



MMG-7 (2002) 16

7th CONFERENCE OF THE EUROPEAN MINISTERS RESPONSIBLE FOR MIGRATION AFFAIRS

7^e CONFERENCE DES MINISTRES EUROPEENS RESPONSABLES DES MIGRATIONS

Helsinki,
16 – 17 September / septembre 2002

**Migrants in our societies
Policy choices in the 21st century**

**Les migrants dans nos sociétés
Quelles politiques au XXI siècle**

PROCEEDINGS

ACTES



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Note for readers

Please note that the texts in the Proceedings are in English. In order to facilitate the access for French readers, some of them exist also in French.

Note pour les lecteurs

Veuillez noter que les textes dans les Actes sont disponibles en anglais. Cependant, pour faciliter l'accès des lecteurs francophones, certains d'entre eux existent également en version française.

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OPENING OF THE CONFERENCE

Harri HOLKERI

Former Prime Minister of Finland

President of the 55th General Assembly of the United Nations

Government ministers,

Representatives of governments, international organizations and observer countries,

Representatives of the Parliamentary Assembly of the Council of Europe,

The General Secretary and representatives of the Council of Europe,

Ladies and gentlemen,

Representatives of the media,

It is my great honour as the representative of the Finnish Government to open the Council of Europe's Seventh Conference of European Ministers Responsible for Migration. We are pleased that you have chosen Finland and Helsinki as the venue for the Conference. This event, the various aspects of which will serve to unify Europe, is being held during an important and new phase of our common history. Our continent finds itself at a historical turning point that will require increased capacity on our part to develop interaction and deepen cooperation between governments and people in Eastern Europe, Central Europe and Western Europe in the social, economic, cultural and political spheres. We must be able to combine knowledge and resources and to allow basic human rights and values to become beacons for Europe in the new millennium. Consequently, we must also be able to exert an impact on the world beyond Europe and to work together with it to strengthen human rights.

Migration from Europe has been extensive; it has moulded North and South America and Oceania and the countries that have evolved there in the course of a lengthy historical process. In practice, all the countries of Europe have supplied immigrants. Today, Europe comes face to face with the African and Asian continents and the people there, and also confronts its own internal flows of migration. The histories and backgrounds of Europe and its nation states are in fact ethnically much more diverse than would appear to be the case at first glance.

As a social phenomenon, migration concerns us all, either directly or more indirectly. Europe and the rest of the world cannot end the movement of people, nor do they have a real need to do so. In broader terms, migration has strengthened the world

and interaction between different parts of it. Europe faces diverse pressure from migration, some of which the result of war, a deficiency of social and cultural rights, distress, and violations of human rights. Due to demographic trends and changes in age structure throughout Europe, the debate on migration policy focuses today on the needs of working life and related immigration and migration. It is probable that varying degrees of competition for labour will arise within Europe. Here we are dealing with people having a wide range of needs. Europe can regulate the movement of people seeking to enter from the outside, and, when working together, it can have an impact on the rest of the world as well. At the same time, Europe cannot close its borders to immigrants leaving their own countries to avoid persecution.

It is my great honour to convey to the Conference the greetings of Tarja Halonen, President of Finland. President Halonen has taken a very active part in the work of the Council of Europe as a member of Parliament and minister. For this reason, her message and greeting is of more far-reaching significance. I shall now read her greeting:

“Greeting from the President of Finland to the Council of Europe’s Conference of European Ministers Responsible for Migration on September 16, 2002.

I regret that I was unable to attend the opening of the Conference. The theme of the Conference effectively depicts the great changes behind us and those that we shall face in the future. International migration to Europe and from Europe poses a number of fundamental challenges to the governments and societies of the member countries. Policy on migration must also always contain a human rights and equality dimension in the receiving countries.

Good ethnic relations and interaction must not be taken for granted; they require continuous exertion on the part of governments, parliaments, civic organizations, labour and management, and the media to deal with the ethnic and other diversity of our societies and to utilize the added value provided by this diversity. Immigration is both a bridge from Europe to the rest of the world and to Europe. For this reason, decisions made in Europe alone are insufficient. We must also improve cooperation with the rest of the world in migration and refugee policy and in the promotion of human rights.

I wish every success to the Council of Europe’s Seventh Conference of European Ministers Responsible for Migration.”

Migration is a great challenge to the Council of Europe and its Member States. The main goal of this Conference is to build a framework for unifying goals and good practices. The need to establish a good balance between treatment of immigrants and ethnic minorities and regulation of migration is a major theme of the Conference. It is only from this point of departure that we can, through joint effort, develop a comprehensive policy worthy of the theme of this Conference: Migrants in our societies: Policy choices in the 21st century.

Throughout its history, Finland has been both a large-scale provider of

immigrants and a small-scale receiver. Today, many of the countries that provided immigrants in the past now experience both emigration and immigration. Finland is one of these countries. Finland like the other countries of Europe, including those that have received immigrants in the past, must develop policies and measures on the national level that enhance its capacity to deal with ethnic diversity. In consequence, they will be able to increase their ability to turn this phase of development into a common advantage and resource for both their own societies and for the immigrants and ethnic minorities living in them. There is no shortcut to the achievement of this goal; a conscious effort will be required from all of us. I believe that this Conference will offer encouragement and open new channels for good practices on this road.

With these words, I declare open the Council of Europe's Seventh Conference of European Ministers Responsible for Migration.

OUVERTURE DE LA CONFERENCE

Harri HOLKERI

Ancien Premier Ministre de Finlande

Mesdames et Messieurs les Ministres,

Mesdames et Messieurs les Représentants de gouvernements, d'organisations internationales et de pays observateurs,

Mesdames et Messieurs les Représentants de l'Assemblée Parlementaire du Conseil de l'Europe,

Monsieur le Secrétaire Général du Conseil de l'Europe, Mesdames et Messieurs les Représentants du Conseil de l'Europe,

Mesdames et Messieurs les représentants des médias,

J'ai le grand honneur, en ma qualité de représentant du Gouvernement finlandais, d'ouvrir la Septième Conférence du Conseil de l'Europe réunissant les ministres européens chargés de la migration. Nous sommes heureux que vous ayez choisi la Finlande et Helsinki pour tenir cette Conférence. Cette manifestation, dont les divers aspects serviront l'unification de l'Europe, se tient alors que notre histoire commune aborde une phase nouvelle et importante. Notre continent se trouve à un tournant de son histoire ; il nous faudra faire preuve d'une capacité accrue à développer l'interaction et à approfondir la coopération entre les gouvernements et les peuples d'Europe orientale, d'Europe centrale et d'Europe occidentale dans les sphères sociale, économique, culturelle et politique. Nous devons être capables de conjuguer nos connaissances et nos ressources et de permettre aux valeurs fondamentales et aux droits de l'homme essentiels d'éclairer l'Europe du troisième millénaire. Pour cela, nous devons aussi être à même d'exercer une influence sur le reste du monde et d'œuvrer avec lui à renforcer les droits de l'homme.

L'Europe a été à l'origine de migrations massives, qui ont modelé les Amériques du Nord et du Sud et l'Océanie, ainsi que les pays qui se sont formés dans ces régions au cours d'un long processus historique. Dans la réalité, tous les pays d'Europe ont fourni des immigrants. Aujourd'hui, notre continent se trouve face aux migrations issues des continents africain et asiatique, et doit aussi relever le défi de ses propres flux migratoires internes. Du point de vue ethnique, l'histoire et le contexte de l'Europe et de ses Etats-nations sont en fait beaucoup plus différents qu'il n'y paraît à première vue.

En tant que phénomène social, la migration nous concerne tous, directement ou non. L'Europe et le reste du monde ne peuvent pas empêcher les hommes de se déplacer, et ne sont pas non plus dans la situation d'avoir à le faire. De manière plus

générale, la migration a renforcé le monde et l'interaction entre ses différentes régions. L'Europe est confrontée à des pressions diverses dues à la migration, certaines d'entre elles issues de la guerre, de la déficience de droits sociaux et culturels, de la détresse et des violations des droits de l'homme. Les tendances démographiques et les modifications des pyramides des âges dans toute l'Europe font que le débat sur les politiques migratoires se focalise aujourd'hui sur les besoins du travail et l'immigration et migration liées à cette dimension. Il est probable qu'au sein de l'Europe, on verra émerger divers niveaux de concurrence pour la main d'œuvre. Or, les migrants ont tout un ensemble de besoins très divers. L'Europe peut, certes, réguler le mouvement des immigrants de l'extérieur qui souhaitent venir s'y établir et, en travaillant de concert, elle peut avoir également une influence sur le reste du monde. Dans le même temps, elle ne peut pas fermer ses frontières à des immigrants qui fuient les persécutions.

J'ai le grand honneur de transmettre à la Conférence le message de bienvenue de Mme Tarja Halonen, Présidente de la Finlande. La Présidente Halonen a pris une part très active aux travaux du Conseil de l'Europe en tant que députée et ministre. Son message et ses vœux de bienvenue, dont je vais à présent vous donner lecture, prennent donc une dimension toute particulière :

« Allocution de bienvenue de la Présidente de la Finlande à la Conférence du Conseil de l'Europe du 16 septembre 2002 réunissant les ministres européens chargés de la migration. »

Je ne suis malheureusement pas en mesure d'assister à l'ouverture de la Conférence. Le thème de cette manifestation décrit fort justement les grands changements que nous avons connus dans le passé et ceux auxquels nous serons confrontés à l'avenir. La migration internationale de et vers l'Europe pose un certain nombre de défis fondamentaux aux gouvernements et aux sociétés des pays membres. La politique suivie en matière de migration dans les pays d'accueil doit toujours avoir également une dimension liée aux droits de l'homme et à l'égalité.

De bonnes relations et une interaction entre ethnies ne vont pas de soi ; il faut, pour qu'elles s'instaurent, qu'en permanence les gouvernements, les parlements, les organisations de la société civile, les travailleurs et les cadres, et les médias prennent en compte la diversité ethnique ou autre de nos sociétés et utilisent la valeur ajoutée qu'elle apporte. L'immigration est une passerelle de l'Europe vers le reste du monde et de celui-ci vers l'Europe. C'est pourquoi les décisions prises dans notre seul continent ne suffisent pas. Nous devons améliorer la coopération avec le reste du monde en matière de politique de la migration et des réfugiés ainsi que pour la promotion des droits de l'homme.

Je souhaite le plein succès à la Septième Conférence du Conseil de l'Europe réunissant les ministres européens chargés de la migration.

La migration est un grand défi pour le Conseil de l'Europe et ses Etats membres. Le but principal de cette Conférence est de donner un cadre pour des objectifs et des

bonnes pratiques unificateurs. La nécessité de trouver un bon équilibre entre le traitement des immigrants et des minorités ethniques, d'une part, et la régulation de la migration, d'autre part, est un thème majeur de la Conférence. Ce n'est qu'en partant de là que nous pouvons, en conjuguant nos efforts, développer une politique globale digne du thème de cette Conférence : *Les migrants dans nos sociétés : des choix politiques au 21^e siècle.*

Au cours de son histoire, la Finlande a tout à la fois fourni, à grande échelle, un large contingent d'immigrants et servi, à petite échelle, de pays d'accueil. Aujourd'hui, bon nombre des pays qui, par le passé, ont vu partir leurs ressortissants connaissent maintenant des mouvements d'émigration comme d'immigration, et tel est aussi le cas de la Finlande. Comme les autres pays d'Europe, y compris ceux qui ont représenté jadis une terre d'élection pour des immigrés, elle doit élaborer au niveau national des politiques et des mesures qui renforcent sa capacité à intégrer la diversité ethnique. C'est à ce prix que ces pays pourront accroître leur capacité à faire de cette phase de développement une ressource et un avantage communs à la fois pour leurs propres sociétés et pour les immigrants et les minorités ethniques qui vivent sur leur territoire. Cet objectif est un point de passage obligé ; nous devrons tous délibérément déployer nos efforts en ce sens . Je pense que cette Conférence nous encouragera et ouvrira de nouvelles pistes de bonnes pratiques pour atteindre cet objectif.

Sur ces mots, je déclare ouverte la Septième Conférence du Conseil de l'Europe réunissant les ministres européens chargés de la migration.

OPENING OF THE CONFERENCE

Walter SCHWIMMER

Secretary General of the Council of Europe

Excellencies,

Ladies and Gentlemen,

I had the pleasure of meeting some of you a few months ago, on 22 May in Bratislava for the Ministerial Conference on Social Security. The theme of the Conference, you might recall, was: "Implications of labour migration for social security systems in European countries" But could it have been anything else at a time when headlines in the press if not the political agenda in most of our countries are dominated by the 'migration issue'?

We have come to Helsinki today to discuss a question closely linked with the results of Bratislava and central in the Council of Europe agenda: Migrants in our societies: what policy choices are we ready to make in the XXI century.

According to the data gathered by the Council of Europe and Eurostat, net migration in the European Union accounted for about three-quarters of the population increase in 2001, and a population increase is badly needed in our 'greying' societies. On the other hand, there is sound evidence that the massive immigration sometimes depicted like a 'plague' is purely a myth.

Migration flows to Europe are not likely to revert and there is a consensus, reiterated in Bratislava, that countries gain economically and culturally from immigration.

All this being said,

a few days after the Johannesburg Summit, where we strongly stated that sustainable development and the fight against poverty is a human rights issue, are you in a position to deny to the migrant the human rights that apply to our fellow citizens? I think certainly not. On the contrary, today more than ever, the principles of tolerance and non-discrimination and the provisions of the Geneva Convention should guide our action in the field of migration.

Our strength, the distinctive feature of the Council of Europe, is to make sure that the human rights and dignity of the migrant are respected. Lets try and turn to the person, to the individual who is so frequently forgotten in the 'migration' debate. The key words for the migrant are not 'preservation of the welfare state' but economic and social distress and, still too often, persecution, war, human rights violation and political,

ethnic and religious conflicts. In an unequal world, all the walls, barbed wires and electronic eyes have a limited impact as can be seen at Sangatte. Never has a wall prevented someone from hoping for a better life and from migrating to try to realise his or her dream.

What steps are we then determined to take to make Europe an immigration region respectful of the human rights of every person on its soil? How can we overcome the schizophrenic situation of some of our countries which desperately search for highly skilled professionals abroad while they reinforce the border controls with stronger security measures?

The management of migration, legal or irregular, is a political challenge. I am convinced that a sound and concerted implementation at the national level of the Council of Europe strategy of migration management adopted in 2000 would not only contribute to the Barcelona Process in the field of migration but would also prevent future problems on the Eastern borders, therefore facilitating the accession to the EU process for some of the member States.

Let me remind you that the strategy that you asked the European Committee on Migration to prepare for you emphasises that the protection of individual human rights is the basis of management. It strongly supports measures to integrate foreign populations, while accepting that integration is a two-way process. At the heart of the strategy is the conviction that many of the migration problems now confronting governments have resulted from a piecemeal approach to specific problems, such as the economy, asylum, illegality or return. This approach is no longer sustainable. A management strategy should be regarded as a comprehensive whole, to be applied over the long term. Measures have to be applied as a complete package: failure to do so will only replicate the mistakes of the past where action in one direction has served only to create new problems from another. Whether countries are able to develop their own integrated policies and to harmonise them with others are questions that can no longer be ducked. The new managerial approach proposed in the strategy will benefit both sending, transit and receiving countries and their citizens.

We are all aware that international migration has an impact on the quality of international relations. Therefore it is of utmost importance to put migration on the common political agenda of origin, transit and destination states. Together, you should deal with issues such as human rights, bilateral technical co-operation, irregular migration as well as obstacles to return. Such a dialogue would ultimately create efficient co-operation structures. From this perspective, a climate of mutual confidence and understanding would allow the parties to negotiate on an equal footing. I personally very much trust the co-management approach to deal with migration.

You entrusted your experts to elaborate this strategy. You adopted it in the CDMG. Don't you think it is high time to implement it?

To my mind, time is ripe to create a structure in close relation with the Committee of Ministers and with the Parliamentary Assembly and the Congress, which would facilitate or, where needed, provoke the dialogue between sending, transit and receiving countries. It would actively promote co-ordination with ministries and non-governmental organisations of the countries concerned and establish co-operation to fight the economic, political and sociological causes of (irregular) migration. It would launch analyses on issues of interest to member States in the preparation of their political decision making and would propose innovative policies and law. This structure would also help implement the strategy at the national level and would subsequently monitor the progress made.

The elements of this new structure to implement the strategy already exist but are dealt with separately and I am sure that bringing them together in this new structure will have a synergetic effect and will give each element a new light, like putting all the pieces of the migration puzzle in the right place. Lets go through the different elements:

There is a strong argument for believing that intergovernmental co-operation will be considerably more effective if sustained attention is given to the gathering and exchange of data and statistics on international migratory flows. The international community can ill afford to continue to rely on generally vague estimates or orders of magnitude and will be repaid for all serious investment in the development of reliable data bases. In this new structure and in co-operation with Eurostat and other international institutions the Council of Europe would devise new tools to improve the collection and analysis of migration data.

Now that all your efforts should supposedly be concentrated in facing the threat of massive illegal migration, may I ask you if you are still ready to devise new and better integration policies for legally residing migrants?

I would suggest that you answer: definitely yes, today more than ever.

As mentioned earlier, integration is one of the pillars of a comprehensive management policy. It adds a central piece to our puzzle. Integration has to be seen as an interactive process based upon mutual willingness to adapt by both migrants and the receiving society. Throughout this process and in every sphere of life in the society, diversity has to be valued as a source of mutual enrichment. This is the essence of the refreshing new concept described in our landmark report on Diversity and Cohesion, which gives hints to elaborate innovative integration policies at the national level. The report has been translated into many different languages, thanks to the interest shown by your authorities, and I strongly recommend that you disseminate it as widely as possible and that you carefully monitor its implementation with the useful check-list contained in the 'Framework for integration policies', published simultaneously.

Another element of the puzzle is the Council of Europe Convention to care for the Legal Status of Migrant Workers. It is designed to supplement the protections afforded

by the European Convention on Human Rights and the European Social Charter and it is based on the principle of equality of treatment between migrant workers and nationals of the host country. After some years in the shadow, the situation of migrant workers from Central and Eastern countries could shed a new light to the text and make it attractive to some of your countries. It is a step forward to European integration, since it facilitates negotiations with EU countries.

With the Convention on social security (ETS N° 78), it constitutes a 'package' of legal provisions that cover the social rights of the immigrant: residence and work permits, family reunion, housing, conditions of work, the transfer of savings, social security, social and medical assistance, expiry of the contract of employment, dismissal and re-employment, and preparation for return to the country of origin.

I am pleased to inform you that Moldova has signed it in July and I strongly urge member States that have not done yet so, and especially those which are not in the accession process to the European Union, to follow the example of Moldova by signing and ratifying this legal instrument. This demand of mine is in line with the commitments of Athens, where the Parliamentary Assembly of the Council of Europe and the Congress of Local and Regional Authorities of Europe agreed to launch a promotion campaign of this convention.

I also count very much on the partnership established between the Council of Europe Development Bank and the Directorate General on Social Cohesion to devise projects aimed at promoting the integration of immigrants, at providing emergency assistance respectful of the human rights in the transit centres for the persons awaiting their expulsion and thirdly and quite in line with the statutory priorities of the Bank, projects to assist migrants wishing to return and to resettle in their country of origin. Mr Güvenen, lets go on working together.

Last but not least, a crucial element of any successful strategy piloted from Strasbourg is a close and fruitful co-operation with the European Union: we are determined to reinforce joint action with the European Union to deliver our common message through the MEDA programmes for the South and TACIS for the East. I now turn to the representative of Commissioner Vitorino to tell him that I am ready to discuss joint actions in the frame of the quadripartite meetings.

Of course, what will be said here will pave the way for our work in the years to come. It will especially be taken into account in the preparatory work for a Convention against trafficking and exploitation of human beings. It is one of the reasons why I attach so much importance to this Conference. I will follow the drafting of the convention to ensure proper consideration of the situation of illegal migrants in the text and I count on you, through the European Committee on Migration, to actively participate in its drafting.

Before the floor is given to our distinguished guests let me recall the important

elements of my proposed plan of action for the years to come.

We have a strategy for the orderly co-management of migration: we want to implement it and we can do it :

- with the direction given by our policy for the integration of migrants and minorities and by our conventions,
- with the statistical data and measurement tools we are in a position to devise,
- with the support of the Council of Europe Development Bank and
- with reinforced joint actions with the European Union.

With all the pieces of the puzzle in our hands, lets take the challenge of coherence and implement the Strategy for the orderly co-management of migration. I leave this proposal for your consideration during these two days.

I am sure that you will take advantage of the conference taking place on Finnish soil to bear in mind the spirit which prevailed in Tampere in 1999 and I wish you every success during your time in Helsinki.

OUVERTURE DE LA CONFERENCE

Walter SCHWIMMER

Secrétaire Général du Conseil de l'Europe

*Vos Excellences,
Mesdames et Messieurs,*

J'ai eu le plaisir de rencontrer certains d'entre vous il y a quelques mois, le 22 mai à Bratislava, lors de la Conférence ministérielle sur la Sécurité sociale. Cette conférence avait pour thème, vous vous en souvenez, les "Incidences des migrations de main-d'œuvre sur les régimes de sécurité sociale des pays européens". Mais pouvait-on discuter de quoi que ce soit d'autre à un moment où les gros titres de la presse, voire l'ordre du jour politique de la plupart des pays européens étaient dominés par la 'question des migrations' ?

Nous sommes à Helsinki aujourd'hui pour discuter d'un sujet étroitement lié aux résultats de la Conférence de Bratislava et figurant en bonne place à l'ordre du jour du Conseil de l'Europe : Les migrants dans nos sociétés : quels choix politiques sommes-nous prêts à faire au vingt-et-unième siècle?

Il ressort des données rassemblées par le Conseil de l'Europe et Eurostat que dans l'Union européenne, le solde migratoire représente environ les trois quarts de l'accroissement démographique enregistré en 2001 et dans nos sociétés vieillissantes, un accroissement démographique s'impose. D'autre part, tout indique que l'immigration massive parfois décrite comme un "fléau" est purement et simplement un mythe.

Les flux migratoires en direction de l'Europe ne se renverront sûrement pas, et il existe un consensus - réitéré à Bratislava - pour dire que les pays concernés trouvent dans l'immigration un avantage économique et culturel.

Cela étant dit,

Quelques jours après le Sommet de Johannesburg, au cours duquel nous avons déclaré avec force que le développement durable et la lutte contre la pauvreté sont une question de droits de l'homme, êtes-vous en mesure de refuser aux immigrés les droits de l'homme dont jouissent vos concitoyens ? Je suis certain que non. Au contraire, aujourd'hui plus que jamais, ce sont les principes de tolérance et de non-discrimination et les dispositions des Conventions de Genève qui doivent guider notre action dans le domaine de l'immigration.

Notre force, et ce qui caractérise le Conseil de l'Europe, c'est de nous assurer que les droits de l'homme et la dignité des immigrés soient respectés. Essayons de consacrer

notre attention à la personne, à l'individu qui est si souvent oublié dans le débat sur l'"immigration". En ce qui concerne l'immigré, les mots-clés ne sont pas la "préservation de l'Etat-providence", ce sont la détresse socio-économique et, trop souvent, la persécution, la guerre, la violation des droits de l'homme ainsi que les conflits politiques, ethniques et religieux. Dans un monde dominé par l'inégalité, tous les murs, tous les barbelés, tous les moyens de surveillance électronique n'ont qu'une utilité restreinte, comme on peut le voir à Sangatte. Jamais un mur n'a empêché quelqu'un d'aspirer à une vie meilleure et d'émigrer pour tenter de réaliser son rêve.

Quelles mesures sommes-nous décidés à prendre pour faire de l'Europe une région d'immigration respectueuse des droits de l'homme de chaque personne vivant sur son sol ? Comment régler la situation schizophrène de ces pays qui cherchent désespérément à l'étranger des professionnels hautement qualifiés tout en renforçant les contrôles à leurs frontières et les mesures de sécurité qui y sont prises ?

La gestion des migrations, régulières ou irrégulières, est un défi politique. Je suis persuadé qu'une mise en œuvre réfléchie et concertée - au niveau national - de la stratégie du Conseil de l'Europe pour la gestion des migrations, adoptée en 2000, aurait pour effet non seulement d'apporter une contribution positive au Processus de Barcelone dans le domaine des migrations, mais aussi de prévenir d'éventuelles difficultés aux frontières orientales, facilitant ainsi l'adhésion à l'Union européenne de certains États membres du Conseil.

Je voudrais rappeler ceci. La stratégie que vous avez demandée au Comité européen des migrations d'élaborer à votre intention souligne que la protection des droits de l'homme individuels est à la base même de toute gestion des migrations. Elle soutient vivement les mesures visant à intégrer les populations étrangères, tout en reconnaissant que l'intégration est un processus à double sens. Au cœur de cette stratégie se trouve la conviction que beaucoup des problèmes de migration qui se posent aux gouvernements tiennent à une approche au coup par coup de certaines questions telles que l'économie, l'asile, l'illégalité ou le retour. Or, cette approche n'est plus tenable. La stratégie de gestion doit être perçue comme un tout et s'appliquer sur le long terme. Les mesures nécessaires sont à prendre toutes ensemble, faute de quoi l'on se bornera à répéter les erreurs du passé, et une action prise dans un sens ne servira qu'à créer de nouveaux problèmes dans un autre sens. On ne peut plus éviter de se demander si les pays sont capables ou non d'élaborer leurs propres politiques intégrées et de les harmoniser avec celles d'autres pays. La nouvelle méthode de gestion que propose cette stratégie profitera aux pays de départ, de transit ou d'accueil ainsi qu'à leurs ressortissants.

Nous sommes tous conscients que les migrations internationales ont une incidence sur la qualité des relations internationales. C'est pourquoi il importe au plus haut point de les inscrire à l'ordre du jour politique commun des États d'origine, de transit et de destination. Vous devez vous occuper ensemble de questions telles que les droits de

l'homme, la coopération technique bilatérale, l'immigration irrégulière et les obstacles au retour. Ce dialogue débouchera sur la mise en place de structures de coopération efficaces. Dès lors, un climat de confiance mutuelle et de compréhension permettra aux parties de négocier sur un pied d'égalité. J'ai personnellement une grande confiance dans la cogestion pour ce qui est des migrations.

Vous avez chargé vos experts d'élaborer cette stratégie. Vous l'avez adoptée au sein du CDMG. Ne croyez-vous pas qu'il est grand temps de la mettre en œuvre ?

A mon avis, le moment est venu de créer, en liaison étroite avec le Comité des Ministres, l'Assemblée parlementaire et le Congrès, une structure qui facilitera ou, au besoin, suscitera le dialogue entre les pays de départ, les pays de transit et les pays d'accueil. Cette structure promouvrait activement la coordination avec les ministères et les organisations non gouvernementales des pays concernés et instaurerait une coopération visant à lutter contre les causes économiques, politiques et sociologiques de l'immigration (irrégulière). Elle analyserait des questions présentant un intérêt pour les États membres en vue d'assister ceux-ci dans leurs décisions politiques et préconiserait des mesures et une législation novatrices. Elle aurait pour tâche également d'aider à mettre en œuvre la stratégie au niveau national, puis de suivre les progrès accomplis.

Les éléments de cette nouvelle structure existent déjà, mais agissent séparément ; or, je suis certain que le fait de les y rassembler créera un synergie entre eux et jetterait un nouvel éclairage sur chacun, comme si l'on achevait de mettre en place les pièces du puzzle des migrations. Passons ces éléments en revue :

Il existe un puissant motif de croire que la coopération intergouvernementale sera beaucoup plus efficace si l'on accorde une attention soutenue à la collecte et à l'échange de données et de statistiques sur les flux migratoires internationaux. La communauté internationale ne peut guère se contenter plus longtemps d'estimations et d'ordres de grandeur généralement vagues, et elle aura grand avantage à élaborer des bases de données fiables. Au sein de cette nouvelle structure, et en coopération avec Eurostat ainsi que d'autres institutions internationales, le Conseil de l'Europe concevra de nouveaux outils pour améliorer la collecte et l'analyse des données relatives aux migrations.

Maintenant que nous devrions, semble-t-il, consacrer tous nos efforts à écarter la menace d'une immigration irrégulière massive, puis-je vous demander si vous êtes encore disposés à élaborer de meilleures politiques d'intégration à l'intention des immigrés résidant légalement sur vos territoires ?

Je vous suggère de répondre : oui, assurément, et aujourd'hui plus que jamais. Comme je l'ai dit tout à l'heure, l'intégration est l'un des piliers d'une politique de gestion exhaustive. Elle ajoute une pièce essentielle à notre puzzle. On doit la percevoir comme un processus interactif basé sur une volonté d'adaptation mutuelle des immigrés et de la société qui les accueille. Tout au long de ce processus et dans chaque domaine de la vie en société, la diversité doit s'apprécier comme étant une source

d'enrichissement mutuel. Là est l'essence même de la nouvelle et rafraîchissante notion exposée dans notre rapport sur la Diversité et la Cohésion, qui suggère comment élaborer des politiques d'intégration novatrices au niveau national. Ce rapport a été traduit dans de nombreuses langues, grâce à l'intérêt que lui ont témoigné vos autorités ; je vous recommande vivement de lui donner la plus large diffusion possible et d'en suivre de près l'application au moyen de la liste de vérification qui figure dans le "Cadre pour les politiques d'intégration" publié en même temps.

Un autre élément du puzzle est la Convention du Conseil de l'Europe relative au statut juridique du travailleur migrant. Cet instrument, qui a pour but de compléter la protection offerte par la Convention européenne des Droits de l'Homme et la Charte sociale européenne, repose sur le principe d'égalité de traitement entre les travailleurs immigrés et les ressortissants du pays d'accueil. Après quelques années où il n'était guère question d'elle, la situation des travailleurs migrants originaires de pays d'Europe centrale et orientale pourrait jeter une lumière nouvelle sur ce texte et le rendre intéressant pour certains de vos pays. La convention dont je parle représente en effet un pas en avant dans l'intégration européenne, puisqu'elle facilite les négociations avec les pays membres de l'Union européenne.

Avec la Convention de sécurité sociale (STE N° 78), elle constitue un "paquet" de dispositions juridiques couvrant les droits sociaux des immigrés : permis de séjour et de travail, regroupement familial, logement, conditions de travail, transfert des économies, sécurité sociale, assistance sociale et médicale, expiration du contrat de travail, licenciement et ré-emploi, préparation du retour dans le pays d'origine. Je suis heureux de vous informer que la Moldova l'a signée en juillet, et j'adresse un pressant appel aux États membres qui ne l'ont pas encore fait - notamment ceux dont l'adhésion à l'Union européenne n'est pas à l'ordre du jour - pour qu'ils suivent l'exemple de la Moldova en signant et ratifiant cet instrument juridique. Mon appel prend appui sur les engagements de la rencontre d'Athènes, durant laquelle l'Assemblée parlementaire du Conseil de l'Europe et le Congrès des pouvoirs locaux et régionaux de l'Europe se sont entendus pour lancer une campagne de promotion de ladite convention.

