

# **New patterns of irregular migration in Europe**

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## **INTEGRATED PROJECT “RESPONSES TO VIOLENCE IN EVERYDAY LIFE IN A DEMOCRATIC SOCIETY”**

All Europeans feel affected by violence and its repercussions. Personal security is threatened every day in a whole range of places and circumstances: at home, at school, at work, at sports events and on the streets. While violence and the fear of violence affect everyone’s quality of life, certain groups – such as women, children and the elderly, as well as migrants, refugees and particular ethnic groups – may be seen as specific targets.

The integrated project on “Responses to violence in everyday life in a democratic society” was launched by the Secretary General of the Council of Europe as a means of mobilising the Council’s resources over a period of three years (2002-04) to address the widely shared concerns that violence engenders. Its main aim is to help decision makers and others to implement consistent policies of awareness-raising, prevention and law enforcement to combat violence in everyday life. Significantly, these policies have to be formulated and applied in ways that respect human rights and the rule of law. That is an absolute prerequisite for achieving lasting improvement in the actual situation and in people’s feelings about security in Europe.

*New patterns of irregular migration in Europe* is the seventh of a series of publications for a general readership containing recommendations or instruments used to launch Council of Europe activities and projects on violence prevention. The series also includes discussion and summary documents on the different topics covered by the integrated project.



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## FOREWORD

Europe's transformation during the course of the twentieth century into a land of all kinds of migration is one of the most significant features of its history. Bound up with rapid economic expansion, attractive social and political systems, and Europe's reputation for hospitality, migration in Europe – both internal and external – has become an issue of great complexity.

*New patterns of irregular migration in Europe* analyses the discussions which took place at a seminar held in Strasbourg (12-13 November 2002) on irregular migration, one of the most sensitive issues related to population movements. The seminar highlighted that “irregular” migration creates difficulties for our member states and societies, and leads to traumatic situations and incidents of violence, of which migrants are the first victims.

The proposals and recommendations featured at the end of this work, which for now represent the personal commitment of the author only, make a valuable contribution to work carried out by the competent Council of Europe authorities, notably the European Committee on Migration.

Irregular migration is an issue of concern to Europe as a whole, and my solution to this problem must involve the country of origin, transit and arrival. For the Council of Europe, all migration management policies must be based on respect for human rights – the core value of our Organisation, shared by the 800 million Europeans that live in our forty-five member states.



Walter Schwimmer  
Secretary General of the Council of Europe





## INTRODUCTION

Europe in the narrow definition of the term – the fifteen, soon to be twenty-five, countries of the European Union – and in its broad definition – the forty-four<sup>1</sup> members of the Council of Europe – is facing the growing problem of irregular migration. Polemical commentary often describes Europe as a fortress, on the evidence of the implementation of the Schengen Agreement or the images of the bodies of irregular migrants fished out of the waters of the Straits of Gibraltar, but few Europeans have a clear view of the phenomenon of irregular migration or of what is at stake in human, political and economic terms in relation to such flows, which are often overestimated, unlike the distress experienced by individuals and families, which is commonly underestimated.

Talk of insecurity has become a major political issue in European democratic life. A vague feeling which has absolutely nothing in common with the insecurity experienced by many emigrants in their countries of origin, insecurity is often linked to the presence of groups who are not integrated in social and economic life where “foreigners”, “immigrants”, “illegal immigrants” and “refugees” are stigmatised as at-risk populations (crime, unemployment, idleness, differences in behaviour and values, etc.). Irregular migrants – and migrants, refugees, clandestine migrants, offenders, traffickers, networks, etc., are often lumped together – are in themselves a problem that needs to be addressed urgently, as is shown by the French and British governments’ handling of the question of the Sangatte Reception Centre.

The participants at the Council of Europe Seminar on the New Patterns of Irregular Migration in Europe (12-13 November 2002) saw things quite differently: for them, irregular migrants are doubly victims – of difficult, if not impossible, situations in their countries of origin, and of serious deficiencies in reception and migration policy management resulting in numerous cases of administrative malfunction both in countries of transit and countries of arrival. Their view is, however, qualified: many immigrants whose situation is now legal and who are integrated or have even become citizens of an

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1. Since the time of writing, Serbia and Montenegro has been granted membership, increasing the number to forty-five.

EU country have been through similar experiences, individual situations are in fact often fluid and there is much shifting from one status to another. For all, or almost all – and the question remains open – the closing of external borders and the severity of migration policies – often described as “non-existent”, “unrealistic” and “media-led” – are pointless and simply aggravate tensions and work to the benefit of criminal networks.

On the basis of the debates that took place during the seminar, European experience on the interrelated issues on the ground (irregular migration, clandestine and/or irregular migration requests for asylum whether territorial or under the convention, persons refused asylum, the various forms of trafficking in human beings, etc.), and available information about international migration, the rapporteur has sought to give an overview of the complexity of the questions raised during the seminar and to indicate possible ways forward, if not for solving the problem, at least for improving the often arbitrary management of these migratory flows.

The seminar was held in the framework of the Council of Europe’s integrated project “Responses to violence in everyday life in a democratic society”, whose objectives include activities to combat the effects of social exclusion, extreme poverty and other marginalising factors. The project plans to draft recommendations on preventing irregular migration through dialogue between host countries and countries of transit and origin.

The seminar brought together some forty people, including both invited experts, most of them members of public or private research bodies, from Council of Europe member countries and third countries (Tunisia and Morocco), and members of non-governmental organisations dealing with irregular migrants in situations of distress or social marginalisation. A few people represented Council of Europe member countries on an individual basis. The immediate aim of the seminar was the free exchange of experience and ideas on irregular migration without setting any geographical or legal limits.

The populations mentioned during the seminar were many and varied: people from China, the Russian Federation, Turkey, Iraq, Iran, Afghanistan, the former Yugoslavia and the former Soviet Union, the countries of North and sub-Saharan Africa, Southeast Asia, etc. A significant proportion of the debate was devoted to the Roma of central and eastern Europe, who are

considered symbolic of the extremely varied situations experienced by irregular migrants, whose status in fact varies widely.

The firsthand accounts and case studies dealt with very specific and varied situations: asylum seekers and refugees covered by the United Nations Convention relating to the Status of Refugees (known as the 1951 Geneva Convention) or territorial asylum, displaced persons, victims of ecological disasters or regional conflicts of varying degrees of intensity, legal, clandestine and irregular economic migrants, and direct or indirect victims of trafficking and organised crime networks (trafficking in labour and in human beings in various forms such as adult and child prostitution, trafficking in drugs, arms, counterfeit goods, etc.).

Administrative shortcomings and contradictions leading to the *de facto* exclusion of many people were also noted. The length of time taken to examine individual cases, lack of human and financial resources and inadequately trained officials (reception, examination, control, etc.) were mentioned, but so was corruption which, generally far from being the rule, is none the less worrying, including in some member countries.

Thus the link between violence in everyday life in democratic societies and irregular migration, which may not be obvious at first, appears more clearly when one looks at the actual situations of migrants whom there is no reason to regard as being *a priori* “at risk” or “potentially at risk”.

A few examples of recent events in Europe illustrate this link:

- the circumstances and characteristics of the accident in the Saint Gotthard road tunnel in Switzerland (24 March 1999) place it in the category of road violence (eleven killed and twenty-three vehicles involved). The investigation by the Swiss police quickly showed that the driver of the lorry that caused the accident, who was of Turkish nationality and working for a Belgian company founded by a person of Turkish origin, was not employed in compliance with Belgian or Community labour law or with regulations on entry and residence in Belgium;
- the recent accident (13 November 2002) involving the oil tanker *Prestige* off the coast of Spain features a Greek ship-owner and captain, a flag of convenience, a crew of Greek, Romanian and Filipino sailors, and a cargo belonging to a now dissolved Russian company registered in Gibraltar. It may already be noted, subject to the results of the investigation by the competent authorities, that offences against regulations on the maritime

transportation of hydrocarbons were committed, and perhaps also offences against labour regulations (the composition of the crew), something that is, unfortunately, very common and seems to be a factor in many incidents and accidents that in some cases cause pollution with serious economic and social consequences. The French and European news is full of such “junk” vessels causing often fatal accidents;<sup>1</sup>

- the suffocation of fifty-eight irregular immigrants from China in a container carried by a Dutch lorry, who were discovered by British customs officials at Dover after transit via Zeebrugge. However striking this news item of 12 June 2000 may be, there is nothing exceptional about it;
- the discovery in Paris in November 1999 of the body of a young Bulgarian woman who had been stabbed twenty-three times, or that of a young Czech woman who had been a prostitute and drug addict in the Haguenau Forest not far from Strasbourg, which enabled the police to dismantle a network linking the Czech Republic and Alsace run by Turks, a Dutchman and a Tunisian (*Le Monde Diplomatique* of November 1999 and *L’Humanité* of 5 December 1998). These were news items reporting crimes involving young foreign women and pimps, some of whom were foreigners while others were European citizens (Dutch, Portuguese, French of Turkish origin).

Aware of the difficulty of, on the one hand, reporting the substance of free and wide-ranging discussion of an extremely complex situation by highly qualified individuals involved in research into, work on and management of migrant, refugee and immigrant populations and, on the other, taking into account the volume and quality of European experience of analysing the issues of migration and economic mobility in policy terms, the author will attempt here to combine direct testimony, in-depth analysis and European experience.

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1. Such as the “cargo boat the sailors wanted to leave”, *Dernières Nouvelles d’Alsace* (18 December 2002). The article recounts an incident in which the (French) captain and ten (Ukrainian and Senegalese) sailors drowned on 11 June 1999 off the coast of Sri Lanka.

## **I. IRREGULAR MIGRATION IN EUROPE: THE CURRENT SITUATION**

This report takes the following material into account:

- the seminar debates and the contributions of the experts present;
- the very abundant academic literature available on irregular migration;
- the vast documentation available on the Internet, reviews of the French and foreign (European and third country) press, the files on irregular migration of the public bodies present (Council of Europe, Parliamentary Assembly, International Labour Office, United Nations, Europol, etc.) and NGOs (including the International Organisation for Migration).

There is a plethora of material available on irregular migration whether clandestine or otherwise, some of it controversial. This study makes absolutely no claim to be exhaustive and the author is responsible for the opinions expressed.

### **Definition of terms: a necessary clarification**

The very title of the seminar, which was initially “The new patterns of irregular migration, defending the dignity of persons actually and potentially at risk” and became “The new patterns of irregular migration in Europe and the problems faced by migrants”, and its inclusion in the project “Responses to violence in everyday life in a democratic society” requires clarification. Over the two days of the seminar, terms such as “irregular migrants”, “clandestine migrants”, “statutory refugees”, “asylum seekers/applicants”, “economic refugees” and “persons refused asylum” were used. From one language to another, even from one human or social science discipline to another, the terminology and its translation presents a problem: in some member countries the term “irregular migrants” is used, “clandestine” or “irregular migrants” in others, to refer to people who may be international tourists – and therefore in a legal situation – awaiting the status of asylum seekers – another legally defined status – stages which are by definition transitional between those of statutory refugee covered by the Geneva Convention and clandestine. One

speaker (Hassan Boubakri) preferred to speak of “undeclared migrants” to refer to cross-border migration between Tunisia and Libya which may, however, involve nationals of other countries, but also to refer to Tunisian migrants in Italy awaiting the stabilisation of their employment and residence status (that the employer may refuse to give them).

All the participants agreed that it was extremely difficult to define precisely statuses that are a function of national and international law, political and geostrategic analysis, descriptions and typologies determined by the criteria of the different areas of human science, and underlined the fluidity of situations and statuses, whether individual – individual persons – or collective – refugees or displaced persons of a particular origin, or the persons who happen to live in a particular place, waiting area, detention centre, refugee camp or reception centre – a fluidity that means a single lifetime may include a period of clandestineness/illegality or legality/legalisation, with the person then returning to a more unstable status and perhaps one day becoming a legalised immigrant and maybe eventually a citizen of the country of residence.

Setting aside the technical problems of translation, the definition of terms is the basis of every human science, whatever the discipline or subject. The speakers and participants at the seminar frequently emphasised this fact as a preliminary, although the debate was not hampered by it since everyone was talking about things familiar to all. Nevertheless, the variety of the situations described in this report makes it necessary to review the terminology used. Indeed, all the terms are now lumped together in European current affairs coverage in a way that may be dangerous since it engulfs all the actual situations experienced by migrants and the bodies that defend their rights in a discourse that has become incomprehensible to the uninitiated.

The terms “migrant”, “immigrant”, “emigrant” and “settled immigrant” are used here in a purely descriptive sense: a person who leaves a territory of origin to go to a territory which is foreign to him or her. It is not a necessary condition to have crossed an international border. A “settled immigrant” is someone whose situation has stabilised and who is now settled in a place of residence and has previously been an “immigrant” or a “migrant”, having gone through a necessarily transitory phase of mobility lasting a varying length of time (from a few hours for a legal migrant coming by plane to a few days or months for an “irregular migrant in transit”). For the country of origin,

the immigrant in a legal situation logically remains an “emigrant”, often referred to as an “expatriate” by the government of that country.<sup>1</sup>

The term “foreigner” refers to someone who does not have the nationality of the country of residence. A settled immigrant born abroad is not automatically a foreigner and a foreigner is no longer automatically a settled immigrant. Historical and political circumstances and laws relating to naturalisation, the acquisition of nationality, and often marriage with a foreign spouse, which may be more or less liberal or restrictive, influence greatly the definition of “foreigner”. The terms “second” and even “third generation” are often used to refer to people who are not settled immigrants by definition (increasingly having been born in the country) and no longer foreigners (naturalisation by birth, declaration, acquisition of nationality), as one participant noted, in which case such misuse of language is indicative of the image the speaker has of people who, legally, are compatriots. There are quite wide variations among European countries directly deriving from law on nationality. There is a conflict here between *jus soli* and *jus sanguinis* and all the intermediate gradations observable in legislation and its application. Conversely, according to the legislation of the country of origin, it is often possible to speak of “binationals” or “people with dual nationality”, but here too there is a wide variety of situations.

The expressions “host country”, “country of origin” and “country of transit” are also used as practical terms with which to refer to countries of settlement, residence, employment, departure, or simply transit between two territories. In fact, none of the situations is set in stone and, according to circumstances, any migrant may return to his or her country of origin or settle for a long time or for good in a country of transit. Some people consider it a misuse of language to use the term “host” with respect to many migrants and prefer the expressions “country of arrival/immigration/residence/settlement/employment”.

The expression “country of transit” is in principle more neutral and refers to the country(ies) passed through by migrants, but here, too, a distinction can be

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1. Here the author takes a different line from his colleague Smaïn Laacher, the author of a valuable report on the Sangatte Reception Centre drafted at the request of the French Red Cross, which has certainly not been disseminated widely enough (see bibliography). For our purposes, the term “migrant” means lasting mobility and not specifically mobility due to work alone, although it is used in France to refer to the recruitment of immigrant labour, principally from North Africa.

made between the initial transit – the journey between country of departure and country of settlement, often in uncertain or insecure conditions: clandestineness, tourist visa, false papers, etc. – and legal transit – the journey of a migrant who has residence and work permits from the outset – or again “migratory movement”.

According to the definition given by the Centre National de la Recherche Scientifique (CNRS) group Migrinter,<sup>1</sup> “migratory movement” refers to all the movements between region/country of origin and region/country of residence resulting from the existence of immigrant populations that are settled but maintain a special link with the society of origin, whatever the nature of that link (migration chain, preference for marriage with spouses from the group of origin, financial, commercial and business, tourism, political and/or religious, information and communications). Such movement may last a very long time and is now tending to develop because of ease of transport.

The terms “asylum seeker/applicant”, “(statutory) refugee” and “refugee under the convention” are used on the basis of the application of the 1951 Geneva Convention. The terms “territorial asylum” and “economic refugee”, which are conceptually possible, necessarily present problems, above and beyond the legal definitions given by states. Before obtaining refugee status, the individual is necessarily an asylum seeker, in itself a legal status but one that is by definition unstable. In the conditions that can at present be observed in Europe as a whole, a minority of asylum seekers will become statutory refugees, while the majority, once they have been refused asylum, are theoretically destined to return to their countries of origin. In reality, the majority of that majority will become irregular migrants. The term “territorial asylum” or “temporary refugee”, depending on the country, are tending to supplement the Geneva Convention, which by definition concerns refugees who are victims of exactions by the state (their own or the neighbouring state in the case of international conflict). The chaotic internal development of some countries and the prevalence of political violence where the state concerned is no longer able (or is unwilling) to ensure the safety of its citizens has led some European countries to introduce specific regulations. France has done so in response to demand from Algerian nationals (1998). Reference should for example be made to Parliamentary Assembly

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1. Migrinter is a component of the CNRS laboratory UMR 6588, at the University of Poitiers, France.



