. *Fourthly*, Turkey's relative economic prosperity in the region acts as a magnet attracting from diverse countries migrants who want to earn their lives.

Historically, there are four distinct periods of irregular migration to Turkey: 1979-1987; 1988-1993, 1994 - 2000/2001, and 2001 onwards. These periods attest to the change in the characteristics of the migrants and of migratory flows, as well as the changes in Turkey's migration policies and practices. During the first period, which might be named as the *fertilization period*, irregular migration was mainly a result of the continuing influx of Iranians following the regime change in 1979. Most of them stayed in Turkey only temporarily, and left again for the European countries or for North America. The second period, which signifies the *maturation period* of irregular migration in the country, stretching from 1988 to 1993, was characterized mainly by the two entirely different migratory flows: first, massive arrivals of asylum seekers from Iraq and Bulgaria; and second, movements of economically motivated migrants from the former Soviet Republics. While most of the Kurdish asylum seekers from Iraq left again, almost half of the Turkish Bulgarian asylum seekers settled in Turkey. Most from the former Soviet Republics stayed in Turkey only for few months and had actually been shuttling between their home countries and Turkey for the purpose of trade and other economic activities. The third period, beginning with Turkey's 1994 Regulation on Asylum,¹³⁷ did not only mark the new policy changes towards migration flows to Turkey, but also witnessed the continuing, diversifying and increasing irregular migration flows to the country. One may call these years from 1994 to 2000/2001 as *the saturation period* of irregular migration in Turkey. Thus, there were more irregular migrants generally and more which had drifted into irregularity by overstaying and remaining in the

¹³⁷ For some details of the Regulation, see, for instance, Kiriçi (2002), K. "UNHCR and Turkey: Cooperation for Implementation of the 1951 Convention relating to the Status of Refugees", *International Journal of Refugee Law*, 13(1/2): 71-97.

country illegally. As Turkey increasingly turned into a transit country for thousands of irregular migrants and asylum seekers, the Turkish authorities began to pursue a more active and targeted policy to deal with such flows from 1994 to 2000/2001. In the period 2001 onwards that indicates *a period of degeneration* for the irregular migration in Turkey, the issues of irregular migration, trafficking and smuggling, and their labour outcomes have become hot issues both domestically and internationally, and consequently Turkey has started pursuing even more active policies to deal with them. Thus, this period did not only bring a declining trend of these flows but also caused a new stage in which not only new policies and practices of the state came to the fore but also forms of irregular migration took a different shape and became more institutionalized.¹³⁸

As noted elsewhere (Icduygu, 2003), irregular migration flows to Turkey carry two main types of immigrants to the country. The *first* one involves the influx of foreigners mostly coming from the Eastern European countries such as Romania and Moldova or from the Russian Federation and Ukraine who have streamed into Turkey in search of jobs. For instance, it was reported that some Turkish textile and construction industries in the Western regions of the country relied on East European migrants for labour in late 1990s and early 2000s (Icduygu, 2002). Similarly, countless middle- and upper-middle class families are known to employ domestic helpers, mainly Moldovan women. Meanwhile, many nightclubs or bars employ Ukrainian or Moldovan showgirls. Many of these migrants are persons who have entered Turkey legally but overstayed their visas or failed to get their visas renewed.

The *second* form of irregular migration to Turkey is the transit migrants who came to Turkey mainly from the Middle East (mostly Iranians and Iraqis) and from various Asian (such as Pakistan, Bangladesh, and Sri Lanka) and African (such as Nigeria, Somalia, and Republic of Congo) countries. These migrants often see Turkey as a transit zone and attempt to go to the developed countries of the West. Most of these transit migrants are often those who are in the illegal entries and departures category, and sometimes are overstayers; but while waiting for their departure they often work illegally.

Although even some top officials¹³⁹ pronounce the presence of “almost one million illegal foreign workers” in Turkey, there is naturally no direct and reliable data that indicate the exact number of irregular migrant workers in Turkey. However, some indicative numbers are available. The BFBA at the Directorate of General Security of the Ministry of Interior reported that some 11,000 irregular migrants were apprehended in 1995. The figure had risen to 29,000 in 1998 and it reached to 47,000 in 1999 and nearly doubled and peaked to 94,000 in 2000. The figure had declined below 84,000 in 2002 and then to 54,000 in 2003. There were more than 450,000 apprehended cases of irregular migration over the nine years from 1995 to 2003, resulting in an annual average of over 50,000. The first ten source countries between the years 1995 and 2003 are Iraq (24 per cent), Moldova (10 per cent), Afghanistan (8 per cent), Pakistan (7 per cent), Iran (5 per cent), Romania (4 per cent), Ukraine (4 per cent), Russian Federation (3 per cent), Georgia (3 per cent), and Bangladesh (3 per cent).

Based on the statistics on apprehended cases, it can be suggested that approximately 60 per cent of these migrants were transients within these nine years.¹⁴⁰ Moreover, while the proportion of transit migrants declined, the proportion of migrant workers mostly coming from CIS and other former Soviet Republics increased. For instance, in 1999 the proportion of transit migrants was 59 per cent and that of migrant workers was 41 per cent. However, in 2003 the proportions were 49 per cent for the former and 51 per cent for the latter. These

¹³⁸ With the term ‘institutionalization’, we refer to the environment in which migratory networks formed by irregular migrants, traffickers and smugglers became more established operating as a self-reliant system.

¹³⁹ For instance, Mr. Yakar Okuyan, the Minister of Labour in the current Ecevit Government quite often give the figure of “1 million illegal migrants” living in Turkey.

¹⁴⁰ This is a rough estimation formulated through grouping the countries of origin as 1) countries of origin for transit migrants (such as Iran, Iraq and Pakistan) and 2) countries of origin for irregular migrant workers (such as Moldova, Ukraine and Romania).

declining numbers of apprehended transit migrants in the recent years may be viewed as an indicative of both less illegal border-crossings in Turkey and improved methods of control and apprehension applied by the Turkish authorities.

IV. Concluding Remarks

Like many other countries in Europe and in its peripheral areas, Turkey has to deal today with an ongoing irregular inflow of foreign nationals to the country. Given its geographical position as the natural crossroads between Asia, Africa and Europe, Turkey, being both a country of destination and transit, has to deal with irregular migration flows on the front line. Considering that the migrants heading for Europe or other more developed parts of the world, most of the time staying only on a temporary basis in Turkey, while some of the new arrivals in the country intending to settle and work for a limited period of time, one can view that Turkey has become a country with multiple roles in the irregular migratory movements. In addition to these, being a country of asylum makes Turkey's position even more complicated. Another interesting feature of migration in Turkey is the diversity of the national background of the migrants: authorities in Turkey have identified 163 nationalities arriving in the country in the past eight years. All these are important factors that help to explain some of the difficulties facing the Turkish system in adapting in terms of administrative, legal, financial, social, economic, and cultural terms.