Je compte beaucoup aussi sur le partenariat établi entre la Banque de développement du Conseil de l'Europe et la Direction générale de la cohésion sociale pour permettre d'élaborer des projets tendant à promouvoir l'intégration des immigrés, de fournir une assistance d'urgence au titre des droits de l'homme dans les centres de transit réservés aux personnes attendant leur expulsion, enfin - dans le droit fil des priorités statutaires de la Banque - de réaliser des projets visant à aider les immigrés qui le souhaitent à rentrer dans leur pays et à s'y réinstaller. M. Güvenen, continuons à travailler ensemble !

J'ai gardé pour la fin l'évocation d'un élément crucial de toute stratégie pilotée à partir de Strasbourg : la coopération étroite et fructueuse avec l'Union européenne. Nous sommes décidés à renforcer notre action commune avec celle-ci afin de transmettre

notre message commun par l'intermédiaire des programmes MEDA pour le Sud et TACIS pour l'Est. Je me tourne à présent vers le représentant du Commissaire Vitorino pour lui dire que je suis prêt à discuter d'actions communes dans le cadre des réunions quadripartites.

Bien entendu, ce qui sera dit ici jettera les bases de nos travaux des années à venir. On s'y référera particulièrement dans les travaux préparatoires d'une convention contre le trafic et l'exploitation d'êtres humains. C'est l'une des raisons pour lesquelles j'attache tant d'importance à cette conférence ; j'en suivrai la rédaction pour veiller à ce qu'il soit dûment tenu compte, dans son texte, de la situation des immigrés en situation irrégulière, et je compte sur vous - par l'intermédiaire du Comité européen des migrations - pour prendre une part active à cette tâche.

Avant que la parole ne soit donnée à nos éminents invités, je voudrais rappeler les éléments importants de mon projet de plan d'action pour les années à venir.

Nous avons une stratégie pour la cogestion ordonnée des migrations, nous voulons l'appliquer et nous en avons les moyens :

- grâce à l'orientation donnée par notre politique d'intégration des immigrés et des minorités, ainsi qu'à nos conventions ;
- à l'aide des outils statistiques et des instruments de mesure que nous sommes en mesure de concevoir ;
- avec le soutien de la Banque de développement ;
- par le renforcement de nos actions communes avec l'Union européenne.

Toutes les pièces du puzzle en main, relevons le défi de la cohérence et appliquons la Stratégie pour la cogestion ordonnée des migrations.

Pour finir, je vous annonce que nous sommes en train d'examiner la tenue d'un Troisième Sommet du Conseil de l'Europe et que j'ai déjà proposé que les migrations soient un des grands thèmes de ce Sommet.

J'ai la conviction que vous profiterez de cette conférence organisée sur le sol finlandais pour vous remémorer l'esprit qui régnait à Tampere en 1999, et je vous souhaite beaucoup de succès pendant votre séjour à Helsinki !

OPENING STATEMENT

Tarja FILATOV

Finnish Minister of Labour

The theme of the 7th Conference of European Ministers Responsible for Migration Affairs, "Migrants in our societies: Policy choices in the XXI Century", poses a significant challenge for the whole of Europe and for European co-operation, on which we are entitled to place higher expectations in the field of migration policy and the related development of ethnic relations in our societies. Today, the Council of Europe is a home for all Europeans, as in practice all Europe belongs to it. It is therefore natural that we strive to develop sustainable and dignified good practices separately in each country and together across Europe. In addition, Europe must play a part and exert an influence on the global arena, promoting human rights, social rights and good ethnic relations even outside Europe.

It is a great honour for me, as a representative of the Finnish Government, to be able to present to you our national viewpoints and also to examine migration policy from the European and the global angle. This conference takes place during a time of significant change in Europe, which is moreover linked to globalisation and its impact on human rights and migration flows today and within the foreseeable future. Internationalisation, the liberation of capital flows, the increasing impact of technology on the trade and other relations between countries, as well as demographic issues, the infringements of human rights, social distress and the unequal distribution of global resources among humankind are factors which maintain migration. No country is capable of controlling the situation on its own. What we need are comprehensive European measures in support of human rights, social rights and cultural rights. Solutions devised within one policy sector alone are not enough to meet a broader need or the construction of a better future. The great challenge to policy is the management of sufficiently large entities, starting out from people and their needs. This requires an improved readiness to assume and share responsibility. The European constitutions with which I am familiar emphasise not only national interest, but also the broader responsibilities of each country as a part of humankind. These aspirations are supported by the European Council.

In discussing migration we cannot limit ourselves to only looking at Europe. There is migration into and out of Europe, and there is migration within Europe. In practice no country in Europe is completely untouched by the mobility of people. The

two main themes of this conference are 'Challenges for integration policy' and 'Challenges in migration management policies'. Migration is a factor shared by many countries and cultures, while public debate is dominated and opinions are shaped by an emphasis on differences and images perhaps focusing on threats. Migration is also an encounter between different worlds. We often forget that we are talking about people, even if they are called labour, migrant workers and refugees.

The combination of migration and mass movement of people consists of both controlled and planned migration and forced migration caused by the society in the country of origin. Migration flows are affected both by the attraction of the destination and the conditions in the country of origin, as well as by the differences in the standards of living of the two countries. An extremely significant factor are the ties which the immigrant may have formed to the new home country. This tie may be a family member or relative, a friend or an acquaintance. We should not forget or undervalue the bridges formed by these interpersonal networks when considering the nature of migration flows.

Recent Finnish debate on migration policy has been dominated by a discussion of the ageing of the Finnish population and the projected shortage of labour, as well as by a search for appropriate measures. In practice, the current age structure of the labour force all over Europe will lead to a situation where the reduction of the labour force will be greater than the anticipated number of people entering the labour market. The dependency ratio in Finland and in the entire European Economic Area is rapidly becoming distorted. The great resource of the Finnish labour market and national development, the large post-war generations or baby boomers, will have retired completely by the year 2010. This means that by that year, half of current employees of the Finnish state will have retired. The municipal sector will require about 160,000 new employees by the end of this decade. Simultaneously, labour force must also be renewed in manufacturing industry as well as the service, construction and transport sectors. Have we been able to anticipate these foreseeable developments when dimensioning educational provision and when setting our priorities? This question and the answers to it are of concern for the whole of Europe. We are rapidly approaching a situation where competition for certain professional groups will increase across Europe and even in a wider context, also including the USA, Canada and the Pacific countries. An example of this is the nursing sector, where the competition has already started on the European level. It is estimated that compared with the average population, the over-65s need four times and the over-75s eight times more health and care services.

Finland, in line with the rest of Europe, needs a comprehensive immigration policy and an active commitment to it by the decision-makers. The priority of an active immigration policy must be linked to measures which safeguard the demand for labour during the rest of this decade and the 2010s. However, the impact of such measures makes itself felt only slowly. The labour force of the year 2010 is currently at school, while the labour force of 2020 has been born by now. This is a great challenge to

education and career counselling. The labour market is also creating new models to replace traditional migration. Among these, cross-border working is becoming more common, as is testified by several European examples. A considerable number of people commute daily across the Sound between Denmark and Sweden, but they do not think of migration. There are many employment arrangements of a similar kind between Austria and Hungary. Long-distance weekly commuting is common between Sweden and the Oslo region in Norway.

The planning and development of immigration policy must not disregard the immigrants already in a country, or the ethnic minorities whose status is weaker. Suitable combinations of educational and other measures can be used to integrate this human resource to the labour market, to bring it out of exclusion in our societies. A good immigration policy also requires active and sustained programmes to develop good ethnic relations and an effective prevention of ethnic discrimination. This is also linked with the integration policy. On the other hand, the successful integration into society of immigrants also requires that the mainstream population is integrated into a more pluralistic society. The immigrants must have both rights and obligations. In fact, we must strive to find an appropriate balance between rights and obligations, so that the increasing plurality of our societies can decisively be turned into an accessible added value. Will the successful integration of immigrants and ethnic minorities into our societies be possible in a broader sense, unless they interact successfully with the mainstream population and its organisations and communities in their neighbourhoods, on the local level? This is one of the questions to which we must find the right answer.

For the common future of Europe it is indispensable that we are able to create the conditions for a good immigration policy to serve the national and wider needs of the rest of this decade and the next one. Good immigration policy is essentially linked to the effective use of the existing national labour resources. This also involves the directing of young second- or third-generation immigrants to educational careers which prepare them for duties and professions requiring multicultural expertise. In addition to immigrants and disadvantaged minorities, those excluded from the labour market also include a great number of handicapped people, and yet only minor support measures would be needed to integrate a significant share of them to the labour market. Nor can we afford to overlook the ageism in our societies, which is visible on the labour market. If countries start actively to recruit labour from abroad and exclude from the labour market immigrants already inside their borders, we are in fact giving more leeway to racism and ethnic discrimination. This in its turn may be reflected in the political behaviour of voters and promote racist tendencies, as has already been seen in Europe.

The conditions for a good policy are essentially linked with the promotion of good ethnic relations and interaction between the mainstream population and the immigrants and traditional minorities. Whatever we now leave undone, or every measure which we know to be indispensable but elect to postpone indefinitely, will

weaken our potential to reach a good match between jobs and jobseekers within the foreseeable future. Another factor to be emphasised is the requirement that labour relations are monitored and approved employment conditions and labour legislation are respected. From the start, we should be able to prevent the creation of two labour markets or a grey labour market exploiting the immigrants. A high number of Finnish employers and employees are organised. The significance of the social partners for immigration and migration policy grows as the common ground between immigration policy and the labour market increases. The commitment of the social partners to the development of immigration policy in co-operation with the Government is important.

Starting from the 1970s, migration flows to Western Europe in particular have been caused by humanitarian factors, whereas earlier the chief cause of migration was the search for employment. Migration for the sake of employment is again increasing. Nevertheless, this should not lead to a reduction of humanitarian measures. Europe has the potential to take joint measures and joint stands to influence the rest of the world and to strengthen the respect for human rights wherever they are trodden down. I believe that the new millennium may be a millennium of human rights, and I believe that Europe has the potential to make it so through a common will and the combined weight of the European countries. This would be in line with the objectives and aims of the Council of Europe.

We know that programmes and declarations are often only a first step on the long road to good practices. We also know that the road can be shortened and that good progress is possible, but the process is long. Tomorrow, this Conference of European Ministers Responsible for Migration Affairs will approve an important final declaration which I believe will contribute to a strengthening of our joint efforts and act as a compass and pointer, on both the national and European levels, towards sustainable and good ethnic relations and interaction. Europe is a multi-faceted part of the world. Europe has a past to learn from and a shared future to embrace.

DECLARATION

Tarja FILATOV

Ministre finlandais du Travail

Le thème de la Septième Conférence des Ministres responsables des Migrations du Conseil de l'Europe, "*Les Migrants dans nos sociétés : quelles politiques au 21e*", est un grand défi pour l'Europe tout entière et pour la coopération entre les pays européens dont on doit attendre un apport plus grand qu'auparavant en ce qui concerne la politique d'immigration et le développement des relations ethniques dans nos sociétés. Le Conseil de l'Europe est aujourd'hui notre maison commune européenne, car pratiquement tous les pays d'Europe en sont membres. Il est naturel que nous nous efforçons de développer ensemble de bonnes pratiques durables respectueuses de l'homme dans nos pays et dans notre Europe commune. L'Europe doit en outre donner une dimension mondiale à sa participation et à son influence et promouvoir les droits de l'homme, les droits sociaux et les bons rapports ethniques également à l'extérieur de l'Europe.

C'est un grand honneur pour moi de présenter dans cette conférence, en tant que représentante du gouvernement finlandais, nos vues nationales et d'examiner également la politique d'immigration du point de vue européen et mondial. Cette conférence se tient au moment où l'Europe opère une grande transformation à laquelle se rattachent la mondialisation et ses effets actuels et à venir sur les droits de l'homme et sur les flux migratoires. L'internationalisation, la libération des flux de capitaux, le lien croissant de la technologie avec les relations commerciales et autres relations entre les Etats, l'aspect de la politique démographique, les violations des droits de l'homme, la détresse sociale et la distribution inégale des ressources mondiales maintiennent les flux migratoires. Aucun Etat ne pourra seul contrôler la situation. Des mesures européennes en faveur des droits de l'homme, des droits sociaux et des droits culturels globaux seront nécessaires. Les solutions adoptées dans un seul secteur politique ne suffiront pas à couvrir l'étendue des besoins et à construire un meilleur avenir. Le grand défi politique à relever est celui de la maîtrise de l'ensemble des secteurs en considération des besoins de l'homme. Cela nécessite une plus grande prise de responsabilité et un plus grand partage des responsabilités. Les constitutions des pays européens que je connais mettent en lumière non seulement le bien national, mais également une responsabilité plus étendue du pays en tant que partie de l'humanité. Le Conseil de l'Europe a pour mission d'apporter son soutien à ces aspirations.

Il ne suffit pas d'examiner l'immigration au niveau européen. On vient en

Europe et on en part et on se déplace à l'intérieur de l'Europe. Il n'est pratiquement aucun pays européen où les personnes ne circulent pas librement. Les deux thèmes principaux de cette conférence sont : Les défis de la politique d'intégration et les défis politiques de la gestion des migrations. La migration est un facteur qui réunit les pays et les cultures, bien que les facteurs de séparation et les perspectives menaçantes dominent le débat et influent sur les mesures à prendre. La migration signifie également la rencontre de différents mondes. On oublie souvent qu'il s'agit de personnes, qu'il s'agisse de main-d'œuvre ou de travailleurs immigrés ou de réfugiés.

L'ensemble des migrations comprend aussi bien les migrations contrôlées et prévues que les migrations forcées provoquées par les sociétés des pays d'origine. Les flux migratoires sont influencés tant par les facteurs d'attraction du pays d'accueil que les conditions sociales du pays d'origine et les différences de niveau de vie entre les pays. Les liens que l'immigrant a dans son nouveau pays ont également une très grande importance. Ces liens peuvent être des proches, des parents, des amis ou des connaissances. Les ponts établis par les réseaux qui lient les personnes ne doivent être ni oubliés ni sous-estimés lorsqu'on traite des flux migratoires.

Le débat récent sur la politique d'immigration a été dominé en Finlande par les questions relatives au vieillissement de notre population et à l'épuisement des ressources de main-d'œuvre ainsi que par la recherche de bonnes mesures. La structure actuelle des âges en ce qui concerne la main-d'œuvre conduira pratiquement dans l'Europe entière à ce que les départs de la vie active excéderont les entrées sur le marché du travail. Le taux des prestations sociales de la population finlandaise tout comme de celles de l'EEE se déséquilibre rapidement. Les grandes classes d'âge qui forment la ressource principale du marché du travail et du développement finlandais seront entièrement à la retraite en 2010. Cela signifie que la moitié des effectifs actuels du secteur public seront alors retraités. Le secteur communal aura besoin avant la fin de cette décennie d'environ 160 000 nouveaux employés. La main-d'œuvre devra également être renouvelée dans l'industrie, les services, le bâtiment et les transports. Cette évolution a-t-elle pu être suffisamment prise en considération dans les prévisions relatives à la formation et la détermination des centres de gravité ? Cette question et ses solutions concernent l'Europe tout entière. La situation actuelle conduira à une lutte de plus en plus dure vis-à-vis de certains groupes professionnels au niveau européen et même au-delà, car les Etats-Unis, le Canada et l'Océanie y sont également impliqués. Une lutte pour le personnel de la santé publique, par exemple, est déjà en cours en Europe. On estime que les personnes de plus de 65 ans auront en moyenne besoin de quatre fois plus de services de santé publique et de soins que la moyenne de la population et les personnes de plus de 75 ans en moyenne de huit fois plus de ces services que la moyenne de la population.

La Finlande aura comme l'Europe besoin d'une politique d'immigration globale et de dirigeants qui s'y engagent. Le centre de gravité de la politique active

d'immigration devra porter sur les mesures qui permettront d'assurer les besoins de main-d'œuvre pour la seconde partie de cette décennie et les années 2010. Ces mesures ont toutefois un effet lent. La main-d'œuvre dont nous aurons besoin en 2010 est déjà à l'école et la main-d'œuvre dont nous aurons besoin en 2020 est déjà née. C'est un grand défi pour la formation et l'orientation professionnelle. De nouveaux modèles permettant de remplacer l'immigration traditionnelle sont également créés sur le marché du travail. Parmi ces modèles, le travail transfrontalier s'accroît. Il en est beaucoup d'exemples en Europe. Les détros danois sont quotidiennement traversés par des personnes qui vont travailler dans un pays voisin, mais qui ne s'y établissent pas. De tels systèmes de travail sont très pratiqués entre l'Autriche et la Hongrie. Le mouvement pendulaire hebdomadaire est habituel entre la région d'Oslo et la Suède.

En planifiant et en élaborant la politique d'immigration, nous ne devons pas oublier les immigrés et les minorités ethniques défavorisées qui se trouvent déjà dans nos pays. Il est possible de faire entrer ces ressources humaines dans la vie active à l'aide de mesures de formation et d'autres ensembles de mesures et ainsi de les sortir de l'exclusion dont ils souffrent dans nos sociétés. Une bonne politique d'immigration demande également des mesures actives et ininterrompues visant à améliorer les rapports ethniques et à combattre efficacement la discrimination ethnique. La politique d'intégration s'y implique également.

Pour que l'intégration des immigrés réussisse, la population de souche doit également s'intégrer à une société plus diversifiée. Les immigrés doivent avoir non seulement des droits mais également des devoirs. Nous devons trouver un équilibre entre les droits et les devoirs pour pouvoir faire de la diversité de nos sociétés une valeur ajoutée. L'intégration des immigrés et des minorités ethniques dans nos sociétés peut-elle réussir si elles ne sont pas en interaction dans leur milieu et au niveau local avec la population de souche et avec les organisations et les collectivités de celle-ci ? C'est une des questions auxquelles nous devons pouvoir donner une bonne réponse.

Il est indispensable pour l'avenir commun de l'Europe de créer les conditions requises par une bonne politique d'immigration en vue des besoins nationaux et communs de la seconde partie de cette décennie et de la décennie suivante. La capacité d'utiliser efficacement les réserves de main-d'œuvre nationales existantes fait partie intégrante d'une bonne politique d'immigration. L'orientation des jeunes immigrés de la deuxième ou de la troisième génération vers une formation qui leur donne accès à des professions et des tâches nécessitant un savoir-faire multiculturel en fait partie. Outre les immigrés et les minorités défavorisées, un grand nombre de handicapés sont exclus du marché du travail bien qu'ils puissent pour la plupart être intégrés dans la vie professionnelle par de petites mesures. Nous ne pouvons pas non plus accepter l'âgisme qui apparaît dans la vie active. Si les pays commencent à rechercher activement de la main-d'œuvre à l'étranger et laissent des immigrés qui se trouvent déjà dans le pays sans travail, le racisme et la discrimination ethnique pourraient augmenter. Cela pourrait

se refléter dans le comportement politique des électeurs et renforcer les tendances racistes, comme nous avons pu le constater en Europe.

L'une des conditions essentielles d'une bonne politique est de favoriser de bonnes relations ethniques et l'interaction entre la population de souche et les immigrés ainsi que les minorités traditionnelles. Ne pas prendre ou repousser sine die les mesures dont la nécessité est connue réduit nos possibilités de trouver un bon équilibre entre les emplois et le main-d'œuvre dans un proche avenir. Nous devons également souligner la nécessité d'assurer le contrôle des emplois et de respecter les conditions d'emploi approuvées et la législation du travail. Nous devons pouvoir empêcher, dès le début, l'apparition d'un marché de travail double qui exploite les immigrés illégaux. La Finlande est une société hautement syndiquée. Plus la politique d'immigration et le marché du travail se rapprochent, plus l'importance de la position des partenaires sociaux à l'égard de la politique d'immigration augmente. L'engagement des partenaires sociaux dans le développement de la politique d'immigration en coopération avec l'Etat est important.

Le flux migratoire dirigé notamment vers l'Europe occidentale tend depuis les années 1970 à être dû à des raisons humanitaires tandis qu'il était dû auparavant à des raisons professionnelles. Les migrations pour des raisons professionnelles sont actuellement en augmentation. Cela ne devrait toutefois pas se traduire par la diminution des mesures humanitaires. L'Europe peut, au moyen de mesures et de manifestations communes, influer sur le reste du monde et renforcer le respect des droits de l'homme là où ils sont piétinés. Je crois que ce nouveau millénaire pourra être le millénaire des droits de l'homme et je pense que l'Europe pourra agir en ce sens avec une volonté et des forces communes. Cette action serait alignée sur les objectifs du Conseil de l'Europe.

Nous savons que les programmes et les déclarations sont souvent très éloignés des bonnes pratiques. Nous savons aussi que nous pouvons réduire cette distance et qu'un bon développement est possible, mais que le processus sera long. Cette Conférence des Ministres responsables des Migrations du Conseil de l'Europe adoptera demain une déclaration importante qui permettra, je le pense, de renforcer nos aspirations communes et de nous guider au niveau tant national qu'européen pour parvenir à cultiver de bons et durables rapports ethniques et à établir une interaction. L'Europe est une partie diversifiée du monde. En tenant compte de son passé, l'Europe doit assurer la réussite de son avenir commun.

OPENING STATEMENT

Joseph LICARI

Vice-Chairman of the Ministers' Deputies

Over the past 13 years, Europe did indeed start by returning to its history. As the political, economic and military fault lines which divided it into two were removed, it found its way back to the main features of its previous existence, the constant intermingling of peoples and cultures and the ceaseless, voluntary or enforced, movements of populations extending to every corner of our continent. Thanks to the progress of European integration, but also because of the tragedies which have occurred in crisis regions such as the Balkans and the Caucasus, migratory flows within Europe itself have increased markedly. At the same time, Europe returned to its geography. A characteristic of this geography is its extent, stretching from Reykjavik to Vladivostok, an area of which the Council of Europe is now the institutional incarnation. But another feature of Europe's geography is its territorial continuity with Asia, and yet another is its proximity with regions which have experienced little economic development and have high population densities. I think in particular about the southern shore of the Mediterranean. And it is true that migratory flows into Europe have hardly slowed in the recent period, and the hardening of policies on the reception and movements of persons has very often had as its main effect growth of the influx of illegal immigrants.

The new Europe which emerged from the upheavals between 1989 and 1991 is still being constructed. Our conference can lay another stone of this "common European home", reconciling Europe with its history and geography. We must resist the temptation to build a fortress Europe, for castles, drawbridges and battlements have never prevented life from going on, with its opportunities and its risks. The events of 11 September 2001 were a painful reminder of this, but we can also make a positive statement about this: we, as Europeans, are both the promoters and the prime beneficiaries of an open and interdependent world! We must not, however, be unrealistic. Europe "cannot accommodate all the misery of the world". Hence the concept of controlled management of migration, a concept central to our discussions and underlying the strategy devised by the CDMG. Our conference is to study ways of implementing this strategy, which is based on an objective analysis of the economic and social situation of Council of Europe member states. It is also based on their current and future needs in terms of employment and demography, care being taken at the same time to ensure that the fundamental principles of the Council of Europe are respected, first and foremost human rights and fundamental freedoms.

The Committee of Ministers, which I am representing here, attaches great

importance to the migration issue. Since the foundation of the Council of Europe, it has endeavoured to establish a legal framework relating to the rights and living conditions of migrants. It has drawn up a number of specific legal instruments such as the European Convention on Establishment in 1955, the European Convention on the Legal Status of Migrant Workers in 1977, and, more recently, in 1992, the Convention on the Participation of Foreigners in Public Life at Local Level. At the same time, the Committee of Ministers has always ensured that the Council of Europe's fundamental texts take account of what is a major problem for our European societies. This concern, the most striking reflection of which is the European Social Charter, reveals Council of Europe member states' wish to work for the recognition of foreign residents' rights and for their integration.

Now, more than ever, every government has to face the complex problem of migration. There is a general tendency, frequently under pressure from public opinion, to take action through a tightening up of the laws relating to migrants and a strengthening of border control systems. Yet in spite of, or because of, the restrictions introduced, the increase in the number of migrants in irregular situations seems to be impossible to control. The care which must be taken when analysing such a delicate problem cannot be allowed to give way to any hesitancy about the principles at stake. The fact that a migrant is in an unlawful situation does not diminish in the slightest his or her dignity as a human being. He or she has inalienable and universal rights: human rights. It is not, however, very meaningful to speak of the problem of illegal immigration without, at the same time, emphasising the exponential growth in the numbers of refugees and asylum-seekers. Right of asylum is very much being put to the test in the industrialised countries, for various reasons, among them the growing numbers of refugees and asylum-seekers and the wrongful use of asylum procedures by migrants seeking to evade immigration restrictions. The principles laid down in the 1951 Geneva Convention, and its 1967 Protocol, nevertheless remain fully valid.

Under its intergovernmental work programme, the Council of Europe is taking action on these two interrelated questions through two subsidiary bodies of the Committee of Ministers, namely the European Committee on Migration and the Ad hoc Committee of Experts on Legal Aspects of Territorial Asylum, Refugees and Stateless Persons, abbreviated to "CAHAR". Thanks to these committees' efforts, the Council of Europe has been able to make a valuable contribution in respect of issues of concern to all member states, *inter alia* by developing a common standard-setting approach through the adoption of numerous recommendations, the most recent of which, adopted by the Committee of Ministers on 26 March 2002, relates to the legal status of persons admitted for family reunification.

Even more recently, the migration issue has become even more politically acute. So the Committee of Ministers has agreed that this question should be included on the agenda for the next high level "quadripartite" meeting between the Council of Europe and the European Union, to be held in Strasbourg on 25 September. This will enable the

two institutions to exchange information about their current activities and/or planned activities, and will indicate both organisations' desire to take their co-operation further in this field. In his address of 26 June 2002 to the Parliamentary Assembly, the Prime Minister of Luxembourg, the country which currently chairs the Committee of Ministers, made his views quite clear on this subject: "The serious problem of immigration, and the problem of migration in general, cannot be solved by the European Union alone. The EU gives the impression of wanting to devote itself solely to the consequences of illegal clandestine immigration, neglecting the need to control lawful immigration. The European Union, which frequently claims to be pragmatic and to concern itself with the shorter term, might lead us to assume that it wishes to transform its fifteen member states into a kind of fortress. On these issues, we must speak with exemplary clarity. The European Union, which needs immigrants, must not close its gates. All the countries of Europe must continue to accept people who, worldwide, are persecuted on grounds of race, gender, or religious or political beliefs. The Council of Europe must play its part in finding a European solution to the problem of illegal, clandestine immigration, which turns miserable migrants in their own countries into miserable immigrants in ours. In this wide-ranging area, the European Union and the Council of Europe will gain from co-operating with each other as closely as possible".

It is interesting to note that when Mr Juncker made the address which I have just quoted, his main aim was the holding of a third Summit of Heads of State and Government of the Council of Europe member states before the end of 2003. This proposal, which received strong support from the Secretary General and the Parliamentary Assembly, is now being discussed by the Committee of Ministers. It could not be more topical, for a report is currently being drawn up on this subject with a view to a possible decision at the 111th session of the Committee of Ministers, scheduled for 6 and 7 November, in Strasbourg. Without going into detail, so as to respect the still confidential nature of the relevant discussions, I shall merely add that the migration question is given due importance in this report ...

Is there any need to say more on this subject in order to help you to understand the amount of attention devoted by the Committee of Ministers to the proceedings of our conference and the interest with which it awaits the results? Some of the proposals being discussed here, particularly the idea of setting up a European Migration Observatory, have already given rise to both interest and support from the Committee of Ministers. As a representative of the country which is preparing to take over the chairmanship of the Committee of Ministers from Luxembourg, I undertake to follow up with all the attention that they deserve your conclusions and recommendations. The six months of the Maltese chairmanship, which is to begin immediately after the 111th session of the Committee of Ministers, must bring about the progress which we are all expecting.

DECLARATION

Joseph LICARI

Vice-Président des Délégués des Ministres

Au cours des treize dernières années, l'Europe est d'abord rentrée dans son histoire. Avec le démantèlement des lignes de fracture politiques, économiques et militaires qui la coupaient en deux, elle a renoué avec son fil conducteur, ce brassage permanent de peuples et de cultures, ces déplacements incessants – volontaires ou forcés – de populations, aux quatre coins de notre continent. Grâce aux progrès dans l'intégration européenne, mais aussi à cause des tragédies intervenues dans des régions en crise comme les Balkans ou le Caucase, le continent a connu une intensification marquée des flux migratoires intra-européens.

En même temps, l'Europe est rentrée dans sa géographie. Celle-ci est caractérisée par un espace continental qui s'étend de Reykjavik à Vladivostok, un espace dont le Conseil de l'Europe est aujourd'hui l'incarnation institutionnelle. Mais la géographie de l'Europe se caractérise aussi par une continuité territoriale avec le continent asiatique et par sa proximité avec des régions à faible développement économique et à forte densité de population. Je pense en particulier à la rive sud de la Méditerranée. Et de fait, les flux migratoires vers l'Europe ne se sont guère taris dans la période récente, et le durcissement des politiques d'accueil et de circulation des personnes a bien souvent eu pour principal effet de grossir le flot des immigrants irréguliers. La nouvelle Europe, née des bouleversements des années 1989-1991, est encore en train de se construire. Notre conférence peut apporter sa pierre à cette « maison commune européenne », en la réconciliant avec son histoire et sa géographie. Il nous faut résister à la tentation d'en faire une forteresse, car les donjons, pont-levis et mâchicoulis n'ont jamais empêché que passe la vie, avec ses chances et ses risques. Les événements du 11 septembre 2001 nous l'ont rappelé douloureusement, mais on peut aussi le dire positivement : nous, les Européens, sommes les promoteurs et les premiers bénéficiaires d'un monde ouvert et interdépendant !

Pour autant, il faut se garder de tout angélisme. L'Europe « ne peut pas accueillir toute la misère du monde ». C'est d'ailleurs le sens du concept de gestion contrôlée des migrations, qui est au centre de nos débats et qui fonde la stratégie mise au point par le CDMG. Cette stratégie dont notre conférence doit étudier les moyens de mise en œuvre, s'appuie sur une analyse objective de la situation économique et sociale des Etats membres du Conseil de l'Europe. Elle s'appuie aussi sur leurs besoins actuels et futurs dans les domaines de l'emploi et de la démographie, tout en veillant à la cohérence avec les principes fondamentaux du Conseil de l'Europe, en premier lieu le respect des droits

de l'homme et des libertés fondamentales.

Le Comité des Ministres, que je représente ici, attache beaucoup d'importance à la question des migrations. Depuis l'origine du Conseil de l'Europe, il s'est employé à établir un cadre juridique dans le domaine des droits et des conditions de vie des migrants. Il a élaboré un certain nombre d'instruments juridiques spécifiques, tels la Convention européenne d'établissement en 1955, la Convention européenne relative au statut juridique du travailleur migrant en 1977 et, plus récemment, en 1992, la Convention sur la participation des étrangers à la vie publique au niveau local. En même temps, le Comité des Ministres a toujours veillé à ce que les textes fondamentaux de l'Organisation intègrent cette problématique majeure de nos sociétés européennes. Cette préoccupation, dont l'exemple le plus marquant est la Charte sociale européenne, reflète le souci des Etats membres du Conseil de l'Europe d'œuvrer en faveur de la reconnaissance des droits et de l'intégration des résidents étrangers.