Recommendation 1088 (1988), while noting that paragraph 10.viii, which refers to the Turkish situation at the time (exodus of Kurds following the use of chemical weapons in Halabja), would have fallen more logically under the Geneva Convention.

The terms “irregular migrant”, “clandestine migrant”, “irregular migrant” and “non-documented migrant” refer to categories that are often ill-defined as they are extremely fluid on the ground and within the migratory path of the same individual. Irregular migrants are by definition illegal, but not automatically clandestine: they have often entered the territory of residence perfectly legally (passport with or without tourist visa generally allowing a three-month stay, asylum seeker, fixed-term employment contract, seasonal contract, student status, etc.). It is failure to leave the territory that makes them irregular migrants or, in some cases noted by participants, the shortcomings of the authorities responsible for controlling flows (a Tunisian or sub-Saharan African migrant not declared in Libya, for example).

Another category of migrant was mentioned briefly during the discussions, that of “unaccompanied minors”, also known as “isolated foreign minors” (*mineurs isolés étrangers*) in France. A recent French study (*Migrations Etudes*, 2002) suggests an internal typology for this category that distinguishes between “exiles”, minors “entrusted with a mandate”, “exploited” minors, “runaways” and “itinerants”. While they may be migrants in transit, they are usually, though not automatically, irregular migrants. Observers agree that this phenomenon has become more common in the last few years.

As Ahmet İçduygu (1996) recalls at the beginning of his article on transit migration in Turkey, the traditional typology, used by most specialists of international migration, has six major categories: (1) permanent settlers; (2) temporary contract workers; (3) temporary professional employees; (4) clandestine or illegal workers; (5) asylum seekers; and (6) refugees (under the Geneva Convention). Migrants in transit are people who, whatever the reason for their migration, are living temporarily in a country with the intention of moving on. The residents of Sangatte clearly fall into this category. Gildas Simon (1995, pp. 11-12) believes it useful to go back to the definitions given by the United Nations in 1976:

- a (long-term) emigrant is a person who leaves his or her country and plans to live abroad for more than a year, after living in the country for more than a year;

- a (long-term) immigrant is a person who enters the country and plans to live there for more than a year, after living outside the country for more than a year.

But the author immediately notes that these definitions, which are very similar to the ones applied in the United Kingdom, have been much criticised since they do not take the complexity of migration into account.

There are thus many definitions, but they must all be placed in a spatio-temporal context, and this is never neutral. Although the world as a whole is now involved, this does not mean that there are not situations specific to one or other regional, national or international context. We shall have to return to this, but the legitimate desire for precise terminology should not obscure actual experiences and processes and mechanisms at work in the definition of migratory flows. In particular, while situations are indeed fluid, confused and inaccurate use of terminology is very dangerous and likely to distort the debate.

All the participants agreed on the fluidity of personal situations and on the legal process producing illegality with respect to international migration. This process is itself closely linked with the economic context and certain sometimes rather abstract cultural and psychological factors. However, although it was not debated, simply referred to once or twice, during the seminar – probably because all the experts and participants were working on the same issue, making it implicit – the confusion mentioned by Alvaro Gil-Robles at the end of the seminar should be borne in mind: the fluidity of individual situations and the frequent shifts from one status to another should not obscure the injustices, the suffering, the distress of victims of violence, the responsibility of criminal networks and public authorities, that of employers and that of migrants themselves, or the administrative and regulatory inflexibilities which in some cases amount to violation of the fundamental principles of human rights. The notion of confusion lies here in the, sometimes conscious, refusal to understand the reality of the mechanisms at work.

*Concepts of populations “actually or potentially at risk”*

While not abandoned, the concepts of populations “actually or potentially at risk” were withdrawn from the title of the seminar and little touched on during the debates, except in Céline Richez’s contribution (see the

proceedings of the seminar). They were, however, ever present in the discussions and recalled at all stages of migrants' personal paths (departure from country of origin, journey to country of transit, illegal entry into country of arrival, unstable status and social marginalisation if not exclusion for a sometimes very extended period, with recognised dangers: unemployment, lack of housing and healthcare, trafficking in labour and illegal working, crime, prostitution, etc.).

A person or population "potentially at risk" is threatened by a potential and probable, though not automatic, risk, which is sometimes imaginary. An individual or population "actually at risk" is directly facing risks that may vary widely in kind and concern a great many aspects of life in society.

A feature of international migration is that it brings into contact populations that differ from each other in linguistic, cultural, economic, social, political and other terms. Such contact is now facilitated and accelerated by the general process of economic globalisation, with numerous types of mass movements (exchange of goods, capital, technology and also people: labour migration, international tourism, migratory movements, commercial exchange). Where there is no specific context of armed conflict, such contact does not involve any general or systematic risk.

However, localised deterioration of socio-economic balances may, sometimes massively, affect migrant populations or populations likely to migrate. Health is a good example of this: distant problems may soon have unexpected consequences:

- a resurgence of malaria around international airports through the "immigration" of tropical mosquitoes; here, it is not migrants who are at issue but the health conditions in tropical countries which may equally affect international tourists: the vector is an insect carried by a plane;
- a resurgence of tuberculosis connected both with the deteriorating living conditions of populations excluded from economic growth in western Europe – an exclusion which affects indigenous and immigrant populations without distinction – and populations destabilised in their country of origin (the case in the Russian Federation where there has been an upsurge in diphtheria);

- a resurgence of sexually transmitted diseases (STDs), previously eradicated in western Europe and North America, through prostitution (spread by trafficking in the complete absence of health controls) or “sex tourism” of which very young girls and boys are sometimes the victims. Here there are two reversed forms of mobility for the same social phenomenon;
- with still more serious consequences, the massive spread of Aids in some African countries and the accelerated spread of HIV in new regions: China, Russian Federation, Central Asia, Southeast Asia, and so forth, sometimes in unprecedented circumstances (the infection of a large proportion of the population of Henan province in China as a result of a catastrophic commercial policy that took no account of health considerations).

These two last aspects are linked, but their rapid spread has been accelerated by the general establishment of illegal flows, in part as a result of the extreme poverty and marginalisation of societies weakened by various factors (political crises and chronic insecurity, repeated drought, economic crises and unequal trade).

These issues were barely touched upon during the seminar but it is not inappropriate to stress this aspect, the prime victims of which are very numerous populations in the poorest countries, who have been completely destabilised as a result and are likely to migrate to more secure countries, but under extremely precarious conditions (see the section on illegal migration routes). They are certainly populations “actually at risk”, but that risk has to be assessed in all its complexity. It is important to stress here the need for as precise and exhaustive an analysis as possible of the processes resulting in such socio-economic deterioration with extreme consequences. There is also an urgent need to take policy decisions regarding the protection of victims who are all too often treated as offenders, although the latter, because of inadequacies in the law of the country concerned, often avoid the penalties suffered by victims.

Individuals or populations “actually at risk” are at risk in their daily lives as the result of the destabilisation caused by their status as migrants, both in transit and once they have arrived in a probable country of settlement, which is, however, temporary until their administrative situation has been regularised. A very great number of situations involve risks, although the risk is not sought: unaccompanied minor, prostitute, violence in everyday life (family, household, street with respect to the homeless, etc.).

A series of definitions of conditions leading to risks run by migrants, independent of their status on arrival or departure, can therefore be proposed:

- illegal exit, escape from the country of origin, without papers or with false papers, police and military controls, minefields and barbed wire, regions dangerous for geographic reasons (rivers, straits, mountains, glaciers, deserts, etc.);
- journey in difficult conditions (lorries, trailers, containers, holds, cars, even the undercarriage of aircraft) with the frequently disappointed hope of achieving a better or easier life. Breakdowns, accidents, insecurity, corruption and so on may have extreme consequences: slavery, systematic prostitution and, on trans-Saharan routes, death by dehydration;
- illegal entry (sometimes in the same conditions as exit: crossing alpine glaciers on foot, sea crossings in inadequate craft such as *pateras* in the Straits of Gibraltar and the Canary Islands), sometimes complicated by unlawful police practices or simply the fact that services are overworked, undermanned or unaware of the issues;
- haphazard or inadequate reception services (swamped reception services, lack of staff, premises, resources, funding, lack of qualified interpreters or any interpreters at all), inadequately trained officials: asylum applications are by definition complex and above all personal, but they are too often poorly investigated with the result that application of the Geneva Convention is weakened;<sup>1</sup>
- unstable accommodation (little, no or poor organisation of reception services, lack of places, insufficient or poorly qualified staff, lack of funding, etc.), or even no accommodation at all (street, informal camps in countries of transit, squats, slums, cheap hotels, etc.) such as those described by participants in Morocco and Turkey, but also in France;
- there may or may not be access to healthcare and social cover, which may or may not be discriminatory and is often linked to a minimum of stability

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1. A few cases the author has encountered: far-right Turkish militants who arrived in France after the 1980 *coup d'état*. These statutory refugees were wanted by the Turkish police and had been found guilty by the courts, in some cases of murder, torture and armed attacks. They enjoyed the complicity of people highly placed in the administration of the country of origin and obtained the protection of France by passing themselves off as Kurds and leftist or extreme leftist militants. Far more common are cases of abuse of the procedure in which economic migrants pass themselves off as asylum seekers and obtain asylum without any real justification.

- (housing, residence, sufficient resources, etc.); here, too, the situation varies widely in European countries and there is always the possibility that things will get worse (French Finance Bill for 2003);
- difficulties with respect to access to initial and vocational training: children’s schooling, language learning, vocational training, traineeships; sometimes these services do not exist, sometimes access to them is simply forbidden (asylum seekers) for the declared reason of reducing migratory pressure;
  - administrative formalities or attitudes, if status is unstable or lacking.

When examining “actually at risk” situations, it is essential to take the individual into account. Such analysis of the various points in the processes as a whole is needed if true preventive measures are to be defined. It is both illusory and impossible to respond favourably to all applications since not all are justified. An assessment of the justification of an application can only be made by examining the individual case. While it is true that legal and irregular migration are indissociable because they are structurally linked, there is a real need to draw up a precise typology of the risks run and the successive stages for a single individual.

### **A fact: violence in everyday life and irregular migration**

All the participants stressed the seriousness of the situation. Irregular migration, whether clandestine migration or uncertain migration that has become illegal as the result of an administrative decision (refusal of asylum), is synonymous with insecurity. This insecurity takes on a variety of forms. First of all it is the insecurity of the country of origin of which officials in the countries of arrival or transit have a very poor understanding. The notion of “safe third country”, which received little criticism during the seminar but has been severely criticised by the lawyer Luc Legoux (1995), is the best example of this failure to take account of the circumstances and real causes of departure. Every country wants to maintain good relations with its eastern or southern neighbour, but often escorts back to its borders failed candidates for immigration, rarely being able actually to return migrants to their true countries of origin. One thing leading to another, it is no longer inconceivable that a person will be returned to square one, without any concern for his or her safety since the application has sometimes not even been examined.

*Migrants as victims in countries of transit and on the journey*

There is also violence generated by insecurity on the journey. While international tourism, business trips and regular migration are taking place in ever more comfort (accessibility, speed, cost, safety, insurance cover including assistance in the event of illness or accident), irregular migration in all its forms is uncomfortable *per se* and possibly dangerous. The journey is therefore prolonged, sometimes considerably with stages of varying length in terms of both time and space, and extra costs are incurred (false papers, payment of traffickers, travel expenses including board, lodging, etc., during unforeseen stays in a country of transit, etc.). The probability that there will be violent incidents increases proportionately, whether in the form of offences engendered by instability and marginalisation, being subjected to violence by traffickers, police or soldiers whose situation is also unstable (low or long overdue salaries, for example in African countries of transit, leading to widespread corruption) or even falling into traps set by various trafficking networks. Some migration routes systematically lead unaccompanied minors and young women in particular into prostitution, either *en route* or in Europe. These same networks may also recruit directly in countries of origin using the prospect of migration to western Europe as an enticement (Russian Federation and the countries of eastern Europe, which are, moreover, members of the Council of Europe and candidates for membership of the EU).

It should also be noted that many of these victims of migration have fallen into the hands of former migrants who have not reached Europe successfully or have been refused entry. They are to be found on migration routes (see below).

*Migrants as victims of insecurity and violence in countries of arrival*

Violence here is also the result of insecurity and, more often, instability, but there is also a further dimension, this time psychological, which is the disappointment engendered by the actual situation in a place that was supposed to provide asylum, economic success, personal opportunities, social justice and so forth. Such disappointment is the lot of asylum seekers waiting for their fate to be decided (a wait of between a few days and several years for an outcome which may seem arbitrary, although the issue is serious or even vital), usually with nothing to do because they are now denied the right to work in many European countries. It is also the lot of undocumented clandestine migrants dreaming of legalisation, who have been employed for years

without being declared, but who in some cases are paying rent and taxes and sending their children to school.

The type of violence experienced is wide-ranging: confiscation of passport and identity papers, threats and blackmail (including of family and friends who have remained in the country of origin), racketeering, rape and forced prostitution, illegal, undeclared working sometimes amounting to slavery, absorption into criminal networks (organised begging, petty crime such as networks of children stealing from parking meters, theft of mobile phones, pickpocketing, etc.). Such violence is certainly not the rule but seems not to be uncommon and to concern the weakest categories of migrant (children, unaccompanied minors, young women, insolvent migrants or those without family, ethnic, political or religious networks).

#### *Migrants as agents of insecurity and violence*

A logical consequence of the violence exerted upon these categories of illegal, unprotected migrants is that they are led by necessity into various types of crime, if only to repay “loans” to traffickers or family and friends who have remained in the place of origin. The evidence gathered in some circles (by police, social workers and the media) shows that illegal or undeclared working, various forms of trafficking (drugs and narcotics) and prostitution are undergone rather than freely undertaken. One of the consequences of closing borders to irregular migrants – while the means for ensuring removal to the border or the country of origin are often inadequate, where they exist at all – seems to be that instability leads to marginalisation and involvement in illegal activities.

#### **Trafficking in women and children for the purposes of prostitution and trafficking in labour: an unacceptable step back**

If there is one area that is difficult to deal with because it is almost entirely controlled by transnational – and therefore, at least in some cases, particularly powerful – criminal organisations, it is trafficking in women and children for the purposes of prostitution.<sup>1</sup> It is also difficult to deal with because it involves both economic interests – some estimates, including those of *Le Monde*

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1. See, for example, *Trafficking in unaccompanied minors for sexual exploitation in the European Union*, International Organisation for Migration, May 2001, report drafted by Ching Lin Pang (Belgium), Uwe Pollmann (Germany), Annalisa Vicari (Italy) and Elizabeth Veenicz (Netherlands), available at [www.iom.int](http://www.iom.int)



*Diplomatique* of November 2001, quote a turnover of US\$5-7 billion a year – and the most basic, most primitive human instincts. It is an area of taboos familiar to social psychologists, masking intellectual manipulation – sometimes under cover of religion – of the most degrading kind for the perpetrators as well as for the victims, except that the victims are often doubly victims, having first been subjected to the traffickers' aggression, then to exclusion from society as a whole both in the country of origin and the country of arrival (the term “host” is not appropriate here).

Among the numerous crimes the Nazis committed in concentration camps, we know that many Jewish and Slavic women were raped before being exterminated – a major intellectual contradiction since there was *de facto* contact between “superior” and “inferior” beings. The much more recent cases of Rwandan, Bosnian Muslim, Kosovar, Chechen as well as Afghan and Algerian women being systematically raped and tortured before being abandoned or massacred on the pretext of “ethnic cleansing”, “applying Sharia” or even “combating terrorism” were repeatedly mentioned. Less spectacular because they have received less media coverage, but equally unacceptable, are the reactivation in the late twentieth and early twenty-first centuries of the old slave routes, the spread of practices connected with “sex tourism”, also known as the “sex industry”, and sometimes the development of prostitution simply as a result of the presence of humanitarian organisations who are supposed to be protecting local populations. This phenomenon, attested to in Vietnam, the theatre of a long war, and Thailand, the rear base of American GIs, reappeared in former Yugoslavia (Bosnia, Serbia, Montenegro, Macedonia) and neighbouring areas (Albania). One speaker at the seminar clearly stressed this and a number of press articles mention it (see, for example, *Le Monde Diplomatique* of November 2001).