Today experience in various countries and international settings (supranational entities like the EU and intergovernmental and international organizations such as IOM, ILO, OECD, or CoE) provide a wealth of information, guidelines, and regulations on how to deal with the irregular migration and employment. This experience proves that enforcement of minimum migration, labour and workplace standards and regulations serves as an effective deterrent to irregular migration and employment by discouraging sub-standard exploitative conditions. It is within this context that the Turkish authorities have recognized the need to establish, modernize, and improve the country's laws, policies, practices and administrative structures for ensuring regular migration and employment. As often discussed, in the last couple of years this has been done in parallel to the country's candidature for accession to the EU. Turkey has been very active to harmonize its legislation with the *acquis communautaire*. Such efforts at harmonization apply in the field of irregular migration in general, and to the trafficking and smuggling issues and their labour outcomes in particular. It is anticipated that the related migration policies and practices in Turkey will be brought into line with the standards and norms set by the EU. Hence, Turkey has recently taken several steps towards convergence with these standards by changing, or planning to change, its relevant country's laws, policies, practices, and thereby consolidating its status as a long-standing, devoted accession candidate to the European Union. Some remarkable examples of these efforts are the following three. First, the new Law, which adds some articles to the Penal Code and amends the Law on Combating Benefits-Oriented Criminal Organizations, has been adopted by the Parliament on 3 August 2002. This law introduces the definition of the human trafficking and smuggling into Turkish legal system and prescribes heavy penalties for the traffickers and smugglers. Second, the *draft Law on Work Permits for Foreigners* has been approved by the Turkish Parliament on 27 February 2003. With this law, Turkey regulates the new rules for the access of migrant workers to the labour market in the country. For instance, according to new rules foreigners have been allowed to be employed in domestic workers that were not possible before the new legislation. Third, the amendment to the Article 5 of the Citizenship has been approved by the Parliament on 4 June 2003. With this amendment a prohibition period of three years has been imposed for application for citizenship. In the previous arrangement, a foreign woman may acquire Turkish citizenship immediately after marrying a Turkish national.

In relation to irregular migration, transit migration, and trafficking and smuggling, everything depends on implementing an integrated and consistent policy designed to govern and properly manage immigration. What are essentials for this management are *orderliness, protection, integration, and co-operation* (CoE, 2003: 27). There is need for: (a) developing a set of measures to be able to manage migration in an orderly manner; (b) providing an appropriate capability for protection and for dealing with disorderly movements; (c) providing

an environment conducive to integration; and (d) engaging in dialogue and co-operation with all involved countries.

To achieve these aims, Turkey is making every effort to cooperate and has introduced new legislation and amended its aliens' law and penal code, and has tended to create reception and readmission centres. While considerable progress has already been made regarding the introduction of, and changes to, relevant policies and practice, much remains to be done. However, Turkey also feels that it is caught between a rock and a hard place: For instance, on the one hand, it is under pressure from the EU to strengthen its capability to control irregular migration, for which the government would have to assign vast additional resources, which it does not have. On the other hand, the Turkish authorities are expected to liberalize their existing immigration policies and practice, which equally implies additional administrative responsibilities and financial outlay, all of which exceeds the country's available resources. Therefore, to be in a position to comply with such demands, Turkey requires greater access to international assistance and technical cooperation. What is also required that Turkey would try to establish an effective administrative, legal and financial infrastructure to be in a position to control irregular migration and irregular employment of foreigners, and combat trafficking and smuggling by: (1) developing and strengthening its financial and technical resources available to deal with irregular migration and employment effectively, (2) implementing fully various new immigration-related legislation without any delay, and taking necessary steps towards this implementation, (3) ensuring the necessary cooperation and coordination among the different national authorities and institutions which are currently dealing with various aspects of irregular migration and employment in an independent and uncoordinated manner, (4) cooperating with international organizations, such as IOM, UNHCR and ILO, as well as the European Union to gain information and access to education and training programmes on irregular migration and prevent irregular labour and exploitation, (5) cooperating with all other related origin, transit, and destination countries.

As far as the transit migration flows are concerned, what is also something that might not be ignored by the policy makers or practitioners is having a view of burden-sharing rather than burden-shifting. Today, not only Turkey, but also its migration-related counterparts, face many challenges in relation to the management and control of irregular migration flows involving all these countries. As it is discussed above, the countries in the relative-West, in particular, are greatly concerned over irregular migration flows through the countries in the relative-East. This presents the transit countries in the relative-East with a dilemma. On the one hand, the countries in the relative-East are under pressures from the countries in the relative-West to improve their controls mechanisms and law enforcement capabilities to combat and stem the flow of illegal migrants, but on the other, the countries in the relative-East cannot realistically be expected to comply with such demands without the necessary assistance and resources to do so. Therefore, one can advocate the need for burden-sharing between the countries of the relative-East and those of the relative-West, especially in relation to a phenomenon such as irregular transit migration that ultimately targets Western European countries.

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**Protecting the human rights of transit migrants, by
Mrs Julia HALL, Human Rights Watch**

Introduction

Thank you to the Council of Europe and the government of Turkey for the invitation to participate in this timely and important event. For those of you new to Human Rights Watch's work, it is an international nongovernmental organization that monitors human rights violations in over seventy countries worldwide. The flagship office is in New York, with regional offices in other cities, including London, Brussels, Geneva, Moscow, Tashkent, and Washington.

Migration poses clear challenges for European governments, including on issues of security, integration, welfare, and employment. Few would question the legitimacy or urgency of ongoing debates regarding the need for policies to address concerns surrounding migration into Europe. But these debates, and the policies emerging from them have been captured by the language of control and law enforcement, and have virtually excluded all consideration of migrants' rights and states' obligations to protect those rights. The exclusive focus on combating illegal immigration in Europe thus reflects the prevailing official attitude that migrants live a "rightless existence."¹⁴¹

Consequently, policies and practices focus solely on keeping migrants and asylum seekers out of Europe. Defenses against the label "Fortress Europe" were hard to come by, for example, when in August 2004, the newly-appointed European Commissioner in the Directorate-General for Justice, Freedom and Security¹⁴² voiced enthusiastic support for a German proposal to establish detention centers in Africa to process asylum applications for protection in the newly-expanded European Union.¹⁴³ Soon-to-be commissioner, Rocco Buttiglione, dismissed human rights concerns, referring to immigration as a "time bomb" and calling on states for better cooperation in order to "stem the flood of refugees."¹⁴⁴

The European migration debate needs to acknowledge that migrants— asylum seekers, refugees, stateless persons, and undocumented migrants—do indeed possess human rights. We were thus delighted to see that one of the aims of this conference was to examine the situation of a particularly vulnerable subset of migrants—those said to be "transit

¹⁴¹ See Jesuit Refugee Service (JRS), *Irregular Immigration in Europe: New Empirical Studies*, Brussels, February 27, 2001. Despite the international and regional human rights commitments of European governments, the JRS studies conclude that undocumented migrants "lead a 'rightless existence' without the basic protection of criminal or civil law and with no legal avenues by which to assert an entitlement to just or humane treatment," *Ibid.*, Conclusions, p. 1.

¹⁴² Formerly Directorate-General for Justice and Home Affairs.

¹⁴³ Human Rights Watch has raised concerns about so-called off-shore processing of asylum applications in countries outside the European Union. See "An Unjust 'Vision' for Europe's Refugees: Human Rights Watch Commentary on the U.K.'s 'New Vision' Proposal for the Establishment of Refugee Processing Centers Abroad," June 17, 2003, online at <http://hrw.org/backgrounder/eca/refugees0603/index.htm> and "New Approaches to the Asylum Process," Human Rights Watch Submission to the House of Lords, Select Committee on the European Union, Sub-Committee F (Social Affairs, Education and Home Affairs), September 2003, online at <http://hrw.org/backgrounder/eca/asylum-process.htm>.

¹⁴⁴ Shasta Darlington, "New E.U. Justice Chief Says Immigration Is Time Bomb," Reuters, August 22, 2004.

migrants”— from a human rights perspective and with an eye toward the protection of their dignity.

Human Rights Obligations of Transit States

As a recent article on transit migrants in Greece points out, “temporary residence in the first host country is a mechanism of negotiation with the structures of exclusion in Europe.”¹⁴⁵ But such negotiation does not mean that migrants in transit barter their rights for temporary forms of security. Whether a migrant transits a particular country for one day or remains for years, the host government is obliged to provide fundamental human rights protection. While states hosting transit migrants often question where the responsibility lies for the protection of this population, they are surely aware that human rights obligations generally are territorial in nature. That is, whatever country is host to a particular migrant (or migrant community) is the country primarily responsible for protecting her or his human rights based on that country’s treaty and customary law obligations.