Aujourd'hui plus que jamais, le phénomène des migrations, avec sa problématique complexe, interpelle chaque gouvernement. Il existe une tendance générale, souvent sous la pression de l'opinion publique, d'intervenir par le biais du durcissement des lois sur les migrants et du renforcement des systèmes de contrôle aux frontières. Pourtant, en dépit – ou à cause – des restrictions mises en place, l'augmentation des migrants en situation irrégulière apparaît incontrôlable. La prudence, qui doit accompagner l'analyse d'un problème aussi délicat, ne peut laisser place à une hésitation quant aux principes qui sont en jeu. Le fait qu'un migrant soit en situation irrégulière n'enlève rien à sa dignité d'être humain. Il possède des droits inaliénables et universels : les droits de l'homme. Mais il n'y a guère de sens à parler du problème de l'immigration illégale sans mettre en même temps l'accent sur la croissance exponentielle du nombre de réfugiés et demandeurs d'asile. Le droit d'asile est fortement mis à l'épreuve dans les pays industrialisés, pour diverses raisons, parmi lesquelles le nombre croissant des réfugiés et demandeurs d'asile et le recours abusif aux procédures de demande d'asile par des migrants cherchant à éluder les restrictions en matière d'immigration. Pour autant, les principes inscrits dans la Convention de Genève de 1951, et dans son Protocole de 1967, restent pleinement valables. Dans son programme de travail intergouvernemental, le Conseil de l'Europe agit sur ces deux questions connexes à travers deux instances subsidiaires du Comité des Ministres, à savoir le Comité européen sur les migrations et le Comité ad hoc d'experts sur les aspects juridiques de l'asile territorial, des réfugiés et des apatrides – plus succinctement, le « CAHAR ». Grâce aux travaux de ces comités, notre Organisation a pu apporter une contribution précieuse à des questions qui concernent tous les Etats membres, y compris en développant une approche normative commune à travers l'adoption de nombreuses Recommandations. La dernière d'entre elles, adoptée par le Comité des Ministres le 26 mars dernier, touche au statut juridique des personnes admises au regroupement familial.

Plus récemment encore, la question des migrations a pris une acuité politique

encore plus marquée. Le Comité des Ministres a ainsi convenu que cette question devrait figurer à l'ordre du jour de la prochaine réunion « quadripartite » à haut niveau entre le Conseil de l'Europe et l'Union européenne, qui aura lieu à Strasbourg le 25 septembre. Ceci permettra une information réciproque sur les activités en cours et/ou envisagées, et marquera la volonté des deux organisations à développer leur coopération dans ce domaine. Dans son intervention du 26 juin dernier devant l'Assemblée parlementaire, le Premier Ministre du Luxembourg, dont le pays préside actuellement le Comité des Ministres, a été très clair à ce sujet : « Le grave problème de l'immigration et, d'une manière générale, le problème de la migration ne peuvent trouver leur réponse au seul niveau de l'Union européenne. Cette dernière donne l'impression de vouloir se consacrer uniquement aux conséquences de l'immigration clandestine illégale en négligeant la nécessaire maîtrise de l'immigration légale. L'Union européenne qui se veut souvent pragmatique et soucieuse du court terme pourrait laisser supposer une volonté de transformer les quinze pays membres de l'Union européenne en une sorte de forteresse. Il faut, sur ces questions, faire preuve d'une clarté exemplaire. L'Union européenne qui a besoin d'immigration ne peut fermer ses portes. Tous les pays d'Europe doivent rester une terre d'accueil pour ceux qui, à travers le monde, sont poursuivis en raison de leur race, de leur sexe, de leurs convictions religieuses ou politiques. Le Conseil de l'Europe doit participer à la maîtrise continentale du phénomène de l'immigration illégale, clandestine qui fait de migrants malheureux chez eux, des immigrés malheureux chez nous. Dans ce vaste domaine, l'Union européenne et le Conseil de l'Europe gagneront à coopérer le plus étroitement possible. »

Il est intéressant de noter que l'intervention de M. Juncker, que je viens de citer, avait pour objet principal l'organisation d'un 3e Sommet des chefs d'Etat et de gouvernement du Conseil de l'Europe avant la fin de l'année 2003. Cette proposition, qui est fortement appuyée par le Secrétaire Général et par l'Assemblée parlementaire, est en cours de discussion au sein du Comité des Ministres. Elle est on ne peut plus actuelle, puisqu'un rapport est en train d'être élaboré à ce sujet en vue d'une possible décision à la 111e Session du Comité des Ministres, qui aura lieu le 6 et le 7 novembre à Strasbourg. Sans entrer dans les détails, pour respecter le caractère encore confidentiel des discussions à ce sujet, je me contenterai d'ajouter que la question des migrations figure en bonne place dans ce rapport.

Est-il besoin d'en dire plus pour vous faire comprendre à quel point le Comité des Ministres suit avec attention les travaux de notre conférence et en attend les résultats avec intérêt ? Certaines des propositions qui sont en discussion ici, notamment l'idée de créer un observatoire européen des migrations, ont déjà suscité intérêt et soutien au sein du Comité des Ministres. En tant que représentant du pays qui se prépare à succéder au Luxembourg à la présidence du Comité des Ministres, je m'engage à donner à vos conclusions et recommandations tout le suivi qu'elles méritent. Les six mois de la présidence maltaise, qui commencera immédiatement après la 111e session du Comité des Ministres, doivent permettre de réaliser les progrès que nous attendons tous.

OPENING STATEMENT

Tadeusz IWINSKI

**Chairman of the Parliamentary Assembly Committee on
Migration, Refugees and Population**

*Madam Chair,
Ladies and Gentlemen,*

In 1996 my country, Poland, had the honour to host the 6th Conference of European Ministers Responsible for Migration Affairs. This was a sign of commitment and political will to contribute actively to a European-wide dialogue and co-operation on migration: a sign coming from a central European state finding itself in the position of both a transit country for migrants aiming to enter western Europe and destination country for other migrants who were attracted by the improving Polish economic situation. In this, Poland exemplified the situation of other eastern European candidates to EU membership, engaged in the difficult task of bringing national law and practice into line with EU standards in a number of domains including migration and asylum.

Six years after that event, it is a great pleasure for me to represent the Parliamentary Assembly of the Council of Europe at this conference. Let me recall briefly some of the main recommendations that the Assembly has adopted in consideration of the work of the Ministerial Conference in Warsaw and bearing in mind dramatic situations such as Sangatte, Lampedusa and many others.

1) First, it has called for the need to monitor the situation in sensitive geographical areas, such as the Mediterranean and eastern and central Europe, where irregular migration is a considerable problem. Being “illegal” invariably deprives clandestine migrants of their fundamental and social rights and their basic human dignity, exposing them not only to insecure living conditions, but to abuse and exploitation.

2) Secondly, the Assembly also recommended member States to create and maintain channels for legal immigration, including fixed term or seasonal schemes for work purposes, a measure also proposed with a view to reducing the pressure to immigrate illegally.

3) Third, it stressed the need to address the root causes of clandestine migration and to enhance co-operation and partnership with countries of origin, as well as the need to improve international co-operation to combat human trafficking

effectively, and to find viable ways to curb this modern form of slavery by apprehending and punishing the traffickers while affording protection and assistance to the victims.

4) Finally, the Assembly advocated the need to set up appropriate policies to foster the integration of legal immigrants and to improve community relations, including through enhancing the participation of immigrants and foreign residents in political life as well as by reinforcing the links between Europeans living abroad and their countries of origin.

At the moment, the Committee is working at a series of issues including the creation of a charter of intent on clandestine migration, the situation of young migrants, new policies for the integration of immigrants, the irregular work of immigrants in agriculture, and the situation of European migrant workers.

The underlying conviction behind the work of the Committee is that migrants are part of our society. The fundamental policy choices at the beginning of the twenty-first century concern how to ensure that this part of our society is an asset and an element of cohesion.

New integration policies should be devised to ensure that migrants participate effectively in society as students, workers, voters, opinion-makers, politicians and, in a nutshell, parts of the community; migration flows are a constant feature of human society and cannot be stopped. But they can and should be regulated through a reliable system of migration management, in which both potential emigrants and locals can have confidence.

The challenge for the twenty-first century is not to misunderstand some concepts: let's not reduce the concept of MIGRATION to include only IMMIGRATION. Many migrants come from non-European countries; but many others are Europeans who move, legally or illegally, from one Council of Europe member State to another. To some states they are immigrants; but equally, to others they are emigrants or returning emigrants. By the way, as the President of our Assembly, Mr Peter Schieder rightly pointed out in Lucern, "today as opposed to those who seek shelter from political, religious, ethnic or other forms of persecution, there are people who seek to come to our countries for economic reasons, who in most cases are no longer welcome".

And again, let's not reduce IMMIGRATION to IMMIGRATION CONTROL. The events of 11 September have increased the trend to focus the migration debate on border security issues. For hundreds of immigrants illegally crossing a border, however, there are thousands of legal immigrants whose rights to participate fully in society should be respected and guaranteed.

The challenge for the twenty-first century is to set up appropriate instruments to address the phenomenon of migration in all its complexity. This refers of course not only to our continent but here in Helsinki we are focusing on Europe.

As the Secretary General, Walter Schwimmer, mentioned in his opening speech, Europe needs a new structure to develop a coherent, integrated and sustainable approach to migration. This is a challenge that both for our Organisation and the EU have been facing for years. Let me recall the discussion at the EU Sevilla summit in June this year.

I would like to develop this idea and launch a proposal to the attention of this Conference.

In Recommendation 1449 (2000) on clandestine migration from the south of the Mediterranean into Europe the Assembly recommended, amongst other things, the creation of a permanent observatory on migration, with its chief objective being to analyse the intrinsic dynamics of clandestine migration and conducting research into the number of victims of clandestine migration as well as the causes and the effects of clandestine migration in the Mediterranean and the impact and practices of trafficking in human beings and organised crime in the region.

I believe that this recommendation, though limited to a specific geographical area, deserves attentive consideration. Its aim is to improve monitoring of migration flows and cast a light on the causes and effects of irregular migration. These concerns are shared by all Council of Europe member States, since all of them are involved as countries of destination, transit or origin of migrants or clandestine migrants or in a mixed capacity.

What is needed is a pan-European instrument to improve the monitoring of migration flows, to study policies and laws on migration or which affect migration, and to foster the exchange of information, with a view to improving the management of migration in full respect for human rights and the dignity of the person.

To be effective such an instrument should involve Council of Europe member States as well as the European Union and non-European countries of origin and transit. Given the increasing role at the third pillar in the EU such a solution could additionally and in an effective way combine the efforts of this Organisation and the Council of Europe. I would hope that non-member states present at this conference will actively help in creating this observatory – and in particular our South Mediterranean neighbours whose presence here the Assembly highly appreciates.

Such an instrument should draw on the experience of all the participating States, the Council of Europe, the European Union, the International Organization for Migration (IOM), the office of the United Nations High Commissioner for Refugees (UNHCR) and other relevant agencies, including non-governmental.

I believe that an Enlarged Partial or Enlarged Agreement under Statutory Resolution (93) 28 of the Committee of Ministers would be the appropriate structure. The Agreement could provide the legal basis for the creation of a monitoring body, an observatory, on the lines of Recommendation 1449 (2000) of the Parliamentary Assembly.

My closing thought, therefore, is to invite the delegations that are present at this Conference to give their full consideration to this proposal.

Ministers, Ladies and Gentlemen,

I thank you for your attention and wish you good work.

DECLARATION

Tadeusz IWINSKI

Président du Comité des Migrations,
des Réfugiés et de la Population de l'Assemblée parlementaire

Madame la Présidente,
Mesdames et Messieurs,

En 1996, mon pays, la Pologne, a eu l'honneur d'accueillir la 6^e conférence des ministres européens responsables des questions de migration. C'était le signe d'un engagement et d'une volonté politique de contribuer activement au dialogue et à la coopération sur les migrations à l'échelle européenne: ce signe venait d'un pays d'Europe centrale qui était à la fois un pays de transit pour les migrants cherchant à entrer en Europe occidentale et un pays de destination pour d'autres migrants attirés par la situation économique favorable de la Pologne. A cet égard, la Pologne illustrait la situation d'autres pays d'Europe orientale candidats à l'adhésion à l'Union européenne, qui s'efforçaient, non sans difficultés, d'adapter leur législation et leur pratique nationales aux normes de l'Union dans beaucoup de domaines, notamment celui des migrations et de l'asile.

Six ans après, j'ai l'honneur de représenter l'Assemblée parlementaire du Conseil de l'Europe à la présente Conférence. Laissez-moi rappeler brièvement quelques-unes des principales recommandations que l'Assemblée a adoptées à la suite des travaux de la conférence ministérielle de Varsovie et en ayant à l'esprit des situations dramatiques comme Sangatte, Lampedusa et bien d'autres.

1) Premièrement, elle a appelé à surveiller la situation dans les zones géographiques sensibles comme l'Europe méditerranéenne, orientale et centrale, où l'immigration clandestine est un problème considérable. Du fait de leur situation «irrégulière», les migrants sont privés des droits fondamentaux et sociaux et de leur dignité humaine, s'exposant non seulement à des conditions de vie incertaines mais à des violences et à l'exploitation.

2) Deuxièmement, l'Assemblée a aussi recommandé aux Etats membres de créer et d'entretenir des voies d'immigration légale, notamment à travers des programmes d'emplois de durée déterminée ou saisonniers, mesure qui contribuerait aussi à réduire les migrations irrégulières.

3) Troisièmement, elle a exhorté les gouvernements à s'attaquer aux causes

des migrations clandestines et à renforcer la coopération et les partenariats avec les pays d'origine, à améliorer la coopération internationale pour lutter efficacement contre la traite d'êtres humains et à trouver des moyens viables de combattre cette forme moderne d'esclavage en arrêtant et en sanctionnant les trafiquants tout en offrant protection et assistance aux victimes.

4) Enfin, l'Assemblée a préconisé la mise en place de politiques de nature à favoriser l'intégration des immigrés en situation régulière et à améliorer les relations intercommunautaires, notamment en développant la participation des immigrés et des résidents étrangers à la vie politique et en renforçant les liens entre les Européens vivant à l'étranger et leur pays d'origine.

A l'heure actuelle, la Commission examine une série de questions, dont la création d'une charte d'intention sur l'immigration clandestine, la situation des jeunes migrants, de nouvelles politiques d'intégration des immigrés, le travail clandestin des immigrés dans l'agriculture et la situation des travailleurs migrants européens.

Les travaux de la Commission reposent sur la conviction que les migrants font partie intégrante de notre société. Les choix politiques fondamentaux en ce début du XXI^e siècle visent à faire en sorte que cette fraction de notre société soit un atout et un facteur de cohésion.

Il convient de définir de nouvelles politiques d'intégration pour que les migrants participent efficacement à la société en tant qu'étudiants, travailleurs, électeurs, leaders d'opinion, responsables politiques ou, tout simplement, individus membres de la communauté. Les flux migratoires sont une constante dans l'histoire de la société humaine et il y en aura toujours. Il existe cependant un moyen de les réguler et il faut pour cela instituer un système fiable de gestion des migrations, auquel les émigrants potentiels et les ressortissants des pays d'accueil puissent se fier.

L'enjeu pour le XXI^e siècle est de ne pas se tromper sur les concepts: ne réduisons pas le concept de MIGRATION à la seule IMMIGRATION. De nombreux migrants proviennent de pays non européens, mais beaucoup sont des Européens qui vont, en toute légalité ou non, d'un pays membre du Conseil de l'Europe dans un autre. Pour certains Etats, ce sont des immigrés; pour d'autres ce sont des émigrants ou des émigrés de retour. En sa qualité de Président de notre Assemblée, M. Peter Schieder a d'ailleurs fait observer à juste titre à Lucerne «A côté de ceux qui fuient les persécutions politiques, religieuses, ethniques ou autres, il y a aujourd'hui ceux qui cherchent à venir dans nos pays pour des raisons économiques et qui, d'une façon générale, ne sont plus les bienvenus».

Là encore, ne réduisons pas la question de l'IMMIGRATION à un CONTROLE DE L'IMMIGRATION. Les événements du 11 septembre ont renforcé la tendance à centrer le débat relatif aux migrations sur la question de la sécurité des frontières. Pour des centaines d'immigrés clandestins qui traversent une frontière, il y en a des milliers d'autres, réguliers ceux-là, dont le droit de participer pleinement à la vie de nos sociétés

devrait être respecté et garanti.

L'enjeu du XXI^e siècle sera la mise en place des instruments appropriés pour traiter ce phénomène des migrations dans toute sa complexité. Notre continent n'est pas seul concerné, naturellement, mais ici à Helsinki nous nous concentrerons sur l'Europe.

Comme l'a fait observer M. Walter Schwimmer, Secrétaire Général du Conseil de l'Europe, dans son discours d'ouverture, l'Europe a besoin d'une nouvelle structure pour mettre au point une approche cohérente, intégrée et durable des migrations. C'est un défi que notre Organisation et l'Union européenne affrontent depuis des années. Je rappellerai à ce sujet le débat du Sommet de l'Union européenne à Séville en juin de cette année.

J'aimerais développer cette idée et lancer une proposition à l'attention de la présente conférence.

Dans sa Recommandation 1449 (2000) «Migration clandestine du sud de la Méditerranée vers l'Europe», l'Assemblée a recommandé, entre autre, la création d'un Observatoire européen des migrations dont le principal objectif serait d'analyser la dynamique intrinsèque des migrations clandestines, de conduire des recherches sur le nombre des victimes de ce type de migration ainsi que sur les causes et les effets des migrations clandestines en Méditerranée et d'étudier l'impact et les pratiques du trafic d'êtres humains et du crime organisé dans la région.

Je pense que cette Recommandation, bien que limitée à une aire géographique spécifique, mérite toute notre attention. Son objectif est d'améliorer la maîtrise des flux migratoires et de faire la lumière sur les causes et les effets des migrations clandestines. Tous les Etats membres du Conseil de l'Europe partagent ces préoccupations car tous sont concernés en tant que pays de destination, de transit ou d'origine des migrants ou de migrants clandestins ou à plusieurs titres à la fois.

Nous devons nous doter d'un instrument paneuropéen pour mieux contrôler les flux migratoires, étudier des politiques et des législations en matière de migration ou affectant les migrations et favoriser l'échange d'informations afin d'améliorer la gestion du problème dans le plein respect des droits de l'homme et de la dignité de la personne.

Pour être efficace, un tel instrument requiert la participation des Etats membres du Conseil de l'Europe et de l'Union européenne ainsi que des pays non européens d'origine et de transit des flux migratoires. Etant donné le rôle croissant du troisième pilier au sein de l'Union européenne, cette solution offrirait en outre l'avantage d'associer efficacement les efforts de cette Organisation à ceux du Conseil de l'Europe. J'espère que les Etats non membres présents à cette conférence participeront activement à la création de cet Observatoire – en particulier nos voisins du Sud de la Méditerranée dont l'Assemblée apprécie vivement la présence ici parmi nous.

Un tel instrument s'appuierait sur l'expérience de tous les Etats participants, du Conseil de l'Europe, de l'Union européenne, de l'Organisation internationale des migrations (OIM), du Haut Commissariat des Nations Unies pour les réfugiés (HCR) et

d'autres organisations pertinentes y compris non gouvernementales.

Je suis convaincu qu'un accord partiel élargi ou un accord élargi selon la Résolution statutaire (93) 28 du Comité des Ministres serait la structure appropriée. L'accord offrirait une base juridique à la création de l'organisme de contrôle, un Observatoire, préconisé dans la Recommandation 1449 (2000) de l'Assemblée parlementaire.

En conclusion, j'invite les délégations présentes à cette conférence à examiner avec la plus grande attention cette proposition.

Messieurs et Mesdames les ministres, Mesdames et Messieurs

Je vous remercie de votre attention et j'espère que vos travaux seront fructueux.

OPENING STATEMENT

Bernard SUAUD

**Chair of the Social Cohesion Committee of the
Congress of Local and Regional Authorities of the Council of
Europe**

*Madam Chair,
Ministers,
Secretary General,
Ladies and Gentlemen,*

I should like, first of all, to thank you for inviting the Congress of Local and Regional Authorities of Europe to play a full part in this major conference, which will consider a decisive issue for the future of Europe's towns and regions.

As you are aware, Europe's towns and regions are increasingly having to deal with the direct consequences of migrant groups settling in or passing through their areas. Whether this involves setting up local or regional welfare services specifically designed for lawfully settled immigrants or responding to emergency situations resulting from the arrival of clandestine immigrants, local and regional authorities are very often the first "point of contact" for migrant communities in the broad sense.

Although towns and regions clearly have growing responsibilities in this area, it is nevertheless the case:

- that migration policies are still usually shaped at national level, without account always being taken of specific local or regional contexts; in other words, the ability of towns and regions to absorb migrants in terms of housing, employment and welfare services;
- that towns and regions often do not have the material resources to enable them to meet their responsibilities to the full.

For several years now, the Congress of Local and Regional Authorities of Europe has been voicing the concerns of European towns and regions regarding migration issues, while at the same time issuing numerous recommendations to local and regional authorities urging them to implement various policies aimed at more effective integration of migrant communities, eg. better access to welfare services, securing of their fundamental rights and the proper development of neighbourhoods with high concentrations of immigrants.

The Congress has focused, in particular, on effective participation by immigrants in public life at local level, for instance through the principles of the European Urban

Charter, the Convention on the Participation of Foreigners in Public Life at Local Level and, more recently, Recommendation 115 adopted during the 9th Plenary Session this year (2002), which calls for the setting up of consultative committees or other institutional mechanisms to enable foreign residents to put their points of view across to local authorities. Consultative bodies of this kind are one of the instruments proposed in the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level. Such participation is not only fair from the angle of democratic principles but is also an essential stage in the process of genuinely integrating foreigners in the communities where they live. The Congress is actively pursuing its work in this area with a view to promoting best practices and fostering debate and the pooling of experience by local and regional authorities, as more and more of them clearly are already faced with the relevant issues today or will be in the future.

At the same time, in connection with a report under preparation on the role of local and regional authorities in promoting employment for vulnerable social groups, our Committee on Social Cohesion, which I am honoured to chair, is seeking to put forward guidelines aimed at fostering, at local and regional level, employment opportunities for migrant communities suffering severe social exclusion.

While the challenges for policies aimed at integrating migrants in European societies are particularly numerous, as underlined by theme 1 of our conference, they are no less numerous than those posed by clandestine migration and its impact on social cohesion in our towns and regions.

In 1997, the Congress held a joint conference with Puglia region in Bari to assess the capacity of local and regional authorities in Mediterranean Europe to cope with sudden influxes of clandestine immigrants. Naturally, the conclusion – which is still valid today – was that local and regional authorities are very poorly prepared for these new tasks of a humanitarian nature.

In the same connection, our committee has recently begun preparing a report on local and regional policies for managing refugees and displaced persons in south-eastern Europe, mainly covering the countries of the former Yugoslavia, and would be very keen to develop co-operation with institutions and experts working in that area.

In conclusion, I would like to say that our Congress has adopted a balanced stance on migration issues, taking account both of the need for the integration of immigrant communities settled in our towns and regions (with civic participation and employment being key factors here) and of the concerns of local and regional authorities given the negative impact which clandestine migration can have on social cohesion within their areas.

DECLARATION

Bernard SUAUD

Président de la Commission de la Cohésion sociale, Congrès des Pouvoirs Locaux et Régionaux de l'Europe

*Madame la Présidente,
Mesdames et Messieurs les Ministres,
Monsieur le Secrétaire Général,
Mesdames et Messieurs,*

Permettez-moi tout d'abord de vous remercier d'avoir invité le Congrès des Pouvoirs Locaux et Régionaux de l'Europe à prendre toute sa part à cette importante conférence qui sera consacrée à un thème déterminant pour l'avenir de nos villes et régions européennes.

Comme vous le savez, les villes et les régions d'Europe sont en effet appelées, de façon croissante, à gérer les conséquences directes de l'installation ou du passage sur leurs territoires de populations migrantes. Qu'il s'agisse de mettre en place, aux niveau local et régional, des services sociaux spécifiquement adaptés aux immigrés régulièrement installés ou qu'il s'agisse de répondre à des situations d'urgence provoquées par l'arrivée d'immigrés clandestins, les collectivités locales et régionales sont donc très souvent le premier « point de contact » des populations migrantes au sens large.

Mais il convient aussi de reconnaître que si les villes et régions ont incontestablement des responsabilités croissantes dans ce domaine, il demeure :

- que les politiques migratoires restent le plus souvent définies à l'échelle nationale, sans toujours prendre en compte les contextes locaux ou régionaux spécifiques, c'est-à-dire notamment la capacité d'absorption des villes et régions en termes de logement, d'emploi, de services sociaux divers ;
- que les villes et régions manquent souvent des moyens matériels leur permettant d'assumer pleinement ces responsabilités.

Depuis plusieurs années déjà, le Congrès des Pouvoirs Locaux et Régionaux de l'Europe, s'est fait l'écho des préoccupations des villes et régions européennes face aux questions migratoires, tout comme il a adressé de multiples recommandations aux pouvoirs locaux et régionaux d'Europe pour qu'ils mettent en œuvre, à leur niveau, diverses politiques visant à une meilleure intégration des populations migrantes : meilleur accès aux services sociaux pour ces populations, garantie de leurs droits fondamentaux, aménagement des quartiers à forte concentration d'immigrés.

Le Congrès s'est tout particulièrement concentré sur les conditions effectives de la participation des immigrés à la vie publique au niveau local, que ce soit au travers des principes de la Charte urbaine européenne, de la Convention sur la participation des

résidents étrangers à la vie publique locale ou, tout récemment encore, dans le cadre de sa Recommandation 115, adoptée lors de la 9^{ème} Session plénière de juin cette année, et qui prône la création de comités consultatifs ou d'autres mécanismes institutionnels permettant aux résidents étrangers de faire valoir leur point de vue au niveau des autorités locales. De tels organes consultatifs sont un des instruments proposés dans la Convention du Conseil de l'Europe visant à promouvoir la participation des étrangers à la vie publique locale. En effet, une telle participation est non seulement juste du point de vue des principes démocratiques mais, de plus, elle est une étape indispensable pour réussir une véritable intégration des étrangers dans les communes qui les accueillent. Le Congrès poursuit activement ses travaux dans ce domaine afin de promouvoir les bonnes pratiques et favoriser le débat et l'échange d'expériences entre collectivités territoriales car, de fait, de plus en plus d'entre elles sont déjà ou seront confrontées à ces questions.

De même, dans le cadre d'un rapport en cours sur le rôle des pouvoirs locaux et régionaux dans la promotion de l'emploi des groupes sociaux vulnérables, notre Commission de la Cohésion sociale, que j'ai l'honneur de présider, cherche à proposer des lignes directrices visant à favoriser, aux niveaux local et régional, la création d'emplois en faveur des populations migrantes se trouvant en situation de grande exclusion sociale.

Mesdames et Messieurs, si les défis pour la politique d'intégration des migrants dans nos sociétés européennes sont, comme l'annonce le thème 1 de notre rencontre, particulièrement nombreux, ils ne sont pas moins nombreux que les défis nés des mouvements migratoires irréguliers et leurs conséquences sur la cohésion sociale dans nos villes et nos régions.

En 1997, le Congrès avait co-organisé à Bari avec la Région des Pouilles une conférence qui avait pour objectif d'évaluer la capacité des collectivités locales et régionales de l'Europe méditerranéenne à faire face à l'arrivée subite et clandestine de populations migrantes sur leurs territoires. Naturellement, le constat, toujours valable aujourd'hui, est que les collectivités territoriales sont très peu préparées à ces nouvelles missions de type humanitaire.

Dans ce même contexte, notre Commission vient de commencer la préparation d'un rapport sur les politiques locales et régionales de gestion des réfugiés et personnes déplacées en Europe du Sud-Est qui couvre pour l'essentiel les pays de l'ex-Yougoslavie et serait très intéressée à développer des liens de coopération avec des institutions et des experts travaillant dans ce domaine.

Mesdames et Messieurs, je dirais pour conclure que c'est une position d'équilibre que notre Congrès a adopté sur les questions migratoires, équilibre entre la nécessaire intégration des populations immigrées installées dans nos villes et nos régions (la participation citoyenne et l'emploi étant ici au cœur de l'intégration sociale de ces populations) et la prise en compte des préoccupations des pouvoirs locaux et régionaux face aux atteintes que les migrations irrégulières peuvent porter à la cohésion sociale dans leurs territoires.

OPENING STATEMENT

Ohran GÜVENEN

**Chair of the Governing Board of
the Council of Europe Development Bank**

On behalf of the Council of Europe Development Bank and of the Vice-Governor Mr Ruiz Ligero who is accompanying me, I would like to thank you for having invited the Bank to this important and prestigious gathering.

Close links between the Council of Europe and its Development Bank (CEB) are very important and the Bank can profit very much from your experience, the work of this conference and its results, which we will follow very carefully with a view of taking them into consideration in the work of the Bank.

Migratory flows in Europe

The control of migratory flows, whose causes are political as well as economical and social and their geographical domain which covers continents and countries, represents a considerable challenge for Europe, international community and its Governments in the coming years.

The question of immigration encompasses various different realities: refugees and displaced persons who are the victims of armed conflicts or authoritarian political regimes, movements of populations in search of better living conditions more in keeping with human dignity.

Over and above the need to take into account emergency situations, it is also essential to implement structured development policies that can facilitate the economic and social integration of the populations concerned.

It is within this framework that the Council of Europe Development Bank's action is situated.

The CEB's statutory mandate

The CEB is the only development bank with an exclusively social purpose and whose Articles of Agreement specifically mention aid to refugees, displaced persons and migrants as being one of its priorities. Thus, Article 2 of the Articles of Agreement reads:

" The primary purpose of the Bank is to help in solving the social problems with which European countries are or may be faced as a result of the presence of refugees, displaced persons or migrants consequent upon movements of refugees or other forced movements of populations and as a result of the presence of victims of natural or ecological

disasters.

The investment projects to which the Bank contributes may be intended either to help such people in the country in which they find themselves or to enable them to return to their countries of origin when the conditions for return are met or, where applicable, to settle in another host country."

The CEB's action in this field

Since its inception in 1956, the CEB, whose original name was in fact the "Council of Europe Resettlement Fund", has demonstrated its efficiency in providing emergency aid and in undertaking actions in favour of the resettlement and sustainable integration of the populations concerned.

The CEB's action consists in granting long-term loans at a very favourable cost, in giving guarantees and in providing technical assistance both upstream and downstream of investment projects.

The Bank's action is also based on a network of partnerships with other international financial institutions, on its collaboration with organisations such as the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP) or the International Organisation for Migration (IOM) and on its active participation in regional initiatives such as the Stability Pact for South Eastern Europe.

In practical terms, the CEB undertakes actions: in the host countries, in order to facilitate emergency aid to new immigrants, the intensification of social integration programmes for immigrants and the provision of assistance for the eventual return of migrants to their countries of origin.; and in the countries of emigration, within the wider framework of its action to promote development and social cohesion.

In the host countries, the CEB's aim is to facilitate the economic and social integration of refugees and migrants. To that end, it finances the construction of social housing, the creation of reception centres and social services, particularly in disadvantaged neighbourhoods where such vulnerable populations are concentrated, as well as projects in favour of employment and vocational training. Actions of this kind have been undertaken in France, Germany, Portugal and Spain, among other examples.