Some incidents, news items or neighbourhood disturbances briefly draw attention to what seems to be a necessary evil and is often cynically referred to as “the oldest profession”. The characters of the “tart with a heart” and the “philosopher-tramp” belong to the detective novel genre: things are different when the prostitute is an alien and the homeless person an undocumented migrant. Less concentrated than that of irregular migration, but receiving increasing media coverage (in the press, on television and voluntary sector websites, etc.), the phenomenon is becoming public as a result both of its geographical spread and its scale: the most frequent estimates (UN) put at four million the number of women and girls worldwide bought and

exchanged each year. There are thought to be some 500 000 in Europe. Present on Europe's eastern borders from Finland to Turkey, and on the Russo-Chinese border (Siberia and Manchuria), it is now very widespread and firsthand accounts, studies and reports give figures and details for Berlin, Paris, Brussels, Antwerp and Strasbourg. According to the figures, several thousand people are involved in each country, or even in each conurbation (for example, Paris, 7 000 prostitutes of whom 50% are foreign; and Italy, 50 000 of whom 50% are foreign). The victims of networks sometimes operating under cover of officially declared service companies (travel agencies, cinema and advertising casting agencies, catering staff recruitment agencies, domestic services, etc.) are estimated at 50 000 a year in the Russian Federation and 10 000 a year in Bulgaria, to which will be added some 100 000 Ukrainians over the next few years.<sup>1</sup>

The evidence gathered by voluntary bodies is eloquent: violence is virtually systematic in order to subjugate, maintain and control, a situation often similar to cattle being put to the most profitable use. This is sometimes the case from the outset where the person has been abducted (this is common in eastern Europe) or perhaps sold by his or her parents (India, Nepal, Myanmar, Thailand, some African countries). They may be young adult women or under-age girls, since the activity targets girls above all but is increasingly involving boys. This widespread violence is, however, discreet: the public is only aware of it when a victim is discovered or a network dismantled. Conversely, "environmental nuisances" (high concentrations of prostitutes outside the usual districts, syringes and condoms in streets, car parks and public places such as school playgrounds) are increasingly the subject of local petitions and demonstrations. Setting aside the new visibility of the phenomenon throughout Europe, it is the widespread use of extreme violence, the total negation of the rights of individuals or even their humanity sometimes as early as childhood that should give us pause here. In this precise case, the economic, political and environmental instability experienced by large sections of the population in countries of origin is directly transferred to the country of arrival. Although it is not a general phenomenon either in countries of origin or in countries of arrival or transit, it is highly indicative of the malfunctioning, even destructuring, of contemporary societies and of globalisation

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1. See, for example, François Loncle's article in *Le Monde Diplomatique*, November 2001, "Prostitution sans frontières. L'Europe de l'Ouest, proxénète des femmes de l'Est", also available at [www.monde-diplomatique.fr](http://www.monde-diplomatique.fr)

processes that are weakening increasing numbers of people. To this extent, the Europe-wide mobility of prostitutes and unaccompanied minors from a wide range of countries fits in perfectly with irregular migration flows. The major dangers are the criminalisation of victims of organised crime networks, complete loss of control of a situation profoundly at variance with all the talk of European values and human rights, and the emergence of real political power under the control of groups often given the convenient label of “mafias”.

### **Levels of observation and measurement of flows**

In Europe, the news is dominated by economic issues, anticipation of foreseeable conflicts, the “war” against terrorism, combating insecurity (especially in the run-up to elections), and so on. Intermittently, but quite frequently, the fight against trafficking in labour, “intrusive” prostitution, uncontrolled influxes of clandestine migrants on the Italian, Spanish, Greek and, less often, French and Swedish coasts, often brought to light by fatal accidents, make newspaper and television headlines. At the very time the seminar was being held, the closure of the camp (for refugees, clandestines or migrants?) at Sangatte in the Pas-de-Calais<sup>1</sup> – this is clearly transit migration – made the discussions highly topical while, more discreetly perhaps, an impressive series of demonstrations, sit-ins, colloquies, conferences and seminars, petitions, reports, etc., were addressing such issues as the need to harmonise reception policies, both national and European, or legalisation and control of the new migrants who are illegal because they are undeclared or have fallen into clandestineness.

As many speakers stressed, it is by definition difficult if not impossible to measure or even give a serious estimate of irregular/illegal/clandestine flows. Consequently, and again by definition, it is police controls in all their forms – identity checks, customs or traffic controls, dismantling labour trafficking networks, inspections of workplaces, deportations or removals to the border – that provide a “snapshot” of illegal flows, whether or not they lead to arrest, appearance in court or deportation to the country of origin. More dramatic still are accounts of victims of accidents when crossing difficult or dangerous borders: mountains, deserts or maritime straits, or inappropriate crossing places such as rail and road tunnels.

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1. See the description in Smaïn Laacher’s report, *op. cit.*

*Levels of observation*

From the accidental collapse of an insalubrious old building in Istanbul that brought to light the presence of a number of irregular Bangladeshi immigrants (Jean-François Pérouse) to the figures quoted by Emmanuel Ma Mung, generally estimating the “floating” Chinese population at between 100 and 150 million people excluded from work and living outside official statistics in unstable conditions, participants noted and described every level of observation. The news items reported in the media and the situations criticised by the voluntary sector or described in NGO reports variously involve an individual, small group or a community of scores or hundreds of people. Regional conflicts, some of them quite close to Europe (Palestine and Afghanistan) and others within member states of the Council of Europe (South-east Anatolia in Turkey and other zones inhabited by Kurds in the region, Chechnya in the Russian Federation, Abkhazia and Ossetia in Georgia, Nagorno-Karabakh between Armenia and Azerbaijan, and the Yugoslav crisis in the very heart of the sub-continent of Europe),<sup>1</sup> are all recent crises which led, on the one hand, to the departure of thousands if not hundreds of thousands of people and, on the other, to migration with very long-lasting effects: the present Afghan emigration, which has staging-posts in Iran and Pakistan, as well as more discreet ones in the Russian Federation and Turkey, is partly the result of the Soviet intervention (1981), but is news in the Pas-de-Calais in France and Kent in England, as well as in Australia, when an overloaded Norwegian cargo vessel carrying hundreds of Afghans comes up against the Australian immigration authorities.

It is obviously difficult if not impossible for an official in charge of a precise and specific place (refugee camp, reception centre, hospital department, border post, airport transit area, seaport terminal, etc.) or occupying an equally precise and specific post (teacher, social worker, voluntary sector worker, police officer, air or road carrier, etc.) fully to apprehend a migratory path – the migration of a person which links over a widely varying period of time, from a few days to several years, country of origin, potential country of

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1. A simple question of geographical definition: is Europe a fully fledged continent or a sub-continent of the immensity of Eurasia, like the Indian sub-continent, for example? Where are the land borders of the continent of Europe? It can be seen that a number of countries – Russian Federation, Turkey, Azerbaijan and Kazakhstan – straddle the two continents, Europe and Asia, of the classic geographers and that three of them are members of the Council of Europe. The question is less artificial than it may seem since it in fact raises the question of the cultural content (standards, values, identity(ies), role of religions, etc.) of Europe.

arrival – the place in which the official works – and several countries of transit. Speakers none the less regretted the fact that this necessary preliminary to accurate evaluation of a situation, which should be seen as unique – the individual rather than a number given to a file – is not always respected.

A few examples can be given to illustrate this: how does one assess the situation of a Chinese Turkish-speaking Sunni Muslim asylum seeker who does not have slanting eyes? How does one assess the situation of a Persian-speaking Afghan national who is a Shiite Muslim and has slanting eyes? A difficult exercise for someone unfamiliar with the Uighur ethnology of Xinjiang province or with the Hazaras. The author has encountered such cases directly – Uighurs or Kazakhs born of marriages between Turkish-speaking Central Asians and Tadjiks or Kashmiris – or indirectly. Several speakers thus stressed the difficulties the Roma of central and eastern Europe have with those examining asylum or legalisation applications.

### *Quantification of flows*

The Gross report (Council of Europe, Parliamentary Assembly Doc. 8782 (2000)) on which Parliamentary Assembly Recommendation 1467 (2000) on clandestine immigration and the fight against traffickers was based quotes the following figures: every year 30 million people cross an international border illegally, between 400 000 and 500 000 of whom enter the European Union. The number of illegal residents in the EU as a whole is estimated to be around three million. These figures are generally accepted by both rapporteurs and press, but are derived from the same source (UN and IOM). There are estimated to be 500 000 prostitutes from eastern Europe, Asia and Africa, another category of *de facto* migrants, out of a world total of some 750 000 (100 000 in the USA and 40-50 000 Thais in Japan).<sup>1</sup> If one accepts the Russian estimate that 50 000 women are victims of procuring networks (for Europe and Asia) each year, one quickly sees that this specific category represents a significant proportion of illegal flows, although it is often classified as legal (tourist visas). Furthermore, the number of unaccompanied foreign minors is 2 016 in Belgium (asylum seekers in 2000), 4 835 in the Netherlands (same definition, first nine months of 2000), about 10 000 in Germany (in 2000, cumulative estimate over about fifteen years), while 33% of the boat people who land in Italy are thought to be children (16 551, but with no details as to

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1. Figures quoted in a UN report, *Global report on crime and justice*, Oxford, 1999, quoted on a number of Internet sites, including [www.un.org/french/events/10thcongress/2098f.htm](http://www.un.org/french/events/10thcongress/2098f.htm)

their exact situation, IOM, 2001). In France, the figure is thought to be 1 974 for 2001, a significant increase over 3 years (*Migration Etudes*, 2002). These figures are high, not in relation to the population of Europe – 729.4 million for the continent as a whole, 325 for the 15 member countries of the EU – but when one considers the risks to which the individuals are exposed.

Given the alarmist overestimates quoted by the partisans of closing the borders of the developed countries (namely, often OECD countries), even by groups playing on the feelings of identity or insecurity of indigenous populations, and the minimal figures quoted by the partisans of openness, the true figures for irregular, illegal, clandestine and undeclared migration are intrinsically difficult to establish. Furthermore, countries' statistical tools are sometimes inadequate, if only because a country is not directly confronted or has only very recently started to be confronted with migratory issues. The volume of flows of irregular migrants and numbers of undeclared residents are by definition unknown. This is a matter of common sense but is none the less worth recalling. Moreover, such illegal flows and populations may be created legally by a change in legislation or regulations or by a shift from an unstable but legal status (asylum seeker) to a destabilised illegal status (having been refused asylum).

Two types of statistics can be used as the basis for estimates of flows and stocks of illegal populations: the legalisation statistics and police statistics of the countries concerned (countries of origin, transit and arrival). So long as they are subjected to detailed analysis, statistics on border crossings (international tourism and trade) may also be used.

Legalisation statistics are a partial confirmation of illegal presence, partial because not all irregular migrants always take this step, and also because legalisation may create a "suction effect" that leads "floating migrants" (to use the Chinese image) in illegal situations in one country to move quickly to a country that is planning legalisation. Here more than anywhere else confidence (in the police, control services, bodies responsible for examining cases, social workers, voluntary sector workers, as well as actual and potential employers) is of prime importance. The quality of the examination is equally important: botched legalisation tainted with injustice is likely to be speedily overwhelmed, with irregular migrants pouring in through every breach. All the participants stressed that the lack of European harmonisation in this field itself led to abuses both on the part of migrants and in the examination of cases.

Police statistics constitute another factual category for measuring migratory pressure, giving both an idea of the efficiency of the services concerned and of migratory pressure, but that is all they do: the absence of statistics does not prove that there is no migratory pressure, nor does an abundance prove decisive success in controlling flows.

Conversely, systematic comparison of flows of various kinds – population censuses, international tourism, legal migration (work, training, family reunification, asylum-seeking), legalisations, legal flows (naturalisations, acquisition and restoration of nationality), and police statistics – like the work of SOPeMi (OECD) and the analyses of the Directorate for Population in France (collection of published studies under the editorship of André Lebon), makes it possible to identify international migration trends at the level of a country or group of countries.

#### *Legalisation statistics: the case of OECD countries*

When domestic pressure (exerted by the voluntary sector, the media, less frequently trade unions and, more discreetly but probably more effectively, employers) becomes too strong, governments launch large-scale operations to legalise clandestine workers. Along with the figures on applications for legalisation that have been granted, those on applications made also deserve attention. A considerable amount of data may be available (the United States), having nothing in common with the European figures, which should, however, be placed in perspective, in the absence of harmonisation among EU partners. The following table, taken from an academic study (Guillon and Sztokman, 2000, p. 146), illustrates the phenomenon perfectly (see over).

Two quick observations based on the table: firstly, the origins of the migrants, clearly linked to colonial past or proximity, but also the recent extensions of migration fields (Chinese in Italy, Poles in Spain, for example); and, secondly, the varying proportion of legalisations in relation to applications – what becomes of those whose application is refused? Despite legalisation measures, mass repatriations and deportations, and readmission agreements, sometimes on a large scale – our source quotes a figure of 800 000 for the number of immigrants deported by Saudi Arabia in 1997-98 – an undetermined number of illegal immigrants remain where they are: of 40 000 invitations to leave French territory, only 10 000 are believed to be effective.

**Table 1. Examples of legalisations in OECD countries**

<i>Country</i>	<i>Date(s)</i>	<i>Applications</i>	<i>Legalisations</i>	<i>Country of origin (at least 50% of all legalisations)</i>
France	1981-1982	150 000	121 100	North Africa, Africa, Portugal
France	1997-1998*	145 600	79 700	Algeria, Morocco, China
Spain	1985-1986	n/a	43 800	Morocco, Portugal, Senegal, Argentina, United Kingdom, Philippines
Spain	1991	n/a	110 100	Morocco, Argentina
Spain	1996	20 000	18 800	Morocco, Peru, Argentina, Poland
USA	1986	n/a	2 684 900	Mexico
Italy	1987-1988	n/a	118 700	Morocco, Sri Lanka, Philippines, Tunisia, Senegal
Italy	1990	n/a	235 700	Morocco, Tunisia, Senegal, former Yugoslavia
Italy	1996	259 300	259 300	Morocco, Albania, Philippines, China, Peru
Portugal	1992-1993	n/a	39 200	Angola, Guinea-Bissau, Cape Verde
Portugal	1996	35 000	21 800	Angola, Cape Verde

Source: SOPeMi, 1998, quoted in Guillon and Sztokman, 2000.

n/a: data not available, \*: provisional data.

For an up-to-date view, see the same table in *Trends in International Migration* (SOPeMi, 2001), Table 1.14, p. 80, on principal operations to legalise the situation of illegal immigrants in some OECD countries, by nationality.

### *Police statistics: the example of Turkey*

The figures given by Turkey (Ms Sebnem Akçapar's paper) are, in the light of other academic (Ahmet İçduygu, Mustafa Mutluer) and administrative (Turkish National Bureau of Statistics – DIE, UNHCR, General Directorate of Security, Ministry of Labour) sources, very instructive. They show both the Turkish Government's wish to deal seriously with the problem, at least with respect to controlling flows, and the scale of the problem, given that Turkey is a veritable bridge between eastern Europe and western Asia and increasingly the Middle East and even East Africa and the countries born of the break-up of the Soviet Union. In 1995 the police arrested 11 362 people in illegal situations, but this figure rose steadily to reach 92 365 in 2001. It will probably



be higher in 2002. Here, the main countries of origin are Iraq, Moldova, Afghanistan, Iran, Pakistan, Romania, the Russian Federation and Turkey itself, but there are also Belarusians, Ukrainians, Nigerians, Kenyans and, more surprisingly, quite large numbers of Tunisians, Algerians and Moroccans. These may be people in illegal situations or, with respect to Turkish nationals, people arrested on the border for illegal exit. The increase in arrests above all demonstrates greater efficiency on the part of the Turkish police (often under pressure from European police forces) rather than an increase in flows, which had previously not been measured although in existence for many years (Içduygu, 1996).