Indeed, the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, which entered into force in July 2003, explicitly states that the convention “shall apply during the entire migration process,...which comprises preparation for migration, departure, transit and the entire period of stay.”¹⁴⁶ The convention specifically provides for core human rights protections for a range of migrants, including the undocumented. Many of the countries from which various colleagues have drawn examples for their presentations at this conference have either ratified or signed the Migrant Workers Convention, including Mexico, Morocco, Senegal, and Turkey.¹⁴⁷

In addition to the Migrant Workers Convention, the full slate of fundamental human rights standards enshrined in international law applies to all migrants, including transit migrants. General Recommendation 15 of the United Nations Human Rights Committee elaborates on what these core rights are: the right to life; freedom from slavery or servitude, torture, and ill-treatment; liberty and security of person; freedom to leave a country and return to one’s own country; equality before the courts; procedural guarantees as a safeguard against arbitrary expulsion; the right not to be sent back to a country where one is at risk of torture or ill-treatment; the right to privacy and family life, including where appropriate, family reunification; and the right to freedom of conscience and religion.¹⁴⁸ No distinction can be made between citizens and aliens in the application of these rights and no distinction should be made between transit migrants and permanently residing migrants either.

The most recent contribution to the opus of rights protection for non-citizens comes with General Comment 30 adopted in March 2004 by the U.N. Committee on the Elimination

¹⁴⁵ Aspasia Papadopoulou, “Smuggling into Europe: Transit Migrants in Greece,” *Journal of Refugee Studies*, Volume 17, Number 2, June 2004, p. 168.

¹⁴⁶ Article 1(2).

¹⁴⁷ Turkey has signed, but not ratified the convention. By signing, however, the government of Turkey agrees to refrain from acts that would defeat the object and purpose of the Migrant Workers Convention. See Vienna Convention on the Law of Treaties (1980), Article 18.

¹⁴⁸ U.N. Human Rights Committee, General Comment 15, “The Position of Aliens under the Covenant,” Twenty-Seventh Session, 1986, para. 7.

of Racial Discrimination (CERD).¹⁴⁹ The Committee specifically acknowledged that xenophobia against non-nationals—particularly migrants, refugees, asylum-seekers, the undocumented and the stateless—constitutes one of the main sources of contemporary racism and that human rights violations against members of such groups occur widely in the context of discriminatory, xenophobic and racist practices.¹⁵⁰ The CERD’s recommendations included that laws against racial discrimination apply to non-citizens regardless of their immigration status; states cannot arbitrarily detain non-citizens, and conditions in centers for refugees and asylum-seekers must meet international standards; nondiscrimination in deportations, no collective expulsions, and the right to challenge expulsions orders; observance of the prohibition against *refoulement* or sending a person to a country where he or she would be at risk of torture or ill-treatment; and the avoidance of expulsions of non-citizens who are long-term residents, resulting in disproportionate interference with the right to family life. It has been widely recognized that non-citizens in detention have a right to consular access.¹⁵¹

It should go without saying, of course, that states that have ratified the 1951 Convention Relating to the Status of Refugees and/or its 1967 protocol must provide protection to refugees. As you will see from my later comments, it is regrettable that so many parties to the Refugee Convention—including a number of European governments, in specific those labeled transit countries—often fail to do so.

In the brief time allotted, I would like to focus on three areas often associated with the phenomenon of transit migration and discuss how transit states are obliged to provide necessary protection to migrants. I have specifically chosen issues that mirror the various points in the routes of migrants on the move: protection for victims of trafficking; protection against *refoulement*; and protection against arbitrary detention and substandard detention conditions. Since presentations at this conference cover transit migration issues in the Americas, Europe, Africa, and Asia, my comments will be of a general nature and focus primarily on those core rights that no government is free to violate, no matter what its treaty obligations or what specific political or social circumstances maintain in the transit country.

Protection for Victims of Trafficking

The general resistance to acknowledging that migrants possess rights and can be victims of human rights abuses continues to plague the debate on how to effectively combat trafficking in human beings in Europe. To a large extent, governments have focused on law enforcement issues such as investigating and freezing the funds of organized criminal trafficking networks and creating standard penalties for trafficking and associated crimes. They have been much slower to recognize that trafficking victims have suffered a grievous human rights abuse—that is, coercion (often both psychological and physical) leading to forced labour—giving rise to certain obligations on the part of government to remedy the violation.

The majority of European governments are signatories to the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress, and

¹⁴⁹ Committee on the Elimination of Racial Discrimination, General Recommendation 30, “Discrimination against Non-Citizens,” CERD/C/64/Misc.11/rev. 3, 64th Session, February-March 2004.

¹⁵⁰ *Ibid.*, preamble.

¹⁵¹ Vienna Convention on Consular Access (1963), Article 36.

Punish Trafficking in Persons, Especially Women and Children,¹⁵² which includes an important provision on victims of transnational organized crime. States are to take “appropriate measures within [their] means to provide assistance and protection to victims,” including victim participation in criminal proceedings against traffickers, protection for victims against retaliation and intimidation, and access to compensation and restitution. States shall also consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, the provision of housing, counseling, medical care, and permission for trafficking victims to remain temporarily or permanently in the host country.¹⁵³

While most migrants have a difficult time proving they are victims of trafficking, migrants in transit are in a particularly precarious position to assert their right to protection as victims. Often trafficked migrants in transit do not make it to their final destination and thus have a difficult time proving they were trafficked for the purposes of forced labour. More often, however, governments in transit countries rarely attempt to assess whether an undocumented migrant or asylum seeker is actually a trafficking victim, instead focusing on illegal entry and a migrant’s concomitant illegal status to detain, prosecute and/or return migrants to their home country to another country through which she or he travelled. The focus of state action is often primarily on the traffickers as subjects of criminal investigation. Ironically, however, trafficking victims are also criminalized and penalized, despite the fact that they may need protection and assistance, and have various rights under international law that the transit state must protect. Many states that claim large transit migrant populations—including Bosnia, Turkey, Greece, Russia, and CIS states—also have dismal trafficking protection records, despite their accession to the Trafficking Protocol.¹⁵⁴

Human Rights Watch welcomes recent initiatives by the Council of Europe in the area of trafficking and protection for victims. In April 2003, the Council of Europe’s Committee of Ministers mandated the Ad Hoc Committee on Action against Trafficking in Human Beings (CAHTEH) to draft a European Convention against Trafficking in Human Beings by December 2004. The Committee of Ministers specifically requested the CAHTEH to focus “on the human rights of victims of trafficking” as well as on prevention, investigation, prosecution and international cooperation and to “design a comprehensive framework for the protection and assistance of trafficked persons and witnesses”. The Committee of Ministers has instructed CAHTEH to take into account existing international and regional standards dealing with trafficking, with a view to developing these standards so as to improve the protection afforded by them to trafficked persons.

All states have an obligation to protect and assist victims of serious human rights violations. Because trafficking occurs across states, transit states often end up being the locus for transit migrants seeking protection and assistance as a remedy for trafficking violations. Trafficking victims’ immigration status should not disadvantage them when it comes to such protection.

¹⁵² Doc.A/55/383, December 2003.

¹⁵³ Ibid., Articles 4-6.

¹⁵⁴ See Human Rights Watch reports and commentaries on trafficking in Greece, Bosnia, Italy, among others at http://hrw.org/doc/?t=women_trafficking.

Protection against Refoulement

Migrants in transit are protected under customary international and treaty law from being sent back to a country where they would be at risk of torture or ill-treatment, or where they would be subject to persecution (the prohibition against *refoulement*). Thus, while some transit states may not have ratified the 1951 Refugee Convention (or otherwise placed limitations on its scope) or various U.N. treaties that enshrine the *nonrefoulement* obligation, they remain obliged not to send any person to a country where there is substantial evidence that she or he would be subject to torture or prohibited forms of ill-treatment.