When conditions for return to the country of origin are met, the Bank provides support for the resettlement and reintegration of refugees, migrants and displaced persons wishing to return: this is the case in particular in the Balkans where, after over 10 years of conflict causing vast movements of populations, several projects aimed at facilitating the return and re-integration of refugees have received CEB financing.

In countries of emigration, which comprise most of the transition countries in central and eastern Europe and also Turkey - a country of emigration but also one of transit - high levels of unemployment, combined with insufficient levels of investment in economic and social infrastructure, generate poverty. In these countries, by investing in social development, the most vulnerable sections of the population can be supported, thereby reducing poverty levels that, more often than not, are at the root of the decision

to emigrate.

The CEB finances social projects:

- in favour of the most vulnerable population groups (minorities, refugees, victims of natural disasters, Roma, abandoned children, etc.),
- that contribute to alleviating the social difficulties inherent to the "transition" process,
- implemented through institutions that have shown a real capacity for developing quality projects,
- in partnership with States, banks and local authorities - in each case, the CEB endeavours to make these different partners "attentive" to the real needs of the population,
- in consultation and cooperation with the other IFIs - by participating in advisory groups for the co-ordination of policies and the co-financing of projects.

The challenges for the future

In view of the increasing migratory flows, the CEB is ready to intensify its action in this field, at the request of the countries concerned, by: (i) Providing support for projects that contribute to reducing migratory flows; (ii) Facilitating return whenever it is desired; and (iii) Promoting the integration of populations in the host countries.

In operational terms, the CEB will therefore have to grant financings to projects which correspond to these objectives and which promote:

- improvements in the conditions for access to employment through vocational training and education in general;
- investment in potential growth areas of the economy (notably in small and medium-sized enterprises, which are the driving force behind the economy) and, in particular, access to credit;
- improvements in the life environment through the rehabilitation of often very rundown housing and obsolete national and urban infrastructure facilities;
- the development of the more remote rural areas;
- improvements in the quality of healthcare and training through the rehabilitation and modernisation of health and education infrastructures, accessible to all.

It is also the CEB's role to foster awareness and provide complementarity. Normally, the CEB may finance up to 50 % of the cost of a programme. Its contribution therefore makes it possible to attract other financing sources, either local or

international, into the social investment field. It also co-ordinates its activity with the other IFIs at strategic level, thus playing a complementary role with respect to other public and private financing sources.

In conclusion

Migratory phenomena call for responses that are necessarily many and varied, reflecting the complexity of this question in all its political, geographic, economic and social aspects.

On the strength of its experience and faithful to its social vocation, the CEB intends to pursue and intensify its aid not only in favour of economic and social development in the countries of emigration, but also in favour of sustainable integration in the host countries.

In the context of its responsibilities, the Bank will benefit from the links it has established with its member countries and the other international institutions, in particular in terms of exchanges, in elaborating strategies, analysis and implementation.

OPENING STATEMENT

Joaquim NUNES DE ALMEIDA

European Commission¹

*Mr. Chairman,
Ministers,
Secretary General,
Ladies and Gentlemen,*

It is both an honour and a pleasure for me to be able to speak to you today on behalf of Commissioner Vitorino. He very much regrets that he could not be present himself since you will be examining some of the key policy options which Europe faces today with respect to migration - its management and its consequences – especially increasing diversity within our societies. These are areas on which the European Union has been charting a new course over the last few years and I would like to comment briefly on some of the issues you will be discussing in the next day and a half and present to you the policy which we have already adopted and the options we are considering.

I think it is worth reminding you that the common policy - which the candidate countries will be adopting when they join the Union – is based on a number of principles agreed by the Heads of State and Government at the European Council meeting held here in Finland, in Tampere, in October 1999. These are:

- a comprehensive approach which acknowledges the necessity of developing measures to deal, simultaneously with all the different aspects of migration and which tries to find a balance between humanitarian and economic admission;
- fair treatment for third country nationals, aiming to give them comparable rights and obligations to those of nationals of the Member State in which they live;
- the development of partnerships with countries of origin and of transit, including policies of co-development, as an important element in migration management strategies;
- a separate common policy for asylum which fully respects the terms of the Geneva Convention and Member States' obligations under

¹ Member of the Cabinet of Antonio Vitorino, Commissioner for Justice and Home Affairs.

international treaties.

The Commission has proposed a two-step approach to establishing this common policy: on the one hand, putting in place by 2004 a basic legislative framework of European directives which set minimum standards and establish common procedures in a number of areas for legal admission and on the other hand, an open coordination mechanism to encourage discussion of migration issues so as to promote the progressive convergence of national policies and practices and - in the longer term - the development of common objectives and standards.

At this half-way stage in the implementation of the Tampere programme all the asylum and immigration legislation required by the Amsterdam Treaty has been drafted and some has already been adopted by the Council. The European Council in Seville has set new deadlines to speed up the process of decision-making so as to ensure that the target of 2004 is met.

Tackling illegal migration, smuggling and trafficking and effective control of the Union's external frontiers - now and after enlargement - is the counter-part to ensuring legal channels for admission function effectively. This is an essential part of the comprehensive approach. In these fields a considerable amount of work has been done. Most recently the Commission presented a communication on illegal migration and, based on its proposals, a coordinated action plan for Europe has now been adopted by the Council and is being implemented. Following its Green paper on return policy for illegal residents, the Commission is now preparing a Communication which will set out policy proposals for developing a European approach in this specific area.

Dialogue and partnership with third countries both of origin and transit are considered as integral parts of the common policy. This will be a continuous and long-term process requiring the building up of confidence and the identification of shared objectives, but a good start has been made. The work of the High Level Working Group on Asylum and Immigration are an illustration of this new approach. A new budget line for co-operation with third countries in the area of migration (B7-667) has been created to support actions with them and to increase Community capacity in the area of migration management. We are, however, now engaging on a major re-think of the interaction between migration and development policies with a view to elaborating a new approach.

Already since the Tampere Council, a much wider range of migration issues, going beyond border controls and re-admission agreements, are now in discussion with third countries. A particular example is the Framework programme for developing co-operation in the field of Justice and Home Affairs - in which migration issues have an important place - which has recently been agreed with the Mediterranean countries. Co-operation between the ASEM countries and the EU on the management of migratory flows has been reinforced. Discussions with China on

preventing illegal migration have developed well in recent months. Initiatives such as these will continue to be developed in the years ahead.

Turning finally to the issue of integration. This touches upon some very fundamental values within our-selves and in our societies. There have been many attempts over the years to define integration, but no agreement on a common definition. Integration means different things to different people. I believe that integration is a feeling of belonging, a feeling of being accepted and of being a part of society. But integration is also a process. It is a dynamic and two-way process that places demands on both the host societies and the individuals concerned.

We *cannot* create a feeling of belonging within a person. What we *can* do is to facilitate the process by developing integration policies that enable the individual to become a part of social and political life as well as the labour market in our countries. Immigration is a fact of life and we therefore have to deal with it. I believe, however, that the time has come to acknowledge publicly that we in fact *need* legal immigration. There are important sectoral and regional shortages of manpower in the European Union and in the candidate countries. It is significant I think that some Member States have stated that they do not intend to implement the full transition periods for the free movement of people when enlargement becomes a reality. I am also aware of the fact that in some Member States there is still a high unemployment rate among nationals and especially among ethnic minorities and second generation immigrants – this must be dealt with as well.

Unemployment and exclusion of ethnic minorities from the labour market coexist with labour shortages in certain sectors, occupations and regions, and in this context we must not fail to acknowledge that immigration has a major influence on the labour market in the European Union and therefore must be managed accordingly. I believe a stronger link between immigration and integration policies on the one hand and national employment strategies on the other will foster further progress in obtaining the goal of full employment as set forth in the European Employment Strategy. Development of new guidelines concerning migratory flows and fixing goals and initiatives to improve integration of migrants may be of crucial importance if we are to respond adequately to demographic trends, globalisation and enlargement.

Integration policies entail both rights and obligations. Immigrants must be prepared to adapt - without having to lose their own cultural identity - to the lifestyle of the host society. The host society must welcome and respect greater diversity and actively facilitate the integration process. A mutual and responsible relationship between immigrants and host societies must be established.

The European Charter of Human Rights provides the inspiration for EU legislation concerning the rights of migrants. You will recall that almost all rights conferred by the Charter are already valid for all persons regardless of their

nationality. The results of the Convention on what kind of binding status the Charter should be given will be decisive.

Integration happens at the workplace, in school, at the bus stop, in sports clubs – it happens in everyday life and that is why the social partners and civil society in general play such an important role in promoting integration. It is very important to make sure also that the local actors - local and regional authorities, NGO's, local associations and representatives of civil society - including of course immigrants themselves – are involved in both the development of policies and in implementing activities.

Successful integration benefits immigrants and host societies. Unsuccessful integration, conversely, may lead to marginalisation, alienation, discrimination and 'ghetto-isation' particularly in large metropolitan areas. No one can possibly benefit from such a situation.

In order to support the efforts made by civil society and to enable civil society, the social partners, local and regional actors to promote the integration processes, the Commission will be establishing a programme of preparatory actions to promote the integration of immigrants over the period 2003-2005.

I believe that this conference, focusing on migration management and integration is very timely. These subjects are certainly high on the current political agenda of the EU. Most recently the informal Justice and Home Affairs council meeting in Copenhagen two days ago reviewed the results of a conference on integration of migrants into the labour market which was held in July as one of the first initiatives of the Danish presidency.

Migration, however, is an international phenomena – it affects all European countries in one way or another. I therefore particularly welcome this opportunity to discuss the very complex and sensitive issues involved in a broader regional framework. The Council of Europe, whose actions are so firmly rooted in a human rights approach, provides an ideal context in which to do so. I am sure that this conference will provide a valuable input into designing the policies we all need to meet the challenges which migration poses today and to fostering cooperation between the Council of Europe and the European Union.

SESSION I

CHALLENGES FOR INTEGRATION POLICY

KEYNOTE SPEECH

Thierry DETIENNE

**Minister of Social Affairs and Public Health of
the Walloon Region (Belgium)**

Two distinctive main lines have to be envisaged in terms of European migration policy. On the one hand, there is the migrating situation, that is, all what concerns flows, and on the other hand, there is the post migration situation, that is, all what concerns integration on a social, political, economic and cultural level.

The second level makes up the content of my speech as it is in terms of challenge that it will be envisaged.

The Council of Europe symposium that I chaired and which was held in Belgium in September 2000 on : “Diversity and cohesion, new challenges for integration”, highlighted the fact that we are facing a more receptive society in terms of hosting new migrants and of considering those who have been in the host country for a longer period.

I believe I am right to claim that many states with a longer experience of immigration are increasingly moving towards a policy based on the principle of integration after having carried out a policy based on assimilation.

The report sustaining our symposium was founded on the principle that the integration of immigrants and national minorities is one of the pillars of social cohesion.

Most of the time, in the European common view on immigration, this phenomenon is only considered from an economic point of view. It is either seen as an advantage in terms of labour supply in sectors facing imbalance between the offer and demand of competence, or as a disadvantage for making our social systems fragile.

I find it important that we should go beyond these elements directly dictated by market demands or by fear and withdrawal into self-identity, in order to develop a coherent European policy.

There are several stakes, whether they be voting rights or economic and social rights - of which the right to be employed is an important aspect- and the end of discrimination.

The guideline I advocate is to foster a concept that links these fundamental

rights to citizenship.

Although it is not currently the most debated question, I would like to highlight the stake carried by regularisation.

Indeed, in Belgium, 2000 was the year of the regulation of people “without papers”.

It took almost 20 months for the regulation Commission to examine and deal with the requests. We can see to-day that the campaign has been globally positive. Tens of thousands of people have finally been granted a social status.

Although the conditions in which this campaign was carried out and the slow progress are rightly questionable, still, we can congratulate ourselves for the good results achieved at several levels.

All the various actors have been able to inspire confidence and enabled some people to get into the open; the regularisation rate is high considering the initial apprehension, and regularisation has finally been associated with the opportunity to get access to social rights.

I do not consider that regularisation should be limited to an administrative operation but it must also give the people concerned the opportunity to gain access to social and sanitary networks.

Therefore the original dynamic resting on the association of public and private authorities, both in the first and second line of work, seems to me an interesting idea as it allows networking of all the actors concerned and thus a coherent policy directed to more cross action.

For several years, or even decades, initiatives to assist migrants mainly consisted in providing literacy courses teaching the language of the host country- refresher or training courses, reception and assistance services to help professional integration. This aimed at encouraging them to adapt to the native way of life of autochthons, without giving importance to their experience, competence and assets they could bring to the country.

Today, while these actions are still necessary, especially in the first stage of reception, they must increasingly be followed by a plan of action in a process of social integration.

The vision that ‘the other’ has good potential, and that meeting him/her will lead to mutual recognition and enrichment, will help develop a vision of “the other” which will allow diversity and cohesion to grow as a source of wealth.

Countries with a population marked by diversity are often better equipped to take up the challenges of globalisation. They are more familiar with cultural, languages and custom diversity. They have learned to move along in a multicultural environment and have absorbed it in their action.

Given their personal links both in the country of origin and in the host country, immigrants have also a privileged position to aid cultural and economic development of both the country of origin and in the host country.

To envisage the meeting between two cultures implies addressing the cultural stake of immigration, which must materialise into a multicultural perspective without denying the existing mutual apprehension.

When managing our own contradictions, it often appears that blind intelligence is rapidly balanced by awareness, that complex thinking comprises ambiguity and paradox without disqualifying reasoning, and that, in fact, it is impossible to know ‘the other’ completely.

As French anthropologist and psychiatrist Rachid Benegadi said at a conference held in Namur in September 2000, the fact of integrating and being conscious that we are changing, the inner and outer integration - that is the fact of creating links inside and outside - allows individuals/societies to work on renouncement, on necessary grief, borrowing, imitation, cracks, passion or commitments.

An element of diversity can bring sense or chaos, it can unify or dismantle; it is not a matter of trying to contain this efflorescence but rather to channel it in order to add even more energy to cohesion.

This analysis implies that cultural pluralism is an intrinsic characteristic of our societies and that identities develop through a dynamic process generated by contacts between cultures, including, at times, conflicting moments, which are sometimes unfortunately expressed by extreme votes in national or European elections.

The decision to finance associations which are efficient in clearing the intercultural space and consolidating the links that allow individuals and their ideas and emotions to circulate in view of practising inner breeding or confrontation, is certainly a good mean of triggering processes which create spaces that open opportunities to establish some links.

However, in Europe and even less in other parts of the world, we are far from being united about the richness that immigration can bring.

That is the reason why the respect of human rights and the fight against racial discrimination must be the matrix of our political action or social cohesion.

The Universal Declaration of Human Rights, the International Pact related to political and social rights and the Treaty of the European Union state clearly that the principle of non discrimination is a fundamental element of democracy.

An intensive public-awareness campaign focused on the recognition of diversity must be carried out in parallel - for natives, the police, magistrates, both public and private companies and social services.

In order to achieve this within the scope of my powers at regional level I have developed various services implementing new professions such as the intercultural mediators who stand as mediators between services, institutions and immigrants and who inform each parties concerned about ‘the other’ culture. Thus, a specific service of intercultural mediation has been developed in hospitals, and I am proud to mention the creation of a special service for the travelling people.

Among these new professions - which are mainly accessible to immigrants as it is necessary to know one of the immigrant community languages - there is the intercultural assistant – who, as his name implies, assists people in need in the various administrative or other steps - and the social interpreter. An interpretation service capable of answering questions in more than 100 different languages is available to the various structures providing aid to people.

However that may be, a legal arsenal will be necessary to carry out properly the new management policy on diversity in order to ensure an efficient fight against racism and intolerance, professional and housing discrimination, to sanction and put an end to some xenophobic behaviour which is totally unacceptable in this day and age.

Particular events such as those which took place on 11 September 2001 or situations of humiliation, conflicts or violence such as those experienced in the Middle East, can quickly damage years of slow reconciliation.

We all know that peace and democracy should never be taken for granted but must be built over time.

In order to build upon solid foundations, no policy on migrant integration can take shape without a true and effective involvement of our citizens – whether they are foreigners or not - they must be consulted from the outset of the legal process.

It is imperative that the exclusiveness of national belonging as the criteria for political participation be abandoned. It is indeed citizenship that brings dignity and allows to have a place in society.

I will end my speech on a point which seems to me to be crucial in integration as in all kind of policies be they social or not. This is the need to assist and assess them during the elaboration process in order to implement relevant policies, allow for progress or re-orientate them to other objectives. This assessment must be carried out by all actors including those benefiting from the measures and schemes.

The assessment of integration policies and the integration of foreigners is a complex but essential task.

At European level, reaching agreement on a number of indicators permitting the measurement of integration and enabling the undertaking of some cultural integration work on the authorities in charge of gathering data, encouraging them to gather data that ensures discussion on more or less the same thing, or to give the same meaning to the concepts used - would already be an important step forward in this field.

May this conference support the proposals taken up in the draft final declaration of this conference and work for ensuring that migrants' integration be a real stake and wealth for social cohesion.

SEANCE DE TRAVAIL I

DISCOURS INTRODUCTIF

Thierry DETIENNE

Ministre des affaires sociales et de la santé
du Gouvernement wallon (Belgique)

En matière de politique européenne des migrations, deux grands axes distincts doivent être envisagés. D'une part la situation migratoire, c'est-à-dire tout ce qui concerne les flux, d'autre part la situation post-migratoire qui concerne tout ce qui relève de l'intégration dans ses dimensions sociales, politiques, économiques et culturelles.

Ce deuxième axe constitue la teneur de mon intervention puisque c'est en terme de défis que nous allons l'envisager ensemble.

Il est apparu lors du colloque du Conseil de l'Europe que j'ai présidé en Belgique en septembre 2000 intitulé « Diversité et cohésion, de nouveaux défis pour l'intégration », que nous sommes confrontés à une mutation sociétale en matière d'accueil des nouveaux migrants et de considération vis-à-vis des plus anciens.

Je crois pouvoir affirmer que nombre d'états de plus vieilles immigrations, après avoir mené une politique vis à vis des personnes étrangères basée sur le principe de l'assimilation, s'orientent de plus en plus vers une politique basée sur l'intégration.

Le rapport qui alimentait notre colloque posait comme principe que l'intégration des immigrés et des minorités nationales est un des piliers de la cohésion sociale.

Les discours communs dissertant sur l'immigration au niveau européen envisagent le plus souvent ce phénomène sous son seul angle économique. Soit comme un atout par l'apport de main d'œuvre dans les secteurs en déséquilibre au niveau de l'offre et de la demande de compétences, soit comme un désavantage en étant perçue comme un élément fragilisateur de nos systèmes sociaux.

Je pense qu'il est important de pouvoir dépasser ces éléments les plus directs dictés par les demandes du marché ou par la peur et le repli identitaire afin de dégager une politique cohérente au niveau européen.

On arrive alors à un certain nombre d'enjeux ; que l'on parle du droit de vote, des droits économiques et sociaux dont l'accès à l'emploi qui en constitue un aspect important et de la levée des discriminations.

La ligne de conduite qui est la mienne est de favoriser un concept où ces droits

fondamentaux sont reliés à la citoyenneté.

Même si ce n'est pas le débat premier aujourd'hui, je voudrais mettre en évidence l'enjeu que représente les régularisations.

En effet, l'année 2000 fut en Belgique l'année des régularisations des sans-papier. Il a fallu près de 20 mois pour que les demandes soient examinées et traitées par la commission de régularisation. Aujourd'hui nous constatons que cette campagne est globalement positive. Ainsi des milliers de personnes ont pu se voir enfin établir et reconnaître un statut permettant l'ouverture de droits sociaux.

Même si on peut à juste titre discuter des conditions dans lesquelles s'est effectuée cette campagne et des lenteurs qui ont pu exister on peut se féliciter des résultats obtenus à différents égards.

L'ensemble des intervenants est parvenu à insuffler une confiance qui a permis à des personnes de sortir de la clandestinité ; le taux de régularisation est élevé par rapport aux appréhensions de départ et enfin elle a été attachée à l'accès à des droits sociaux.

Je ne considère pas que la régularisation doit se limiter à une opération administrative mais qu'elle doit aussi être pour ces personnes l'occasion d'être mises en relation avec les réseaux d'actions socio sanitaires.

Ainsi la dynamique originale reposant sur le fait d'associer pouvoirs publics et privés, tant dans le travail de première ligne que de deuxième ligne, me semble intéressante car elle permet la mise en réseau de l'ensemble des acteurs et par-là la cohérence d'une politique s'orientant vers plus de transversalité.

Pendant plusieurs années, voire décennies, les actions menées en faveur des migrants visaient principalement à dispenser à ses publics des cours d'alphabétisation à la langue d'accueil, de remise à niveau ou de formation en vue d'une insertion professionnelle. Le but étant d'inciter ces personnes à s'adapter aux modes de vie des autochtones sans trop de préoccupation pour les acquis, les compétences et les richesses que les migrants pouvaient apporter.

Aujourd'hui si ces actions ont encore toute leur raison d'être, surtout dans la première phase d'accueil, elles doivent s'accompagner de dispositifs prenant place dans un parcours d'intégration sociale.

Partir du postulat que l'autre a des potentialités et que de la rencontre pourra naître une reconnaissance et un enrichissement, c'est adopter une vision de l'autre qui fera évoluer la diversité et la cohésion vers une source de richesse.

Les pays dont la population est marquée par la diversité sont souvent mieux outillés pour relever d'autres défis comme celui de la mondialisation. La diversité des cultures, des langues et des coutumes leur est plus familière, ils ont appris à se mouvoir dans un environnement multiculturel et à s'en imprégner dans leurs actions.

Par les liens personnels dans le pays d'accueil et dans le pays d'origine et la valorisation de leurs compétences, les immigrés peuvent tenir une place de choix dans le développement économique et culturel de chacune des deux nations.

Envisager la rencontre c'est aborder l'enjeu culturel de l'immigration qui doit se concrétiser dans une optique multiculturelle mais qui ne nie pas les appréhensions réciproques existantes.

Dans la gestion de nos propres contradictions, il apparaît très souvent que l'intelligence aveugle est rapidement équilibrée par la prise de conscience, que la pensée complexe inclut l'ambiguïté et le paradoxe sans disqualifier le raisonnement et qu'en définitive, aucune connaissance de l'autre n'est jamais achevée.

Comme le disait Rachid Bennagadi, s'intégrer tout en étant conscient qu'on change, s'intégrer en soi et hors soi, c'est-à-dire créer des liens à l'intérieur et à l'extérieur, fait travailler le sujet ou la société sur les renoncements, les deuils nécessaires, les emprunts, les mimétismes, les fissures, les passions ou les engagements.

Un élément de la diversité peut être pourvoyeur de sens ou de chaos, il peut être fédérateur ou « dislocateur », mais il ne s'agit pas de contenir cette efflorescence mais plutôt de la canaliser pour ajouter encore plus d'énergie à la cohésion.

Cette analyse implique que le pluralisme culturel est une caractéristique intrinsèque de nos sociétés et que les identités se construisent en un processus dynamique à partir de contacts entre les cultures avec des moments de conflit malheureusement parfois concrétisés par des votes extrêmes lors d'élections nationales ou européennes.

Donner des subventions aux associations qui, avec pertinence, débroussaillent l'espace interculturel et consolident les ponts qui permettent aux sujets, à leurs idées, à leurs émotions de circuler pour pratiquer le métissage ou la confrontation, est sûrement un des moyens de déclencher des processus qui créent des espaces pour que les liens soient possibles.

Cependant, nous sommes loin d'avoir tous en Europe et encore moins dans d'autres parties du monde, la même opinion sur la richesse que peut apporter l'immigration.

Et pour cela, le respect des droits de l'homme et la lutte contre la discrimination doivent constituer la matrice de notre action politique en matière de cohésion sociale.

La déclaration universelle des droits de l'homme, le Pacte international relatif aux droits politiques et sociaux et le traité de l'Union européenne sont clairs quant au fait que le principe de non-discrimination représente un élément fondamental d'un régime démocratique.

Un travail de sensibilisation pour la reconnaissance de l'altérité est à poursuivre de manière intensive auprès des allochtones, des forces de l'ordre, des magistrats, des entreprises tant publiques que privées et des services sociaux.

Pour ce faire à l'échelon de mes compétences régionales j'ai souhaité développer différents services mettant en œuvre de nouvelles professions comme le médiateur interculturel qui intervient comme intermédiaire entre un service, une institution et un usager immigré et qui informe chacune des parties des composantes de

la culture de l'autre. Ainsi un service spécifique de médiation interculturelle se développe dans les hôpitaux et ce n'est pas sans satisfaction que je peux mentionner la dernière création en date à savoir un service de médiation pour les gens du voyage.

Parmi ces nouvelles professions, accessibles principalement aux personnes immigrées puisqu'il est nécessaire de posséder une langue d'une des communautés de migrants pour exercer, citons encore l'accompagnateur interculturel qui, comme son nom l'indique, accompagne l'usager dans ses différentes démarches administratives ou autres et l'interprète social. Un service d'interprétariat pouvant répondre aux demandes dans plus de cent langues différentes est disponible aux différentes structures d'aide aux personnes.

Quoi qu'il en soit, pour mener à bien cette nouvelle politique de gestion de la diversité, un arsenal juridique s'impose afin d'encadrer efficacement la lutte contre le racisme, l'intolérance, les discriminations à l'embauche, au logement et de mettre un terme à certains comportements xénophobes inacceptables de nos jours.

Des événements particuliers, comme ceux du 11 septembre ou les situations de conflits et d'humiliation comme ceux du Moyen-Orient par exemple, peuvent rapidement mettre à mal des années de travail et de lents rapprochements.

Nous le savons tous, la paix et la démocratie ne sont jamais acquis mais toujours à construire. Et pour construire sur des bases solides, notre politique d'intégration des migrants ne peut se concrétiser sans la participation réelle et effective de nos citoyens qu'ils soient migrants ou non et qui, dès l'élaboration de bases juridiques, devront impérativement être consultés. Il faudra sortir de l'exclusivisme national comme critère de participation politique. Car c'est la citoyenneté qui donne dignité et place dans la société.

Je terminerai mon intervention sur un point qui me semble crucial dans les politiques d'intégration, comme dans l'ensemble des politiques qu'elles soient sociales ou non : c'est l'évaluation et l'accompagnement de celles-ci ; afin de mettre en œuvre des politiques pertinentes, de progresser dans leur élaboration ou de les réorienter vers d'autres objectifs. Evaluation qui doit être menée par l'ensemble des acteurs en ce inclus les bénéficiaires des mesures et dispositifs mis en place.

L'évaluation des politiques d'intégration et de l'intégration des personnes étrangères ou d'origine étrangère est une tâche complexe mais indispensable. Au niveau européen, parvenir à se mettre d'accord sur un certain nombre d'indicateurs, mettre les mêmes contenus dans les concepts utilisés et améliorer le travail de la récolte de données serait déjà un pas important.

Puisse cette conférence avaliser les propositions reprises dans le projet de déclaration finale de cette conférence et œuvrer pour que l'intégration des migrants soit enjeu et richesse dans la cohésion sociale.

SESSION I

KEYNOTE SPEECH

Labros PAPADIMAS

**Under-Secretary of Interior, Public Administration and
Decentralisation (Greece)**

A new Charter of migration flow in Europe has been formulated during the 90's, since a great number of Europeans came to be added to the number of migrants from Asia, Africa and South America.

Greece, with a recent past of traditional emigration country, has already changed into a country receiving immigrants their majority coming from European countries.

The extended frontiers of our country (from sea and land) in combination with our being in the neighbourhood of migrants' origin countries as well as the existence of trafficking networks led to an enormous illegal migration flow. Enormous efforts have been made from a legislative, organizational and administrative point of view to keep this flow under control.

This is our specific distinction from most of European migrants receiving countries, which for decades have been in position to organize the migration flow according to their needs.

Despite the great difficulties, the high rate of growth of the last years enabled us to absorb the migration flow and integrate it into the manpower of the country. The benefit was sure to be mutual. For the migrant workers as well as for the National Economy.

In case the migration policy was to be set limits in a narrow-minded way, one would say that this "mutual benefit" gives the full description of it,

Yet, this is a narrow-minded approach, which is sure to lead to social exclusion and will end to undermine the social cohesion of the receiving country. It is an approach that will create phenomena of xenophobia and racism. It is an approach in conflict with the principles of the Council of Europe.

For this reason, the immigration policy of member States should deal in a global way with the migration phenomenon by defining the conditions of legal entry, stay and employment of migrants in the receiving countries as well as safeguarding their rights together with the setting of conditions for their social integration.

The planning of the migration policy and the political integration of the

receiving countries should be based on the following principles:

- The respect of human rights and the equal treatment of all citizens
- Their attachment to an open and democratic society
- The application, without any exception, of the legality and the rules of the state of law as provided by domestic law and the international conventions and
- The determined attitude against xenophobia and racism.
- The multiculture must be considered as an administration tool rather than a problem in the private as well as in the public sector.

The receiving countries must recognize that migration is a necessary means in view of covering existing and future needs in the labour market, arising from demographic changes. For this reason, there must be improved and intensive efforts in regard to the education and training in new technologies for migrants taking into account the needs of the labour market. Within this framework, the integration in the labour market constitutes an important integration tool. With their participation in it, the migrants contribute; in a positive way, to the comprehensive development of the society.

The integration must take place in the society in its entirety and be related to the conditions of active participation in the economic, social and cultural life of the receiving country. Consequently, it is important to follow up on the efforts in view of promoting equality and equal opportunities, safeguarding the mutual respect and fighting against the social exclusion and racial discrimination. Cooperation at Community level and within the Council of Europe member States could be based on exchanges of good practices, ideas and new experiences.

Within this framework, our Country will promote social integration, a basic priority issue of the Greek European Union Presidency in the First semester of 2003.

The Greek migration policy has been covering all policies and actions dealing with the entry and stay of migrants as well as their living and working conditions, on the basis of domestic needs.

Our country proceeded to the establishment of innovative rules for the entry and stay of migrants in the Hellenic territory. It safeguarded their rights, defined the obligations of migrants who stay lawfully in our country together with the obligations of the employers, the officials, the individuals and other people involved in migration matters and provided for relative sanctions.

For the regular and functional integration of migrants in the social and productive structures of the country, an action plan of 235 million euro has been elaborated for the period 2002-2006. The above plan aims to respond to the strategy of the Greek Government to cope with problems arising from populations moving to the Greek territory.

Within this framework, the general strategic aims, measures and actions are specified.

Indicative priority axes of the action plan are:

1. Information of migrants - awareness of society.

That is to say:

- Creation of information centres for Greeks with a view to eliminating eventual discriminatory practices and xenophobia, racism and exclusion. Information of the productive classes to enable the access of migrants to employment.
- Creation of information centres for migrants in the frontier posts and creation of specialized consultative information service of migrants to deal with questions of health, employment, education, etc at the prefectoral level.
- Creation of Reception Offices for questions of family reunification, adaptation, local labour market, etc.

2. Development and promotion of chances for the professional integration of migrants in the Greek labour market.

That is to say:

- Setting up of protection mechanisms of migrants rights to work and insurance
- Survey and upgrading of the abilities of migrants with a view to ensuring their integration in the labour market
- Promotion of the business abilities of migrants by strengthening the productive units they are specialized in.