**Table 2. Irregular migrants arrested by the Turkish police**

<i>Year</i>	<i>Number of people arrested</i>
1995	11 362
1996	18 804
1997	28 439
1998	29 426
1999	47 525
2000	95 514
2001	92 365
2002 (first six months)	57 929
Total	397 732

Source: General Directorate of Security, Department of Foreigners, Borders and Asylum Seekers (Emniyet Genel Müdürlüğü, Yabancılar, Hudut, İltica Dairesi Baskanlığı), Ankara; [http://www.egm.gov.tr/yabancilar/yasa\\_disi\\_goc.htm](http://www.egm.gov.tr/yabancilar/yasa_disi_goc.htm)

At the same time, 43 366 asylum seekers were removed to the border, while 5 000 were allowed to go to a third country, Turkey having entered geographical reservation to the Geneva Convention. In addition, 98 smugglers and traffickers were apprehended in 1998, the figure rising to 850 in 2000 and 1 155 in 2001; a total of 2 400 people were arrested for trafficking in labour or assisting illegal border crossings between 1998 and 2001. While the vast majority of them were Turkish (2 038), there were also a wide range of other nationalities: Iraqi, Iranian, Pakistani, Syrian, Bangladeshi, Afghan, Greek,

Ukrainian, Russian, Romanian, Polish, Malaysian, Lebanese, Georgian, Moroccan, Bulgarian, Azeri, etc. (Mutluer, forthcoming, based on General Directorate of Security data). What these figures show is migratory pressure originating either in countries with a political crisis or armed conflict – in some cases bordering on or close to Turkish territory – or countries affected by economic crises or chronic poverty. Most irregular migrants in Turkey are in transit to Europe, although some (Romanians, Bulgarians, Moldovans, Iranians, etc.) may find long-term work in Turkey. Small colonies of Algerian, Albanian, Romanian and Azeri immigrants have, for example, settled in Istanbul.

*Police statistics on the taking in and rescue of migrants in distress*

Olivier Clochard's paper gave us another illustration of the international dimension of the phenomenon: victims of accidents in the course of illegal border crossings are now recorded by voluntary bodies, one of which was represented at the seminar by its director, Mr Khalil Jemmah (AFVIC – Association des Amis et des Familles des Victimes de l'Immigration Clandestine). According to UNITED for Intercultural Action, European Network, at least 3 026 victims were recorded between 1993 and 2001 (drowning, asphyxia, hypothermia, accidents, police violence, etc.), but, according to AFVIC, there were 3 286 in the Straits of Gibraltar alone over a short period (1997-2001). The Baltic does not appear in these figures. A large number of countries are concerned: Morocco, Spain, Italy, Greece, Cyprus, Turkey, Bulgaria, Albania, countries of the former Yugoslavia, France, United Kingdom, Belgium, Netherlands, Switzerland, Germany, Poland, Czech Republic, Slovakia, Hungary and Latvia. The most frequently noted sites are the Straits of Gibraltar and Sicily, the sea between Africa and the Canary Islands, the Aegean, the Adriatic, Pas-de-Calais and crossings of the rivers Oder, Neisse and Maritsa.

As previously, the figures give an idea of the places and means of crossing (containers, cargo vessels, railway wagons, lorry trailers in cases of asphyxia). There have been fewer than ten deaths in the neighbourhood of Sangatte and the Channel Tunnel (accidents or settling of scores), but fifty-eight in a single container discovered at the port of Dover. The many cases of drowning in straits, near coastlines and in certain rivers shows the phenomenon to be present all round the Mediterranean and in an arc extending from the Canaries to the Baltic. It should be noted that the victims of incidents that occurred

**Table 3. Nationalities of smugglers and traffickers arrested in Turkey**

<i>Nationality</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>Total</i>
Turkish	75	139	701	1 021	102	2 038
Afghan			14			14
Azeri			7			7
Bangladeshi		6	11	1		18
Bulgarian	2		2	1	1	18
Egyptian	1					1
Georgian				3	4	7
Greek			10	4		14
Indian		2	2			4
Iraqi	14	13	48	47	3	125
Iranian	1	12	19	35	4	7
Lebanese	1			4		5
Malaysian			2			2
Moroccan			9			9
Moldovan			1			1
Nigerian			2			2
Pakistani	3	9	8	10		30
Polish			1	1		2
Romanian			2			2
Russian	1		2	2		5
Syrian		6	5	10		21
Ukrainian			1	2		3
Unknown				13		13
Total	98	187	850	1 155	110	2 400

Source: Directorate of Security, Department of Foreigners, Borders and Asylum Seekers (Emniyet Genel Müdürlüğü, Yabancılar, Hudut, İltica Dairesi Başkanlığı), Ankara; [www.egm.gov.tr/yabancilar/yasa\\_disi\\_goc.htm](http://www.egm.gov.tr/yabancilar/yasa_disi_goc.htm)

while crossing the Sahara or leaving Afghanistan have not been recorded. In reality, there is no “front” that needs guarding: the territory of the whole of Europe and often far beyond (this is not the direct responsibility of the European authorities, although some thought should perhaps be given to it) may at any time be confronted with a rescue and civil protection problem along each communication route.

### **Receiving regions for irregular migration in Europe**

Every region in Europe may be affected by irregular migration according to changes in migration routes which are liable to shift at any time under pressure from external factors (changes in legislation or regulations, increased or decreased surveillance of a border or section of a border, proximity of a regional conflict, etc.). The main receiving regions, however, are those that potentially offer the most jobs, including illegal or clandestine employment. As many speakers noted, these jobs are always the same, whatever region of the world we look at: catering, textiles and clothing, construction and public works, domestic and personal services, intensive agriculture, such as market gardening, viticulture, floriculture, etc. A brief typology is given below.

#### *Typology of regions*

Regions of transit may, at least temporarily, have a high concentration of economic activities linked to the involuntary presence of migrants, but this is not necessarily the case: there are numerous informal activities in Ventimiglia, but this is not true of Calais, near Sangatte.

Rural regions may have large concentrations of undeclared workers, sometimes intermittently, at harvest time or for other labour-intensive agricultural work (north-east Italy, Catalonia, Andalusia, the French wine-growing regions, etc.). These concentrations are sometimes disturbed by conflicts of interest that go beyond legal or illegal migration issues. The case of El Ejido (Spain) was mentioned several times during the seminar.

The vast majority of irregular migrants are for a variety of reasons concentrated in major conurbations, capitals or other large cities: capitals are the headquarters of public services, international organisations and NGOs responsible for managing specific populations (asylum seekers, statutory refugees, administrative legalisation), as well as of the main employers, and provide an anonymous environment more favourable to many informal or

illegal activities. This is as true of Paris and Brussels as it is of Istanbul and Budapest, goals or staging posts of varying duration along the migration route.

### *Typology of jobs*

It is the homogeneity of the types of jobs that is striking, whatever the geographical area concerned (Europe, North America, Japan, Australia, the United Arab Emirates with respect to the richest countries, Turkey and the countries of the Middle East and North Africa with respect to the intermediate countries discussed by Messrs Boubakri and Pérouse, but also countries of transit). This was stressed by Emmanuel Ma Mung and in fact applies to all migratory areas and all migrant populations.

The jobs are almost always low status, repetitive and poorly paid, often lending themselves to undeclared working: tourism, hotel and catering, construction and public works, agriculture (of various kinds: market gardening, hothouse production, viticulture, arboriculture, forestry, etc.), textiles and clothing (and associated and comparable sectors: from leatherwork and shoe-making to carpet weaving), electronics in some countries, domestic work and child-minding, industrial cleaning, activities upstream of the retail trade such as warehousing and transport. What they have in common, in addition to low pay, is probably flexibility, unstructured enterprises – even if the market itself is very structured – and the abandonment of such jobs by the indigenous labour force. The situation is often the same in Berlin, Paris, Brussels, London, New York, Mexico, Istanbul and Hong Kong. But the same can also be said of Andalusia and the Rhone Valley, California, Florida and Israel with respect to the rural economy: irregular migrants are a powerful lever against the local labour force, including legal and national migrants.

### **Routes and staging posts of irregular migration**

Several papers presented specific places where irregular migratory flows crystallise: the (informal) camp at Ben Younesh in Morocco facing the Spanish enclave of Ceuta, the Sangatte Reception Centre run by the French Red Cross and situated near the Channel Tunnel and Calais ferry terminals (closed shortly after the seminar was held), the waiting area of Roissy Airport (Charles de Gaulle) and the Istanbul conurbation. Mention was made of the Choisy-le-Roi camp (which was informal and occupied principally by Roma of Romanian nationality) in the Paris suburbs, which was also closed a few

weeks after the seminar. These are widely varying situations, management of which is equally varied (governments, NGOs, local associations, Churches, private individuals, etc.) or where there is no management (squatters, the homeless), as is the status of the people themselves (refugees, asylum seekers, persons refused asylum, clandestine workers, adult and child prostitutes who have entered as tourists, poorly housed legal workers, seasonal workers, etc.). Although they are rightly considered problematic, European camps and reception centres are in no way comparable to the inhuman conditions experienced at informal staging posts in some countries of transit.

Apart from these observations, which say nothing specific about migratory flows, whether internal or international, legal or illegal, economic or political, these precise locations indicate the existence of precise routes: trans-Saharan routes arriving at North African ports, the Balkan and Siberian routes, to mention only a few examples.

### *Migration routes*

Geographers, historians and journalists have often mentioned these routes, although for different reasons. In some cases they are very precisely mapped, in which case it can immediately be seen that they are identical to the routes of various types of trafficking (arms, drugs, counterfeit bank notes, etc., and therefore come under the authority of international police co-operation organisations such as Interpol and Europol). However, they also coincide with the routes of international trade, international tourism and migratory movements. The conclusion is clear: any international communication route or corridor is potentially, if not automatically, an irregular migration route. Many of these routes are very old since they are the result of natural conditions that have facilitated transport for centuries, if not millennia. It is not unusual for a motorway or railway to follow the route of a Roman road, in turn built on a caravan route. A number of these historical routes are seeing modern irregular migration replace the slave trade, sometimes after a hiatus of several centuries, sometimes decades. This is true of the trans-Saharan routes through Agadez and Tamanrasset.

The recognised routes correspond to the old commercial routes that have now become corridors for international transport or are still more traditionally routes for trade between geographical regions. The Balkan route (road and railway, motorway network between Ljubljana and Istanbul and Ankara),

North-South communications in Spain (Algeciras-Barcelona along the coast, Algeciras-Madrid-San Sebastian through the interior and every possible variant), the Italian routes, the Rhone corridor in France, the routes across Germany to the Czech Republic, Poland and neighbouring countries, the E30 route (Berlin-Poznań-Warsaw, also recognised as a major route for prostitution) and the Turkish E80/E90 route between Istanbul and Ankara which then splits up to go on to Damascus, Baghdad and Tehran, all of these are transit routes to European regions of arrival. Along with border regions, these routes are areas of investigation for every national police force. More remote, but forming part of the same pattern, sometimes transcontinental, the trans-Saharan routes (northward movement of African migrants) and the trans-Siberian corridor (re-opening by Chinese migrants, especially from the north, of an old route abandoned as a result of the Sino-Soviet “divorce” in 1962) were also mentioned.

With the development of international transportation and the globalisation of trade these routes no longer seem to be set in stone. Thus, the conflict in Yugoslavia, which gradually spread from Slovenia to Macedonia and included extremely difficult periods that were the source of mass emigration (Bosnia, Krajina, Kosovo, etc.), had no effect on Turkish migratory movement or trade relations between Turkey and the European Union: transport was hindered for a time and then took a detour northwards (through Romania and Hungary) or southwards (through Greece and Italy via the Adriatic). Another example is the reorganisation of transport in the Far East with the construction of the Urumçi-Almaty railway which is duplicating the Trans-Siberian at a time when Siberia has seen the rapid opening of at least twenty border posts (Manchuria, Mongolia, Xinjiang) and a proliferation of local airlines.

Means of transport vary and change over time. The example of Calais, which is both a ferry terminal and the Channel Tunnel terminal where Eurostar TGVs pass, is instructive in this respect. Is it British legislation, the concentration of means of transport (motorway, railway, ferries) or the lack or inadequacy of European harmonisation that has resulted in the concentration of migration around a previously extremely quiet port, or the opening of the Sangatte Centre? The same question could be asked in Ostend, Zeebrugge, Dieppe, Cherbourg, Riga, Tallinn, Cesme, Istanbul, Igoumenitsa, Patras, Durrës, Bar, Larnaca, Tunis, Algiers, Tangier, Ceuta and Melilla, all of which were mentioned during the seminar since they are all ports of departure for

ferries, ro-ros and cargo vessels, or about any international airport, in principal easier to guard.<sup>1</sup>

### *Staging posts and hubs*

The routes mentioned above are punctuated and intersected by nodes, cross-roads and transshipment points. Border crossings, conurbations, international airports, ports and stations are all staging posts on migrations routes. Straits are probably the most instructive case, where coastal borders run for hundreds of kilometres as the crow flies and may be difficult to patrol in their entirety. For example, attention has recently been focused on Sangatte/Dover, forgetting that illegal crossings from the continent take place all along the coast from Roscoff in Brittany to the Hook of Holland/Schevingen and on the British coast from Plymouth to Hull, according to the existence of car ferries and ro-ros. There is no reason why undeclared immigrants should not cross on very peripheral lines such as Santander-Plymouth, Roscoff-Cork and Kristiansand-Newcastle.

There are in fact a great many illegal sea crossings by people sometimes known as “boat people” after the Vietnamese refugees in the China Sea. While the English Channel was the centre of media interest when the seminar was being held, several participants mentioned other straits: Gibraltar (in fact a line running from Tarifa to Almeria on the Spanish coast and from Tangier to Nador on the Moroccan coast – car ferries, ro-ros, fishing boats and *pateras*), Sicily (between Tunisia and Italy, using the islands of Pantelleria, Lampedusa, Linosa, Sicily and Malta, a future member of the European Union), the Adriatic (between Albania and Greece and Italy – many car ferry and ro-ro links), the Aegean (Turkey and Greece owing to the many islands situated very close to the Turkish coast: Lesbos, Chios, Ikaria, Kalimnos, Kos, Rhodes, Simi, Kastellorizo, to mention only the largest), the Baltic (between the Baltic states, which are future EU members, and Sweden and Finland).

On all maritime borders, offences have been recorded and, more seriously, deaths – drowning in the sea, asphyxiation in lorries, holds and containers.

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1. See the following Council of Europe documents of the Parliamentary Assembly: Recommendations 1163 (1991) and 1475 (2000) on the arrival of asylum seekers at European airports; Doc. 8761 (2000), report by Andreas Gross, on the arrival of asylum seekers at European airports, and Doc. 8861 (2000), report by Andreas Gross et al., on receiving conditions and capacities of asylum seekers in European seaports.



There have now been more than 5 000 such deaths.<sup>1</sup> The figure of 1 000 deaths a year is often put forward for the Straits of Gibraltar alone. The Sahara crossing between the Sahel and North Africa is also deadly: lorries, often carrying a hundred or more passengers, that have broken down are frequently found surrounded by bodies, the victims of heat and dehydration. Here, the victims are counted each time – 10 or 20 for a 4-wheel drive and up to 140 for a single lorry broken down in the desert, but no overall estimate has been made.<sup>2</sup>

On land borders observations are far more diffuse and variable. The local or international political context, changes in legislation and the development of co-operation between national police forces may at any time interfere with and redirect illegal immigration flows. Cities such as Ljubljana, Zagreb, Belgrade, Budapest, Prague, Sofia and East Berlin have all at one time or another been hubs of irregular migration to western Europe. This is now the case of Istanbul (described by Jean-François Pérouse), Algiers and Tangier, and very probably Moscow and Shanghai. These often informal places of reception are by definition very difficult to control, as is shown by the case of Greater Istanbul which contains and combines all possible types of migration and where the classic distinctions (internal/international, economic/political, legal/illegal, and so on) have no meaning. They share characteristics such as the anonymity of large cities, a concentration of jobs (both formal and informal) and accommodation (legal and otherwise: squats, shanty towns, hotels and hostels, etc.), and the ease with which networks can be organised (whether ethnic, religious, regional, commercial, political, or every kind of criminal network, etc.). Active solidarity – the positive side – and the exploitation of human beings – the negative side – are sometimes linked. Such linkages and complementary relationships are extremely complex, as is very clearly shown by the case of Istanbul.