One of the most common reasons refugees and asylum seekers remain undocumented in a transit state is because the asylum systems in many transit states do not provide potential asylum seekers with a full and fair determination procedure. Inadequate asylum systems and extremely low recognition rates in a number of identified transit countries, including Greece, Russia, Turkey, and the states of Central and Eastern Europe make it extremely difficult for those in need of international protection to seek asylum in a procedure that is fair. Moreover, the negotiation of bilateral readmission agreements often serves as an obstacle to access to asylum for persons in need of international protection. Thus, migrants in transit often choose to move to another country in search of effective protection, often to West European countries with perceived or actual fully functioning asylum systems.

In order to address the phenomenon of such movements, the United Nations High Commissioner for Refugees has urged states to work cooperatively to strengthen the capacity of countries of first arrival to provide effective international protection.¹⁵⁵ Likewise, a December 2000 Council of Europe report on “Transit Migration in Central and Eastern Europe” states:

Among the rising number of illegal migrants transiting the region, there are believed to be a number who would qualify for asylum, but who prefer not to file their request in countries of central and eastern Europe for different reasons, not least due to lack of confidence in the eventual success of such a step, a concern partly justified in the past, before proper legal instruments had been introduced. The Assembly strongly emphasises that those escaping persecution and seeking international protection must in no circumstances be prevented from access to asylum procedures and proper consideration of their applications should be guaranteed.¹⁵⁶

For irregular migrants who do not qualify for international protection as refugees or asylum seekers, states must still be able to assess whether some subsidiary form of protection may be necessary to ensure that a person is not returned to a place where she or he would be subject to torture or ill-treatment.

Restrictive asylum and migration policies in Europe—and the lack of adequately functioning asylum systems in transit countries, in particular—have given rise to concerns that people are in fact being returned to places where they are in danger of persecution, torture or ill-treatment, in violation of international standards.

¹⁵⁵ See, United Nations High Commissioner for Refugees, Global Consultations on International Protection, “Refugee Protection and Migration Control: Perspectives from UNHCR and IOM,” EC/GC/01/11, May 31, 2001.

¹⁵⁶ Parliamentary Assembly Council of Europe, “Transit Migration in Central and Eastern Europe,” Doc. 8904, December 13, 2000, para. 4.

Protection against Arbitrary Detention and Substandard Detention Conditions

The key characteristic of transit migrants is that they are technically undocumented in their host country, no matter what circumstances forced them to leave their home country. As many colleagues here at this conference have noted, however, the vast majority of transit migrants cannot be returned and cannot move onward; essentially they are stuck. Without status, they remain on the margins of society and are thus vulnerable to a variety of rights abuses. As Aspasia Papadopoulou put it recently, "For the migrants, being 'in transit' is a period of harsh living conditions, constant uncertainty, and marginalization."¹⁵⁷ One aspect of that uncertainty is the growing use of detention as a migration control measure.

The rise in the use of immigration detention—including the detention of asylum seekers in process—is alarming. As noted above, aliens have a right to be free from arbitrary detention. Moreover, in those narrow circumstances where detention may be appropriate, conditions of detention must conform with human rights standards. Human Rights Watch's research on the detention of migrants and asylum seekers in Europe reflects a regional shift toward placing migrants and asylum seekers in detention as matter of first course, despite international standards that place limitations on when and under what circumstances migrants and asylum seekers can be detained.

In the Council of Europe region governments, including the so-called transit states of Central and Eastern Europe, Greece, Turkey and Russia, are parties to the European Convention on Human Rights (ECHR). Article 5(g) of the ECHR enshrines the right of liberty and security of person, but permits the detention of a person to prevent his or her effecting an unauthorized entry into a country or of a person against whom action is being taken with a view to deportation or extradition. Many migrants in transit identified during the course of this conference (e.g. Kurds, the stateless) cannot be returned to their home countries or to other countries. Migrants from countries such as Afghanistan, Iraq, and Sudan simply cannot be deported due to internal conflicts and/or the absence of diplomatic facilities. The detention of such migrants cannot be considered with a reasonable view toward deportation or other removal. Persons who cannot be deported, but are detained in immigration detention facilities, can thus be subjected to a form of indefinite detention. Arbitrary detention has been defined as not only contrary to law but as including elements of injustice and lack of predictability. Due to the growing phenomenon of indefinite detention of migrants and refugees, the U.N. Working Group on Arbitrary Detention has developed criteria for determining whether or not the deprivation of liberty of migrants and asylum seekers is arbitrary. Principle Three mandates that a migrant or asylum seeker placed in custody "must be brought promptly before a judge or other authority" and Principle Seven requires that a "maximum period should be set by law and the custody may in no case be unlimited or of excessive length."¹⁵⁸ Likewise, there are restrictions on the use of detention for asylum seekers. Article 31 of the Refugee Convention states that governments "shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened...enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence." The UNHCR Guidelines on Applicable

¹⁵⁷ Aspasia, *op. cit.*, p. 179

¹⁵⁸ United Nations Commission on Human Rights, Report of the Working Group on Arbitrary Detention, E/CN.4/2000/4, 28 December 1999, Annex II, Deliberation No.5 (Situation Regarding Immigrants and Asylum Seekers), p. 26.

Criteria and Standards Relating to the Detention of Asylum Seekers (UNHCR Guidelines)¹⁵⁹ clarify this provision with regard to those who are seeking asylum by reaffirming the basic human right to seek and enjoy asylum and by stating as an explicit guideline that "[a]s a general rule, asylum seekers should not be detained." The UNHCR Guidelines also note that detention should not be used as a punitive or disciplinary measure, and that detention should not be used as a means of discouraging refugees from applying for asylum. Indeed, even if detention is not explicitly used to discourage asylum applicants but merely to discourage future immigration altogether—including asylum seekers—such a use of detention undermines the right of every person to seek asylum as guaranteed by the Universal Declaration of Human Rights.¹⁶⁰

In those narrowly defined circumstances where the detention of migrants and asylum seekers would be justified, conditions of detention must conform with international standards and ensure that detainees' human dignity is preserved.¹⁶¹ This includes not co-mingling those in immigration detention with criminal detainees. Human Rights Watch has criticized some European governments for warehousing migrants and asylum seekers for indefinite periods of time, in a discriminatory manner and under substandard conditions. Transit migrants, living as they do in a constant state of vulnerability, are particularly susceptible to apprehension and detention. Governments in transit countries must ensure that their detention policies conform with their human rights obligations.

Conclusion

Protecting the human rights of transit migrants depends largely on the will of the transit state to observe its human rights obligations. As noted here, all categories of migrants do possess fundamental human rights and the notion that they live a "rightless existence" should be put to rest once and for all. Human Rights Watch welcomes this opportunity to reassert the proposition that migrants have rights and is grateful to the Council of Europe for providing a locus for European governments to discuss this most important, yet often neglected, aspect of the regional migration debate. Thank you.

¹⁵⁹ UNHCR, United Nations High Commissioner for Refugees' Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers (UNHCR Guidelines), available online at <http://unhcr.ch/issues/asylum/guidasyl.htm> December 2000 .

¹⁶⁰ Although it is an accepted premise of international law that asylum seekers should not, in general, be detained, the Refugee Convention does permit states to detain asylum seekers in certain limited circumstances. Thus, "[i]n time of war or other grave and exceptional circumstances," states may take "provision[al] measures" to detain asylum seekers, "pending the determination that the person is in fact a refugee and that the continuance of such measures is necessary in the interests of national security." The UNHCR Guidelines further elaborate the instances in which asylum seekers may be detained: (i) to verify identity; (ii) to determine the elements on which the claim for refugee status or asylum is based; (iii) in cases where refugees or asylum seekers have destroyed their travel and/or identity documents or have used fraudulent documents in order to mislead the authorities of the State in which they intend to claim asylum; or (iv) to protect national security or public order. However, under the exception regarding the determination of the elements of a claim, the guidelines state that "[t]his exception...cannot be used to justify detention for the entire status determination procedure, or for an unlimited period of time." According to the Guidelines, any other reason for detaining asylum seekers, such as part of a policy to deter future asylum seekers, is contrary to principles of international law. The guidelines emphasize that "detention [should] only be imposed where it is necessary and reasonable to do so and without discrimination. It should be proportional to the ends to be achieved and for a minimal period."