3. Cultural approach of the Greek society with migrant groups

That is to say:

- Adoption of policies for the creation and function of multicultural training schools with particular emphasis on the teaching of the Greek language which will enable migrants to integrate in the everyday life
- Setting-up of second chance schools for adult migrants.

4. *Upgrading of health services and preventive medicine for migrants*

That is to say:

- Policies for the setting up and function of epidemiology centres in the frontier regions
- Setting up of multi medical and welfare units in areas where migrants live.

5. *Creation of supportive structures to cope with urgent needs for the reception and the temporary housing of migrants.*

That is to say:

- Creation of hosting and temporary stay mechanisms for migrants to face emergencies
- Creation of welfare mechanisms for the housing of migrants in order to avoid the creation of ghetto.

Furthermore, we have recently set up the Institute of Immigration Policy. The basic aims of this Institute are the research, the elaboration of studies and the planning and implementation of the national immigration policy, which includes among others, issues of social and cultural integration, education, culture, social assistance, the rights and obligations of immigrants as well as the awareness of society on immigration questions.

The immigration policy our country wishes to implement reflects the modern trends and conceptions formulated in the European Union according to which immigrants must be treated with respect to fundamental human rights and on the basis of the principles that govern a modern and democratic state of law.

SESSION I

KEYNOTE SPEECH

Eduard GNESA

**Swiss State Secretary,
Federal Office for Foreigners**

*Ms Filatov,
Your Excellencies,
Ladies and gentlemen,*

1. Introduction

I would like to begin by thanking the Finnish government for inviting us here today. I am very glad that so many of us have gathered to discuss the topics of integration and migration.

The desire to improve the integration of immigrants is also the focus of various pieces of draft legislation currently being examined in Switzerland. This began last year, with federal measures to provide financial backing for integration projects. At the same time, a comprehensive reform of nationality law was set in hand. And, finally, in March 2002, the Council of Ministers submitted a new Aliens Act to the Swiss Parliament, placing considerable emphasis on integration. The Swiss government regards the successful integration of long-established, lawfully present immigrants as an absolute prerequisite for a successful and sustainable immigration policy.

My country is not the only one to have begun this process. Many other Council of Europe member states have already adopted or initiated similar reforms.

2. Integration as a challenge for the state and the authorities

A common feature of these efforts is that the state has now taken on an active role in integration. This can be attributed to changes in migratory movements within and towards Europe. Political instability, wars and civil wars in extensive parts of the world have resulted in a sharp rise in forced migration. Migration has also increased as a result of the globalisation of production, services and markets. Many countries now have an increasing need for skilled foreign labour and family reunion is another factor which accounts for high immigration levels.

The result has been a striking increase in our societies' cultural, religious and,

above all, social diversity. Questions of co-existence have become more complex and taken a front-stage position.

Immigration is often a boon for the economy and the host country. In Switzerland today a quarter of the total volume of work is done by foreign labour. For economic and demographic reasons, Switzerland, like certain other countries, is dependent on moderate levels of controlled immigration. From a cultural viewpoint as well, however, the presence of settled immigrants has, in many ways, made our lives livelier, more colourful and, in short, more varied.

We all know, however, that European history – right up to the most recent times – has also been marked by many painful experiences where it has come to dealing with diversity. Considering past persecutions of minorities, persons of different faiths and other non-conformists, we are troubled to see that in many places, xenophobia and intolerance are taking root again. Our experiences and our history teach us that peaceful co-existence in a multicultural, pluralist society – which is the goal of any integration policy – is never something that we can take for granted. Now more than ever, in the face of the never-ending pressure of immigration, the state and the authorities must play an active role in promoting integration.

3. Cornerstones and content of national integration policy

What then, in my delegation's view, are the cornerstones and main content of national integration policy?

The Council of Europe's reports on integration (Diversity and cohesion, 2000; Framework of integration policies, 2000) describe integration as a reciprocal process, which requires active effort on the part both of immigrants and of host societies or states. The Swiss Council of Ministers shares this view.

What should the host state or society's contribution consist of?

To begin with, long-established, legally resident immigrants must be given equal opportunities for access to economic and social resources in the host country. The prime goal of all integration efforts must be economic self-sufficiency.

The major increase in immigration as a result of asylum applications and the impact of recession on immigrant workers in low-skilled jobs pose particular challenges for integration. As a result, support measures are needed for anyone who is likely to be allowed to stay in our country for good. A targeted labour market and education policy geared to making such immigrants economically self-sufficient is one means of avoiding a whole range of subsequent burdens on the public purse (eg in the fields of social insurance, health and security).

However, another important factor in this respect is immigration control. As a rule, integration can only succeed if there are enough jobs and educational resources

available. Switzerland has reached an agreement with the states of the European Union on the reciprocal, progressive introduction of free movement of persons. The corresponding agreement has been in force since 1 July. On the other hand, immigration by workers from third countries will in future – precisely for reasons relating to integration policies – still only be allowed on a limited basis.

A further significant factor in integration is the promotion of language acquisition. The ability to communicate is a key to economic and social participation. Financing language courses for immigrants is now one of the priorities of the federal integration plan.

As we all know, immigration also gives rise to misgivings and often also to fears among broad sections of the population. These must be taken seriously. Consequently, integration policies must also include an open and transparent information policy, focusing on the enrichments and advantages that immigration brings, while also acknowledging the difficulties it may cause. Measures to combat racism and intolerance are just as important as those to counter abuses and crime.

Lastly, the Swiss government views its plans to simplify procedures for the acquisition of Swiss nationality – particularly for second or third-generation immigrants – as central components of its integration policy.

Immigrants can rely on active support from the state for their integration but they must also be prepared to integrate themselves. It should be acceptable to require appropriate efforts from them – for example, where language learning is concerned. Integration can only be realised on the basis of the rule of law: the key values and principles which are also enshrined in the Council of Europe Statute – namely human rights, democracy and the rule of law – are just as non-negotiable in a society transformed by immigration. Principles such as the state's monopoly on the use of force and the equality of women and men must also be upheld in the face of culturally or religiously motivated deviation from these rules.

4. Step up international co-operation

National efforts to solve these problems have their limits. In many ways, immigration is now a subject for international co-operation.

The Swiss government would also argue that international co-operation should be stepped up in the field of integration policy. This applies in particular to increased pooling of experiences in the areas of best practices and evaluation, and also to more joint consideration of possible ways of increasing the involvement of immigrants in economic and social activities.

The Swiss delegation sincerely welcomes the fact that this conference has placed integration at the heart of the member states' discussions on migration, and so it is

entirely willing to take an active part in the follow-up work carried out by bodies working under the authority of the Council of Europe or of any other international body.

I thank you for your attention and look forward to interesting and fruitful exchanges over the next two days.

SESSION I

STATEMENT

Assane DIOP

**Executive Director for Social Protection,
International Labour Office**

I wish to thank the Council of Europe, and Minister Filatov, for the invitation to the ILO to address this important and timely meeting of European Ministers in charge of migration. Mr. Somavia, our Director General, had wanted to be here to personally take part in your deliberations but previous commitments had prevented him from doing so.

As European Union leaders reflected in Seville, debate on migration in Europe and elsewhere seems polarized between anxiety over illegal migration and calls for tougher protectionist measures versus a quest for measures to enable migration to play once again its historic role of energizing societies and allowing them to attain their full productive potentials.

The ILO shares the emerging concern that if one is to have more sustainable solution to growing migration pressures, one has to go beyond focusing on the menace posed by syndicates of human traffickers. It is clear that growing poverty and inequities, the increasing violence of political conflicts, and ecological disasters are at the root of rising migration pressures. Increasing poverty can indeed often be traced to bad governance, but it is clear that it is the “systemic” rather than the conjunctural factors that are largely to blame. From Johannesburg all of us heard the loud cry not only for preserving our environment but also for an end to farm subsidies and for more open markets to give the poor countries a genuine chance at development.

History tells us that people prefer to stay at home if they can afford to. European countries were not too long ago the largest sources of economic and political refugees. They crossed the Atlantic by the millions from the middle of the 19th century up to the end of the Second World War. But successful policies have transformed most of Europe into countries of immigration. Indeed people in the EU today are notoriously unwilling to move even to other parts of the EU. The same phenomenon has been observed in the tiger economies of East Asia which have entered into a migration transition, by themselves becoming immigration countries. What is noteworthy is that the transition appears to have come earlier than expected, or at lower levels of per capita income than had been the case in Europe.

Growth and the “catching up” process will no doubt reduce emigration pressures elsewhere, but unfortunately what we are seeing today is a further widening of the gulf that separates the poorest from the richest societies. At the beginning of the 20th Century the per capita income of the richest countries was only 10 times that of the poorest. Today it is 60 times bigger. Clearly, globalization has yet to deliver the promised benefits. On the contrary what we have seen so far is a dislocation of already fragile economies, both in the developing world and in the so-called “countries in-transition”, forcing millions of people to cross borders in search of the most basic elements for survival and human security. Most end up in equally poor neighbouring countries since they are too poor to venture much farther, or are barred from going to more affluent countries. Indeed over 60 percent of the world’s 150 million international migrants live in developing countries.

One must of course expect that today’s current generation should be more mobile than the older ones. Information about the world and its opportunities are available to more people than ever before at speeds we ourselves never imagined possible a few years ago. What is surprising is that the best estimates of migration movements do not bear it out. Today’s population of migrants the world over still represents only 2.3 percent of the world’s population and has been around that proportion since the 1960s. Over the past three decades the world’s migrant population has grown only slightly faster than the growth of populations. There are of course differences among regions, and Europe has experienced faster growth than others; but the recent dramatic rise in immigration to some European countries – notably to southern Europe, Germany and Austria, as well as to UK owes largely to two factors according to the OECD – one is the flow of refugees due to the war in the Balkans and the conflict in Iraq, and the other is the shortage of labour during an economic upturn.

Most everyone agrees that the globalization of markets for goods and capital demands an equally integrated market for labour. Prime Minister Mahathir of Malaysia who addressed the International Labour Conference in Geneva last June, questioned the viability of globalization that does not allow for the freer movement of labour. However, today the only liberal avenues for legal migration are limited for the “best and the brightest”. All the rest who may be equally demanded in the rich economies, the people who must do the work that natives can now afford to spurn, can only come in through the back door, clandestinely, without papers, and thus be vulnerable to deprivation of their rights.

Ladies and gentlemen,

What are we searching for in this conference? To my mind what we are searching for is a “win-win” formula for achieving a sustainable migration regime in the 21st century. In my view such a formula must contain three essential elements.

First, the most essential element is political feasibility. By this I mean that it must not threaten the interest of national workers, especially those already at the

margins in their own societies.

In my view this is where the debate over immigration should start. We must address the reasons why, in spite of unprecedented high levels of material wealth, a long period of relative economic stability, and peace, there is a growing sense of alienation and insecurity of workers in western Europe.

Research suggests that one of the most important reasons is the growing flexibilization of employment. Today some 43 percent of the labour force of the EU falls under one or more categories of flexible labour. Flexibility of employment relations has grown to meet the needs of enterprises facing unstable product and input markets, those in highly competitive industries where survival depends on being able to come out with new products or services, or those in the cutting-edge of new technologies where success depends on being able to draw on a large pool of technical skills for short periods of time.

The ILO has noted that the change has been rapid. Fifteen years ago France, Germany, Italy, Ireland, and Finland had proportionately less workers under such forms of employment compared to the Community average. However, today most of these countries have already caught up and even surpassed the rest of the EU. For the Community as a whole the proportion of the workforce who are either self-employed, part-time or temporary rose by about 15 percent between 1985 and 1995. Close to two out of every three new jobs created in the EU between 1994 and 1999 were for part-time or temporary employment.

If one looks at the characteristics associated with flexibility, one can understand the anxieties of the workers. These include:

- Jobs have non-standard contracts
- There is insecurity bred by tenuous ties between employers and employees
- Work is no longer confined to one workplace
- Working hours are no longer predictable
- Workers are not unionized
- There is less social protection than those with permanent jobs.

These fundamental changes in the way work is organized are no doubt more difficult for societies with ageing populations than those with younger ones. This is the reason why the rhetoric of anti immigration groups – that 1 million unemployed is 1 million immigrants too many – does not stand up to closer scrutiny. Preparing older workers for new tasks in the emerging new economy is a gargantuan challenge to employment policy all over Europe.

Another essential element of a “win-win” formula for immigration is recognition of the looming shortage of labour in Europe and the need to negotiate with origin countries for mutually beneficial exchanges. Few leaders in Europe would dispute the demographic reality that most their countries have to bring in foreign labour in order to

sustain their levels of productivity. Given the zero or even declining workforce they would have to either bring in more foreign workers to take the place of those who retire or die, or ask everyone to work more years before retiring and living on their pensions. The UN estimates that for a number of European countries this would mean working till 77 years of age to avoid more immigration. Otherwise Europe as a whole must bring in immigrants in numbers ten times the current levels of inflow, evidently not a politically feasible or acceptable solution. Pressures will no doubt translate into faster technological change to replace labour with machines but I will be most surprised if a substantial increase in labour immigration could be avoided.

It would serve every one's interest not to leave the matter entirely in the hands of the market, but to organize the process through bilateral or multilateral agreements and adherence to international standards. The former would have to provide for equal treatment of the foreign workers as well as for compensation for countries that stand to lose significantly because of the emigration of their most skilled. At the same time states must commit themselves to enforcement of minimum standards in all sectors of activity, and take measures to discourage irregular employment as well as criminalize the abuse of workers. Particular attention would need to be paid to sensitive areas as agriculture, domestic work, the sex industry and other irregular employment, to prevent various forms of forced and child labour.

As the Director General of the ILO, Mr. Juan Somavia, has said: "Migrant workers perform essential services in receiving countries where their work represents a kind of hidden economic subsidy. Whether they are employed in industry, agriculture, as domestic helpers or as staff of hospitals, migrant workers contribute to meeting social needs. However, they are often badly paid and societies seldom recognize the value of their work."

A third essential element is the topic of this session of the agenda: successful integration of immigrants. In the United States integration in the labour market is a matter of survival since one cannot survive without working. In Europe it is different. Unemployment rates among immigrant communities, except those in an irregular situation, have been extremely high, in places two to three times the rate for similar age cohorts of natives with similar education. The ILO has over the past ten years studied the difficulties faced by immigrants in most western European countries in finding jobs and concluded that racial and ethnic discrimination remains the formidable obstacle. Ironically it is their inability to participate in productive work and forced dependence on welfare that has generated more resentment against immigrants. This in turn has undermined having a more informed debate on long term policies towards labour immigration.

From 80 years of ILO work on labour migration, it is clear that integration is the key to social cohesion. What does integration mean? First and foremost, it requires that host societies recognize and respect diversity. The core ILO values of equality of

treatment for all working people are among the most fundamental values of democracy. Secondly, our research shows that the starting point is enactment and implementation of national legislation which recognizes basic rights of all persons and groups, outlaws discrimination, and mandates both certain positive action measures to facilitate integration, as well as monitoring and sanctions to discourage discriminatory practices. Thirdly, a range of practical measures such as training, contract compliance, recruitment initiatives, diversity management and public education campaigns must be put in place by government, social partners and NGOs to ensure that real change takes place in attitudes and behavior. These changes must take place if social cohesion is to be maintained in a Europe of increasing diversity and migration. Finally, we believe that integration policy will sooner or later have to address how to bring out of the shadows of exclusion –the antithesis of integration—those irregular migrants established in our societies.

What structures would best guarantee a social consensus on immigration policy?

To my mind, the social consensus can emerge if the parties most directly affected by labour immigration take part in the decisions, namely – the workers who often stand to lose by a dampening of their wages, the employers who gain from having a larger pool of labour to draw from, and the Government which has to represent the interests of the rest of society. A tripartite body similar to the structures that ILO has promoted for making labour policy would no doubt work as well in the case of immigration policy. In some countries there is already some recognition of the advantages of such consultations among the three sectors, but I am not aware of where it has already become an integral feature of migration decision making. Certainly, labour ministries need to be involved at the core of migration policy and implementation, both due to the great extent that migration is a labour market issue, and because they are responsible for labour market management functions at the heart of social dialogue.

Ladies and gentlemen,

Let me end by mentioning to you two relevant developments in the ILO which have an important bearing on your work. One is the deliberations over the international governance of migration in the World Commission on the Social Dimensions of Globalization which as many of you know jointly presided by the Presidents of Finland, Ms. Tanja Halonen, and of Tanzania, Mr. Benjamin Mkapa. The Commission is a “response to the needs of the people as they struggle to cope with unprecedented changes which globalization has brought to their daily lives and to the landscapes of national societies everywhere.” The commission will recommend ways to enhance the beneficial effects of globalization on poorer countries and the most disadvantaged sectors within each society; its conclusions and recommendations are due sometime next year.

The second is the decision of the ILO Governing Body last March to place labour migration as the main topic for General Discussion at the International Labour

Conference in 2004. This discussion among the tri-partite constituents of the 176 ILO member countries should elaborate more coherent approaches to managing labour migration in the future. The conclusions of this European Conference in Helsinki should serve as an excellent base for the *travaux préparatoires* to the ILO Conference and as a source of inspiration for the tripartite discussions that your Ministers of Labour will have in Geneva.

I wish to conclude by emphasizing the commitment of the ILO to enhance cooperation with governments, social partners and regional organizations throughout Europe. I firmly believe that the outcome of this Conference will help in building up the understanding, capacity and action needed to administer labour migration in a manner which protects migrant workers and benefits both home and host countries, all workers and all actors concerned.

SEANCE DE TRAVAIL I

DECLARATION

Assane DIOP

Directeur exécutif pour la Protection Sociale, BIT

Excellences,

Mesdames et Messieurs,

Je voudrais tout d'abord remercier le Conseil de l'Europe, et Mme le Ministre Filatov, pour l'invitation adressée au BIT d'intervenir durant cette réunion, aussi importante que bienvenue, des Ministres européens responsables des questions migratoires. Monsieur Juan Somavia, notre Directeur général, aurait souhaité prendre personnellement part aux débats mais des engagements antérieurs l'en ont empêché, ce qu'il a regretté.

Comme les dirigeants européens l'ont noté à Séville, le débat sur la migration, en Europe et ailleurs, semblent osciller entre l'inquiétude liée aux migrations illégales associée à des appels pour que soient prises des mesures protectionnistes draconiennes d'une part, et d'autre part la recherche de mesures qui permettraient aux mouvements migratoires d'à nouveau leur rôle historique d'agent dynamique pour des sociétés auxquelles ils permettent de pleinement utiliser leur potentiel productif.

Le BIT partage la préoccupation de l'heure selon laquelle, si l'on veut trouver une solution durable aux pressions migratoires croissantes, il ne faut pas se focaliser exclusivement sur la menace que représentent les mafias de trafiquants d'êtres humains. Il est clair que l'augmentation de la pauvreté et des inégalités, la violence croissante des conflits politiques, les désastres écologiques, sont à l'origine de l'augmentation des pressions migratoires. L'aggravation de la pauvreté peut certes être souvent perçue comme la conséquence d'un manque de gouvernance, mais il est clair que les facteurs «systémiques» jouent à cet égard un rôle plus important que ceux de nature conjoncturelle. Nous avons tous entendu le fort appel de Johannesburg à non seulement préserver notre environnement, mais aussi à mettre fin aux subventions agricoles, permettant une plus grande ouverture des marchés afin d'offrir aux pays pauvres une véritable chance de développement.

L'histoire a montré que les peuples préfèrent rester chez eux s'ils en ont la possibilité. Les pays européens étaient, il n'y a pas si longtemps, les principaux pays d'origine tant des réfugiés économiques que des réfugiés politiques. Les Européens ont traversé l'Atlantique par millions du milieu du 19ème siècle à la fin de la Seconde guerre mondiale. Mais des politiques réussies ont ensuite transformé la plupart des pays

d'Europe en pays d'immigration. Il est aujourd'hui notoire que les habitants de l'Union européenne ne souhaitent pas se déplacer, même au sein de l'Union. On a observé le même phénomène dans les «économies tigres» de l'Asie de l'Est, qui par une transition migratoire remarquable sont eux-mêmes devenus des pays d'immigration. La transition est alors apparue plus tôt que prévu, c'est-à-dire à des niveaux de revenus par tête plus bas que cela n'avait été le cas en Europe.

Les processus de croissance et de “ratrappage” réduiraient ailleurs également, et sans aucun doute, les pressions de l'émigration mais, malheureusement, ce que nous constatons aujourd'hui c'est un élargissement du fossé qui sépare les sociétés pauvres des sociétés riches. Au début du vingtième siècle, le revenu par habitant des pays les plus riches était seulement de 10 fois supérieur à celui des pays les plus pauvres. Aujourd'hui, il lui est de 60 fois supérieur. Clairement, les promesses de la mondialisation ne se sont pas encore matérialisées. Au contraire, ce à quoi nous avons assisté jusqu'à présent, c'est à une dislocation d'économies déjà fragiles, tant dans le monde en développement que dans les “pays en transition”, obligeant des millions de personnes à franchir les frontières à la recherche des éléments les plus fondamentaux de leur survie et de leur sécurité humaine. La plupart d'entre eux finissent d'ailleurs leur trajet dans des pays voisins souffrant des mêmes conditions de pauvreté, parce qu'ils sont en fait eux-mêmes trop pauvres pour s'aventurer plus loin, ou sont empêchés de se rendre dans des pays nantis. On ne le dit pas suffisamment: plus de 60 pour cent des 150 millions de migrants internationaux continuent de vivre dans des pays en développement.

On devait tout de même s'attendre à ce que la génération actuelle soit plus mobile que celle des plus âgés! L'information sur le monde et ses débouchés est plus accessible que jamais à davantage de personnes. Cette information circule à une vitesse que l'on n'aurait jamais imaginée il y a quelques années. Ce qui est surprenant, c'est que les estimations les plus fiables des mouvements migratoires ne confirment pas cette attente. Aujourd'hui, la population mondiale de migrants ne représente toujours que 2,3 pour cent de la population mondiale, une proportion qui est plus ou moins stable depuis les années 60. Durant les trois dernières décennies, la population mondiale de migrants a augmenté à peine plus rapidement que la croissance des populations. Il y a bien sûr des différences parmi les régions, et l'Europe a subi une augmentation plus rapide que les autres; l'augmentation spectaculaire récente de l'immigration dans certains pays européens – notamment dans le sud de l'Europe, en Allemagne et en Autriche, ainsi qu'au Royaume-Uni – est due en grande partie, selon l'OCDE, à la conjonction de deux facteurs – l'un étant l'afflux de réfugiés provoqué par les guerres dans les Balkans et le conflit en Iraq, et l'autre la pénurie de main-d'œuvre dans les pays d'accueil pendant une reprise économique.

Presque tout le monde s'accorde sur le fait que la mondialisation des marchés pour les marchandises et les capitaux a besoin d'un marché du travail qui soit également intégré. Le Premier ministre de la Malaisie, M. Mahathir, qui s'est adressé à la Conférence internationale du Travail à Genève en juin dernier, a mis en doute la viabilité d'une mondialisation qui ne permettrait pas un libre mouvement de la main-d'œuvre. Toutefois, les seules voies libres aujourd'hui pour la migration légale sont réservées aux “meilleurs et aux plus brillants”. Tous les autres, qui pourraient

également être demandeurs de travail dans les économies riches, ceux gens qui doivent exécuter les tâches que les autochtones peuvent maintenant se permettre de mépriser, n'ont accès qu'à la porte de service. Clandestins, sans papiers, et donc vulnérables à la privation de leurs droits...

Que recherchons-nous avec cette conférence? De mon point de vue, ce que nous appelons de nos vœux, c'est une formule où l'on « gagne à tous coups », pour parvenir à un régime de migrations viable pour le 21ème siècle. A mon avis, une telle formule devrait contenir trois ingrédients essentiels.

L'élément le plus important est la faisabilité politique. La formule retenue ne doit pas menacer les intérêts des travailleurs nationaux, spécialement ceux déjà marginalisés par leur propre société. C'est de là, me semble-t-il, que devrait partir le débat sur l'immigration. Nous devons aborder les raisons pour lesquelles, en dépit de niveaux élevés et sans précédent de richesse matérielle, avec une longue période de relative stabilité économique et de paix, l'on constate un sentiment croissant d'aliénation et d'insécurité parmi les travailleurs d'Europe occidentale.

Les études conduites suggèrent que l'une des raisons majeures pour l'émergence de ce sentiment serait la flexibilisation croissante de l'emploi. Aujourd'hui, quelque 43 pour cent de la main d'œuvre de l'Union européenne tombe sous le coup d'une voire plusieurs catégories de travail flexible. La flexibilité des relations d'emploi a augmenté à la mesure des besoins des entreprises confrontées à des marchés instables, et de ceux d'industries hautement compétitives pour lesquelles la survie dépend de la production de nouvelles gammes de produits et de services, ou de la faculté de demeurer à l'avant-garde de l'innovation technologique, entreprises et industries dont le succès dépend donc de leur capacité à faire appel à un groupe élargi de compétences techniques pour de courts laps de temps.

Le BIT a noté que le changement a été rapide. Il y a 15 ans, la France, l'Allemagne, l'Italie, l'Irlande et la Finlande, avaient une proportion moindre de travailleurs soumis à de telles formes d'emploi que la moyenne de la Communauté. Aujourd'hui, la plupart de ces pays ont déjà atteint et même surpassé le reste de l'Union européenne. Pour la Communauté dans son ensemble, la proportion de main-d'œuvre employée à son compte, à temps partiel ou temporairement a augmenté d'environ 15 pour cent entre 1985 et 1995. Presque deux nouveaux emplois sur trois créés dans l'Union européenne entre 1994 et 1999 correspondaient à un emploi à temps partiel ou temporaire.

Si l'on regarde les caractéristiques associées à la flexibilité, l'on peut comprendre les inquiétudes des travailleurs. Il s'agit en effet :

- d'emplois qui ont des contrats hors normes marqués par une insécurité produite par la précarité des liens entre employeurs et salariés
- où le travail n'est plus confiné à un seul lieu de travail
- où les horaires de travail ne sont plus prévisibles
- où les travailleurs ne sont pas syndiqués pour lesquels il y a moins de protection sociale que parmi ceux ayant un emploi permanent.

Ces changements fondamentaux dans la façon dont le travail est organisé sont

sans doute plus difficiles à absorber par les sociétés vieillissantes que par celles dont la population est plus jeune. C'est la raison pour laquelle le discours des groupes anti-immigration – selon lequel un million de personnes sans emploi, c'est un million d'immigrants en trop – ne résiste pas à l'analyse. Préparer les travailleurs âgés à de nouvelles tâches dans la nouvelle économie émergeante est un défi gigantesque pour la politique de l'emploi en Europe.

Un autre ingrédient essentiel d'une formule gagnante pour l'immigration est la reconnaissance du fait qu'une pénurie de main-d'œuvre menace en Europe, et qu'il faut donc négocier avec les pays d'origine des échanges mutuellement avantageux. Peu de dirigeants en Europe contesteront la réalité démographique selon laquelle la plupart des pays doivent avoir recours à des travailleurs étrangers pour maintenir leurs niveaux de productivité. Étant donné la stagnation ou le déclin de la force du travail, les pays d'Europe devront soit faire appel à plus de travailleurs étrangers pour occuper la place de ceux des leurs qui partent en retraite ou qui décèdent, soit demander à tout le monde de travailler plus longtemps avant de pouvoir bénéficier d'une pension. Les Nations Unies estiment que pour un certain nombre de pays européens, il faudrait travailler jusqu'à l'âge de 77 ans si l'on souhaitait éviter davantage d'immigration. Sans allongement de la durée de la vie au travail, l'Europe dans son ensemble devrait accueillir à terme dix fois plus d'immigrants que le nombre actuel, ce qui n'est évidemment pas faisable politiquement et ne représente donc pas une solution acceptable. Les pressions démographiques aboutiront sans doute à des changements technologiques plus rapides pour remplacer la main-d'œuvre par des machines, mais il m'étonnerait fort qu'une augmentation substantielle de l'immigration liée au travail puisse être évitée.

Il serait de l'intérêt de tous de ne pas laisser cette question entièrement entre les mains du marché, mais d'organiser le processus au moyen de l'adhésion aux normes internationales pertinentes, et de la conclusion d'accords bilatéraux et multilatéraux.

Quant aux accords de main d'œuvre, ils devront garantir un traitement égal aux travailleurs étrangers ainsi qu'une compensation aux pays d'origine qui perdent beaucoup du fait de l'émigration de leurs nationaux qualifiés. En même temps, les États devront s'engager eux-mêmes à renforcer les normes minimales dans tous les secteurs d'activité, et à prendre des mesures pour décourager l'emploi irrégulier ainsi que pour pénaliser les abus commis à l'encontre des travailleurs. Une attention particulière devrait être portée à des domaines sensibles comme l'agriculture, le travail domestique, l'industrie du sexe et d'autres emplois irréguliers, pour prévenir différentes formes de travail forcé et de travail des enfants.

Comme l'a déclaré le Directeur général du BIT, M. Juan Somavia «Les travailleurs migrants fournissent des services indispensables dans les pays qui les accueillent, et leur travail y représente une sorte de subvention économique souvent invisible. Qu'ils soient employés dans l'industrie, dans l'agriculture, comme employés de maison ou comme personnel hospitalier, les travailleurs migrants contribuent à la satisfaction d'un grand nombre de besoins sociaux. Pourtant, ils sont souvent mal rémunérés et la société ne reconnaît guère la valeur de leur travail.»

Un troisième élément essentiel pour une formule gagnante est au cœur de ce

point de l'ordre du jour : il s'agit de l'intégration réussie des immigrants. Aux États-Unis, l'intégration dans le marché du travail est un problème de survie puisque l'on ne peut pas survivre sans travailler. En Europe, c'est différent. Les taux de chômage parmi les communautés immigrantes, excepté celles en situation irrégulière, sont extrêmement élevés, de deux à trois fois plus que celui des cohortes nationales du même âge ayant reçu une éducation similaire. Le BIT a étudié au cours des dix dernières années les difficultés rencontrées par les immigrants dans la plupart des pays d'Europe occidentale pour trouver des emplois. Il en a conclu que la discrimination raciale et ethnique reste un obstacle majeur.

En fait, c'est leur difficulté à participer au travail productif et leur dépendance forcée à l'aide sociale qui a généré le plus de ressentiment à l'encontre des immigrants. Ceci à son tour a miné la possibilité de conduire un débat cohérent sur les politiques possibles à long terme en matière d'immigration de main-d'œuvre.

Quatre-vingt années de travaux du BIT sur les migrations pour le travail ont clairement montré que l'intégration était la clef de la cohésion sociale. Intégration, qu'est-ce que cela veut dire ?

Avant tout, et surtout, que les sociétés d'accueil reconnaissent et respectent la diversité. La valeur phare de l'OIT, l'égalité de traitement entre tous ceux qui travaillent, fait partie des fondements mêmes de la démocratie.

L'intégration, et nos recherches le montrent, c'est aussi que des législations nationales soient adoptées et mises en œuvre pour reconnaître les droits fondamentaux de toutes les personnes et de tous les groupes sociaux, pour mettre la discrimination hors la loi, pour rendre obligatoires certaines mesures positives pour faciliter l'intégration, et pour en même temps contrôler et décourager les pratiques discriminatoires.