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1. Quoted by the *Journal de Forum Réfugiés* (No. 12, October 2000). In June 2000, UNITED for Intercultural Action, European Network against Nationalism, Racism, Fascism and in Support of Migrants and Refugees, put the figure at 2 005 deaths, many of them unidentified. See [www.united.non-profit.nl](http://www.united.non-profit.nl)

2. “Le Ténéré, ou les mirages d’une vie meilleure. Voyage au bout de la peur avec les clandestins du Sahel”, by Ali Bensaad, *Le Monde Diplomatique*, September 2001, text also available at [www.monde-diplomatique.fr](http://www.monde-diplomatique.fr), and *Manière de Voir*, March-April 2002 (No. 62), article entitled “Histoire(s) d’immigration”. For an account designed for a general readership on the same theme, see the article by Tony Ramirez and photos by Sarah Caron, “La Caravane de l’espoir”, *Géo, le monde des déserts*, special issue, pp. 144-153.

Another, related, issue is “strategic” border crossings, places that concentrate illegal flows where land borders function in the same way as the maritime borders described above. Long described as “porous”, these stretches of border are areas that are not covered by police and customs bodies and (military) border guards or are difficult to control. These situations are also fluid because they depend to a great extent on political will and the means allocated to control bodies. The stretches frequently cited in previous years include the German-Polish border (the Oder-Neisse plain), the Austro-Hungarian border (known as a green border – it was through this region that the East German exodus triggered the fall of the regime in the Democratic Republic and its unexpected consequence, German reunification), the tripartite Turco-Greco-Bulgarian border (with several thousand arrests annually in recent years), the border between Tunisia and Libya, and the borders between Turkey and Iran and Turkey and Iraq. More locally, shorter stretches (Greece-Albania, Slovenia-Italy, the regions of Menton-Ventimiglia, Mont Blanc, the Basque Country, Catalonia, the mid-Rhine area between Switzerland, Germany and France) have also been described as illegal crossing places.

The living conditions in the Ben Younesh camp described by Khalil Jemmah, and those in the African staging posts of Agadez and Dirkou (Niger), and Tamanrasset (Algeria), constantly under threat of police controls that do not respect the rights of the person – but, say both experts and journalists, often conducted under pressure from European police forces – controlled by smugglers who often act as procurers of female or child migrants, are particularly degrading and involve a variety of risks. The conditions with regard to accommodation, transport, hygiene and food are particularly difficult.

Such regions thus come under the authority both of European countries – EU members and non-members, the Schengen Agreement – and of peripheral countries, some with association agreements with the EU and members of the Council of Europe (North African countries, the countries of central and eastern Europe, Turkey, the Russian Federation, and so on). Participants repeatedly emphasised that when it comes to illegal migration the distinction between internal (Schengen Agreement) and external borders was not of crucial importance. In fact, the geographical scale of the migratory phenomena observed should be emphasised. With respect to distant sources of emigration (Latin America, the Sahel, Central Africa, East Asia), the countries of transit to Europe under consideration here include all the states along the way. European political pressure has a domino effect, akin to the concept of “safe

third country”, far from the borders of “the Schengen area”. Morocco, Algeria, Tunisia, Libya, Turkey, etc., may, for both internal and external reasons that need to be analysed, in their turn return irregular migrants to more remote areas: Niger, Mali, Iran, Iraq, etc. The border posts at Tidjieri (Niger/Libya), In Guezzam (Algeria/Niger) and Tin Zaouatine (Algeria/Mali) have been mentioned in the press in connection with removal measures, including some large-scale operations.

The European wish to control flows consequently comes up against avoidance strategies which are themselves globalised: just as the Kurd and Afghan routes have passed through Moscow’s airports and the ports of the Baltic Sea, with the appearance of a type of “boat people”, increasing numbers of migrants from North and sub-Saharan Africa are being picked up or arrested by the Spanish (Canaries) and Turkish (Turco-Greco-Bulgarian border in Thrace) police.

However, the scale of irregular migration should be seen in relation to the legal traffic recorded in the “strategic” places of passage described:

- Italian ports record widely varying traffic: 700 000 passengers at Ancona since 1995; about 980 000 passengers annually at Brindisi; from 644 000 (1997) to 1 155 000 (2000) at Bari, most of them on car ferries and ro-ros (Greece, Albania, former Yugoslavia, Croatia, Turkey), far fewer in cruise ships; and only 135 000 passengers at Trieste but between 12 000 and 220 000 lorries, most of them Turkish registered;
- Greek ports: Igoumenitsa: 50 000 to 178 000 (1996 to 2000); and Patras: 172 000 to 290 000 (1997-99) – more than Piraeus – passenger traffic is carried above all on car ferries and concentrated in the summer and involves European tourists going to Greece by road and Turkish migratory movement (a large number of Turkish immigrants settled in France);
- the figures for the Channel ports are far higher: the company Hoverspeed transports 700 000 vehicles and 3 million passengers a year (between Belgium and France and England); the company SeaFrance more than 500 000 vehicles and some 3.5 million passengers; Zeebrugge handles more than a million lorries and 640 000 passengers a year; in the period 1997-99, Calais recorded more than 15 million passengers, more than 3 million tourist vehicles and 2 million lorries embarking and disembarking, though these figures have fallen since the opening of the

Channel Tunnel; and the figures for Ostend are similar.<sup>1</sup> In other words, the 70-75 000 irregular migrants who passed through Sangatte in three and a half years amount to very little compared to cross-Channel maritime, rail and air traffic: total maritime traffic (ports of Calais, Dunkirk and Boulogne) in 2000 was no less than 15 601 354 passengers (12% down on the previous year), while the Channel Tunnel (Shuttle + Eurostar) has an annual volume of 18 801 174 passengers. While these links are among the most important between the continent and the British Isles, it should not be forgotten that there is a total of some thirty regular links from the coasts of Spain (Santander, Bilbao), France (Calais, Dunkirk, Boulogne, Dieppe, Le Havre, Caen, Saint Malo, Roscoff, Cherbourg), Belgium (Ostend, Zeebrugge), Holland (Rotterdam, Ijmuiden, Hook of Holland), Germany (Cuxhaven), Norway (Kristiansand, Bergen, Haugesund, Stavanger), Denmark (Esbjerg) and Sweden (Göteborg). Figures for the Paris-London, Amsterdam-London and Brussels-London air links have not been checked.

- Istanbul airport, which is small compared to Roissy, Heathrow and Schiphol-Amsterdam, handles between 13 and 15 million passengers per year, with flights to and from ever more parts of the world. It is particularly active in relation to Central Asian destinations.

In fact, 500 000 irregular immigrants into Europe every year is a tiny figure in comparison with legal international commercial traffic, whether international tourism or migratory movements. In 1996, there were 1.7 billion crossings of the external Schengen borders of Europe and 1.2 billion crossings of internal borders.<sup>2</sup> The figure is also tiny compared to European populations (729.4 million in 1999 – estimate for 2025: 701.1 million – and the EU: 375 million). The number of irregular or clandestine passengers recorded at the port of Brindisi, for example, is 4-5 000 a year (to which should be added some 500 passengers arrested at the airport) which may seem a lot, but in fact amounts to only 0.5% of total traffic.<sup>3</sup>

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1. Figures available at [www.calais-port.com/statistiques](http://www.calais-port.com/statistiques), [www.zeebruggeport.be](http://www.zeebruggeport.be), [www.portofoostende.be](http://www.portofoostende.be), [www.hoverspeed.com](http://www.hoverspeed.com) and [www.seafrance.fr](http://www.seafrance.fr)

2. Figures quoted by Didier Bigo in “L’Illusoire maîtrise des frontières”, *Le Monde Diplomatique*, October 1996, p. 8, available at [www.monde-diplomatique.fr](http://www.monde-diplomatique.fr)

3. A very quick estimate based on the sites [www.provincia.brindisi.it](http://www.provincia.brindisi.it) (Territorio – Dati statistici) and [www.camera.it/\\_bicamerale/schengen/sopralluoghi/BRINDISI.htm](http://www.camera.it/_bicamerale/schengen/sopralluoghi/BRINDISI.htm) (Sopralluogo al porto e all’aeroporto di Brindisi).

**The Roma of central and eastern Europe: special case, relic of the past or experience of a transnational space?**

Particular mention will be made here of the Roma of central and eastern Europe. It was not originally planned to discuss the case of the Roma, but it has been included at the request of participants and people working on the subject. The few comments made here do not affect the work in progress within the Council of Europe's Roma/Gypsy Division. A report is planned on the subject, but it seemed useful to mention the case of the Roma, which was the subject of much debate during the seminar.

The author would like to add that he is in no sense a specialist on this issue, relating to a population which is above all European, but he believes it may be useful, for purposes of comparison, to explore this dimension as a component of international migration. The case of the Roma may be recognised here as being of heuristic value because of its relevance to various issues that are always present in migration: autochthonous/allochthonous, majority/minority, sedentary/nomad or sedentary/migrant, normality/alterity, etc.

The size of the Romani populations of central and eastern Europe are not known with any certainty, nor is that of the Gypsy and related populations of western Europe. The most commonly quoted estimates put the number of Roma at between eight and fifteen million, mainly concentrated in the Balkans and central Europe (Hungary and Romania), Ukraine and the Russian Federation, but also Spain. According to these estimates, there are at least one million Roma in the former Yugoslavia, former Soviet Union and Spain. Numerous subdivisions or extreme segmentations may be described: the Roma themselves refer to the residents of east Europe as "Sinte" or "Manouches", those of central Europe and Italy as "Kale", and those of Spain as "Gitanos". As is often the case with nomadic peoples, local populations have adopted the Romani way of life (travellers in the British Isles, Jenische of German origin – present in Alsace – Gurbetsiya in the Balkans, Spanish Mercheros, Italian Camminanti).<sup>1</sup>

The Roma themselves prefer the term "Roma" and have officially claimed it since the first World Roma Congress held in London in 1971. Several congresses have followed, such as Geneva in 1978 and Göttingen in 1981,

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1. A fact recalled in a document distributed during the seminar: *Frame Statute (Moral Charter) of the Romani People in the European Union*, published by RANELPI (Roma Activists Network in Legal and Political Issues).

while the International Romani Union, which represents seventy-one associations in twenty-one countries (Chaliand and Rageau, 1991), has Special Consultative Status with the United Nations.

Many Europeans have regarded Roma nomads and travellers as the image of “Otherness” almost since their first appearance (for example, Zagreb 1378, Basle 1414, Bruges 1421, Rome 1423, Barcelona 1425, Paris 1427) and have systematically subjected them to discriminatory regulations and legislation (prohibitions on settlement, nomadism, grouping together, etc.), and sometimes even to slavery (Romania in about the sixteenth century, abolished in 1856). But the worst was to come: the Nazi regime exterminated somewhere between 250 000 and 400 000 Roma. Socialist eastern Europe forbade nomadism and made them settle and go to school with a view to assimilation. Only the Soviet Union recognised Gypsy nationality (in the 1920s), but this was soon abolished by Stalin. Discrimination seems to have been most virulent in Romania.<sup>1</sup>

For the Roma, the consequence of the collapse of the socialist regimes which followed that of the Soviet Union and its transformation into the Commonwealth of Independent States (CIS), several members of which have joined the Council of Europe, some preparing to join the European Union, was general destabilisation as the result of various factors: economic liberalisation and privatisation of the means of production from which the Roma are excluded (Hungary, Romania, etc.), social marginalisation and increasing instability of employment, a vague sense of insecurity or insecurity generated by ethnic conflict (former Yugoslavia: Bosnia, Kosovo, Macedonia, Moldova), the growing power of organised crime in countries which have themselves been weakened, etc., but also a democratic deficit which, whatever the apparent progress, has yet to be reduced (disappearance of one-party regimes, free elections, far greater freedom of expression, etc.). With respect to mobility, the vague sense of insecurity that engenders many different types of violence leads many sections of the population that have become weakened or marginalised or lost status to try to migrate to western Europe, which is considered safer and more open to individual initiative.<sup>2</sup>

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1. The brief historical summary in these paragraphs is based on a number of analytical atlases of migratory movements in the world (*Atlas des diasporas*, *Atlas historique des migrations*) and historical atlases (*Atlas des peuples d'Orient, Moyen-Orient, Caucase, Asie Centrale, Atlas des peuples d'Europe centrale*, etc.). See bibliography.

2. See for example the articles by Jean-Arnault Derens, “Les Tziganes, indésirables au Kosovo”, and Olivier Meier, “Roms de Hongrie entre loi et réalité”, *Le Monde Diplomatique*, November 1999, pp. 8-9, available at [www.monde-diplomatique.fr](http://www.monde-diplomatique.fr)

The scale of this renewed mobility should not be overestimated: the numerous incidents reported in the media (collective expulsions, destruction of shanty towns, squats and informal camps by the police, the dismantling of petty and serious crime networks in which Roma are involved, etc.) should not obscure the fact that the vast majority of Roma are not migrating, despite the fact that their living conditions have in many cases deteriorated over the last ten or twenty years.

With respect to our subject, it is the increasing destabilisation of living conditions, both in eastern Europe – the countries of origin of which the persons concerned have the nationality (Bulgarian, Romanian, Czech, Slovak, Hungarian, Bosnian, Yugoslav, Albanian, Macedonian) – and in western Europe, where these people have no recourse other than to apply for asylum, which is worrying. Firstly, it is not a new phenomenon having already been seen during the Middle Ages, and one might well be surprised at the lack of any constructive solution taking into account nomadic or mobile allochthonous populations who have in many cases been sedentary for generations (here, too, one finds the idea of the “first”, “second” and “third generation” of immigrants) as autochthonous sedentary populations. Secondly, there is the demographic weight of the Romani population of all origins, and its geographical distribution throughout the forty-four member countries of the Council of Europe and far beyond (United States, Canada, Australia, Iran, Afghanistan, etc.).

The case of the Roma in a sense prefigures – or confirms – that of the minorities now being formed (endogenous or exogenous, sometimes in the form of diasporas), defined by religion – the Muslims of Europe, like the Jews of Europe before them – or national origin – the Moroccans or Turks of Europe – whose numbers are already larger than the population of many European countries and are rightly or wrongly regarded as “problematic”. Despite the fact that they have in some cases been here for decades or even centuries (Muslims and Turks in the Balkans), such minorities remain or have, like the Roma, been stigmatised as foreign and impossible to assimilate.

New thinking is needed about the existence of other models of territorialisation of identities and the functioning of populations who want at all cost to maintain – or, on the contrary, are forced to maintain – characteristics that resist assimilation or, in a form more respectful of difference and cultural heritage, integration. Debates on diasporas, the “diasporisation” or mobility of new population categories (immigrants, executives of multinational

companies, etc.), defending the last nomads, whether pastoral or otherwise (the Touaregs of the Sahara, Roma/Gypsies of Europe, Saami/Lapps of Scandinavia, indigenous peoples of Siberia, Mongols in China and the Russian Federation, among others), and the rights of ethnic and cultural minorities stem from the same rationale of taking such other models into account. We shall purposely cite recent developments in the United States and Canada where new autonomous administrative districts have been established to address the rights of Native Americans and the Inuit – who also concern Denmark, in fact – to underline this new trend towards greater respect for populations previously excluded or seriously marginalised (tribal universities for the revival of Native American languages, experiments in tribal community management in the United States, Nunavut and Nunavik, autonomous territories in Canada). But a European fact of life has immediately to be recognised: the small surface area of the European sub-continent of Eurasia and its very high population densities (except in northern Scandinavia and the north of the Russian Federation), accompanied by intense mixing of populations (internal and international migration). In other words, what is conceivable for the Saami (Norway, Sweden, Finland, Russian Federation) and the Siberian and American peoples of the far north is not applicable to ethnic or religious minorities that are migrant, mobile or intermingled with majority populations.

### **A major contradiction: unavoidable immigration and closure of European borders**

As has already been emphasised, it is forecast that the population of the continent of Europe as traditionally defined – probably excluding Turkey and the Asian republics of the former Soviet Union – will fall by some thirty million by 2025 and a hundred million by 2050. Fertility has fallen very significantly to 1.4 children per woman in Europe (the replacement rate being estimated at 2.1), as compared to 2.6 in Asia and Latin America and 5.3 in sub-Saharan Africa. The ageing of the population of Europe is already under way: by 2030-35, 40% of the populations of Germany, Italy (and Japan) and, by 2050, 25% of the populations of the developed countries generally will be over 65. These are global demographic data, which often have to be revised. One of the consequences will be the imbalance of social security systems.