¹⁶¹ Among others, the United Nations Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules), U.N. Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment (Body of Principles), and the European Prison Rules.

CLOSING SESSION

Presentation of the General Rapporteur's conclusions^{*}, by Mr Stéphane De TAPIA, Researcher in CNRS "Cultures & Societies in Europe"

Mr Chairman,

Ladies and Gentlemen

It falls to me as General Rapporteur to accept the honour and challenge of submitting the summary conclusions resulting from the presentations and discussions of this Council of Europe Regional Conference. I shall try to be both brief and concise and confine myself to a few points common to many of the contributions, whilst seeking points of agreement between the highly diverse situations described in those very valuable contributions.

In agreement with the Council of Europe's Directorate General III - Social Cohesion and in the framework of the Migration and Roma Department, it was decided to have a mixed attendance consisting of representatives of Council of Europe member States and non-member States, both European and non-European, such as Pakistan and the People's Republic of China, here present, representatives of international institutions and NGOs, and various researchers and observers, all of them involved in the management of transit migration; the aim was to make it easier to reflect on the complex case of transit migration, which often eludes easy definition. The second decision was to base the reflection process on very precise case studies, thus enabling us to emphasise whatever aspects of the description and analysis of the phenomenon that we wished. The case of Moscow was presented by Professor Irina Ivakhniuk; of Tangiers by Professor Charef; and of Tunis by Mr Hassan Boubakri, Senior Lecturer; finally, the case of Istanbul, the city hosting this Regional Conference, prepared by Mr Jean-François Perouse, Director of Istanbul Urban Observatory, under the auspices of the French Institute of Anatolian Studies (the IFEA), was presented by Mrs Didem Danis.

These localised case studies were backed by more general presentations at the level of individual countries or groups of countries. In this connection, we were given a presentation by Mrs Nelly Robin concerning a very interesting experiment conducted by the Government of Senegal with the participation of foreign researchers, in this instance French. The case of the host country, Turkey, was analysed by Professors Kemal Kirisci and Ahmet Icduygu, and by Mr Mehmet Terzioğlu of the Ministry of the Interior. I would also mention the contributions by Mr Claude Valentin-Marie on behalf of France, by Mr Haydar this very morning regarding the case of Pakistan and by Professor Jorge Santibanez-Remellon, who described for us the US-Mexican relationship, which was highly interesting in its specific details.

I feel that the risk taken in mixing participants and case studies from Europe, Africa, Asia and America was justified and that the debates were valuable, even if we are sorry that they were too short.

To some extent we "negotiated" the holding of this Regional Conference in Istanbul with the Turkish authorities, who originally proposed the city of Antalya on the edge of the

^{*} This report is also available in French on the Council of Europe Migration site: www.coe.int/migration.

Mediterranean. Antalya is a pleasant spot, perfect for the proceedings of an international symposium, and we would undoubtedly have been welcomed there with the same efficiency and hospitality, qualities so typical of Turkish culture. But we felt that Istanbul, the economic capital of Turkey, the country's gateway to the outside world, a megalopolis seething with activity where all forms of migration and mobility are concentrated and highly visible in the urban landscape to anyone with some experience in decryption, would be symbolic.

I invite all participants with a little time for Istanbul at the end of this Conference to spend a few hours, or if you are lucky a few days, strolling around the streets in the vicinity of the Grand Bazaar, particularly Lâleli or Aksaray, mentioned in Mr Perouse's study and meet the traders and tourists doubling as pedlars. There you will see, among others, Arabs (Syrians, Iraqis, North Africans), Iranians, Russians and Ukrainians, Moldovans, Uzbeks, Kazakhs, Azeris and Armenians talking, trading and bartering, quite oblivious to international crises. The scene combines the traditions of the oriental bazaar and the highly visible, even palpable, effects of globalisation.

At this Conference, many points were raised much too briefly: labour trafficking, illegal working, child trafficking, industrial-scale prostitution - the expression "sex worker" is both striking and eloquent - the underground or informal economy, the creation of transit camps looking more like detention centres or concentration camps than reception centres for migrants, some of whom are potential refugees within the meaning of the Geneva Convention, the concept of sharing (responsibilities, management, protection), included nevertheless in the very title of the Conference etc.

Nevertheless, several points or findings emerge from the Regional Conference's proceedings.

The first point to note is the strong reaffirmation by Deputy Secretary General Ms Maud de Boer-Buquicchio, at the opening of the Conference, of the importance of defending and protecting individuals and human rights, positive, inalienable and indivisible rights. The right to dignity was referred to by numerous speakers. The map presented by Mr Santibanez-Remellon, with its estimate of the Mexican and/or South American victims of illegal immigration - those numerous dead buried along the US-Mexican frontier, often in graves marked NO IDENTIFICADO (unidentified) - puts me in mind of another map presented by a young researcher from Poitiers belonging to the MIGRINTER team whom we invited to a previous conference in Strasbourg. In collaboration with Mr Philippe Rekaciewicz, the cartographer of the French newspaper *Le Monde*, Mr Olivier Clochard has published a map showing the same information for Europe's external borders, the provisional and necessarily incomplete total being at least 5017 deaths in the space of a few years. Those hundreds or thousands of victims, dead from hunger and thirst, from drowning or stepping on mines while crossing the border - victims sometimes of ill-treatment from those who should at least receive them with dignity before they open administrative files - bring to mind what the military call "low-level conflicts", a mixture of terrorism, repression and "collateral damage" and so on. I refer here to the presentation by Ms Julia Hall (HRW), who very appropriately drew attention to this human and individual dimension which is too often overlooked.

The second point concerns the importance of definitions, as emphasised by Mr Villan (CDMG). We have talked of "transit migration", "irregular", "clandestine", "illegal", "political" and "refugee migration", "work migration", "family migration" and so on. These definitions, sometimes imprecisely used, refer to highly diverse and fluid situations which, however, cannot and should not be confused. The danger of over-simplification was rightly denounced by several speakers. Yet researchers simultaneously warn us against the rigidities

of practical or legal definitions, against having identified categories of migrants, against migration and mobility typologies. We know how fluid social reality can be, how the same person may at any moment tip from one status to another in his or her lifetime, how administrations can, by simply amending the rules, "fabricate" illegal migrants or give them "settled" status by means of regularisation operations. We are in Turkey here, a country of immigration, emigration and transit, and we are well aware that many Turkish immigrants in Europe who are today European citizens (German, French, Belgian, Swedish, Dutch etc) first arrived illicitly, sometimes as the victims of labour trafficking. On the other hand, the authorities responsible for reception and integration, whether economic, social or cultural, clearly need practical legal categories and precise criteria if reception facilities are to be properly managed in all fields (social rights, right to work, schooling, training, health, housing, reception of asylum seekers and protection of refugees).