Ensuite, une série de mesures concrètes comme la formation, le respect des engagements contractuels, les initiatives de recrutement, la gestion de la diversité, la conduite de campagnes d'éducation publique doivent être prises par le gouvernement, les partenaires sociaux et les ONG, pour s'assurer que de véritables changements s'opèrent dans les comportements et les attitudes. Ces changements doivent absolument avoir lieu si l'on veut que la cohésion sociale soit préservée dans une Europe où augmentent la diversité – et la migration.

Enfin, nous savons que les politiques d'intégration devront tôt ou tard se préoccuper de faire sortir du puits sans fond de l'exclusion – qui est à l'opposé de l'intégration – les travailleurs migrants illégaux qui se sont établis dans nos différentes sociétés.

Quelles structures seraient les mieux à même de générer un consensus social de la politique de l'immigration ?

A mon avis, le consensus social peut émerger si les parties directement concernées par l'immigration de main-d'œuvre prennent part aux décisions, c'est-à-dire les travailleurs qui souvent y perdent par une pression à la baisse sur leurs salaires, les employeurs qui y gagnent de pouvoir faire appel à réservoir de main-d'œuvre plus large, et les gouvernements qui doivent représenter les intérêts du reste de la société.

Un organisme tripartite comparable aux structures que l'OIT a adoptées pour formuler les politiques du travail fonctionnerait certainement dans le cas d'une politique de l'immigration. Dans certains pays, il y a déjà une reconnaissance des avantages de conduire ce type de consultations entre les trois acteurs, sans pour autant que cette concertation ne soit devenue nécessairement une composante à part entière des processus de décision en matière de migration.

Il ne fait aucun doute que les ministères chargés du travail doivent figurer au cœur de l'élaboration et de la mise en œuvre des politiques migratoires, en raison tout à la fois du fait que la migration est, dans une large mesure, une affaire de marché du travail, et de celui que ces Ministères sont responsables du bon fonctionnement des marchés du travail, ce qui est une des grandes préoccupations du dialogue social.

Permettez-moi pour terminer de vous faire part de deux événements importants au BIT qui ont une importance pour le sujet dont nous débattons. Il s'agit d'abord des discussions sur la gouvernance internationale en matière de migration tenues au sein de la Commission mondiale sur la dimension sociale de la mondialisation qui, comme beaucoup d'entre vous le savez, est conjointement présidée par les Présidents de la Finlande, Mme Tanja Halonen, et de la Tanzanie, M. Benjamin Mkapa. La Commission se veut "une réponse aux besoins des populations pour faire face aux changements sans précédent que la mondialisation a apportés dans leur vie quotidienne et dans l'horizon national de toutes les sociétés". Elle mettra en avant des moyens pour accentuer les effets bénéfiques de la mondialisation pour les pays pauvres et les secteurs les plus désavantagés de chaque société; ses conclusions et recommandations sont attendues au cours de l'année prochaine.

Second évènement, la décision prise en mars dernier par le Conseil d'administration du BIT de retenir la migration pour le travail comme principal sujet de discussion générale à la Conférence internationale du Travail en 2004. Cette discussion impliquant les mandants tripartites des 176 pays membres du BIT devrait élaborer des approches plus cohérentes pour la gestion future des migrations pour le travail.

Je suis conscient des avantages qui résulteront pour le BIT des délibérations et conclusions de votre Conférence européenne, qui seront une excellente base de réflexion pour les travaux préparatoires de la session de 2004 de la Conférence internationale du travail, et une source d'inspiration pour la participation de vos ministères aux discussions tripartites qui se tiendront à Genève.

Je souhaiterais conclure en insistant sur l'engagement du BIT à renforcer la coopération en matière de migrations avec les gouvernements, les partenaires sociaux et les organisations régionales à travers l'Europe. Je crois fermement que les résultats de cette Conférence aideront à bâtir la compréhension, la capacité et l'action nécessaires pour mieux gérer les migrations pour le travail, faisant en sorte que de nouvelles politiques protègent davantage les travailleurs migrants, et s'avèrent bénéfiques aussi bien pour les pays d'origine et les pays d'accueil, que pour tous les travailleurs et les multiples acteurs concernés.

SESSION I

STATEMENT

Johannes KOROMA

Director General
Confederation of Finnish Industry and Employers

*Chairman,
Excellencies,
Ladies and Gentlemen*

Immigration policy is a complex and very sensitive issue that has to be examined in a balanced way taking into account the economic, social, demographic, human, ethical and national security perspectives. A distinction also has to be made between the different types of immigration: economic, political and humanitarian.

A more open and active immigration policy is desirable because:

- Immigration is a fact: the Union has been confronted in recent years with an increased number of immigrants from third countries and this trend is likely to continue.
- Skills shortages are also a fact: with growing shortages of labour at both skilled and unskilled levels.
- Ageing population is here: increased availability of labour from third countries could contribute to population growth and help alleviating the adverse effects of the ageing population in Europe.

According to a UN estimate, the EU countries receive nearly 300,000 migrants annually. This would result in a population decrease of 40 million people in the EU countries by 2050. About 900,000 migrants annually would suffice to keep the population at a constant level. Maintaining the EU's elderly dependency ratio at its present level up to 2050 would call for 13.5 million immigrants annually. Funding the European social security systems will require on average a three per cent annual rate of economic growth over the coming decades. In order to achieve growth of this magnitude, there must be a substantial increase in productivity and in the labour force – thus there will have to be an influx of foreign labour.

Competition for skilled labour is getting tougher and there is a good deal of discussion of the possibilities of targeted immigration policy. EU enlargement is not estimated to lead to a significant increase in immigration from the applicant countries to the territory of the European Union despite the prevailing differences in incomes. Especially in Finland the more active immigration policy is needed. The number of foreigners is the lowest in the EU, the population is ageing at a particularly fast pace and Finland has good growth prospects over the medium term which will keep up strong demand for labour. But, already by the middle of the current decade more people will begin leaving the labour market than are entering it. Only a rise in the pensionable age would increase the supply of labour. In Finland we shouldn't consider any other

criteria to select the immigrants than their willingness to work and live in Finland and improve their own and their families quality of life.

The proposal for harmonisation of the EU's work permit procedure that was published by the European Commission last summer is problematical. The experts of Finland's labour market central organisations arrived at a stand that EU exceeded its authority. Moreover, it has been argued that implementation of the proposal would increase the rigidity of Finland's work permit procedure. Integration of third-country nationals can be successfully achieved only through a mutual willingness and commitment from both migrants and receiving society. Large numbers of regular immigrants contribute positively to Europe's cultural diversity and to its social and economic development. But, immigration can generate fears and social tensions in recipient countries. It is therefore very important for all actors concerned to develop policies in order to promote the understanding of society and generate a more positive attitude.

Social partners are attached to the objective of combating discrimination. They are committed to take an active part in a common endeavour to prevent racial discrimination and to act jointly against it in the workplace. Also in Finland the social partners have set up a committee to discuss ethnic relations. Equal rights and equal application of laws and agreements to all workers are fundamental principles to promote social integration in the workplace. This is in the interest of employers, employees and their organisations, within the limits of their respective capacities, to prevent discrimination in the workplace. Using people's talents to the full independently of their race, ethnic or national origin allows companies to explore its full business and social potential. The employability of immigrants is a special challenge. By having a job as an immigrant best becomes an integral part of the society. There is also good experience of labour market training that is carried out jointly by companies and the authorities. The teaching is of a hands-on nature and at the end of the course it is possible to get a job with the participating company. To promote the integration of foreigners in Finland the authorities and companies must develop a new kind of co-operation and pay greater attention than heretofore to the creation of jobs for immigrants.

The most important consideration should be that all immigrants of working age, including asylum seekers, must be brought into working life as early as possible. At present in Finland an asylum seeker can receive the right to work from the Employment Office after residing in the country for three months. This procedure should be supported. Learning the language occupies a central position. It would pay to invest more than we have up to now in training that combines vocational skills and the acquisition of language proficiency. European social security and welfare system calls for annual economic growth of at least three per cent all the way up to 2030. At the same time the amount of labour in contracting whereas the number of pensioners keeps growing. There is no other alternative than an annual improvement in productivity and an increase in the labour input.

It will not be possible to increase the labour input over the longer term in Finland, nor in the other European industrial countries either, unless this includes a substantially large influx of foreign workers. For this reason, in all the European countries it will be necessary to reassess the stand on immigration policy. At the same time we should attend properly to the reception of those seeking asylum and to ensure all immigrants an access to education and other integrating measures.

SESSION I

STATEMENT

Hilbrand NAWIJN

Minister for Immigration and Integration (Netherlands)

*Madam Chairwoman,
Secretary General,
Excellencies,
Ladies and Gentlemen*

First of all, I would like to express my deep appreciation to the government of Finland for hosting this conference on the topical issues of migration and integration.

While the European agenda's are combining these two major policy fields already for some time, also the Netherlands adopted such a joint approach by establishing for the first time a co-ordinating minister for immigration *and* integration affairs. The need for a more refined though stricter approach towards immigration and integration has become clearer than ever. Acting in the capacity of minister for immigration and integration affairs, I consider a full participation of lawfully residing immigrants and their descendants in the Dutch society, as the major objective of the integration policy.

As the issues of migration and integration continue to gain momentum within the Council of Europe, I can assure you, that a similar development is taking place in the Netherlands. The recent elections in the Netherlands demonstrated the urgency of these matters, and consequently, the new Dutch government is developing tools to address these issues in a more pragmatic way. It is thereby my intention to limit the influx of migrants in combination with a stricter focus on the proper integration of migrants.

The general principle of the current immigration policy in the Netherlands is restricted in the sense, that an application for a residence permit will only be granted if international obligations necessitate this, or when the presence of the alien is of essential interest of the Netherlands, or on urgent humanitarian grounds.

The primary concerns of the Dutch immigration policy are controlling the influx of the number of asylum-seekers, controlling the number of applications for a regular residence permit, handling problems concerning illegal aliens, the need for an effective return policy, the idea of the reception of refugees in the region, and a full

social integration of migrants. Controlling the influx is also necessary in order to achieve the proper integration of migrants.

I think it is of importance to stress in front of this forum, that a more strict immigration policy does not mean that the Netherlands will not take into account international obligations. It is my intention to operate within the existing framework of the Geneva Convention on Refugees and the European Convention for the Protection of Human Rights and Fundamental Freedoms. I would like to stress that protection should preferable be provided for in the region. This notion is important in order to prevent secondary movements of asylum seekers who can find protection in neighbouring countries. In order to implement the concept of strengthening reception and protection in the region it is crucial to enhance the position of UNHCR with sufficient financial means as well as commitments of states.

With regard to the process of integration of migrants this does not only demand a stronger and more proactive management by the state, but more importantly, the integration process requires a direct involvement of the individual citizen itself. Once given the right to reside legally in the Netherlands, a newcomer has the duty to participate actively in the Dutch society. A true process of integration can therefore be interpreted as a way of living together, of a real interaction on several levels, at work, at school or in the neighbourhood etc. In other words, the newcomer has to acquire full citizenship. This is done not only by explicitly accepting the norms and values of the Dutch social order, but also by becoming aware of one's own responsibility for the process of integration into society. In this respect, the primary obligation of learning the Dutch language becomes self-evident as well as the need to acquire knowledge of Dutch culture and history. The notion that legally residing migrants, refugees and other persons in need of international protection have rights as well as obligations, should in my opinion be reflected in the final declaration.

In a multi-ethnic democratic society like the Dutch society, the aspect of diversity has clearly become a characteristic of society. This diversity, however, makes not only a mutual acceptance of people necessary, but it also demands respect for differences, for separate opinions and life-styles. Possible segregation or exclusion, however, is to be countered by a zero-tolerance regime towards racism and discrimination.

In line with the philosophy on fundamental values and universal human rights, as propagated by the Council of Europe, mutual respect and equal dignity are, and will always be, also for the Dutch government guiding principles.

Thank you very much for your attention.

SESSION I

STATEMENT

Jean GAEREMYNCK

Director of Population and Migration,
Ministry of Social Affairs, Labour and Solidarity (France)

Ladies and Gentlemen,

I should like to begin by congratulating you, on behalf of the French delegation, for the excellent organisation of this conference.

On behalf of Mr François FILLON, Minister of Social Affairs, Labour and Solidarity, I should like to present some thoughts on integration policy based on the approach we have adopted in France.

Managing diversity, as you invite us to, does not mean doing away with diversity but taking it into account in order to create the conditions for successful integration. It is a traditional challenge. But today it has taken on a new dimension, because of various factors. In particular, the societies receiving migrants today are complex societies, founded on values which are themselves subject to discussion and change. In this setting, integration demands a good knowledge of the host society, for two reasons. First of all, migrants who come to settle for the long term must be informed of their rights and how to enjoy them to the full, particularly in terms of employment, vocational training, health and social protection, housing and education. But migrants must also be informed on arrival of the values of the host society and the duties they have towards that society as a result. In the French context this means, for example:

- equality between men and women, which is particularly important today;
- respect for children's rights, which must balance, or moderate parental authority and preserve children's access to independence.

This means access to the education system, and being able marry the person of one's choice. When people arrive in a new country, family or community solidarity can play an effective part. But that is not enough. We cannot leave everything to the families or communities. We must provide the keys, training, support: it is a challenge for the whole community and the responsibility of the public authorities. Which is why we in France have set out to build up a genuine public reception service for immigrants.

The aim of this reception policy is clear: from the very first contact the idea is

for the social workers to familiarise themselves with the migrants' social and family situation. It is also to overcome the language barrier and make it known that learning the language is an essential condition of proper integration, both in the community and in the working world. More importance needs to be attached to rapid language learning. It is not acceptable, as we sometimes see in naturalisation procedures, that foreigners who have lived in France for many years have not yet acquired the rudiments of the French language.

This policy is not without difficulties, however: should we oblige or encourage? If we introduce an obligation, how do we define the sanction? If we prefer encouragement, as we do in France, how do we make sure it works?

And how can we organise training in such a way as to reconcile, for example, the desire of certain immigrants to find work quickly and the fact that effective training takes time?

Sometimes the obstacle comes from the immigrants themselves: for example when they consider training for women less important than training for men. You do not prepare women or their children for integration by confining them to the home.

Clearly it is not a question of denying diversity, but of looking it in the eye and taking it into account, in order to equip immigrants for successful integration into a complex society.

What is at stake here is equality in the richest sense of the term, i.e. real equality, not just formal equality. We believe this requires a sound understanding of human rights. If I may, I should also like to make one or two remarks about dialogue with the countries of origin.

Managing migration is a matter for both the sending and the receiving countries. Migration takes forms that have become increasingly complex; various migration circuits have developed and this reality of migrations today challenges us to come up with new approaches, in particular in relations with the country of origin.

In France one form this new approach takes is co-development. This is based on the notion that it is in our interest to address the question of migration and migrants in our society in conjunction with that of co-operation with the countries of origin.

Inter alia, this involves financial assistance for economic projects. It may be part subsidy and part loans, which provide an incentive to open up new possibilities in the banking system in the countries of origin (credit, micro credit, etc.). We believe this is a necessary approach today and one that will bear fruit.

Thank you for your attention.

SEANCE DE TRAVAIL I

DECLARATION

Jean GAEREMYNCK

Directeur de la population et des migrations, Ministère des affaires sociales, du travail et de la solidarité (France)

Madame la Présidente,

Mesdames, Messieurs,

Je tiens d'abord à vous remercier au nom de la délégation française pour l'excellente organisation de cette conférence.

Je voudrais, au nom de Monsieur François FILLON, ministre des affaires sociales, du travail et de la solidarité, vous présenter quelques réflexions sur la politique d'intégration, à partir de l'approche que nous en avons en France.

Gérer la diversité, comme vous nous y invitez : ce n'est pas vouloir la supprimer mais la prendre en compte pour créer les conditions d'une intégration réussie. C'est un défi traditionnel. Il prend aujourd'hui une dimension nouvelle, sous l'effet de plusieurs facteurs. En particulier, les sociétés d'accueil des migrants sont aujourd'hui des sociétés complexes, fondées sur des valeurs, elles-mêmes objets de débats et d'évolutions. Dans ce contexte, l'intégration suppose une bonne connaissance de la société d'accueil, et cela dans un double but. Il est nécessaire, tout d'abord, de permettre aux migrants venant s'installer durablement de connaître leurs droits et les moyens d'y accéder pleinement, notamment dans les domaines de l'emploi, de la formation professionnelle, de la santé et de la protection sociale, du logement et de l'éducation. Mais il y a lieu aussi de faire connaître aux migrants arrivants, les valeurs de la société d'accueil et les devoirs qui en découlent pour eux. Je pense en particulier, s'agissant du contexte français :

- à l'égalité entre les hommes et les femmes qui prend une importance toute particulière aujourd'hui ;
- au respect des droits des enfants qui doit équilibrer, voire modérer l'autorité parentale, et préserver l'accès à l'autonomie des enfants.

Ce qui passe par l'accès au système éducatif ou par le libre choix du conjoint. A l'arrivée dans un nouveau pays, les solidarités familiales ou communautaires peuvent jouer un rôle efficace. Mais cela ne suffit pas. On ne peut s'en remettre entièrement à l'action des familles ou des communautés. Car il faut fournir des clés d'accès, il faut former, il faut accompagner : c'est un défi pour la collectivité toute entière, cela engage donc la responsabilité des pouvoirs publics. C'est ainsi qu'en France, nous nous sommes engagés dans la construction d'un véritable service public de l'accueil. L'objet

de cette politique d'accueil est clair : il s'agit dès le premier contact de faire prendre connaissance de la situation sociale et familiale des migrants par des travailleurs sociaux. Il s'agit aussi de réduire la fracture linguistique et d'affirmer la maîtrise de la langue comme condition essentielle d'une bonne intégration. C'est essentiel pour l'insertion sociale et professionnelle. Il faut accorder plus d'importance à l'acquisition rapide de la langue. Il n'est pas normal de constater, comme nous le faisons parfois dans les procédures de naturalisation que des étrangers résidant en France depuis de nombreuses années n'ont pas encore acquis les rudiments de la langue.

Mais dans cette politique, on rencontre des difficultés : faut-il obliger ou inciter ? Si on énonce une obligation, comment définir la sanction ? Si on préfère parler d'incitation - comme cela est le cas en France - comment la rendre efficace ?

Et comment organiser la formation pour rendre compatible, par exemple, le désir de certains migrants de travailler au plus vite et la nécessité de prendre le temps de la formation.

Quelquefois, l'obstacle vient des migrants eux-mêmes : par exemple lorsque la formation des femmes est considérée comme secondaire par rapport à la formation des hommes. Ce n'est pas en confinant les femmes à la maison qu'on prépare leur intégration ou celle de leurs enfants.

On voit bien qu'il ne s'agit pas de nier la diversité. Il s'agit de la regarder en face et de la prendre en compte, sur cette base, pour mettre en mesure les personnes migrantes de s'intégrer correctement à une société complexe.

Cet enjeu, c'est un enjeu d'égalité au sens le plus riche du terme : c'est à dire d'égalité réelle et pas seulement d'égalité formelle. Cela procède, selon nous, d'une conception bien comprise des droits de l'homme. Si vous le permettez, je voudrais également vous présenter quelques observations sur le thème du dialogue avec les pays d'origine.

En effet la gestion des migrations concerne aussi bien les pays d'accueil que les pays de départ. Mais les formes de ces migrations sont devenues beaucoup plus complexes et on assiste notamment à des formes de circulation migratoire, et cette réalité des migrations d'aujourd'hui nous invite à de nouvelles approches, en particulier dans les relations avec les pays d'origine.

En France, cette nouvelle approche prend notamment la forme du codéveloppement. Cette notion repose sur l'idée que nous avons intérêt à lier ensemble la question des migrations et des migrants et celle de la coopération avec les pays d'origine. Ce soutien passe notamment par des aides au financement de projets d'activité économique. Elles peuvent comprendre une part de subvention et une part de prêts, dans ce dernier cas il y a une incitation à enrichir de nouvelles possibilités (crédit, micro crédit, etc) le système bancaire du pays de retour.

Nous croyons à la fécondité de cette approche et nous pensons qu'elle est nécessaire aujourd'hui.

Merci de votre attention.

SESSION I

STATEMENT

Bertel HAARDER

Danish Minister for Refugee, Immigration
and Integration Affairs¹

*Mr. Chairman,
Distinguished ministers and other delegates,*

The Danish delegation wishes to convey the warm greetings of our minister, Mr. Bertel Haarder, who - unfortunately – is unable to attend this conference due to his obligations in connection with the Danish presidency for the European Union. Our minister has asked us to convey the following message:

For Denmark it is very positive, that this conference is devoted to discussing a comprehensive approach to the related processes of migration and integration. Denmark warmly thanks the Finnish government and the Council of Europe for organizing this important event. It is Denmark's view that we Europeans should always celebrate and protect our fundamental democratic values such as equality, freedom, participation and inclusion for all citizens regardless of gender, race or conviction.

But Europe today is part of a fast-changing, globalized world, where complex economic, political and other interactions determine the difference between poverty and prosperity, and where – in some societies - peace and democracy are balancing on a sharp edge, sometimes falling into the black pit of conflict and destruction.

All over Europe citizens express uncertainties about globalization, about international cooperation, and not least about migration and the place of refugees and migrants in our societies. The uncertainties, which ordinary citizens feel, are amplified when the asylum institution is seen to be misused by frauds and illegal traffickers, who destroy things for the many real refugees. Also, many western societies have failed to make refugees and immigrants full and active members of their communities. In stead, too many have become clients in a social welfare system or are otherwise living on the sideline of society. This again undermines the sense of security and togetherness in

¹ Statement by Mr. Bertel Haarder, Minister for Refugee, Immigration and Integration Affairs, conveyed by Mr Mark Bang Kjeldgaard, Ministry of the Interior, Immigration Department.

many of our respective countries as well as the sense of solidarity in the wider international community.

A new policy approach should take this challenge as its platform – the same challenge which has motivated this conference – to solve the deep-rooted problems of managing the processes of migration and integration, which we see all over Europe.

So, what can be done?

The fundamental proposition is - to use a term from economics – that we must promote a development, whereby migration becomes demand-driven, rather than supply-driven. A development, where people see a hope for the future in their own countries, rather than being obliged by poverty, war or human rights abuses to seek elsewhere in order to secure themselves and their families. A development where migration would become much more of a positive process, that provides energy to a global labour market, rather than the kind of negative process we see today.

The fundamental precondition for achieving such a development is for the international community to improve the conditions for trade on a global level and to promote - even more vigorously than before - peace, human rights, democracy and socio-economic development. We have spoken for this at the recent World Summit in South Africa, and we do so again today.

In the shorter term it is necessary to ensure the future of those who lose their homes and sometimes their families because of war and human rights abuses. In this connection we have to recognize, that the solution to the problem of 22 million refugees worldwide is not only in giving asylum in western countries. For sure, safe European countries like ours must take their part of the responsibility and grant asylum when needed, but it is also necessary to improve refugee protection in and around the areas of conflict, to promote physical and institutional reconstruction of war-stricken areas, and to ensure a repatriation, once the situation allows it, which is orderly and - to the extent possible – sustainable to the individual and his or her family.

Such measures are crucial, if we want to help more than just those few refugees, who have the means and the resources to come to Europe. But such measures are also important in order to restore the institution of asylum to its original purpose and to reawaken the sense of respect for refugees and immigrants here in our own countries.

This would allow us - inside of our own respective countries - to work more constructively than ever for a community, which is characterized by social cohesion and based on respect for basic democratic values as well as for cultural diversity. A community where every person has the right to respect, freedom and integrity, regardless of gender, race and conviction.

To work for such a community is to state clearly, that all citizens – both the ethnic minorities and the rest of the population – have rights and obligations, and that

they should all make an effort for integration to succeed.

In this connection it is necessary to provide newcomers with a solid programme of language training and - if necessary - vocational training, which can quickly lead to a real job. In Denmark we are streamlining our existing introduction programme for the newcomers to make it more flexible to the needs of the individual, and to make it better connected to the enterprises, so that the language requirements will not stand in the way of starting on a job quickly.

And by making some economic adjustments we want to ensure, that the entrepreneurship of migrants – and their economic incentive to work - is not eroded by a disproportionately high level of benefits in the welfare system. It should always pay to work rather than living off unemployment benefits.

Also – as Denmark has highlighted in a recent conference under its EU-Presidency – it is necessary to promote the notion, that diversity on the labour market and in the individual enterprises is good for business, because it provides a more dynamic work place with a multitude of competencies.

* * *

Finally – to sum up and put things in further perspective - the basic proposition, Denmark is speaking for, is to turn the negative forces in migration and integration processes into positive forces, which give added value to the world and to individual societies. Therefore – for us Europeans - an important part of the solution is to create legal means of migration for those who have qualifications which are in demand.

With this kind of comprehensive policy orientation Denmark believes that it will be possible to make great improvements in our possibilities for obtaining – on a worldwide level - the goals set out by the Council of Europe in connection with this conference: to secure orderly migration, social cohesion and the rights of the individual.

SESSION II

CHALLENGES IN MIGRATION MANAGEMENT POLICIES

KEYNOTE SPEECH

Radoslav BOZADJIEV

Deputy Minister of Labour and Social Policy (Bulgaria)

Mr Chairman,

Your Excellencies,

Ladies and Gentlemen,

Let me express my great satisfaction of being among the participants at this high level forum organised by the Council of Europe and to thank the Finnish authorities for their hospitality and excellent organisation. I do believe that the problems of migration are of exceptional importance for all member and non-member states of the Council of Europe, which put their efforts for their efficient solution.

Migration as a phenomenon is typical for every country and the only difference between one or another is its rate and dimensions. Europe has always been an attractive place for migration from all over the world and several generations of migrants found their second home in it. On the other hand in the 90s after the start of the democratic changes a net total of 1,2 million people moved from East to the West. However, in the next years immigration from the CEEC declined steadily and a tendency of short-term or time-limited work or trade related stays became prevalent (European Trade Union Year Book, 1999).

The Central and Eastern European Countries have adopted the main European and international standards in the field of migration and basic human rights and gradually turned into receiving countries for immigrants and asylum seekers. We should not forget that work force mobility is closely related to the freedom of movement – one of the fundamental freedoms and a factor, which has a favourable influence on macroeconomic aspects and facilitates the dynamics and growth of economy. The work force mobility will also have a favourable influence on some demographic problems – as ageing of population – which causes increasing anxiety. The free movement of workers gives an additional opportunity to preserve the viability of social security and pension schemes.

Illegal migration and trafficking in migrants continue to cause growing concern among all countries, which requires strengthening of the international co-operation and elaboration and implementation of common measures in the fight against them. The terrorist acts of 11 September 2001, which challenged all democratic countries reminds us that all countries should join forces to combat terrorism in all its forms. However, these acts must not divert us from the democratic trend and from the humane attitude we have

all accepted towards immigrants, refugees and people looking for asylum.

The current migration policy of the R Bulgaria is carried out in conformity with the international and European standards and is directed towards the achievement of an optimal balance between the free movement of persons and the control over illegal migration while respecting fundamental human rights and freedoms. In practice, this means: strengthened internal and border security with the final aim of protection of the external borders of the EU; promotion of regulated forms of migration; and respect of the rights of legally residing migrants. The measures taken by the Government of the Republic of Bulgaria for migration management are of permanent nature targeted towards implementation of a complex approach in the migration management and enhancement of the national legislation and policy. These include:

1. Adoption of primary and secondary legislation as well as amendment and supplementation to existing acts so as to transpose the European Community acquis and to carry out a balanced migration policy.
2. Accession of the country to international treaties in the area of migration and human rights and related to fighting terrorism;
3. Carrying out of consistent policy for the prevention and fight against illegal migration, tightening of the visa policy; improving the state border security and increasing the control over the border regime;
4. Active policy aimed at concluding bilateral intergovernmental agreements for readmission – readmission agreements have been concluded with all the EU member states, with the exception of the UK, and with Norway, Switzerland, the Czech Republic, Poland, Hungary, Slovakia, Slovenia, Romania, FRY, Macedonia, Ukraine, Georgia, Albania, Latvia and Croatia. The UK has submitted its own draft for readmission agreement in response to the Bulgarian one and the document is being finalised. The Republic of Bulgaria is in the process of negotiating readmission agreements with Russia, Tunisia, Estonia, Lebanon and Turkey.
5. Active policy is being conducted on all levels for intensifying the process of concluding bilateral agreements for labour exchange aimed at developing short-term and regulated labour migration. Mechanisms are being set up for establishing contacts between the institutions in the area of employment in Bulgaria and abroad.
6. The government activities and measures in the economic area are aimed at economic stability and growth, attraction of foreign investment, development of small and medium enterprises, fight against poverty and decrease in unemployment.
7. Conducting asylum policies harmonised with international standards and the EC law in this sphere
8. A consistent policy on respecting the basic human rights and freedoms, on non-discrimination, tolerance and social integration of all groups, including the legally residing immigrants and refugee-status holders.

In conclusion, I am convinced that this forum will contribute to the design of new policies and ways of migration management as to the further development of the international cooperation based on the implementation of new standards, measures and mechanisms, which are to guarantee the necessary and optimal migration balance and management.

Thank you for your attention.

SESSION II

STATEMENT

Kamel MORJANE

Assistant UN High Commissioner for Refugees (UNHCR)

*Chair,
Vice-Chair,
Secretary-General,
Distinguished Ministers,
Ladies and Gentlemen,*

UNHCR is greatly honoured to participate in this Council of Europe Conference, which addresses one of the most important issues currently confronting the Council's member states.

Indeed, it is no exaggeration to say that the question of migration and asylum is of global significance and concern. In that respect, UNHCR salutes the initiative of the Council to also invite states from regions other than Europe, as well as a number of international and non-governmental organisations.

May I also express my sincere pleasure to be sharing the podium with Mr Chernenko of the Russian Federation, Mr Bozadjev of Bulgaria and Mr McKinley of the International Organisation for Migration.

Ladies and Gentlemen,

The theme of this important conference is 'Migrants in our societies: policy choices in the 21st century'. In the few minutes at my disposal, I would like to suggest that the degree of choice available to us in this realm of public policy is actually quite limited. And it is limited for three principal reasons.

First, in the process of developing effective and equitable policies on migration and asylum, we have no choice but to acknowledge that Europe has been, and will continue to be, the destination of choice for significant numbers of people originating from less prosperous and less secure regions of the world.

Policies which are simply designed to prevent, deter or obstruct the arrival of such people, I would like to suggest, are simply not viable.

Indeed, there is growing evidence to suggest that earlier efforts to achieve these objectives have actually contributed to the problems of irregular migration and human smuggling. And that, in turn, has contributed to the growth of xenophobia, as well as the

marginalisation of migrants, asylum seekers and refugees.

Such tendencies must be vigorously combated, as they inevitably threaten social cohesion in any state in Europe and elsewhere.

My second point: UNHCR believes that the policy choices taken in relation to migration and asylum must be pursued within the normative and legal framework already established by the Council of Europe as well as in the pertinent international legal instruments.

In this respect, I would draw particular attention to the provisions of the Convention on Human Rights, the Convention on the Prevention of Torture, the European Social Charter and the policy recommendations of the Commission Against Racism and Intolerance.