The debate, which is in fact complex, remains open; while it is true that 80 million people are born every year and that the populations of at least



two countries, China and India, are already over one billion, the fact is that demographic transformation has already started, and is even well under way, on every continent. A sharp, automatic increase in population is expected: there are estimated to be an unprecedented 1.05 billion people aged between 15 and 24, although total fertility rates have fallen everywhere; 700 million young people will arrive on the employment markets of the developing countries between now and 2010 (*Equilibres & Populations 1998*, No. 42). The consequences of this are clear: Europe will have a significant population deficit and experience significant ageing of the population, while other continents (Asia, Africa, South America, North America) will continue to grow.

**Table 4. The major demographic regions in 1950, 1998 and 2050 (in millions)**

<i>Major regions</i>	<i>1950</i>	<i>1998</i>	<i>2050</i>
World	2 521	5 901	8 909
Developed countries	813	1 182	1 155
Developing countries	1 709	4 719	7 754
Africa	221	749	1 766
Asia	1 402	3 585	5 268
Europe	547	729	628
South America	167	504	809
North America	172	305	392
Oceania	13	30	46

Source: *Equilibres & Populations 1998*, No. 44, pp. 4-5, based on UN Population Division, *World population prospects: the 1998 revision*.

These estimates show that if the total population of the developed regions (all possible trends – these are theoretical calculations) falls in relative terms, it will be as a result of the growth of the population of North America. Europe will lose a considerable number of inhabitants (about 100 million – in Germany alone 4-7 million by about 2030),<sup>1</sup> which will inevitably give rise to the issues of ageing, social security, economic growth, even of maintaining the economy of weakened regions. Will immigration be the only solution?

1. See Monique Schmitt, "Allemagne: entre 4 et 7 millions d'habitants de moins d'ici 2030", *Chiffres pour l'Alsace*, No. 9, June 2002, pp. 7-9.

**A general observation: western Europe is not a unique case**

Migration to Europe, whether for work or political reasons, has developed according to old patterns that are a matter of both political and cultural history, often connected with colonisation or the economic domination of distant, and sometimes not so distant, territories (the whole of Africa, the Indian sub-continent, China, Latin America, the Middle East and so forth). Every European country has been involved in what are commonly known as “migration pairs” (Simon, 1995) linking a colonial metropolis to an economically dominated country. France/Algeria, United Kingdom/Indian sub-continent, Belgium/Congo, Netherlands/Indonesia, Sweden/Finland are examples of this and it should immediately be noted that such pairs are not solely bilateral and do not rule out other combinations. One could cite many examples: Great Britain first recruited on a large scale in Ireland, then in India and Pakistan, but this does not exclude Jamaica, Afghanistan, etc. Similarly, Sweden, which historically recruited labour in Finland (while Swedes were at the same time settling in western Finland), is now a host country for Middle Eastern immigrant labour (Turks, for example) and this has resulted in the presence of large numbers of Middle Eastern refugees (Palestinians, Kurds, Iranians, etc.). The same is true of France: while Algeria provided a great deal of labour in the 1950s, the flow was accompanied by others from North Africa (Tunisians and Moroccans), the Mediterranean (Italians, Spaniards, Portuguese, and later Turks and, in smaller numbers, Yugoslavs), Africans (former French colonies), Asians (Vietnamese, Cambodians, Chinese). Some of these flows are, in reality, far more complex: Spaniards are also refugees of the civil war (1936-39), just as Italians are often opponents of Fascism (some of whom arrived via French North Africa); and the Algerians are labour migrants, though a specific group of soldiers from special army units (known as Harkis) arrived with their families in 1962, their arrival coinciding with the repatriation of 1.5 million Europeans, many of whom were themselves of Spanish or Italian extraction or Sephardic Jews who had left Spain after 1492, the date of the discovery of America, but also of the fall of the Moorish Kingdom of Granada.

This general observation about Europe also applies to North America, which jealously guards its Mexican border while millions of Mexicans, Cubans, Colombians and others have already settled. The US and Canada have large Asian communities: Chinese, Japanese and Korean, but also the little-known Yemeni community.

There are also other, more distant centres, all of them integrated into the world economy: the Middle East, where 30 to 85% of the population of some oil-producing countries (the Emirates, Kuwait, Saudi Arabia, etc.) is made up of immigrants, Japan, which has increasing numbers of new immigrants (Chinese, Koreans, Filipinos, Iranians, etc.), Australia, where the major issue in human sciences seems to be whether or not the island continent is part of Asia.

The major consequence of this globalisation of international migration is already a general trend towards stepping up policing of all the external borders of major economic groupings (European Union, the North American Free Trade Agreement (Nafta), OECD, etc.), but, as with the Berlin Wall (1961-89) and the border between the US and Mexico, and even the long Sino-Soviet border most of which is now open, one may wonder about the permanence or rigidity of the line. The Mexican border is comparatively straight and easy to guard, which does not prevent infiltrations in more difficult sectors or the incredible imagination of the smugglers. The, in this case, American police have seen everything from the digging of tunnels to the use of aircraft for parachute jumps. European borders, those of the Schengen area and the external borders, are far more complex since they are composed of widely varying terrain, from the Finnish taiga of Karelia to the seas around the Canary Islands facing the Sahara Desert. It is true that some stretches (mountains, forests, jagged coastlines, etc.) are difficult to monitor, but the borders that are the easiest to cross are no doubt those running through urban areas (the three frontiers area between Saint Louis, Basle and Lörrach – France, Switzerland and Germany – the Franco-Belgian border in the Lille-Roubaix-Courtrai conurbation, the Dutch-German border in the Aachen-Heerlen conurbation, the Franco-German border in the Saarbrücken-Forbach conurbation). All these densely populated areas have in common overlapping cities and borders passing through cities, as was the case between the two Berlins before reunification, which were apparently used a great deal by Turkish migrants



## **II. PROPOSED GUIDELINES FOR THE DRAFTING OF RECOMMENDATIONS**

The participants – invited experts and other persons present – all of whom were given the opportunity to express opinions and ideas, discussed political and legal, national and international, economic and social issues in the areas of information, awareness-raising, education and training, as well as issues concerning the functioning of public and private (associations, charities, NGOs) migrant reception services, the police, security services and the justice system in general.

### **Politics and law: European, Community and national legislation**

Lawyers, researchers, members of NGOs, migrant reception officers and European civil servants – all the participants agreed on the need for European harmonisation of legislation and regulations on the reception of migrants, the protection of refugees and victims of trafficking, crime prevention, social rights and the protection of human rights. All welcomed the efforts made by the European institutions, manifest in a great many recommendations following reports, seminars and colloquia, while at the same time regretting that the recommendations are not always put into effect by the governments of member states.

#### *European harmonisation*

All the participants emphasised the problems of managing migratory flows in European countries, largely because of the contradictions between legal practices in different countries. Such contradictions exist in many areas: law on entry and residence, conditions for granting visas, international academic co-operation, territorial asylum, reception and protection of asylum seekers and refugees, border controls, removals to borders, the notion of safe third country, the fight against corruption and undeclared working, the prevention of crime connected with trafficking in labour and trafficking in human beings (women and children), etc. They are spontaneously exploited by irregular migrants and, more seriously, enable criminal networks to play systematically on loopholes in laws and regulations.

Participants forcefully expressed their concern at seeing such European harmonisation taking place from the bottom up; in fact taking the form of a search for a minimum platform of practices common to the different member states which emphasises the security dimension of the control of flows and the pushing back of migratory pressure to external borders (*inter alia*, using the notion of “safe third country”), while overlooking the inalienable rights of human beings.

Although it is necessary to curb criminal excesses, the security dimension alone was considered insufficient, even counterproductive, with respect to migration policy, and a danger to democracy.<sup>1</sup> It deals with the consequences rather than the causes of migration, whether legal or illegal, and, to draw an analogy with medicine, enables the most resistant viruses to mutate (or, if another analogy is preferred, holds out enticing rewards to mafias of every kind). It probably also reflects a lack of self-confidence on the part of European societies generally, expressed, in government practices, and hence those of European security agencies, through an inward-looking mindset and an inability to intervene effectively in theatres of conflict, whether internal (Yugoslavia, Chechnya, Nagorno-Karabakh, South-eastern Anatolia, etc.) or in neighbouring or nearby regions (Algeria, Palestine, Afghanistan, and zones inhabited by Kurds, etc.), all these regions being sources of international migration. If we accept demographers’ predictions that the population of Europe in the broader sense will fall by 100 million by 2025 and that this will be accompanied by irreversible ageing of the population, we will perhaps have the beginnings of an explanation.

Migration policies have always been a national prerogative, while flows of capital, information and goods have taken on an unprecedented dimension (globalisation). There is a major contradiction between free movement of capital, goods and services and nationals of the developed countries and the obstacles placed in the way of the movement of nationals of the less developed countries which can be seen at European, Mexican-US and Australian borders. There is also a major contradiction with the ideals of European integration, whether we are talking about the “fifteen + ten” or the “forty-four”. The question of a European migration policy thus arises in the same terms as

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1. See for example Didier Bigo’s opinion in *Le Monde Diplomatique* of October 1996, “L’archipel des polices; l’illusoire maîtrise des frontières”, pp. 8-9 (dossier: “Sécurité, immigration et contrôle social”), available at [www.monde-diplomatique.fr](http://www.monde-diplomatique.fr)

The author, who is a Paris academic, has published a number of books and articles on the question of security in Europe (see bibliography).

that of a “European foreign policy” or “European defence”. Since the process has been set in motion with respect to narrower but related themes (Schengen Information System, Europol, Eurodac, Eurojust, etc.), is it not time to think about establishing a European international migration agency with sufficient resources to set standards, priorities and procedures common to its members and define a genuine migration policy for an economic and demographic grouping with similar weight to the American Nafta?

*The 1951 Geneva Convention: how can the 1951 text be amended to bring it into line with the realities of the twenty-first century?*

Even if one is not a lawyer specialising in refugee law, one may raise the question of updating the 1951 Geneva Convention and national and international law on the reception of asylum seekers and refugees, and territorial asylum, not necessarily in order to simplify them, but to take account of current developments such as large-scale terrorism perpetrated by political movements – in which politics and crime sometimes seem to be inextricably linked, as in Colombia, Afghanistan and the Golden Triangle – states in crisis, if not falling apart, the right to intervene on humanitarian grounds, unprecedented environmental and health disasters (the Aids pandemic, large-scale desertification) caused by ill-conceived agricultural policies and the widespread incompetence of non-democratic governments. The problems of the Aral Sea are highly instructive: they have not yet led to mass migration, but we know that pollution has resulted in high infant mortality and a high incidence of mental and physical disabilities, that the region’s economy has been destroyed and that the Aral Islands are a real threat because of the uncontrolled presence of stocks of viruses and bacteria originally intended for bacteriological warfare. What should be done if, under pressure from factors connected with economic policy, the lack of democracy or the environment, the population starts to leave? On the other side of the planet, what should be done with the populations of the Pacific atolls that seem to be doomed to be submerged by rising waters? This is no longer science fiction but a problem the Australian authorities have already been presented with – so far they have exhibited unprecedented inflexibility both on this and the refugee issue.

The 1951 Geneva Convention was drafted in the post-war years and was born of the context that saw the creation of non-governmental organisations, such as the Service Social d’Aide aux Migrants (SSAE) (1945), the International Organisation for Migration (IOM) in 1951, and, more generally, the United

Nations and its “subsidiaries”, such as the Office of the UN High Commissioner for Refugees (UNHCR), Unicef, Unesco, the UN Development Fund for Women (Unifem) and the Food and Agriculture Organisation of the United Nations (FAO). There are many instruments, some of them older, such as the Convention on Slavery (Geneva, 1926), some from the same period, such as the Universal Declaration of Human Rights (1948) and the Convention for Suppression of Traffic in Persons and Exploitation of Prostitution of Others (1949, entry into force 1951). They have been followed by a large number of international and national laws. The European institutions have played a significant part in this work.

*The search for a middle way between “freedom of movement” and “fortress Europe”*

As Emmanuel Ma Mung stressed several times, there are two conflicting theories about international migration. The first supports tight control of flows in order to ensure that immigration tallies with the manpower needs of national economies, while the other advocates general free movement of labour in the belief that the migratory system would in practice prove self-regulating. Discussions on quotas (by nationality, profession, priorities, etc.) such as those operating in the US and Canada fall between the two, except that such quotas or “preferences” (Simon, 1995, p. 230) do amount to a genuine policy on migration, although that policy is also open to criticism. It will, however, be objected that the situation is infinitely more complex in Europe than in North America, if only because the latter consists of only two countries while the former as currently defined consists of at least forty-four. If, like Gildas Simon, one thinks in terms of a “migratory system”, one can nevertheless regard Europe as a single system, but one linked to the specific “migratory complex” of the Mediterranean and Middle East. In fact, like the US-Canada dyad, the system is, in its turn, becoming global in terms of its recruitment.

The objective of a common European migration policy logically following on from economic integration – the Europe of the fifteen in the process of enlargement – and political integration – the Europe of the forty-four – might eventually be realistic. There are still numerous obstacles, all states considering immigration to be among their inherent prerogatives, but the realities on the ground are pushing them towards co-ordinated action in every field. SIS (Schengen Information System), Eurodac, Eurojust and Europol with respect



to the subject under discussion, the Council of Europe, the Western European Union (WEU), the OSCE (Organisation for Security and Co-operation in Europe), the Euro-Atlantic Partnership Council (EAPC) with respect to political and security issues, the European Union, EEA (European Economic Area), OECD, EBRD (European Bank for Reconstruction and Development), and so forth, with respect to economic questions, are all bodies that address the issue of European integration in a broader framework, since the OSCE includes all the countries born of the break-up of the Soviet Union and the OECD all the western partners, plus Australia, New Zealand, South Korea and Japan. Directly or indirectly, each of these bodies has a division/directorate/bureau for migration and mobility, whether economic or political (refugees with respect to the OSCE). The same is true of a large number of international organisations under the United Nations umbrella (such as UNHCR, ILO, Unesco, Unicef).

The question here is not mass movements – the Chinese diaspora, North African, Turkish or Mexican emigration, for example – or major incidents resulting from political crises – exodus of refugees, displacements of population – but the management of diffuse, continuous migration on the ground, the migration of individuals, some of them with their families, rather than emergencies. In order to be more in tune with the situation on the ground and social realities, there were proposals to set up an irregular migration observatory to support the work of SOPeMi (OECD), and initiate specific studies and research on networks (social, economic, political, criminal) and their operation, demographic and migratory models (complete freedom of movement, selective freedom of movement, migration quotas, migratory movements, cross-border migration), and economic development practices (sustainable development, co-development, decentralised co-operation, etc.). The number of European action-research projects (Med-Urbs, Med-Migrations, etc.) is considerable. Experiments in economic development based on migration, such as the Dutch project Reintegration of Emigrant Manpower and the Promotion of Local Opportunities for Development (Remplod), and Germany's Centre for International Migration (CIM), and the Institute for Development Research and Social Planning (Isoplan), are available and re-useable at any time as part of an in-depth analysis. What are at issue here are not theoretical models but real experiences that make it possible to understand the processes and mechanisms at work in the triggering of international migration, its continuation – when there is no longer any reason for migration to the receiving country but it none the less persists – the functioning of

(legal or illegal) networks, return migration (productive or not), migratory movement and investment (in both immigration and emigration countries). Similarly, in the same way as there are national observatories for drugs and crime, European observatories on trafficking in human beings could be set up with specialised sections or independent observatories (prostitution, unaccompanied minors, trafficking in labour, etc.).

*Assisting democratisation in countries of origin (democratic deficit)*

Western Europe, central Europe, North America and English-speaking Oceania – that is, in fact, the OECD countries, including Japan and South Korea – can pride themselves on having a comparatively long and stable history of modern democracy. As a result of the changes in eastern Europe since the 1990s, democratic values seem to be firmly established on the European sub-continent. As has been stressed many times, Europe in the broad sense of the term, however defined (EU, Council of Europe, European Economic Area, OECD, Nato, OSCE), is a model for many political and economic partners. The current enlargement of the EU and the present or future candidacies of countries which are also members of the Council of Europe are the best evidence of this. When one looks at the directions and flows of asylum seekers and refugees, this democratic European model for the defence of human rights is clearly as attractive as the American dream.