A third point or finding, which seems to be gaining ground in the minds of participants in this type of international event, is the paramount importance of having an overall view of the migration phenomenon, what geographers call the migration field, between country of origin and emigration (which can also be a country of return), country of immigration and transit country. Our various rapporteurs have pointed out how awareness is taking shape in the countries concerned: an awareness on the part of States, a more difficult process in the case of public opinion and local authorities. This awareness is being reflected in a recasting of national legislation and regulations and in genuine progress towards an understanding of the international dimension of migration. But we are never safe from relapses or tensions and Mr Kirisci has sometimes queried the European Union's ability to come up with a true migration policy. Any unilateral decision by a State or group of States may have ripple effects on other distant geographical or geopolitical spaces, as shown by Ms Robin. The case of readmission agreements was cited: it has clearly emerged that, to operate properly and produce genuinely effective results, a readmission agreement, which is still primarily bilateral, cannot dispense with real mutual confidence between partners and must provide for adequate security acceptable not only to migrants working illegally but also, and especially, to political refugees. NGOs have often denounced "readmissions" that lead rejected migrants or failed asylum seekers straight to prison and to a sometimes very real danger of ill-treatment. The overall view therefore implies a fundamental examination of the objective causes of emigration, whether they are economic, social, cultural or political. This means, for example - and the question was put to me by British police officers during a conference in Brussels just after the discovery of 68 Chinese nationals dead of asphyxiation in a Dutch container-lorry at Dover - refraining from weighing the dampness of the British climate and the presence of xenophobic skinheads against the mad dictatorship of the Afghan Taliban. To take the metaphor used by the Council of Europe's Deputy Secretary General, how do you choose between the "hell" of warm and sunny Kandahar or Herat under the Taliban regime and the "hell" of damp and foggy East Anglia in a democratic country?

The fourth finding concerns the importance of information, training, communication and raising the awareness of migrants and stakeholders. These terms were all used in contributions, remarks and questions. The finding is an indication, in fact, of the necessity of disseminating knowledge about the causes, mechanisms, processes and realities of international migration. This must be done in the three spatial categories, immigration, emigration and transit, and takes us back directly to the necessity for research in the social sciences, something illustrated in the experts' various presentations. The principal effect of such research, producing new, empirical and pragmatic but also theoretical knowledge concerning population mobility, will be to respond to measures that may be taken out of incompetence, lack of thought, shortage of funds or simple ignorance, quite apart from any ill will on the part of the persons involved.

From this viewpoint, research must be a decision-making tool for use by the technical and political authorities. It would have the effect of:

1) correcting false ideas and pinpointing statistical realities; as stressed by Mr Terzioglu, the same figures taken out of their context and not checked sometimes go around the world and are uncritically reproduced by the media, policymakers and even researchers; nothing is more dangerous than a false truth open to every type of manipulation and interpretation;

2) developing the findings further, furnishing a genuine knowledge of mechanisms and processes, a finer and more accurate measurement of the impact of migration on the economies of the three spaces considered. As stressed by Mr Boubakri, all ideological considerations, which can have sometimes extreme effects and consequences, could thus be left behind. Mention may here be made of the particularly serious incidents that occurred in Spain in connection with the El Ejido market-garden businesses.

Mr Cilevics several times stressed the need to abolish stereotypes and Lord Frank JUDD stressed in his turn the need to understand thoroughly and analyse the economic issues involved in migration flows, whether legal or illegal, in the context of a Europe which, in the absence of proof to the contrary, is ageing and short of labour.

For my part, I hope that the colleagues who have taken part in this reflection process, Ms Ivakhniuk, Ms Robin and Ms Danis, Mr Boubakri, Mr Charef, Mr Icduygu, Mr Kirisci, Mr Perouse, Mr Santibanez-Remellon and Mr Valentin-Marie, have given you some new ideas, information and reference points. To conclude, I wish to mention the contribution by Mr Santibanez-Remellon, who has demonstrated by his work on the US-Mexican border that the simple physical closure of borders, regardless of investment, in order to make them as tight as possible as part of a unilateral security reflex, is actually unrealistic, costly in human lives, ultimately extremely inefficient and in complete contradiction with the defence of human rights and human dignity.

There is no doubt that the situation as we have perceived it during our discussions in Istanbul appears ripe for us to move forward and defend the idea of a European migration policy concerted with the sending and transit countries and respectful of rights to human dignity: a policy that will be supported by the emergence of that European Migration Agency whose importance was stressed by a number of speakers.

**Closing remarks by
Mr Alexander VLADYCHENKO, Director General ad interim for Social Cohesion
(DGIII), Council of Europe**

Mr Chairman,

Ladies and Gentlemen,

First of all, I would like to express my gratitude to all of you who have participated in this conference. The fact that so many of you came here, proves the importance of the issue which we have examined over the last two days.

The reports that were presented here as well as the ensuing discussions, showed that, from the humanitarian point of view, the situation of transit migrants is alarming and serious. I think we all agree that there is an urgent need for international community, member States and non-member States of the Council of Europe, international organisations, civil society (including NGOs) to mobilise in order to adopt adequate measure that will help us to break the deadlock. This human catastrophe, which cannot be tolerated in the beginning of 21st century, constitutes a great challenge for our societies and our values.

The Council of Europe, as an organisation focused upon human rights, is seriously concerned with the extremely dangerous conditions, to which numerous irregular transit migrants (including women and children) are exposed. The majority of transit migrants are residents of economically underdeveloped countries, countries torn by wars or ethnic conflicts or, more and more frequently, countries affected by ecological disasters. Often, people decide to leave their native countries against their will. Too often, the choice they have is illusory. Moreover, the decision to stay means 'to die' or, in the best case, 'to live in extreme poverty'. As it was underlined by Kofi Annan in his speech before the European Parliament in Brussels, on 29 January 2004 "... *many leave their home countries not because they really want to, but because they see no future at home*". This puts the universality of fundamental human rights into question and endangers the progress of the humankind.

Transit migration, though being a part of irregular migration, possesses essential characteristics that make it unique. Transit migrant is a migrant that has been stopped on the way to the country of destination. This stop can often be a result of factors that migrant neither anticipated nor was aware of at the time of departure. The trip to the country of destination can also become dangerous. This, in turn, will require a migrant to revise his/her original travel plans.

Transit migrants who, for various reasons, failed to leave a transit country are confronted with problems to which they have not been prepared. An extended stay in the transit country can affect the legality of stay in that country (if a country was entered legally). This can also make return to the home country difficult, if not impossible. One may add to this numerous problems with finding accommodation and food, earning money (since there is no legal access to the job market), linguistic, cultural and religious differences, as well as adaptation to life in a community that seriously differs from their own.

Transit migration constitutes a part of global migration, regardless of the fact whether it is regular or irregular. Hence, the proposed solutions must take account of this. This global approach to migration is one of the principal elements of '*Migration Management Strategy*', proposed by the Council of Europe in 2000. This *Strategy* was then approved at the Conference of the Ministers responsible for migration in Helsinki in September 2002.

The four key principles of the Council of Europe's *Strategy* were well present during this Conference:

- a) Recognition of migration policy as an integral part of foreign policy;
- b) Implementation of information programmes aimed at potential migrants with the view of informing them about the possibilities of migration;
- c) Preparation of the training programmes for people responsible for migration services in the countries of origin;
- d) Establishment of a dialogue between all the countries concerned, including countries of origin, in order to tackle the root-causes of irregular migration flows and to find appropriate solutions.

All these principles can create an environment that will facilitate cooperation. However, establishment of a genuine dialogue needs that all countries concerned, countries of origin, transit and destination, take their part of responsibility. This means that migration cannot be effectively managed unless all relevant actors perform their respective roles. This concept appeals to international solidarity and burden-sharing. I hope that this Conference will contribute to the raise of the consciousness in this matter.

This Conference showed that the best way to limit the number of irregular migrants is to create more opportunities in developing countries. All countries have to undertake to cooperate in order to reduce the incentives for people to leave and to have a real impact on the everyday lives of people. We have to find a solution to the problem of economic underdevelopment and marginalisation.

We have economic growth. At the same time, we have to avoid a dialogue of the deaf. Migration became a global problem and it deserves global answers.

Because of its humanitarian aim and as a pan-European organisation, the Council is particularly well placed to deal with the human dimension of migration.

Since the Helsinki Conference, the Council of Europe strives to strengthen cooperation with non-member states. Two initiatives are worth mentioning in this respect: (1) institutionalisation of the regional conference designed to examine migration issues that are specific for different European regions, to promote cooperation and to share good practices; (2) the creation of the political platform, which is conceived as an open forum, where the Council of Europe member States together with non-member States, representing migrants residing in Europe, may address the political challenges related to migration.