We trust that the internationally recognised human rights and protection principles contained in these documents, as well as in the 1951 UN Refugee Convention, will be reflected in the Final Declaration of this Conference. And we also ask you to ensure that efforts to address the scourge of international terrorism which we all support are undertaken in a manner that is consistent with those principles.

In particular, we urge participants to acknowledge that irregular migrants, smuggled persons and the victims of trafficking may be in need of international protection and should therefore have access to equitable, effective and expeditious asylum procedures.

In addition, we call on Council members to address the most significant problems currently confronting asylum seekers in the region: prolonged detention at airports and elsewhere, lack of adequate reception facilities, and in some instances, the absence of refugee legislation and asylum procedures.

At the same time, we acknowledge the need to address those refugee-related issues which are of particular concern to states, most notably the onward movement of asylum seekers and refugees from one country and region to another, as well as the return of rejected asylum seekers to their country of origin.

UNHCR recognises that such issues have the potential to damage the integrity and credibility of asylum procedures, and is already examining the ways in which they might be addressed, not only in Europe but also in a global context.

A primary UNHCR role is to be a partner for governments, and we stand ready to co-operate with you and assist you in resolving these difficult issues.

Ladies and Gentlemen,

My third and final point this afternoon is to suggest that we have no choice but to address migration and asylum issues in a comprehensive manner, involving countries of origin, countries of transit states, as well as countries of destination.

For unless there is co-operation and a continued dialogue between these countries, we will be unable to avert the need for irregular migration and human smuggling. We will also be unable to provide adequate protection to those who need it, and will be unable to find lasting solutions to their plight.

We must acknowledge that the dialogue required between states – and, I should add, the representatives of civil society – is a wide-ranging one. It must address the economic conditions and human rights issues that are prompting so many people to leave their countries of origin. It must identify ways of tackling human smuggling and trafficking, while simultaneously preserving the right to seek asylum in another state. And it must facilitate the efforts of refugees and other lawful residents to become valued members of European society. Foreign nationals who enjoy a high level of integration not only contribute to the cohesion and prosperity of their adopted country, but are also better placed to promote development and democracy in their countries of origin.

To conclude, I wish to commend the efforts that have already been made to expand and strengthen what might be called the ‘European asylum space’. This process must continue, and it must be done on the basis of solidarity and responsibility sharing between states throughout the region. It is also a process that calls for fresh and innovative thinking. In that respect, I wish to recall the words of the High Commissioner for Refugees to last week’s meeting of the EU’s Justice and Home Affairs Council.

Speaking to the Council, Mr Lubbers suggested that the international community needs new agreements on asylum issues, supplementing the Refugee Convention and forming part of the multilateral framework for providing refugees with protection and solutions, primarily in areas of origin.

More specifically, we might begin to think in terms of some special multilateral agreement, relating to specific regions of the world, or to specific issues, such as massive outflows, secondary movements, resettlement and post-conflict reintegration.

We are convinced that such agreements, defining the respective roles of countries of origin, transit and potential destination, would inject more predictability into the system, would adjust it to today’s realities, and would serve the interests of both states and people who are in need of international protection.

Thank you very much.

SESSION II

STATEMENT

Brunson MCKINLEY

Director General,
International Organisation for Migration

Mr. President,

In the first place my thanks go to Finland for the superb organization of this Conference and to the Council of Europe for another in its important series of discussions on migration in Europe.

The International Organization for Migration exists to help governments in the broad area of migration management. Our scope of work is worldwide. We operate programmes and projects in every continent. We are an activity-based organization. All our programmes are funded fully and directly through voluntary contributions.

In many ways, for me, Europe is among the most interesting arenas for migration management today. Change is coming fast in Europe. A new paradigm is developing. The public, political and media debate about migration policies has become intense and sometimes difficult. Deep trends are at play and strong interests are engaged -- in politics, economics, demography and social affairs.

We see in Europe the beginnings of the kind of broad and comprehensive approach to the questions of migration management that IOM has always advocated. For me, as a non-European, it is particularly gratifying to see the policy debate on migration in Europe advancing rapidly and on a broad front.

Today I shall focus my remarks on the subject of migration for work, which is rapidly becoming the main agenda item in the European migration debate. The needs of developed economies for workers from outside -- at all levels -- is growing. This is not a temporary or superficial phenomenon. It is a deep and lasting fact of life.

Disparities in standards of living, disparities in demography have created a dynamic for departure in the relatively poor, growing, youthful countries of the world and have led to economic vacuums -- unfillable job vacancies -- in the relatively rich, aging countries, which are also shrinking in terms of native populations. Migration for work is becoming more and more inevitable.

The 20th century was a century of war, crisis and political upheaval, with most human displacement occurring for reasons of politics and humanitarian emergencies. The 21st century is likely to be the century of economic amalgamation, with as a

consequence more and more people moving for work.

If that is true, the developed nations of the world, and especially Europe, will need a whole new set of policies and practices to organize and regularize migration for work. Let me try to catalogue some of the factors.

The first step is clearer and more easily available information on existing and future gaps in employment coverage in developed countries. Market mechanisms will help, but market mechanisms have to be adjusted for public policy as well.

Once needs have been identified, one has to make those needs known. If we are going to invite foreigners into our societies to work permanently or temporarily, we want them to have the right skills, to know what awaits them and to prepare themselves adequately.

It is important not to neglect the option of shorter-term work. Europeans should not fall automatically into the pattern of the traditional immigration countries, where the immigrant is considered a new citizen, someone who joins the new society permanently. Many migrants will be happy with an arrangement that lets them work but does not point to new citizenship.

These 'working-years migrants' will come to make and save money, accumulate contacts and professional knowledge and expand their personal options. When the time is right they will go home to retire or start a business of their own. Let's make that possible.

Of course we have to integrate new arrivals as thoroughly as we can. That means language and history, as many of you have pointed out. The idea is to give the newcomers every chance to fit in and be accepted in the societies in which they are living and working. But, you know, there is a need for education of the people in our own countries too. It is not just a matter of teaching and training the newcomers how to behave. It is also a matter of teaching and training our own citizens how to accept newcomers, how to get along with them, how to be tolerant, how to be good-humoured about some of the problems.

Most important of all, it's about how to understand the reality of migration for work. The newcomers in their overwhelming majority are people who have come to do jobs -- useful jobs, important jobs, jobs that make our life better. In schools and in the media and in the speeches of political leaders, we need an education effort to help us understand better what is happening. To make systems of regular migration for work function properly we must emphasize the carrots rather than the sticks. We must reward people who come with the right qualifications to do the right jobs. That approach will encourage the right kind of migration and discourage the wrong kind. To emphasize the positive makes sense.

Training in the country of origin is also a factor in the migration-for-work equation. It is not just a matter of language lessons after arrival. It is also about setting educational priorities in countries of origin, selecting migrants carefully and making

sure that the workers and professionals who enter developed economies will have every chance of success.

At the same time, we have to be tough on the smugglers and the traffickers, who will work to undercut all the good principles that we are trying to put in place for migration for work. Regular migration is a rule-of-law question as well. Good systems will have to work hard to eliminate corruption and thwart efforts by traffickers and smugglers to get around the rules.

Working migrants, like everyone else, want an orderly life and will live by the rules if they are allowed to do so. Well-organized migration is the way to protect the human dignity of the migrants. Put yourselves in their place. Migrant workers do not want to live in fear of the policeman on the corner. Potential migrants will make the extra effort needed to qualify for regular programmes. It is in their interest.

Regular migration will also free up resources that are now devoted to enforcement efforts. A recent IOM study shows that five industrial countries -- the US, Canada, Germany, the Netherlands, and the UK -- are due to spend USD 17 billion in 2002 to enforce immigration laws and assist asylum seekers. This figure is almost two thirds as much as those countries provide in Official Development Assistance. Another advantage of regular migration systems is that it will help us relieve overburdened asylum systems. It would make us all happy to see our asylum systems caring for the people who need the care and protection, and not being used as a stratagem to stay on.

Regular migration for work would also bring in additional tax revenues. Finance ministers would be very happy if they could get taxes from the people who are working on the grey economy because they don't have papers.

Regularization will also help us get a better handle on the question of remittances, crucial aspect of all migration and development strategies. Remittance flows are massive. They amount to much more than all Official Development Assistance combined. Developing countries are trying to find a way to harness remittances for development purposes.

The United Nations system is getting interested in the migration business too and is wondering whether it shouldn't find some way to cover this growing, international, public-policy issue. This is a topic that I think many of you as representatives of governments will be very interested in and where we shall need your advice. IOM itself is becoming more nearly universal. We now have 93 member governments and 37 observer governments. For all these reasons, establishing programmes of regular migration for work will prove to be an essential precursor to sound systems of migration management in the future. Right here in Europe, as I said before, you have some of the most dynamic, interesting, useful, exciting and new approaches to migration and migration management. I am happy to be here among you and to share in this effort.

Thank you very much.

SEANCE DE TRAVAIL II

DECLARATION

Brunson MCKINLEY

**Directeur général de l'Organisation internationale
pour les migrations**

Monsieur le Président,

Je tiens, tout d'abord, à remercier la Finlande pour l'excellente organisation de la présente conférence et le Conseil de l'Europe pour cette nouvelle rencontre qui s'inscrit dans son importante série de débats sur les migrations en Europe.

L'Organisation internationale pour les migrations a pour mission d'aider les gouvernements dans le vaste domaine de la gestion des migrations. Son champ d'action est mondial. Axée sur l'organisation d'activités, elle met en œuvre des programmes et des projets sur tous les continents. L'ensemble de ses programmes est financé entièrement et directement par des contributions volontaires.

A mon sens, l'Europe est, à maints égards, l'une des plates-formes les plus intéressantes de la gestion des migrations aujourd'hui. Les changements se produisent rapidement en Europe. Un nouveau schéma se met en place. Le débat public, politique et médiatique sur les politiques migratoires est devenu vif et parfois difficile. Des tendances profondes et des intérêts puissants sont en jeu dans les secteurs de la politique, de l'économie, de la démographie et des affaires sociales.

Nous voyons apparaître en Europe les prémisses de ce type de vaste stratégie d'ensemble que l'OIM a toujours prôné en matière de gestion des migrations. Pour moi qui ne suis pas Européen, il est particulièrement satisfaisant de constater que le débat sur les choix politiques en matière de migrations en Europe progresse rapidement et sur un large front.

Aujourd'hui, je concentrerai mes remarques sur les migrations économiques, qui sont en train de devenir rapidement le principal point à l'ordre du jour du débat sur les migrations européennes. Les économies développées ont de plus en plus besoin de main-d'œuvre extérieure à tous les niveaux. Ce n'est pas un phénomène temporaire ou superficiel. C'est une réalité profonde et durable.

Les disparités de niveaux de vie, les disparités démographiques ont créé une dynamique incitant au départ les ressortissants des pays du monde qui sont relativement pauvres, jeunes et dont la population s'accroît. Elles ont, en outre, conduit à la

formation de vides économiques, c'est-à-dire de vacances de poste qui ne peuvent être pourvus dans les pays riches, vieillissants et dont la population autochtone diminue. Les migrations économiques deviennent de plus en plus inéluctables.

Le XX^e siècle a été un siècle de guerres, de crises et de bouleversements politiques, marqué par des déplacements de populations essentiellement dus à des raisons politiques et humanitaires. Le XX^e siècle sera probablement le siècle de la fusion économique, qui amènera un nombre toujours croissant de personnes à se déplacer pour trouver du travail.

Si cette hypothèse se vérifie, les nations développées du monde, et notamment l'Europe, auront besoin de toute une nouvelle série de politiques et de pratiques pour organiser et régulariser les migrations économiques. Laissez-moi tenter d'énumérer un certain nombre de facteurs.

Il faut, tout d'abord, recueillir des informations plus précises et plus accessibles sur les secteurs de l'emploi qui, dans les pays développés, souffrent ou souffriront d'une pénurie de main-d'œuvre. Les mécanismes du marché y contribueront mais doivent être ajustés par des politiques gouvernementales.

Une fois les besoins déterminés, il faut les faire connaître. Si nous invitons des étrangers à venir dans nos pays travailler de manière permanente ou temporaire, nous voulons qu'ils aient les compétences nécessaires, qu'ils sachent ce qui les attend et qu'ils s'y préparent comme il faut.

Il importe de ne pas négliger l'option d'un emploi de courte durée. Les Européens ne devraient pas se conformer automatiquement au schéma des pays d'immigration traditionnelle où l'immigré est considéré comme un nouveau citoyen, quelqu'un qui devient membre permanent de la nouvelle société. De nombreux migrants se contentent d'un dispositif qui leur permet de travailler mais ne débouche pas sur une nouvelle citoyenneté.

Ces «migrants de la vie active» viendront pour gagner de l'argent et épargner, établir de nombreux contacts, engranger des connaissances professionnelles et développer leur potentiel. Lorsque le moment sera venu, ils rentreront chez eux pour prendre leur retraite ou lancer leur propre affaire. Faisons en sorte qu'ils le puissent.

Nous devons, bien sûr, intégrer le mieux possible les nouveaux arrivants, ce qui passe par la langue et l'histoire, comme beaucoup d'entre vous l'ont souligné. L'idée est de donner aux nouveaux arrivants toutes les chances de s'intégrer et d'être acceptés dans la société où ils vivent et travaillent.

Mais il est nécessaire, vous savez, d'éduquer aussi les citoyens de nos pays. Il ne s'agit pas seulement d'apprendre aux nouveaux arrivants comment se comporter. Il faut aussi apprendre à nos compatriotes à accepter les nouveaux venus, à s'entendre avec eux, à être tolérant, à aborder certains problèmes avec bienveillance.

Le plus important, c'est de comprendre la réalité des migrations économiques. Dans leur vaste majorité, les nouveaux arrivants sont des personnes qui sont venues pour faire un travail, un travail utile, important, un travail qui améliore nos conditions de vie. L'école, les médias et les dirigeants politiques dans leurs discours doivent faire un effort d'éducation pour nous aider à mieux comprendre ce qui se passe.

Pour que les systèmes de migration économique régulière fonctionnent bien, il y a lieu d'agiter la carotte plutôt que le bâton. Il faut récompenser les personnes qui viennent dotées des qualifications voulues pour exercer les emplois voulus. Cette approche encouragera le bon type de migrations et découragera le mauvais type. Il convient de mettre l'accent sur les aspects positifs.

La formation dans le pays d'origine est également une variable de l'équation migration-travail. Ce n'est pas seulement une question de cours de langue après l'arrivée du migrant. Il faut aussi fixer des priorités éducatives dans les pays d'origine, sélectionner les migrants avec soin et s'assurer que les travailleurs manuels et intellectuels qui entrent dans les pays développés ont toutes les chances de succès.

Il faut, parallèlement, se montrer intransigeant avec les passeurs et les trafiquants qui s'efforcent de saper tous les bons principes que nous cherchons à mettre en place pour les migrations économiques. Les migrations régulières sont également une question de primauté du droit. Les tenants des bons systèmes devront travailler dur pour éliminer la corruption et contrarier les efforts des trafiquants et des passeurs pour contourner la loi.

Comme tout un chacun, les migrants qui travaillent veulent mener une vie paisible et, si on le leur en donne le loisir, ils vivent dans le respect des lois. Une bonne organisation des migrations permet de préserver la dignité des migrants. Mettez-vous à leur place. Les travailleurs migrants ne veulent pas vivre dans la crainte d'être aux prises avec la police à tout moment. Les migrants potentiels feront les efforts supplémentaires voulus de manière à satisfaire aux conditions requises pour participer à des programmes réguliers; c'est dans leur intérêt.

Les migrations régulières libéreront aussi des ressources qui sont consacrées actuellement aux mesures visant à faire respecter la loi. Une récente étude de l'OIM montre que cinq pays industriels, à savoir les Etats-Unis, le Canada, l'Allemagne, les Pays-Bas et le Royaume-Uni, devraient dépenser 17 milliards de dollars des Etats-Unis en 2002 pour faire respecter les lois sur l'immigration et aider les demandeurs d'asile. Ce chiffre représente près des deux tiers de ce que ces pays consacrent à l'aide publique au développement.

Un autre avantage des systèmes de migration régulière, c'est qu'ils nous permettront d'alléger les systèmes d'asile surchargés. Nous serions tous satisfaits de voir nos systèmes d'asile prendre en charge les personnes qui ont besoin d'assistance et de protection au lieu de servir de stratagème pour éviter l'expulsion.

Des migrations économiques régulières seraient également source de recettes d'impôt supplémentaires. Les ministres des Finances seraient très heureux s'ils pouvaient taxer les personnes qui travaillent pour l'économie souterraine parce qu'elles n'ont pas de papiers.

La régularisation nous permettra également de mieux gérer la question des transferts de fonds, aspect essentiel de toutes les stratégies de migration et de développement. Ces transferts représentent, en effet, d'énormes mouvements de capitaux. Leur montant représente beaucoup plus que tous les budgets d'aide publique au développement réunis. Les pays en développement s'efforcent de trouver un moyen d'exploiter ces envois de fonds en faveur du développement.

L'Onu commence à s'intéresser aussi à la question des migrations et se demande si elle ne devrait pas trouver un moyen de traiter ce problème international qui se pose de plus en plus aux gouvernements. C'est une question qui intéressera beaucoup, je crois, un grand nombre d'entre vous en tant que représentants des gouvernements et nous aurons besoin de vos conseils en la matière. L'OIM elle-même devient de plus en plus universelle. Nous comptons à présent 93 Etats membres et 37 Etats observateurs.

Pour toutes ces raisons, l'établissement de programmes de migration économique régulière est une condition préalable et indispensable à l'instauration de systèmes sains de gestion des migrations. Ici même en Europe, comme je l'ai déjà dit, vous avez quelques-unes des stratégies parmi les plus novatrices, prometteuses, dynamiques, intéressantes et utiles pour aborder et gérer les migrations. Je suis heureux d'être ici parmi vous et de m'associer à cette initiative.

Je vous remercie beaucoup.

SESSION II

STATEMENT

Piotr STACHANCZYK

President of the Office for Repatriation and Aliens (Poland)

*Mr Chairman,
Distinguished Ministers,
Ladies and Gentlemen,*

On behalf of the Polish delegation I would like to express our highest respect to the Council of Europe and the Finnish government for the excellent organisation of the Conference. Our special thanks are addressed to the Finnish authorities which hospitality enables us present meeting in the place as charming as Helsinki is.

Referring to the statement by Prof. Tadeusz Iwinski I would like to mention that six years ago, in June 1996 in Warsaw we had the honour and pleasure to host the previous one 6-th Conference of European Ministers Responsible for Migration Affairs. The significant changes have come since that time both in migration situation and the migration policy in Poland.

However, in order to understand the scale of development into the migration situation of Poland we should turn back to some historical events. Since the middle of XVIII century we have been able to observe the migration outflow waves which sometimes were of mass character. There were many reasons of the situation. Arm conflicts and wars seem to belong to the most important of them. Partition of Poland and defeats of national appraisals contributed to arising next waves of emigration. In the turn of XIX and XX century the economy motives of emigration seemed to prevail. In the period of years 1888-1914 almost. 35 mln of inhabitants emigrated from Poland, mainly from the poor rural regions.

The reconstruction of the Polish state after the I World War did not influenced the migration situation of the country. In the period between the I World War and the II World War 2 mln of Polish citizens emigrated from Poland. It is important to remember that Poland in that time was multinational and multiethnic country. According to the statistical data of 1931 the Polish language was a mother tongue for 70% of Polish citizens. The percentage of Poles whose mother tongue was not Polish in the overall population of Polish citizens was higher in towns than in rural areas. In some Voivodships the Polish citizens whose home language was Polish created minorities. As

far as religion is concerned only 65% of Polish citizens were of Roma catholic religion. That time the emigration from Poland meant the emigration of different national groups members.

The migration situation of the country had its impact on legislation introduced that time. The Ordinance by the President of Poland of 11 October 1927 was called "emigration bill".

The emigration from Poland influenced significantly the policy, economy and social life of the country. That phenomenon was preserved both in literature of that period and monographic research works conducted by the scientific centers.

The II World War was followed by the next huge wave of emigration. It is estimated that 5 mln of Poles emigrated abroad as a result of war.

After the II World War the two motives for emigration, political and economy, still preserved their validity. Immigration to Poland was a phenomenon unimportant from the statistical point of view. However, we have noticed twice the significant migration inflows based on political reasons: the inflow of several thousands of Greeks in 1940s and small number of Chile citizens who came to Poland as a result of Allende government collapse.

After the II World War Poland became to large extend a unified country as far as nationality and ethnicity are concerned. Although the representatives of 13 national minorities live in the Polish territory nowadays, the overall number of those representatives does not extend 2-3 % of the Polish population. The minorities living in the Polish territory are mainly not of immigration origin. They found themselves into the Polish territory as a result of states borders changes after the War or as a result of immigration inflows in previous centuries.

Before 1990 Poland was an emigration country what influenced its legal and institutional system. The immigration was very limited so it did not have any special social or economy consequences.

Since 1990 Poland has been turning into both emigration and immigration country. The latter is getting more and more important element in the picture of migration movement in Poland. A lot of investors, high qualified experts, teachers, lecturers and managers have been coming to Poland as well as the foreigners who just look for better life conditions and prospects for future, war escapees, migrant workers, repatriates of Polish nationality or Polish family background, displaced persons and refugees. The new migration situation influences the state economy, legal system, social policy and social relationships. It also affects the way of perceiving foreigners by the Polish society members.

The progress in the process of Polish integration with the European structures and institutions, especially the negotiations with the EU is followed by necessity to

align the Polish legal system to the EU standards. It also covers the Polish legislation on foreigners.

Last year the Polish law on aliens was amended. The draft of the new law was worked out with the support of the EU experts, especially thanks to the PHARE Horizontal Programmes: on Asylum and on Immigration.

In July 2002 Poland and the European Union concluded the negotiations in the field of „Justice and Home Affairs”. This area of negotiations has been concluded, however for the Polish migration services it means the opening of the new stage of adjustment to the *acquis communautaire*. That is the reason that further amendments to the Polish migration legislation are being prepared.

Last year we celebrated the 10th anniversary of ratification the Geneva Convention and New York Protokol. It is meaningful that the main celebration events were held in the Office of Prime Minister and that the President of Poland officially patronized the celebration.

Within the last 10 years Poland, previously an emigration country, has become an immigration-emigration one. We have managed to build the system of law and institutions specialized in migration issues. Simultaneously, we can observe a new phenomenon – Poland treated by migrants as a destination country.

Since the beginning of 1990s the presence of aliens in Poland has become a permanent element of social consciousness. Media play very important role in the process, especially television and newspapers. Some NGOs campaign for dissemination of knowledge about special problems of foreigners. Our scientific agencies and universities are eager to conduct research on different aspects of immigration and situation of foreigners in Poland.

The Office for Repatriation and Foreigners, which is a relatively new element within the organisational structure dealing with migration problems, has decided to initiate the work on draft on assumptions of migration policy of Poland. We are going to start the activity necessary to fulfil the task next month. We think of the mutual work by state administration, NGOs, heads of local communities and scientific agencies. The new challenges in migration situation of the country, which we will face as a result of the EU enlargement may turn to be significant for all of us. So that is the reason that all of the migration system elements have to be involved into the process of creation of the shape of migration policy.

The integration of immigrants will become a crucial point of our analysis and of our work. Our experience connected with integration of refugees and integration of repatriates coming to Poland shows that the most important role in this process should be played by the local communities and NGOs. The state administration may remove some legal and organisational obstacles. However, the process of integration is a kind of developing relation between an individual and his/her social environment.

The process of work on the Polish migration policy assumptions has to be connected with the progress in the process of building the common immigration and asylum policy by the EU. Poland is going to be a member of the EU soon. It means that the national migration policy of Poland must be in conjunction with the European policy of the EU.

Because of migration itself is an international phenomenon a migration policy simply has to refer to the international circumstances. From that point of view the Polish delegation acknowledges the idea of establishing the European Center for Migration Observation as a very interesting.

To summarize I would like to stress, that analysing the changes which have appeared in the Polish legal system since 1990 one can observe a permanent tendency to broaden the scope of rights of foreigners legally staying into the Polish territory. This tendency has additional support from the process of integration with the EU. The tradition of multiculturalism from the period between the two World Wars, the directions of developments in the Polish legal system on foreigners, growing social consciousness of migration issues, involvement of the Polish NGOs – are the solid foundation for further works aiming at development of the Polish migration system.

Thank you for your attention.

SESSION II

STATEMENT

Ali T. NAGIYEV

**Minister of Labor and Social Protection of Population
of Republic of Azerbaijan**

*Dear Mister Chairman,
Ladies and Gentlemen,*

Migration is one of the key factors in development of modern social transformation. It's also result of globalization of many social and economic problems appearing in international community. Problems related to social protection of migrants and regulation of migration processes in present time attract attention of international community and separate governments by its' complex character requesting elaboration of general regional approach in this sphere. Based on these issues selection of the subject of 7th European Ministerial Conference responsible for migration problems closely depends on forming of new political possibilities directed to maintaining and development of migrant rights in territory of European Community.

Activation of efforts of Council of Europe in development of migrant rights again proves actuality of our meeting. Results of Bratislava Forum widely declaring in our country also lead to review new initiatives related with development of migrant rights in national level. As we see this problem causes an active discussion even in our Conference.

Membership of Republic of Azerbaijan in Council of Europe and general European standards in field of migrant rights has a great influence on forming of new approaches in migration policy the country. Certainly, main aspect of cooperation of national and European tendencies has to be also counter influence of national practice of Azerbaijan in field of migration to the processes in European Union. Here I mean, first of all, following aspect. After long period of restrictions to enter and exit from a country in old USSR our country after gaining independency started to implement open door policy.

Carrying out socio-economic reforms in republic starting from 1993, development of democratic institutes, revival of main human rights and freedom created strong basis for improvement of economy and social life. Intension of these processes lead to creation of new migration processes of different type.

Main attractive factor for labour migration in Azerbaijan Republic is political and economic stability and legal safety of migrants. Among migrants there are persons came to our country in accordance with increase in investments in oil sector of economy. At the same time transition to market relations, participation of Azerbaijan in system of international migration, development of entrepreneurship in private sector was also essential factor affecting to migration processes. All of these leaded to mobility of labour force not only in territory of Azerbaijan Republic but also outside the country including increase in flows of labour migrations to Developed European Countries. Together with this in spite of taken by Government active measures the status of more than 1 million of migrants is still difficult – refugees and compulsory migrants, most of them are children, old aged people and women.

Taking an opportunity I would like to concentrate Your attention to violation of rights of hundred thousands of compulsory migrants – refugees and compulsory immigrants. This contingent lives more than 14 years in unbearable conditions, in limited access to housing habitations, medical and educational packet. Representatives of many international institutes including also one of our participants and very honourable quest of our country – General Secretary of Council of Europe Mr. Walter Schwimmer could see for themselves the violation these rights. I hope that donor countries, financial institutions also Development Bank of Council of Europe will give to Azerbaijan corresponding help in providing social support for this groups of population.

I would like also underline that geopolitical situation of Azerbaijan and other factors leaded to strengthening of process of illegal migration through our country. According to evaluations of international organizations our country taking into account aforementioned reasons can be one of the main transition countries for illegal migration in the future. It has to be noted that in a given phase in the networks of cooperation with IOM the program of “Claster” is carrying out in our country considering the problems of voluntarily return of citizens of Azerbaijan Republic leaved to European countries because of economic problems and received refusal from corresponding Bodies of these countries for providing refuges and current time illegally living in these countries. At the same time lack of corresponding resources restricts possibilities of Government for development of institutional bases of regulating migration processes in our country.

Inequality in economic, political, social and demographic conditions between Central and East European and Developed Countries-members of Council of Europe is the main factor of intensity of migration processes. At the same time as many countries of Council of Europe Azerbaijan is not only emigration but also immigration and transition country. This determines actuality of development of bilateral and multilateral cooperation in the networks of EU.

Azerbaijan Republic constructing democratic legal Government ratified series of basic international normative documents according to the Human Rights. Main

principles of these international norms in particular Human Rights are introduced to the Constitution of the country. At the present time in Azerbaijan there is a well-developed legislation regulating status and rights of the migrants.

All of this show that in our country significant attention is paid to protection of rights and freedom of migrants, provision of their social protection based on principles of democracy.

I think that according to recommendations of Council of Europe and existing experience of countries of Western Europe in Azerbaijan Republic legal base for provision of rights for migrants will be developed also in a future. At the same time according to the article 1 of Codex of Council of Europe one of the main goals of this organization is to reach more strength solidarity between members in order to improve social progress. Development of this cooperation played an important role in activities of EU particular in humanitarian, political and economic spheres.

Migration policy should balance European solidarity based on cooperation of social, economic and political interests in countries receiving migrants. First of all it means recognition and use of recommendations of Council of Europe according to the rights of migrants in national levels.

This defines development of integration approaches in elaboration of political measures related with protection of migrants. It is necessary to improve possibilities of Council of Europe on liquidation of military conflicts in territory of Union. We all have to find a way out from psychological shock from events of 11 September 2001 which leaded to consolidating efforts in fight against terrorism also in countries of Council of Europe. But at the same time I think that in this aspect it is very important to review issues of counteraction related with xenophobia and violating Human Rights.

In European level there are existing requests for continuation and improvement of sphere of use of coordination founds of Council of Europe with the aim of protection of rights of labour migrants and provision of their social safety and integration.

In conclusion of my speech expressing my appreciation to organizers of this meeting I would like to wish success to all participants of Conference.

Thank you for attention!

CLOSING SESSION

Gunnar JANSSON

General Rapporteur

The conference discussed challenges in connection with integration policies and migration management. I will stick to that structure in my closing remarks.

Integration policy was described by many speakers as a strategy by which states both nationally and internationally are able to meet the challenges that occur when millions of people seek entry and residence in other countries due to various and often alarming reasons.

Integration policy should, at least, contain four elements:

1. ensuring that migration to and from a country takes place in an orderly manner,
2. immigration under regulated conditions,
3. right to asylum must be carried safeguarded, and
4. integration policy must be carried out under procedures characterised by the principle of rule of law, humanity and respect for human rights of the individual, bearing in mind the provision in Article 2, § 2 of the Additional Protocol No 4 to the European Convention on Human Rights, which reads: "Everyone shall be free to leave any country, including his/her own".

Thus, migration is a fundamental human right and demands regulation in the country of destination, because immigration is not a human right, you have the right to leave any country, but you cannot enter any other, on your free choice, than your own.

The challenges in connection with integration can be divided into:

- a) general challenges and
- b) specific challenges when an alien freely wants to take up residence in a new country.

The general challenges are both positive and egoistic in respect of our Council of Europe member states. Again, many speakers confessed that Europe needs labour forces; otherwise our generations must work until we are 77 years old; a globalised, computerised economy depends upon a globalised labour market; the cultural diversity contains obvious advantages. The creation in 1648 of national states was a means to bring an end to the religious wars in Europe, but there is no space for aggressive nationalism on our continent any longer.

The general challenges are also demanding, not only in respect of the international co-operation, but also on states, regions, local authorities and even on smaller units when it comes to everyday needs such as housing, work, language training, health and social care, because of a simple human reason: behind every migrant is a human being and in every human being there is a hope.