To a great extent, Europe's image and political credibility is at stake in the reception and protection of persons seeking asylum, either territorial, under the 1951 Geneva Convention, or "on the black" (Brachet, 1997). Every year there are probably thousands of violations of human rights, said to be inalienable, obviously of widely varying kinds but all too often in the field of international migration, whether legal or illegal. The danger of a decline in the democratic values inherent in European (and North American) societies has been stressed many times, the risk perhaps being greater still in the new, unstable democracies of many partner countries.

Information has always circulated, it now does so worldwide at great speed, even if it is truncated, manipulated or distorted. Any violations of human rights or injustice perpetrated against a migrant – whatever the actual facts – will quickly be reported in the country and society of origin. It would be a mistake to think that such incidents, some of which are serious, involving deaths, and which turn out to be frequent when one knows where to look for the information, can be dissuasive. They have no impact at all on the root

causes of emigration, but their effects in terms of image are disastrous. A single example: a national of a country where corruption is commonplace who realises that it is systematic in the countries of transit and frequent in the countries of immigration will lose all his or her illusions, but will also become more adept at slipping through a security net set up for the sole purpose of appearing impenetrable to the public (the electorate) of the country of arrival.

If European democratic values are considered higher, inviolable values, they have to be maintained without creating sub-categories in the way Athenian democracy did with slaves and foreigners. While it may be accepted that foreigners have fewer civic rights – something that is a subject of debate in some EU member states and is in the process of disappearing with respect to nationals of member states – than citizens of European countries, it is none the less essential that the core human rights considered inalienable be respected without reservation. It is also at this price that the model can be exported and transferred to the partners of the EU and the Council of Europe, or even firmly rooted in every European state.<sup>1</sup>

### *Combating the corruption of public officials*

Incidents of corruption were emphasised by several participants who also noted that they were not restricted to the countries of emigration and transit. There have been many media reports of corruption in many countries, going hand in hand with economic crisis, democratic deficit and the weakness of the state apparatus. Persistent rumours of passive or active corruption on the part of consular services issuing visas in the countries of North and sub-Saharan Africa, the Balkans and the Middle East which have never been proven or properly investigated are also weaknesses in mechanisms for the control of irregular migration. The European partners have to work to regain credibility and will then genuinely be in a position to impose indisputable standards on their environment. It is obviously not a question of waiting for an ideal situation in Europe and then extending it to third countries. Action to combat corruption should be taken simultaneously in all countries affected by irregular migration whenever organised criminal networks are involved. This means there has to be genuine co-operation between the police and judicial services

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1. Here, I am thinking specifically of the Russian Federation, Turkey, the countries born of the break-up of Yugoslavia and the Soviet Union (Caucasus, Central Asia), Romania, Bulgaria, Albania, and other members of the Council of Europe or the OSCE, whether or not candidates for EU membership.

of *de facto* partner countries (emigration, immigration, transit). There also needs to be genuine trust and collaboration between national and international services.

Every country probably has an international technical co-operation department (in France, the Service de Coopération Technique Internationale de Police – SCTIP) that manages the police attaché offices in embassies, which liaise with the national authorities, advise the ambassador and co-ordinate relations with international organisations. Just as democratic countries usually have internal or independent inspection bodies sometimes known as “the police of the police” (IGPB – Inspection Générale de la Police Nationale in the case of France), specific action could be taken by the European institutions which have at their disposal such bodies as Europol – Interpol could even be involved in the case of non-European third countries – and also national bodies (in France, IHESI, Institut des Hautes Etudes sur la Sécurité Intérieure, which has an International Relations Department), in the areas of training, awareness-raising, information exchange, and joint action to combat corruption on every front, with the prime objective of helping to set up control and inspection services for the security forces of every partner country.<sup>1</sup>

As Didier Bigo, an author quoted many times, stresses, the proliferation of formal and informal groups and of bilateral and international police co-operation bodies (the Berne and Vienna clubs, Groupe d’Assistance Mutuelle-Douanes (GAM), the Police Working Group on Terrorism (PWGOT), Trevi, Star, *Ad hoc* Immigration, the K4 Committee, etc.) is less important than the political will to deal with problems in accordance with the values of a democratic society, providing adequate resources, but at the same time putting the accent on codes of conduct, the notion of public service and European values. These European values should respect and strengthen human rights.

### *Defending victims and punishing crime*

All the speakers emphasised the need to review legislation in many cases considered too soft on criminals and too hard on victims, pointing out that this contradiction was prejudicial to the image Europe wanted to project with respect to human rights. Here, too, harmonisation was considered necessary, but at two levels: European and international. At European level, criminal

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1. Use of French Interior Ministry booklets DGPN – *Direction Nationale de la Police Nationale* (undated) (see also: [www.interieur.gouv.fr](http://www.interieur.gouv.fr)) and *Dossier de présentation de l’IHESI* (undated) and Europol’s website: [www.europol.eu.int](http://www.europol.eu.int), *Information sheet* and *annual report*.

networks are clearly able to exploit any legal loophole or any difference in the application of legislation and regulations. This is true of prostitution where, to take an example close to home, the networks supplying Strasbourg with prostitutes from eastern Europe actually accommodate them in hotels and flats in the German border town of Kehl. This was also, or at least partly, true of the Sangatte Centre as migrants thought they would find work more easily in England than in continental Europe and could at any time be taken in hand by smuggling rings.<sup>1</sup> Outside Europe, or closer in the case of nearby partner countries (the Mediterranean basin), several speakers said trafficking in labour and human beings had become more lucrative and far less dangerous for criminals than drug trafficking. Conversely, it was repeatedly emphasised that the victims not only suffered physically and psychologically from their status as victims, but that often they were also found guilty of offences or insufficiently protected (in the case of violence followed by complaints to the courts, if it was possible to lodge a complaint at all). For the speakers, this unbalanced situation required that legislation be amended in such a way as to give victims greater protection and include more clear-cut measures against offenders (employers of and traffickers in clandestine labour, traffickers in human beings), with genuinely consistent measures in each of the countries affected by irregular migration (departure, arrival, transit).

### **Information, awareness-raising and training**

The first request by the Directorate General for Social Cohesion and the integrated project “Responses to violence in everyday life in a democratic society” was to consider ways of making actual and potential migrants aware of the dangers associated with irregular migration, in particular those connected with violence in everyday life in places of arrival and transit. These dangers were clearly identified (see, for example, the contributions of Khalil Jemmah, Altay Manço, Saimir Mile, Jean-François Pérouse), but information and awareness-raising campaigns were considered both necessary and for the moment inadequate or inappropriate. A great deal of intellectual and creative work needs to be done, initially on an experimental basis – a few examples

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1. See pp. 37-41 of Smaïn Laacher’s report which deals with migrants’ testimony on the great professionalism of the smugglers. The rapporteur was invited to Sangatte to take part in a training course for Red Cross staff and saw smugglers arriving at nightfall in full view of the police who were there to maintain sometimes doubtful security. In fact, all directors and officials of reception centres have such stories to tell about the presence, discreet or otherwise, of smugglers near their places of work.

are certainly available in various European and partner countries – before attempting possible general application. The European authorities might take the initiative of studying or making an inventory of campaigns of this type already conducted in the world.<sup>1</sup>

*Awareness on the part of potential migrants*

It was pointed out that potential migrants have a great deal of information about the countries of immigration, much of it partial, idealised or even distorted, sometimes by legal migrants themselves, who have a natural (and sociologically and psychologically understandable) desire to paint a rosy picture of their living conditions and sometimes by smuggling and trafficking networks, for obvious reasons. The ambiguous role of the media, especially the audiovisual media (through imported TV series and films) was also emphasised. Even in the poorest countries the role of radio and television – whether or not there is free speech in these media – was clearly demonstrated. An examination of television programmes in countries exporting migrants and labour, such as Turkey and Mexico, shows that the character of the migrant, although often appearing in fictional programmes, may or may not be an attractive personality but is often far removed from the social realities actually experienced in countries of immigration. Conversely, the portrayal is more realistic in the media (fictional or documentary) of the countries of immigration, although there too images may be greatly distorted. A substantial, if not huge, amount of research has been done in Europe into the image of the immigrant conveyed by the media, both written and audiovisual (sociology, communication sciences, schools of journalism and social work). The unprecedented media coverage of all countries which are not dictatorships (where the media are tightly controlled by the government) should make it possible to correct the idealised view potential migrants have of European countries, so long as there is a genuine political will on the part of countries of origin and arrival alike. Awareness might come through accurate information on rights and duties, reception, accommodation, housing and working conditions, training and schooling. Partnership is of prime importance here: unilateral information would be regarded as misleading propaganda or at best

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1. See the initiatives of Philip Ruddock, Australian Minister for Immigration, in the *ACP-EU Courier*, July-August 2001, pp. 49-50 (dossier: "Australia under pressure"). Reference is made to a video-cassette and pamphlet designed to inform potential migrants of the dangers (sharks, storms, prostitution, drugs, xenophobia, etc.). But, says the article, "This pamphlet, however, remained firmly tucked away in Philip Ruddock's bags. It was described as blatantly racist by several Australian refugee aid associations and ended up being scrapped prior to distribution".

as partial and slanted if it emanated from countries of immigration alone rather than from both parties. TV series, films, televised debates, news and magazine programmes can probably play a positive role, even deep in the African bush where satellite television is technically easier to promote than terrestrial networks.

*Training officials responsible for receiving, controlling and managing migrant populations*

A great deal of evidence has been gathered from NGOs and officials managing legal and irregular immigrants, or presented in academic studies and the media, showing that there are widespread shortcomings throughout Europe and in all neighbouring and transit countries and that there are often incidents, even victims, not always through any ill will on the part of those involved but, more mundanely, as a result of lack of judgment and training.

Very wide-ranging training should result in the professionalisation of reception officials in the broadest sense of the term. Not only is the initial contact decisive for the new arrival's assessment of the reception system, whatever his or her migration status, it is also important with respect to image and credibility. Justice and firmness can be combined in a spirit of openness, so long as the person receiving the foreigner has been trained both technically and in human terms for the roles of receiving, controlling and managing populations, and therefore people, in weakened situations. The training should be wide-ranging because it might range from language training (English by definition, but there might, for example, be a few police officers in each country who speak Romanian, Turkish, Russian, Kurdish, Hindi, Mandarin, Cantonese, Arabic, Swahili, etc.), serving as a competence centre, to geopolitics, geostrategy, ethnopsychology, the international law applicable to refugees, listening skills, group management, humanitarian medicine, and so forth, to give only a few examples. The principle here is not to train specialists in all the problems experienced in the world, which would be unrealistic, but to provide a general knowledge of mobility and migration, backed if necessary by competence centres, whether internal or external – use of specialist service providers – which would enable officials to understand the complex world of international relations. To give a few typical examples: detailed reading of a passport (ability to read Arabic or Cyrillic script) can be far more informative about an itinerary (visas, endorsements, the authorities that issued the passport, stamps) than the usual kind of check; adequate knowledge of the

ethnic map of Afghanistan – languages, religions, nomadic groups, general geography, general outlines of the country's history and so on – would not only make contact with migrants easier but might also make it possible to understand and resolve more easily an apparently complex or contradictory situation.

Such ongoing vocational training is of use in all aspects of dealing with migrants. It would professionalise officials' practices and at the same time put situations of tension into perspective and make the officials more human, at the same time as making them more efficient (examination, judgment, negotiation). It would make dialogue more constructive, which is not evidence of weakness but of a more accurate assessment of the complexity of situations, which will also result in greater competence and credibility.

## **Economics**

Among the ideas expressed during the discussions at the seminar, especially near the end of the discussions, economics was mentioned, often in lively terms. One of the recurrent ideas of migration economics is that the development of the country of origin will gradually stem the migratory flow as people will choose to stay where they are. There are known examples of countries of emigration that have become countries of immigration: Spain, Italy, the less well-known case of the Republic of Ireland, and even Turkey which is still a country of emigration at the same time as becoming a country of immigration. It is not in fact unusual for a country to have been a country of immigration and emigration, sometimes a country of transit, at different periods in its history. England and Germany were the main regions of departure of immigrants to America before becoming countries of immigration in their turn as a result of rapid economic development. There are many other examples.

### *Sustainable development, co-development and decentralised co-operation*

While the concept of sustainable development was mentioned – and immediately gave rise, not to absolute criticism, but to serious reservations – co-development and decentralised co-operation were mentioned little if at all. The concept of sustainable development is inseparable from that of democracy, but also the more frequently overlooked notion of stable relationships between social and economic players. In this connection, many experiments undertaken in the framework of economic and other international co-operation bodies (UN, ILO, OECD, EU, European institutions) have shown



how difficult it is to transfer economic models from one grouping to another. The basic idea may be regarded as generous or cynical depending on the observer's point of view: the German policy of assisting and supporting the creation of businesses by Turkish migrants has resulted in a significant return on investment, criticised by both Turkish and German researchers; the aid was used to purchase plant, equipment, machine tools, vehicles, franchises and licences on the German market. However, this failure, which should be put into perspective – it is a bitter failure for sociologists, while geographers take a more qualified view: the take-off of some parts of Turkey was certainly the result of such investment by emigrants, even if it was deflected from its initial purpose – stems far more from Turkish political, socio-economic and even ideological parameters than from any Machiavellian German or Dutch conspiracy in Turkey, or American conspiracy in Mexico where the same sort of experiment has been conducted. In fact, co-development would have been a more appropriate concept for these experiments of 1960-70 than sustainable development.

The French case is different again. Here, it is more a matter of sustainable development, co-development, emphasising the integrated, stable nature of the experiments conducted on the ground in Africa (collective village wells, agricultural or craft production co-operatives, rural schools or health services, etc.). Some local and regional authorities have embarked on technical twinning and decentralised co-operation projects, the French authority transferring know-how to the African community, for example. This was to some extent the rationale behind the Turkish experiments in rural and craft development co-operatives conducted in the years 1960-70, with the training of a group of admitted migrants, formalisation of an approved development plan, and transfer of capital and know-how. Such experiments, often spontaneous initially – the promoters being political or voluntary sector activists, NGOs or enterprising migrants who also have a conscious wish to bring about community development – have been conducted in countries as different as Portugal, Algeria, Tunisia, Morocco, Turkey, Yugoslavia, Greece and Mexico, all countries of emigration – two of which have become members of the EU, while one is now a member of Nafta. The problems encountered have been ideological and political – distrust of collective experiments, the co-operative movement, intrusion of foreign players in an underdeveloped and therefore poorly integrated area, etc. – but also economic. Poor understanding of local social and economic conditions, lack of trained manpower, inadequate feasibility studies (because often applied to enterprises out of context), local data

not taken sufficiently into account, etc., have all been factors in failure on the ground, which is inevitably followed by discouragement and destabilisation of the population. The Turkish case, with which the author is most familiar, has given rise to a great deal of literature in Turkish, German, English and Dutch, as well as a few, less numerous, publications in French and Italian.

It is therefore legitimate to wonder about the validity of observed or planned, if not programmed, models. Such co-operation has the merit of existing and usually generates hope and a few generally useful local effects which should be encouraged and extended. It maintains an open atmosphere of friendly relations of respect between populations which become used to working together towards the same objective. The question of the economic and social profitability and transferability of the model and its real impact on international migration none the less has to be mentioned. For example, sustainable development policies have little chance of success if food-producing agriculture, which is, however, essential in countries subject to malnutrition and in serious political crisis, is relaunched when the cultivation of drugs and the “industrialisation” of prostitution bring in ten or twenty times more income to rural families. This has been seen, with local variations, in Colombia, Myanmar, Thailand and Afghanistan: the only possible honourable way out is irregular emigration.

In other words, only a comparatively stable economic situation in a stable socio-political environment can provide the conditions for sustainable development – whatever formula is chosen: sustainable development, co-development, international co-operation, decentralised co-operation or foreign direct investment – and will be able to keep a population rooted where it is, with the real danger of creating or re-creating a need for mobility in the medium term, and in a later phase increasing the population of the area through endogenous growth or immigration.