The two years experience show that we have still a long way before us. Can we move faster? Certainly, yes. But it is very difficult to convince states to modify their positions which for centuries were based only on national interests.

Further, following the Action Plan adopted at their 7th Conference (Helsinki, September 2003) and in particular the recommendation to the Committee of Ministers to establish regular dialogue and partnership between countries of origin, transit and destination on ways of ensuring orderly migration, social cohesion, human dignity and the rights of the migrant, the Council of Europe is initiating negotiations for the setting up of the European Migration Agency.

Its mission would be to promote co-development and would provide a positive impulsion towards the orderly management of migration desired by the European Ministers reflecting the interests of all relevant actors, including the human rights of migrants.

Finally, lets me conclude by informing you that it is foreseen that the migration issues will be one of the main topics to be discussed at the next Summit of Heads of State and Government, to be held on 16 and 17 May 2005 in Warsaw.

Closing remarks
by H.E. N.MURAT ERSAVCI
Director General For Consular Affairs, Ministry of Foreign Affairs, Turkey

Mrs. Deputy Secretary General,

Distinguished Guests,

Ladies and Gentlemen,

It was a particular honour for us to welcome you here in Istanbul. I am confident that conferences like the one we have just completed today, contribute largely to the dialogue and spirit of cooperation at the international level. To this end, I would like to thank particularly to the Council of Europe and to the Ministry of Interior who have made this event a success, enabling the distinguished participants to exchange their views and share their experience on the subject matter. I believe that this conference offered a new perspective and a timely opportunity to look at the future migration issues with a wider perspective and provided a new road map for further co-operation and burden-sharing.

The worldwide increase in illegal migration has prompted the origin, transit and destination countries to take counter measures. As a form of criminal activity, migrant smuggling has long ceased to be a problem of individual countries. The experience gained during these years made it clear that the full understanding of illegal migration process can only be achieved by examining the complex, multifaceted and global nature of the illegal migratory flows. Socio-economic imbalances, political instability and human rights violations are among the main causes leading people to search for better living standards. Therefore, these problems should not be treated as national issues, neither for origin and transit nor for destination countries. As we have witnessed here yesterday and today, we may conclude that a solution depends in large measure on finding effective responses at international level within a burden sharing approach.

Indeed, Turkey, at this vital geography, crossroads of Asia, Middle East and Europe, bordering eight countries and with 8000 kilometers of coastline, has seriously been confronted with various forms of this transnational crime, which without doubt, pose a threat to its social order, human and democratic values, as well as a huge strain to its resources.

Ladies and Gentlemen,

It is impossible to go through a newspaper these days without coming across to one or more items of news related to migration and migrants. We used to think of migration perhaps as a rather peripheral and specialized issue; but now we see that it poses a range of complicated and difficult problems that we have not yet learnt fully how to handle. Migration raises acute human problems and poses policy dilemmas. Moreover some forms of migration involve human exploitation of a most serious kind, modern slavery which, certainly, challenges human rights and social cohesion.

Being a transit, source and a destination country, Turkey is at the heart of the matter of migratory movements into Europe. Turks constitute almost the single largest migrant community in the European Union as a result of the labour migration of the last 40 years.

Europe, as well, has a long tradition of international migration. Wars, political unrest, the removal or redrawing of state borders, the end of the colonial era and, last but not least,

the demand of the economy for more labour and new expertise have prompted millions of people, European and others, to migrate towards expanding economies of the continent.

Today, Europe's migration policy makers confront a new agenda. Labour immigration followed by family reunion, and the increased number of asylum seekers, have been the bequest to policy makers since the 1990s.

In this background, we believe that the integration of the regular migrants as important as overcoming the problems emanating from both regular and irregular migration.

The efforts spent over the last 10 years in Europe to implement sound integration policies, including promotion of equal opportunities, vocational advancement, access to social services and socio-cultural integration, have been considerable. However, the results achieved do not seem to be commensurate with the efforts made.

Unfortunately, in today's Europe we have been observing the withdrawal of minorities into their shells, partly in response to their rejection by host populations, over representation of immigrant populations in the increasing unemployment figures and by increasing public hostility to their presence which is reflected in the rise of xenophobic political trends.

At this stage, one major problem seems to be that the public opinion is increasingly negative, and the more it becomes so, the harder it is for political leaders to address the issue in an affirmative manner.

Under these circumstances, Turkey not only actively adheres to international conventional studies on regular and irregular migration but also cooperates with the host countries to meet the needs of Turkish people living abroad in social and educational realms for their successful integration. Within this understanding, we encourage Turkish communities living abroad to integrate with the societies they live with and hence contribute to the political, economic, social and cultural life of the countries they live in.

Ladies and Gentlemen,

Throughout years, as a consequence of various developments taking place at the regional and global level, Turkey had to deal with an ever growing illegal migratory flow, being at the crossroads of continents. Each year an important number of illegal migrants are apprehended in Turkey and prevented from reaching European countries. Exits of boats and vessels from Turkish ports to the Aegean and Mediterranean Sea are actively hindered. As a result of intensified efforts and initiatives, the trend of illegal migration via Turkey is decreasing and international routes for migration flows have been diverted away to other routes. (This assessment was also mentioned in the 2003 EU Progress Report on Turkey.)

Turkey has also been intensifying its efforts with a view to aligning its legislation with the EU Acquis Communautaire, and integrating its policies with those of the EU Justice and Home Affairs.

Furthermore, important reforms have been carried out within the ongoing judicial and legal reform process in Turkey. Legislation has been strengthened and heavier penalties are prescribed against criminal networks involved in migrant smuggling and human trafficking.

Ladies and Gentlemen,

In recent years, as much as being a way station on illegal migration, Turkey has become a destination country for nationals of transitional democracies, who are in search of better living conditions and job opportunities abroad, due to conflicts or economic and social hardships prevailing in their own countries. While presence of these people in Turkey is generally voluntary, their illegal work and resident status, nevertheless, can make them vulnerable to exploitation.

Therefore, Turkey is fully committed to fight against trafficking in persons as well as illegal migration. In accordance with this policy, it is party to all the relevant international instruments on fight against human trafficking and illegal migration. We have accomplished the legal framework on the national level and have taken further administrative steps.

Turkey has amended its Citizenship Law in order to prevent acquiring the Turkish citizenship through arranged marriages. Furthermore, a new Law on Working Permits for Foreigners entered into force which increases legal employment opportunities for foreigners in Turkey.

In line with its international efforts, Turkey is offering bilateral co-operation and a draft protocol of co-operation on combating trafficking in human beings to the main countries of origin, whose nationals target Turkey in search of better standards of living and become vulnerable to exploitation.

Ladies and Gentlemen,

In recent years, organized criminal groups have increasingly taken advantage of globalization and technological developments. They have expanded their activities worldwide by employing sophisticated strategies. Accordingly, organized crime, including human smuggling and trafficking in human beings, has become transnational and more complex in nature.

Criminal networks behind human smuggling and trafficking in human beings are at the same time involved in one or more other forms of organized crime such as drug trafficking, document fraud and money laundering. Also, once they establish their network and connections, they easily shift the focus of their business from one form of crime activity to another, depending on their calculation of risk and profit at a given time. In this respect, it is currently recognized that trafficking in human beings is rivalling drug trafficking and arms smuggling in higher profitability for lower risk. Organized crime activities are thus, interrelated. Therefore, combating these activities requires comprehensive strategies dealing with all aspects of prevention, prosecution and protection, as well as firm and effective international co-operation and co-ordination.

Controlling illegal migration needs dialogue and cooperation between source, transit and destination countries. In our fight against illegal migration and human trafficking, we have always sought bilateral and multilateral cooperation. Being only one of the transit routes for flows of illegal migration we believe it is not only the responsibility of the country of

transit to contain these flows. In our opinion, the responsibility to fight against illegal migration lies jointly with destination countries and source countries. Transit countries are shouldering a burden which they neither caused nor created. The destination countries should act upon this fact and cooperate both financially and technically with the transit countries. We should all be aware that illegal migration has become a serious threat to security and stability in Europe, and we are ready to share the burden of confronting it.