#### *Foreign capital and technology transfers, and relocations*

Having received considerable amounts of foreign capital since the 1980s, countries of emigration such as Turkey or, larger still, China are good examples of the real limitations of policies calling on foreign capital and technology transfers. There have been many studies on this subject, some of them conducted in co-operation with the OECD. Such transfers clearly have an economic purpose and seek above all either economies of scale, by transferring all or part of their production to a place where labour is cheap, or to open

up a new market. The relocations that have thus been carried out obviously have an impact of varying extent on the local labour force, sometimes by creating a great many jobs. This is true of the free zones in Turkey (Istanbul, Izmir-Nemrut, Antalya, Trabzon, Mersin, Adana-Yumurtalik, etc.) and still more of the Special Economic Zones (SEZs) in China (Zhuhai-Macao, Shenzhen, Shantou, Xiamen, etc.). It may be thought that the labour force (and therefore the migratory potential) is rooted on the spot, but this situation needs to be put in the context of the overall economy of the country concerned. Clearly, foreign investors whatever their philosophy or business culture seek to minimise risks: so plants are established on the coast in the immediate environs of major cities, ports and international airports. As a result, there is usually and very logically a concentration of capital, labour, skills and wealth in a very limited area and this leads to or accentuates immigration to that area. For the same reasons (concentration of favourable factors, outlets, easier withdrawal in the event of crisis), there are no capital transfers or relocations to more isolated or deprived regions (central, eastern and South-eastern Anatolia in Turkey, Henan, Hubei and Hunan in central China, all of which are sources of a great deal of irregular emigration, although the staging posts are actually elsewhere – Istanbul for Turkey, Shanghai and Beijing for China).<sup>1</sup> This is certainly something that needs to be looked at in depth by the countries of origin and receipt of investment so as to diversify – in other words, make more secure – the economic areas likely to attract investment, technology and relocations. Once again, it is the whole process that needs to be examined in all its dimensions, favouring sustainable development and the defence of human rights, not an easy task in the face of purely economic rationales, and the risk of triggering undesired effects.

### **Technical co-operation in controlling flows and preventing crime**

Participants did not only raise the question of technical co-operation with respect to economic issues, but also in relation to controlling migratory flows, either strongly criticising the almost military policies of “fortress Europe” (which everyone agreed had little effect and were often culturally counter-productive) with their military terminology, or, conversely, to demand greater political, legal and technical co-operation between the security forces of the countries concerned (emigration, transit, immigration). The map

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1. Turkey has made a few attempts in the east of the country (for example, Erzurum on the road to Tehran), but these experiments have not as yet been conclusive with respect to attracting foreign capital

Olivier Clochard projected during the seminar based on UNITED for Intercultural Action, European Network against Nationalism, Racism, Fascism and in Support of Migrants and Refugees<sup>1</sup>, with the addition of data provided by the Association des Familles et Amis des Victimes de l'Immigration Clandestine (AFVIC), is instructive. The victims already mentioned in the sections on illegal migration routes are in the thousands for quite a short period (1993-2001) and, as we remarked earlier, the quite large numbers of victims of the Sahara Desert have not always been counted.

While it is true that one may be surprised, even appalled, at the amount of public investment (sometimes private, as in the case of the Channel Tunnel) in security equipment (radar, scanners, helicopters, surveillance aircraft, coastguard patrol boats, etc.), and protest at the transfer of responsibilities to private bodies (for example, carriers liable to heavy fines, which have led crews to throw irregular migrants overboard in order not to pay them), even the abandonment of a part of national territory through a legal fiction (Eurostar as an international zone, waiting areas in airports, etc.), the issue of punishment versus prevention or of their complementary nature should be examined with respect to irregular migration.

In a democratic society the primary objective of all security forces, civilian and military, under the authority of various ministries (interior, defence, justice, finance, etc.) is to defend the rights and property of physical and legal persons. The laws and regulations applicable to nationals and foreigners alike include national legislation and international instruments such as the Universal Declaration of Human Rights and the 1951 Geneva Convention. These principles obviously apply to legal migrants, statutory refugees and seekers of asylum whether territorial or under the convention. They should also apply to irregular migrants as physical persons. Now all the participants at the seminar repeatedly emphasised that it is here that legal and practical shortcomings are most common; police and similar agencies (for example, gendarmerie, coastguards, customs officers) are often criticised at every stage (reception, departure, transit). It is difficult to balance controlling flows for reasons connected with various problems (combating organised crime, terrorist activities, money laundering, trafficking in drugs, arms and human beings, etc.) and defending the inalienable rights of individuals, whatever their legal status and ethnic or national origin. This difficulty arises in relation to various issues.

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1. See [www.unitedagainstracism.org](http://www.unitedagainstracism.org)

First, massive flows are recorded on both the internal and external borders of the Schengen area or, more broadly, the European economic and political areas (EU, member states of the Council of Europe, OECD, Nato, etc.): they are in their tens, if not hundreds, of millions every year and are rising fast. Ostend, Zeebrugge, Calais, Brindisi, Bari, Igoumenitsa, Algeciras, Malaga and Almeria were mentioned along with various European airports (Roissy-CDG, Paris-Orly, Istanbul-Ataturk, Bucharest-Otopeni). Andreas Gross' report (Doc. 8782, Clandestine immigration and the fight against traffickers, 2000) gives a clear idea of the measures in some of the most important European airports: Roissy-CDG, Rome-Fiumicino, Lisbon, Budapest-Ferihegy, Bucharest-Otopeni, Warsaw-Okecie, Moscow-Cheremetievo, London-Heathrow, Frankfurt, Zurich, Amsterdam-Schiphol, Shannon and Dublin, Oslo-Fornebu, Vienna, Stockholm-Arlanda, Brussels and Copenhagen. But it has to be remembered that, despite the importance of each of the places mentioned, together they represent only a tiny proportion of the possible points of entry into the territories of the countries concerned.

In addition, there are now potential migrants on every continent, though the reasons for immigration are specific to each country (historical, colonial, cultural, proximity, etc.), for example Central and South America and Spain, Brazil and Portuguese-speaking Central Africa and Portugal, the Indian sub-continent and the United Kingdom, North and West Africa and France, etc. In terms of Europe as a whole, the entire world is covered. Conversely, migratory flows from China, Turkey, Morocco, Iran and Afghanistan concern several dozen countries on a number of continents.

Lastly, it is very difficult to have a precise idea of the fluidity of local and regional contexts: it is difficult to see how a police officer or reception or protection official can be in a position to assess the justification for applications for asylum lodged by people from Algeria, Congo, Afghanistan, Colombia, Chechnya, etc. There are bodies responsible for examining complex cases and decision-making, logically accompanied by possibilities for appeal. But the apparatus has to run smoothly and have the material and human resources to do so, and every case should be examined and investigated.

Europe has set up a number of bodies to manage flows (Europol, Eurodac, Eurojust, the Schengen Information System, etc.) which are in most cases set within broader frameworks (Europol in Interpol, for example). International co-operation includes information exchange, bilateral and multilateral training, reception of people in difficulty (refugees, displaced populations, forced

migration, victims of organised criminal networks), coastal surveillance, air surveillance and technical assistance. It might be possible for European security services to be involved in training and equipping the corresponding services in North and sub-Saharan Africa (surveillance and rescue on trans-Saharan routes).

Many other forms of co-operation are possible, for example, in the fields of justice, social work, training, education, information, etc., here again enabling progress to be made in understanding the complex phenomenon of international migration in general and illegal migration in particular.

### III. RECOMMENDATIONS

The ideas outlined below are the author's own. They are based on opinions expressed during the seminar proceedings and have not been the subject of subsequent consultation or any kind of vote since the participants had enrolled freely and could on no account represent a state or opinion group. Similarly, the experts were invited on the basis of their knowledge of migrant areas and populations and the issues connected with legal and irregular migration. Most of the proposed recommendations set out below are addressed to countries of immigration, emigration and transit alike. Prevention of irregular migration through dialogue and raising the awareness of players in international migration (countries of emigration, immigration and transit) is considered preferable to a security-minded policy of law enforcement and migration control. It should be accompanied by in-depth work on the conditions for sustainable development, in labour sending and receiving countries and in refugees' host countries and countries of origin.

#### *Defend and develop the European model of human rights*

The original positions of the European Union and the Council of Europe – the “fifteen + ten” and the “forty-four” – on defending human rights, with the Courts in Strasbourg and Luxembourg, and defending social rights and social cohesion (European Social Charter) should be both defended and promoted, both in the member countries of the various European institutions and in all partner countries, whether or not they are associates of those institutions. It is important to match action to words where democratic values are concerned, especially in a world where communication is both universal and fast. It would be useful to review systematically the texts produced by European institutions – for example, the corpus of reports and recommendations dealing with the various aspects of migration, and the history of European agreements and thinking on this subject (for example, the Mediterranean Conference on Population, Migration and Development in Palma de Mallorca, 1996, the Tampere European Council, 1997, the 7th Conference of European Ministers responsible for Migration Affairs, Helsinki, 2002, etc.). It would also be useful to remind member states, as does the Final Declaration of the Helsinki Conference, of the various European institutions where there are numerous

conventions, agreements, protocols, charters, etc., on migrant workers and foreign residents, not all of which have been signed by every country.

*Promote a global view of migration*

The scale of international migration has now given it a global dimension. Now that economies are so closely interconnected and international trade in every field so vast, the strict control of migratory flows by nation-states seems ever more illusory. Examination of migratory fields and movements, networks and diasporas, and integration processes should be extended to all the *de facto* partners in international migration in whatever form (legal, illegal, refugees, skilled, etc.). Migration should be seen as a coherent global system for which it is difficult to construct a theoretical model, but attention should none the less be given to notions of scale and the European values of defending and promoting human rights. Only such a global view will make it possible to link causes and effects in an examination of the future of migration. This should not, however, prevent comparative, critical study of other world migration systems in democratic societies (USA, Canada, Australia) in order to draw new ideas and lessons from them applicable to European states.

*Harmonise European immigration and asylum policies*

Harmonisation of legislation and regulations on the entry and residence of foreigners, readmission agreements, reciprocal social security agreements through the negotiation of bilateral agreements between states and the gradual definition of a European migration policy. Harmonisation would amount to a strengthening of the rule of law and democratic values that would ease tensions and disseminate promotion of those values, which would have more credibility in the eyes of third country nationals, partners and non-partners, migrants and non-migrants alike.

*Promote victim protection and the prevention of crimes connected with irregular migration and trafficking*

Improved, more effective surveillance of external borders should go hand in hand with genuine protection of the victims of irregular migration. An individual may be a victim at two different levels: of a political situation in the country of origin (asylum seekers before obtaining refugee status, whether territorial or under the convention) and of a criminal network (illegal working, trafficking in labour, trafficking in persons and new forms of slavery).



Legislation and regulations should be revised in victims' favour through the addition of safeguards, while the professionals responsible for reception, examining cases and protection should receive training and the departments and public and other bodies entrusted with these tasks should be provided with the means to function properly by shortening the time taken to examine cases and limiting the dangers of exclusion, marginalisation and destabilisation (and their consequences: violence and crime).

*Set up a European international migration agency*

Set up a European international migration agency with the objective of bringing migration policies into line with each other, harmonising legislation and regulations on reception, residence, employment, social security and health, education and training, and naturalisation, and co-ordinating the work of the various member states on subjects and themes connected with international migration: irregular migration, asylum policy, emergency situations (ecological disasters, populations displaced by conflicts in and near Europe or anywhere in the world), trafficking in human beings (trafficking in labour, prostitution, unaccompanied minors, illegal adoption of children from third countries, etc.).

*Set up international bodies to assist decision-making on irregular migration and related issues (crime, trafficking in labour, trafficking in human beings, migration routes and networks)*

Set up one or more international irregular migration observatory(ies) in cooperation with the OECD Continuous Reporting System on Migration (SOPeMi), an observatory of irregular migration, trafficking in labour, trafficking in human beings (prostitution, slavery, unaccompanied minors), to study the mechanisms and processes of migratory flows and the causes and consequences of migration. More studies and observations and an understanding of the mechanisms should then make it possible to implement appropriate measures with respect to the new issues arising from new forms of migration, whether or not they are illegal or criminal.

*Introduce administrative measures and regulations for dealing more effectively with irregular migration*

The time it takes to investigate cases (asylum applications and appeals), lack of professionalism (on the part of officers who are in some cases in unstable

situations themselves) and lack of resources (funding, premises, trained staff) result not only in inefficiency and loss of credibility which are immediately exploited by organised criminal networks, but also in the destabilisation and exclusion of populations who were by no means destined for marginalisation from the outset (whether irregular migrants from the outset or persons refused asylum). In addition to the posts created by states in reception, investigation and accommodation establishments, police and specialised security services (Europol, Schengen Information System, Eurodac, etc.), it would be useful to think about decentralising some of these services and establishments in order to bring users and staff closer together, shorten time-scales, and increase the transparency of procedures, decision-making and appeals.

*Provide training for people working in the reception, control, protection, education and training fields in countries of emigration, immigration and transit*

Opportunities should be made for countries to exchange experience on the legal, sociological, historical and geographical aspects of international migration. In particular, training should be provided in human rights and professional ethics for people working in the reception, control, protection, education and training fields in countries of emigration, immigration and transit. In order to provide better guarantees to both individuals and host countries, professionalisation should be the rule, accompanied by genuine professional ethics and a clear policy stated both internally to European public opinion and externally for the attention of potential migrants, whatever their reasons for emigration.

*Raise awareness and provide information on the risks and economic and social realities of irregular migration through the media, particularly public and private television channels, films and the Internet*

Co-produced – country of immigration/country of emigration – news reports and documentaries, televised and magazine debates, radio programmes, telefilms and series, etc., should be undertaken, dealing with the risks actually run by irregular migrants on the journey, the involvement of criminal networks, illegal working and trafficking in labour, trafficking in human beings and sexual exploitation, the social realities experienced by legal and irregular migrants (access to housing and training, unemployment and exclusion, discrimination, racism and xenophobia, etc.), the rights and duties of migrants, immigrants and emigrants in countries of origin and arrival.

*Gradually harmonise employment policies throughout Europe and at the same time harmonise social security, combat illegal working and all forms of trafficking in human beings and slavery*

It is clear that every loophole or contradiction in European social cover or taxation systems (income, capital, VAT, etc.) is immediately exploited by economic players facing heightened competition. The work to be done here will probably be still harder than that concerning co-ordinated control of internal and external borders. The example of European cross-border migration, which is extremely complex despite the freedom of movement acquired in the Schengen area, shows just how difficult it is to promote harmonised employment conditions and social rights (contracts, social cover, income tax, etc.). Differences in treatment are more apparent in border regions. While they have little influence on intra-European migration, these differences could have some influence with respect to migration from more distant places whether seasonal or illegal. This is one of the reasons why the United Kingdom has overtaken Germany with respect to refugee and illegal migratory flows. It is not easy to find a balance between liberalisation of the economy and respect for the rights of persons given the widely differing situations in the EU (which will vary still more in 2004 when ten new members are admitted).

*Establish a concerted sustainable development and co-development policy*

A concerted sustainable development and co-development policy needs to be established by promoting various forms of state and decentralised co-operation, for example, between local and regional authorities, the voluntary sector, NGOs specialising in health issues, eradicating poverty and instability, but also companies and other economic groupings, by facilitating direct foreign and emigrant investment, relocations, sub-contracting, cross-border movements, new forms of working (tele-work, for example), while preventing uncontrolled development of unequal exchanges and forms of social dumping which, as experience has clearly shown (for example, the Mexican *maquilladoras*, east European international transport sector), are harmful to industrial and emergent countries alike.

*Emergency humanitarian co-operation*

In addition to the operations mentioned above (training, information, raising the awareness of officials and migrants), it is certainly useful to promote "humanitarian type" technical co-operation by providing the means for

intervention (surveillance aircraft, civil protection and rescue launches and helicopters, health vehicles, etc.) needed to pick up and if possible care for the victims of irregular migration, both in coastal areas and desert regions. This could be in the form of financial aid and technical co-operation or awareness-raising, information and training campaigns conducted by international bodies or the national authorities of countries working in partnership on the basis of well-established historical or cultural relations (for example, France and Spain with North Africa, Italy with Tunisia, Germany with the Balkans and Turkey), without there being any specialisation. On the contrary, contact between “unusual” partners (such as Sweden and North Africa) can only be beneficial and help to disseminate new standards and approaches.

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