We are fully aware that necessary measures should be immediately taken on the migration issue. We are also aware that this is not an easy and short process. However, we are confident that co-operation at regional and international levels and commitment and will of the countries in the fight against illegal migration, will be a major contribution to the strength of our common future.

Distinguished Guests,

I salute the effective and constructive contribution of this conference to the fight against illegal migration and hope that this conference will also be reflected in the implementation of national policies.

Lastly, I would like to thank once again to the Council of Europe and the organizers of this event, as well as to the participants. (I also would like thank to the translators)

FINAL COMMUNIQUÉ

The participants express their gratitude to the Turkish authorities and to the Council of Europe for having organised this conference on transit migration.

Having in mind a human rights approach, the following issues were raised:

1. Transit migration is a complex phenomenon and the motivations of persons trapped in transit vary. Their human dignity and their basic rights are often affected. The situation of migrants in transit constitutes a challenge to the international community. Failure to react puts social cohesion at risk.
2. It is urgent for the countries of origin, transit and destination to take concerted measures aimed at preventing irregular or clandestine migration, addressing their root-causes and thereby limiting and preventing the phenomenon of transit migration. International protection for persons in need is an important element of any migration management strategy. The strategy for an orderly management of migration adopted by the member States of the Council of Europe is an appropriate frame for bilateral and multilateral co-operation.
3. An integrated approach to co-operation, in the political, economic and social fields, is essential to effectively improve the management of transit migration. Based upon mutual respect and solidarity, cooperation in this area largely depends on the determination and the will of each country to actively assume responsibility. The Council of Europe encourages dialogue and the search for possible ways to cooperate.
4. One of the key elements is the access to information. In order to ensure this access, member States of the Council of Europe as well as non-member States must establish a system of information exchange that will facilitate effective management of migration. The future European Migration Agency could be asked to coordinate this task.
5. The member States of the Council of Europe as well as non-member States must actively cooperate in order to tackle organised crime in the migration process. Criminal networks behind smuggling and trafficking in human beings are interrelated to other forms of organised crime, such as drug trafficking, money laundering and terrorism. Combating these activities requires comprehensive strategies dealing with all aspects of prevention, prosecution of criminal acts and protection of the victims. In this respect, firm and effective international co-operation and coordination are crucial. Participation in the conventional systems of the UN and of the Council of Europe should be encouraged.
6. Particular attention should be paid to inform vulnerable people especially women and children in transit about the regulations in the countries of destination and transit. It is important to ensure that the disseminated information is reliable and precise, that it serves as a warning about possible risks to which a migrant in an irregular situation may be exposed to.
7. The Council of Europe should pursue its activities on irregular and transit migration and trafficking in human beings and formulate guidelines for the member States to harmonise their policies in these fields.
8. The Council of Europe is invited to review its legal norms and recommendations, adopted by the Committee of Ministers and by the Parliamentary Assembly in order to evaluate their efficiency in the area of irregular and transit migration and trafficking in human beings and to ensure their implementation at national and international levels. The future European Migration Agency should help to ensure this implementation.

Regional Conference on “Migrants in transit countries: sharing responsibility for management and protection”

**Hotel Conrad
Istanbul (Turkey) - 30 September - 1 October 2004**

PROGRAMME

Eve of Day one - 29 September 2004

Arrival of participants

8.30 pm Reception given by Mrs Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe in Hotel Conrad

Day One - 30 September 2004

8.00 -9.00 Registration of participants

9.00 - 10.30 *Opening Session*

9.00 - 10.00 Opening of the Conference by :

Mrs Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe

Mr Abdülkadir Aksu, Minister of Interior of the Republic of Turkey

Mr Alexei Tulbure, Représentant Permanent de Moldova, Président du Groupe de rapporteurs des Délégués des Ministres sur les questions sociales et de santé (GR-SOC)

Key-note speeches :

The right to leave one's country; but where to go?

By Mr Tadeusz Iwinski, Vice-President of the Parliamentary Assembly of the Council of Europe, Chair of the sub-Committee on Migration of the Committee on Migration; and

Migrants blocked in transit: elements of a human dilemma, by Mr Claude-Valentin Marie, Director, Research and Anti-discrimination Unit, Paris

10.00 - 10.30 Coffee break

10.30 - 12.30 Session 1: Main characteristics of irregular migration in transit countries - four local case-studies from major transit migration regions of relevance for Europe

Analysis of the economic, social, demographic and political basis of transit migration in Russia - Moscow case, by Dr Irina Ivakhniouk, Deputy Director of Department of Population, Faculty of Economics, Moscow State 'Lomonosov' University, Russia

Geographical situation as a facilitator of irregular migration in transit countries - case of Tanger (Morocco), by Mohamed Charef, Observatoire Régional des Migrations Espaces et Sociétés (ORMES), Morocco

At the cross-roads between Europe and Asia - complexity of transit migration in Istanbul, by Jean-François Pérouse, Observatoire Urbain d'Istanbul, Institut Français d'Etudes Anatoliennes, France

New migratory patterns at the Tunisia-Libya frontiers - case of the Sahara desert area, by Dr Hassan Boubakri, Département de Géographie de la Faculté des Lettres, Université du Centre (Sousse), Tunisia

12.45 - 14.00 Lunch break (cold buffet offered by the Turkish Ministry of Foreign Affairs)

14.00 - 15.45 Debate

Introduction to the debate:

Identification of issues and current and future trends of irregular migration in transit countries - Summary Report by Stéphane de Tapia, Researcher in CNRS « Cultures & Societies in Europe », Department of Turkish Studies, University Marc Bloch's Strasbourg, France

15.45 - 16.00 Coffee break

16.30 - 18.00 Transit migration - experiences of some countries

Treatment of transit migration in North America - case of Mexico, Pr Jorge Santibáñez Romellón, Presidente, El Colegio de la Frontera Norte, Mexico

Reconciling refugee protection with combating irregular migration: the experience of Turkey, by Prof. Dr Kemal Kirişçi, Turkey

Immigration and Asylum: the experience of Turkey, by Mr Mehmet Terzioğlu, Ministry of Internal Affairs, Head of Asylum and Border Issues Dept., Turkey

17.30 - 18.00 **Debate**

19.30 Reception and cruise on the Bosphorus given by **Mr Sahabettin Harput**, Under Secretary of the Ministry of Interior, the Republic of Turkey

Day Two - 1 October 2004

9.00 - 12.15 **Session 2 : Burden sharing, not burden shifting - the basis for a genuine co-operation on irregular transit migration**

Transit migration and Migration Management Strategy - the need for a comprehensive approach, by Mr Michel Villan, Chair of the European Committee on Migration, Council of Europe

Financing of projects for migrants by Mrs Eva Schwebel, Council of Europe Development Bank

New approaches to managing migration from the perspective of a country of origin - Pakistani experience, by Mr Hassan Haider

Migration management from the perspective of a transit country - the Turkish case, by Mr Ahmet Içduygu, Department of International Relations, Koç University, Turkey

Protecting the human rights of transit migrants, by Mrs Julia Hall, Human Rights Watch

10.15 - 10.30 Coffee break

10.30 - 12.15 **General Debate**

12. 15 - 13.00 Closing session

Presentation of the General Rapporteur's Conclusions,
by Mr Stéphane de Tapia, Researcher in CNRS « Cultures &
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Closing remarks by:

Mr Alexander Vladychenko, Director General ad
interim of Social Cohesion (DGII I), Council of Europe
and by

Ambassador N Murat Ersavci, Director General of
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Final Communiqué

13.00 - 13.30 Press Conference in Hotel Conrad

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