The specific challenges defer from the main stream. In respect of Kaliningrad we face a *sui generis* situation which should be resolved as a *sui generis* – a special case. Also the Crimean Tatars deserve special attention, as does the whole question in connection with the external border of the EU.

The specific challenges demand specific measures when it comes to all those irregular phenomena which were pointed out in the discussion and which violate human rights of individuals in the most cruel way, and they must be combated in all civilised societies. Severe illnesses demand strong medicines.

The second theme – challenges in connection with migration management – could be summarised as a strategy of proper implementation of the integration policies in the international co-operation and in the domestic policies on all, above-mentioned levels and in all areas concerned.

The measures to meet the management challenges can be divided into:

- a) preventive measures and
- b) repressive measures both in the country of origin and in the country of destination as it was pointed out by several participants.

As we learn from the statistics, most cases are properly handled under the four elements I mentioned earlier. But abuses are regular – the prevention has failed – the management must be strengthened, if needed by repression, as in all human activities where money is involved.

Smuggling, trafficking, prostitution, organised criminality are, indeed, human phenomena but combating them must be subject to both prevention and repression.

I will conclude with the following remark: 27 years ago, in this very hall, the process started where the protection of human rights and minorities was made a subject of international co-operation. In 1990 that principle was adopted at an OSCE Summit in Paris. This conference is an evidence of the observation that the process must go on, especially inside the Council of Europe member states.

SESSION DE CLOTURE

Gunnar JANSSON

Rapporteur général

La conférence a examiné les défis se rapportant aux politiques d'intégration et à la gestion des migrations. Je suivrai cette même structure dans mes remarques finales.

De nombreux orateurs ont décrit la politique d'intégration comme une stratégie selon laquelle les Etats peuvent, tant sur le plan national qu'international, relever les défis qui se posent lorsque des millions de personnes cherchent à entrer et à séjourner dans d'autres pays pour des raisons diverses et souvent alarmantes.

La politique d'intégration devrait tenir compte au moins des quatre éléments ci-après:

1. la migration vers un pays et en provenance d'un pays doit se dérouler dans le respect de l'ordre public,
2. l'immigration doit être contrôlée,
3. le droit d'asile doit être protégé, et
4. la politique d'intégration doit être exécutée conformément aux procédures caractérisées par les principes de la prééminence du droit, d'humanité et dans le respect des droits de l'homme, en ayant à l'esprit les dispositions de l'article 2, paragraphe 2 du Protocole additionnel n°4 à la Convention européenne des droits de l'homme, libellé comme suit :« Toute personne est libre de quitter n'importe quel pays, y compris le sien ».

La migration est donc un droit fondamental qui exige une réglementation dans le pays de destination, parce que l'immigration n'est pas un droit fondamental, vous avez le droit de quitter tout pays, mais vous ne pouvez pas entrer, de votre plein gré, dans un pays autre que le vôtre. On peut subdiviser les défis à relever en rapport avec l'intégration :

- a) en défis généraux et
- b) en défis spécifiques, lorsqu'un étranger souhaite, de son plein gré, s'installer dans un nouveau pays.

Les défis généraux sont à la fois positifs et égoïstes par rapport aux Etats membres de notre Conseil de l'Europe. Une fois de plus, de nombreux orateurs ont déclaré que l'Europe a besoin de main d'œuvre ; sinon notre génération devra travailler jusqu'à l'âge de 77 ans ; une économie mondialisée et informatisée est tributaire d'un marché du travail mondialisé ; la diversité culturelle offre des avantages évidents. La création en 1648 d'Etats-nations a été un moyen de mettre fin aux guerres de religion en Europe, mais notre continent ne peut plus se permettre d'avoir des nationalismes

agressifs.

Les défis généraux appellent aussi des exigences non seulement pour ce qui est de la coopération internationale, mais aussi pour les Etats, régions, pouvoirs locaux et même des unités plus petites, pour la satisfaction des besoins quotidiens, tels que le logement, le travail, l'apprentissage des langues, la santé et la protection sociale, pour la simple raison humaine que derrière chaque migrant se cache un être humain et que chaque être humain est porteur d'espoir.

Les défis spécifiques découlent de la tendance générale. En ce qui concerne Kaliningrad, nous nous trouvons face à une situation sui generis qui devrait être résolue sui generis – un cas particulier. Les Tatars de Crimée méritent eux aussi une attention particulière au même titre que toute la question liée aux frontières extérieures de l'Union européenne. Les défis spécifiques exigent des mesures spécifiques lorsqu'il s'agit des phénomènes irréguliers, qui ont été mentionnés au cours de la discussion, et qui violent les droits de l'homme de la manière la plus cruelle, et contre lesquels toutes les sociétés civilisées se doivent de lutter. L'éradication de maladies graves passe par un traitement radical.

Le deuxième thème – les défis par rapport à la gestion des migrations – pourrait se résumer comme une stratégie de mise en œuvre des politiques d'intégration dans le cadre de la coopération internationale et des politiques nationales, à tous les niveaux susmentionnés, et dans tous les domaines concernés.

Les mesures visant à relever les défis relatifs à la gestion des migrations peuvent se diviser :

- a) en mesures préventives et
- b) en mesures répressives, à la fois dans le pays d'origine et dans le pays de destination, ainsi que plusieurs participants l'ont fait remarquer.

Comme les statistiques l'indiquent, la plupart des cas sont traités, comme il se doit, dans le cadre des quatre éléments susmentionnés. Les abus sont toutefois chose courante – et là où la prévention a échoué – il importe de renforcer la gestion, s'il le faut par la répression, comme dans toutes les activités humaines où intervient l'argent.

La contrebande, le trafic, la prostitution, la criminalité organisée sont, en effet, des phénomènes humains, mais la lutte contre ces phénomènes doit passer à la fois par la prévention et par la répression.

Je conclurai mes propos par la remarque suivante : il y a 7 ans, dans cette même salle, le processus a démarré avec la protection des droits de l'homme et des minorités, qui est devenue un sujet de coopération internationale. En 1990, ce principe a été adopté au Sommet de l'OSCE à Paris. Notre conférence prouve bel et bien que ce processus doit se poursuivre, notamment au sein des Etats membres du Conseil de l'Europe.

CLOSING SESSION

Gabriella BATTAINI-DRAGONI

Director General of Social Cohesion,
Council of Europe

Yesterday and today, debates about migration policy in Europe and suggestions that migration should be increased have become focused on three propositions. The first proposition is that *replacement migration* will be needed to cope with population ageing and demographic shortfalls. The most of these various scenarios are supply-side based and take no or little account of skill requirements. The second is that a *global market in migrants* exists where immigration is regarded as an engine of economic growth. The third is that for various reasons *specific skill shortages* have emerged which are holding back economic growth. The shortages are caused partly by excess demand for new types of skills, partly by such supply side constraints as inadequate training and poor retention, partly by public sector deficiencies.

There was here a consensus that countries gain economically from immigration. It increases GDP and, therefore, the size of the economy. However, per capita gains are less obvious because migrants consume as well as produce. Generally, destination countries gain more from skilled migrants and from those who are younger. At the less skilled end of the jobs spectrum, however, new immigrants compete with those who last came in, leading to higher migrant unemployment and/or to wages being driven down. Overall, it appears that the economic effect of immigration across all developed states is either neutral or mildly positive.

For sending countries there are both economic gains and losses to be made. Some countries encourage emigration, even train people for work abroad as does the Philippines in the case of nurses. Migrants remit their earnings and take their savings home. In some of the poorest countries money sent home by migrants contributes the greater part of their export earnings and covers a substantial part of their import bill. There is also growing evidence that returning migrants take new skills back with them and the combination of their newly acquired expertise and savings brings investment and technology to their home countries. However, unless there is a good climate for investment both expertise and money may be wasted.

Individual migrants and their families also gain from access to the sorts of jobs and living conditions not available to them in their own countries. Family reunion is widely accepted as a fundamental element in migration policy. Despite many hiccups, integration in Europe is generally good, though could be improved. However, future

improvement cannot be taken for granted if there is a perception that immigration has escaped control by governments.

Many people from Central and Eastern Europe over the last decade or so have gained enormously from a range of types of cross-border movements for trading, developing informal economies and going on to create new economic regions. For some people such moves have become long-term or permanent, for others they are part of the past. What is clear is that several countries in Central and Eastern Europe are already ones of substantial labour and family immigration.

Europe has also had a good human rights record. It has coped with the perturbations of war through temporary protection schemes, preserved and adapted the 1951 Convention on refugees, provided security, homes and work for hundreds of thousands of refugees. More recently it has begun seriously to tackle the problems created by human smuggling and trafficking.

Managing migration

The debate about how governments should respond to the changing nature of migration and attitudes to it has shifted significantly from the view that migration can and should be controlled towards broad acceptance that some migration is inevitable and that it needs to be managed.

A management strategy has been outlined by the Council of Europe in 1998. It is based on the notion that in a world increasingly characterised by global networks for producing and exchanging goods, services and information, and where states have forfeited much of their control over capital movements and the organisation of production, excessive reliance on policies to control labour flows is unlikely to succeed. Its four main principles are

- orderliness

To develop a set of measures able to manage migration in an orderly manner, so as to maximise opportunities and benefits to individual migrants and to host societies and to minimise trafficking and illegal movement. Of course, migration management should duly take into account the rights of asylum seekers and refugees. A common European approach may be needed in this respect including possible normative action provided it is fully compatible with the Geneva Convention on the Status of Refugees. The ECHR and the case law of the European Court on Human Rights.

- protection

To provide an appropriate capability for protection and for dealing with disorderly or sudden movements.

- integration

To provide an environment conducive to integration.

- co-operation

To engage in dialogue and co-operation with sending countries in order to link foreign policy including developmental aid and migration policy objectives.

The strategy emphasises that the protection of individual human rights is the basis of management. It strongly supports measures to integrate foreign populations, while accepting that integration is a two-way process. At the heart of the strategy is the conviction that many of the migration problems now confronting governments have resulted from a piecemeal approach to specific problems, such as the economy, asylum, illegality or return. This approach is no longer sustainable. Whether countries are able to develop their own integrated policies and to harmonise them with others are questions that our Secretary General felt appropriate to raise. This new managerial approach needs to be mainstreamed into our member States, countries of origin, our Development Bank as well as the international organisations here present: EU, IOM, UNHCR, ILO, the social partners and civil society and last, but not least, the business community.

We will therefore look into ways and means of giving effective implementation to our strategy on the orderly management of migration flow as an issue of very high political priority within the CDMG and the Council of Ministers.

Thank you for your hospitality.

FINAL DECLARATION

DECLARATION FINALE

FINAL DECLARATION

1. The 7th Conference of European Ministers responsible for Migration Affairs was held in Helsinki on 16 and 17 September 2002 at the invitation of the Finnish government, with the Finnish Former Prime Minister Mr Harri Holkeri in the Chair.

2. The Conference elected Ms Tarja Filatov, Finnish Minister of Labour and Ms Elisabeth Rehn, Former Minister of Defence and Equality Affairs of Finland as Vice-Chairs.

3. The Conference was attended by Ministers of the Council of Europe member states or their representatives¹ as well as their counterparts from the Holy See, Japan, Algeria, Egypt, Morocco and Tunisia, the Committee of Ministers, the Parliamentary Assembly, the Congress of Local and Regional Authorities of the Council of Europe, the Commissioner of Human Rights, the Council of Europe Development Bank, the European Parliament and the European Commission.

4. The International Labour Office (ILO), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the European Free Trade Association (EFTA), the International Organization for Migration (IOM), the Inter-governmental Consultations on Asylum, Refugee and Migration Policies (IGC), the International Centre for Migration Policy Development (ICMPD), the Budapest Group, the Churches Commission for Migrants in (CCME), the International Catholic Migration Commission (ICMC), the European Trades Union Confederation (ETUC) and the Union of Industrial and Employers' Confederations of Europe (UNICE) also attended the Conference as observers.

5. The general theme of the conference was:

"Migrants in our societies: policy choices in the 21st century".

6. The Ministers discussed the challenges in connection with integration policies and with migration management and ways of dealing with them.

7. The Ministers noted that, over the last century Europe has been a destination for migration in all its forms. In recent years, persecution, war, human rights violations, political, ethnic and religious conflicts and economic social and demographic imbalances in various parts of the world have caused millions to seek entry and residence in other countries, including Council of Europe member states.

¹ Member States of the Council of Europe: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marino, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland.

8. Irregular migration continues to increase and irregular migrants often find themselves in a very precarious situation, and at the mercy of criminal elements involved in trafficking in human beings for the purpose of labour or sexual exploitation.

9. The economic, social, cultural and political integration of migrants lawfully residing in European countries is a factor of social cohesion of the host state. This can only be achieved through a comprehensive and coherent policy of integration which will improve community relations and contribute towards a better understanding between migrants and their receiving societies.

10. The events of 11th September 2001 had an adverse impact on the image of some migrant and ethnic minority groups with the consequent danger of rising discrimination and xenophobia. A concerted effort on the part of the public authorities and local communities (politicians, local governments, educational and social services, mass-media and NGO's) would counteract discrimination and xenophobia and play an active role in informing public opinion to play their part in ensuring that the majority does not associate migrants with criminality.

11. The Council of Europe provides European states with a valuable forum in which to devise migration and integration policies, which are founded on human rights, democracy and the rule of law.

12. The Council of Europe Development Bank (CEB), in accordance with its Articles of Agreement gives priority to aid to refugees, displaced persons and migrants. The Bank provides loans for investment projects aiming to implement member States policy in response to migration and refugees issues. These projects are designed to address the long-term aspects of management of migration flows, and to achieve social integration of migrant populations.

13. The Ministers took note of the proposal from the Secretary General to create a structure to implement the strategy and subsequently monitor the progress made.

14. The Council of Europe has provided numerous legal instruments and proposed strategies for the development of coherent and integrated policies in the member states. These texts remain valid for the development of these policies.

15. The Member States of the EU are committed to developing a common policy on asylum and migration and European legislation in these areas is now being adopted.

16. European countries welcome the contribution of the large number of regular immigrants on European soil to the continent's cultural diversity and to its social and economic development. They should therefore ensure a commitment to full integration based on the mutual obligations of migrants and the receiving society. However, irregular migration may constitute a threat to the rights of migrants and a risk to social cohesion.

17. It is now becoming increasingly evident that policies and strategies drawn up by the receiving countries would work better if a closer cooperation and dialogue could be established between the countries of origin and transit and receiving countries.

18. Conscious of these developments and determined to strengthen throughout this century the process of integration for a united and diverse Europe,

We, the Ministers of the Council of Europe member states, responsible for Migration Affairs,

UNDERTAKE :

General Principles:

19. to develop and implement policies on migration and integration that are founded on the principles of human rights, democracy and the rule of law thus ensuring orderly migration, social cohesion and respect for the individual.

20. to consider integration as an interactive process based upon mutual willingness to adapt by both migrants and the receiving society.

21. to promote the principles of tolerance and non-discrimination and to eliminate all discriminatory policies and practices which are inconsistent with international human rights instruments.

22. to ensure, for refugees and asylum-seekers, the observance of the full provisions of the Geneva Convention relating to the Status of Refugees and its 1967 Protocol and of the relevant instruments of the Council of Europe, and to adopt, where appropriate, other forms of protection for persons in need, such as temporary and/or subsidiary protection.

23. to promote peace, the protection of human rights and economic and social development worldwide thus creating better conditions for the future and reducing the need for people to flee from situations of conflict, poverty and human rights abuse.

Challenges for integration policy - Managing diversity in a democratic society:

24. drawing from the reports on “Diversity and cohesion: new challenges for the integration of immigrants and minorities” and on “Framework for integration policies” to promote societies based on equal rights, obligations and opportunities, common values inherent to a democratic society and cultural diversity.

25. to promote an open and welcoming society and to encourage the participation of lawfully residing migrants in economic, social, cultural and political life by, inter alia:

- a. recognising the positive contribution that migrants make to society;
- b. associating the host community and migrants in activities aimed at promoting mutual understanding;
- c. encouraging migrants and receiving society to undertake common activities in favour of the local community and development of civil society;

- d. implementing introduction programs for newcomers, actively encouraging immigrants to learn the language of the receiving country as well as to understand and respect the institutions and the fundamental values of host society;
 - e. training public officials to understand and value ethnic and cultural diversity and be aware of the gender perspective;
 - f. adopting appropriate measures to accommodate the needs of vulnerable persons such as children, the elderly, disabled persons and persons who have been traumatised or physically harmed by torture and war;
 - g. ensuring family reunification and the acquisition of citizenship/nationality of the receiving country by long-term immigrants and recognised refugees, in conformity with national legislation and the Recommendation R(2002) 4 of the Committee of Ministers on the legal status of persons admitted for family reunification.
26. to promote equal access to employment for lawfully residing migrants by, inter alia:
- a. facilitating the assessment of qualifications and skills and access to vocational training, inter alia, by stressing the importance of the equivalence of vocational qualifications and skills ;
 - b. recognising the equivalence of diplomas at the European level ;
 - c. ensuring equal treatment with regard to recruitment, career promotion, employment conditions and salary ;
 - d. adopting diversity management in human resources policies of enterprises and of governmental and non-governmental organisations ;
 - e. encouraging the participation of migrants in trade-unions and company committees, thus contributing to their integration at the work place.
27. to reinforce regulations and monitoring of decent work conditions in accordance with relevant European and international standards to prevent exploitation, irregular employment, and to reduce unfair competition with national workers.
28. to strengthen anti-discrimination legislation and practical measures to combat violence, discrimination, including harassment against migrant workers at the work place, taking into account relevant Council of Europe, EU and international instruments.

Challenges for migration management policies

29. drawing from the report “Towards a migration management strategy”, to promote the migration management strategy and to intensify dialogue to effectively manage migration issues.

30. to develop channels of legal migration by, inter alia:
 - a. pursuing open and transparent policies regarding labour migration and elaborating, if necessary, provisions on the legal status of temporary workers;
 - b. setting down clear rules on the recruitment and legal status of the foreign workforce, both permanent and temporary, taking into account the concerns of migrants (improving qualifications and vocational training, preparing and assisting return and renewing contracts at well-defined intervals);
 - c. making available to potential migrants, where possible, in an appropriate language, complete and clear information on the conditions of admission, residence and work as well as on living conditions and culture of the country of destination, its political and legal system (regulations on migration), situation on the work market.
31. to combat smuggling and trafficking of human beings and migrant exploitation by, inter alia:
 - a. developing national policies and plans of action in order to ensure the effective protection of and assistance to victims of smuggling and trafficking, especially women and children as well as unaccompanied minors;
 - b. promoting information campaigns against trafficking in human beings;
 - c. promoting research and analysis on various methods of state response to the phenomena of illegal migration and trafficking in human beings in the countries of origin, transit and destination;
 - d. implementing stronger penal sanctions against traffickers; the control of sensitive sectors, employers' sanctions and finding out flexible and humane solutions respecting the human dignity of irregular migrants;
 - e. ensuring that the return to the country of origin of victims of trafficking only take place in a dignified and safe manner respectful of human rights, particularly the rights to private life and family life.
32. to set up a sustainable and close bilateral and multilateral co-operation between receiving, transit and origin countries in order to:
 - a. improve the exchange of information to combat irregular migration, clandestine channels and trafficking in human beings;
 - b. prevent irregular migration by enhancing legal provisions (penal, fiscal and civil);

- c. combat efficiently traffickers and criminal gangs through co-operation with countries of origin and transit;
- d. deal with irregular migrants in co-operation with other countries (receiving, transit and origin countries) with a view to finding appropriate solutions with due respect to human rights.

ENCOURAGE

33. those member States who have not yet done so to consider the possibility of signing and/or ratifying :

- the European Convention on the Legal Status of Migrant Workers (ETS 93);
- the European Convention on Establishment (ETS 19);
- the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (ETS 165);
- the European Agreement on Au Pair Placement (ETS 68);
- the European Convention on Medical and Social Assistance and its Protocol (ETS 14);
- the European Interim Agreement on Social Security Schemes Relating to Old Age, Invalidity and Survivors and its Protocol(ETS 12);
- the European Interim Agreement on Social Security other than Schemes for Old Age, Invalidity and Survivors and its Protocol(ETS 13);
- the European Convention on Social Security (ETS 78) and its Supplementary Agreement;
- the European Social Charter and Additional Protocol (ETS 35 and 128);
- the revised European Social Charter (ETS 163);
- the Convention on the Participation of Foreigners in Public Life at Local Level (ETS 144);
- the European Convention on Nationality (ETS 166) ;
- Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms and
- other relevant Council of Europe instruments likely to improve the situation of migrants.

34. those member States who have not yet done so to consider the possibility of joining the Council of Europe Development Bank (CEB).

35. Member States of the Council of Europe Development Bank to make full use of the opportunities provided by the Bank's loans and to present investment projects aimed at the social integration of refugees or migrants in the receiving country or their voluntary return to their country of origin.

RECOMMEND THAT:

36. the Committee of Ministers of the Council of Europe implement the following Plan of Action:

Regional and international co-operation

- strengthen the dialogue and partnership between member States and, when relevant, non-member States, taking into account existing bilateral and multilateral agreements on migration issues and take steps in identifying possible legal gaps;
- develop a closer and sustained co-operation with international organisations and NGO's;
- draft co-operation agreements among origin and receiving countries with a view to valuing and/or transferring the migrants' competences ;
- develop programmes with countries of other regions in order to protect the rights of migrants.

Demographic dimension of Migration

- propose a long term perspective of migration and integration and implement adequate statistical surveys to better understand :
 - the dynamics of migration movements and migrant populations;
 - the labour market needs;
- facilitate and harmonise demographical data on the characteristics of immigrant populations at the national as well as international level.

Integration policies

- elaborate and promote new integration policies which are based on the conclusions of the present declaration and relevant Council of Europe texts;
- elaborate and make effective use of adequate evaluation and monitoring instruments (integration indicators).

Access to Minimum rights

- entrust the competent committees to look into issues affecting human dignity, including those issues relating to the effective enjoyment of minimum rights for persons in need.

Comprehensive Migration Management Strategy

- follow up the Athens' Conference on Irregular Migration and Dignity of the Migrant: Co-operation in the Mediterranean Region by establishing a regular dialogue and partnership between countries of origin, transit and destination countries on ways of ensuring orderly migration, social cohesion and the rights of the individual by organising roundtables, seminars and workshops;
- consider further means for the implementation of the orderly migration management strategy (CDMG (2000)11 rev) and entrust the CDMG to submit proposals to this effect;

- set up a network of receiving cities to study the impact of migration and integration at the local level and to evaluate how these cities face the challenge, in close co-operation with the Congress of Local and Regional Authorities.
37. At the end of the meeting, the Ministers thanked the Finnish Authorities for the excellent organisation of the Conference and for their hospitality.

DECLARATION FINALE

1. A l'invitation du gouvernement finlandais, la 7e Conférence des Ministres européens responsables des Migrations s'est tenue à Helsinki les 16 et 17 septembre 2002 sous la Présidence de M H. Holkeri, ancien Premier Ministre finlandais.

2. La Conférence a élu Mme T. Filatov, Ministre finlandaise du Travail et Mme E. Rehn, ancienne Ministre finlandaise de la défense et des Questions d'Egalité, à la Vice-Présidence.

3. Ont participé à cette conférence les Ministres des Etats Membres du Conseil de l'Europe ou leurs représentants¹, ainsi que leurs homologues du Saint-Siège, du Japon, de l'Algérie, de l'Egypte, du Maroc et de la Tunisie, le Comité des Ministres, l'Assemblée Parlementaire du Conseil de l'Europe, le Congrès des Pouvoirs Locaux et régionaux d'Europe, le Commissaire aux Droits de l'Homme et la Banque de Développement du Conseil de l'Europe, le Parlement Européen et la Commission de l'Union Européenne.

4. Le Bureau International du Travail (BIT), le Haut Commissariat des Nations Unies pour les Réfugiés (UNHCR), l'Organisation des Nations Unies pour l'éducation, la science et la culture (UNESCO), l'Association européenne de libre-échange (AELE), l'Organisation Internationale pour les Migrations (OIM), les Consultations intergouvernementales sur les politiques concernant l'asile, les réfugiés et la migration (IGC), le Centre international pour le développement de la politique de la migration (ICMPD), le Groupe de Budapest, la Commission des Eglises auprès des migrants en Europe (CEME), la Commission internationale catholique pour les migrations (CICM), la Confédération européenne des Syndicats (CES) et l'Union des Confédérations de l'Industrie et des Employeurs d'Europe (UNICE) ont également participé à la Conférence en tant qu'observateurs.

5. Le thème général de la Conférence était:

«Les migrants dans nos sociétés : quelles politiques au XXI siècle».

6. Les Ministres ont débattu les sujets suivants : les défis pour les politiques d'intégration, les défis pour la gestion des migrations et les moyens de relever ces défis.

7. Les Ministres ont observé que, au cours du siècle dernier, l'Europe a été une région d'immigration sous toutes ses formes. Depuis plusieurs années, la persécution, la guerre, les violations des droits de l'homme, les conflits politiques, ethniques ou religieux et les déséquilibres économiques, sociaux et démographiques, dans de nombreuses parties du monde, ont fait que des millions de personnes cherchent à entrer et à s'établir dans d'autres pays, y compris dans des Etats membres du Conseil de

¹ Etats membres du Conseil de l'Europe: Albanie, Andorre, Arménie, Autriche, Azerbaïdjan, Belgique, Bosnie-Herzégovine, Bulgarie, Croatie, Chypre, République tchèque, Danemark, Estonie, Finlande, France, Géorgie, Allemagne, Grèce, Hongrie, Islande, Irlande, Italie, Liechtenstein, Lettonie, Lituanie, Luxembourg, Malte, Moldova, Pays-Bas, Norvège, Pologne, Portugal, Roumanie, Russie, Saint-Marin, République slovaque, Slovénie, Espagne, Suède, Suisse, «l'ex-République yougoslave de Macédoine», Turquie, Ukraine, Royaume-Uni de Grande-Bretagne et d'Irlande du Nord.

l'Europe.

8. L'immigration irrégulière continue à progresser et les migrants en situation irrégulière vivent souvent dans des conditions très précaires, à la merci d'éléments criminels impliqués dans la traite des êtres humains aux fins du travail ou de l'exploitation sexuelle.

9. L'intégration économique, sociale, culturelle et politique des migrants régulièrement installés dans les pays européens est un facteur de cohésion sociale pour le pays d'accueil. Cette intégration ne peut se faire que grâce à une politique d'intégration globale et cohérente, permettant une amélioration des relations intercommunautaires et de contribuer à une meilleure compréhension entre migrants et sociétés d'accueil.

10. Les événements du 11 septembre 2001 ont eu un impact négatif sur l'image de certains migrants et de certains groupes ethniques minoritaires, ce qui risque de renforcer la discrimination et la xénophobie. Un effort concerté de la part des pouvoirs publics et de tous les acteurs de la société (les hommes politiques, les collectivités locales, les services éducatifs et sociaux, les médias et les organisations non gouvernementales) permettrait de contrer la discrimination et la xénophobie et contribuerait activement à informer l'opinion publique pour éviter que la population majoritaire fasse l'amalgame entre migrants et criminalité.

11. Le Conseil de l'Europe offre aux Etats européens une excellente plate-forme pour élaborer des politiques dans le domaine des migrations et de l'intégration, fondées sur les droits de l'homme, la démocratie et l'Etat de droit.

12. La Banque de Développement du Conseil de l'Europe (CEB), conformément à son Statut, donne la priorité à l'aide aux réfugiés, aux personnes déplacées et aux migrants. La Banque consent des prêts aux projets d'investissement permettant la mise en place, dans les Etats membres, d'une politique adéquate répondant aux problèmes des migrations et des réfugiés. Ces projets visent à traiter sur le long terme la gestion des flux migratoires et à réussir l'intégration sociale des populations immigrées.

13. Les Ministres ont pris note de la proposition du Secrétaire Général de créer une structure pour la mise en œuvre de la stratégie de gestion des migrations et de son suivi.

14. Le Conseil de l'Europe a adopté de nombreux instruments juridiques et proposé des stratégies en vue de l'élaboration de politiques cohérentes et intégrées dans ses Etats membres. Ces textes demeurent une base valide pour le développement de politiques.

15. Les Etats membres de l'Union européenne se sont engagés à développer une politique commune sur l'asile et les migrations et une législation européenne dans ces domaines est en train d'être adoptée.

16. Les pays européens se félicitent que les nombreux immigrés réguliers présents sur notre continent contribuent à sa diversité culturelle et à son développement économique et social. Par conséquent, ils devraient oeuvrer en faveur d'une pleine intégration des immigrés basée sur les obligations mutuelles des migrants et de la société d'accueil.

Toutefois, une migration irrégulière pourrait constituer une menace pour les droits des migrants et un risque pour la cohésion sociale.

17. Il est de plus en plus évident que les politiques et les stratégies élaborées par les pays d'accueil seraient plus efficaces si une coopération plus étroite et un dialogue pouvaient être établis entre les pays d'origine, de transit et de destination.

18. Conscients de ces évolutions et déterminés à renforcer tout au long de ce siècle le processus d'intégration qui conduira à une Europe solidaire et diverse,

Nous, Ministres des Etats membres du Conseil de l'Europe responsables des Migrations,

NOUS ENGAGEONS :

Principes généraux :

19. à développer et mettre en œuvre des politiques de migration et d'intégration fondées sur les principes du respect des droits de l'homme, de la démocratie et de l'Etat de droit pour ainsi assurer une migration ordonnée, la cohésion sociale et le respect de la personne.

20. à considérer l'intégration comme une démarche interactive fondée sur une volonté mutuelle consentie par les migrants et la société d'accueil.

21. à promouvoir les principes de tolérance et de non-discrimination et à éliminer toutes politiques et pratiques discriminatoires incompatibles avec les instruments internationaux relatifs aux droits de l'homme.

22. à assurer, pour les réfugiés et les demandeurs d'asile, le respect de toutes les dispositions de la Convention de Genève de 1951 relative au statut des réfugiés et son Protocole de 1967 et des instruments pertinents du Conseil de l'Europe, et à adopter, le cas échéant, pour les personnes en ayant besoin, d'autres formes de protection telles que la protection temporaire et/ou subsidiaire.

23. à promouvoir la paix, la protection des droits de l'homme et le développement économique et social dans le monde pour créer de meilleures conditions pour l'avenir et réduire le besoin pour les peuples de fuir les situations de conflits, de pauvreté et d'abus des droits de l'homme.

Les défis pour la politique d'intégration - Gérer la diversité dans une société démocratique :

24. en s'inspirant des rapports ‘Diversité et cohésion : de nouveaux défis pour l’intégration des immigrés et des minorités’ et ‘Cadre des politiques d’intégration’, à promouvoir des sociétés fondées sur l’égalité des droits, des obligations et des chances, le respect des valeurs communes inhérentes à une société démocratique et la diversité culturelle.

25. à promouvoir une société accueillante et ouverte et à encourager la participation des migrants, résidant légalement, dans la vie économique, sociale, culturelle et politique:

- a. en reconnaissant la contribution positive que les migrants apportent à la société ;
- b. en associant la communauté d'accueil et les migrants à des activités visant à promouvoir la compréhension mutuelle ;
- c. en encourageant les migrants et la société d'accueil à travailler en commun, au niveau local, pour le développement de la société ;
- d. en mettant en œuvre des programmes d'introduction pour les primo-arrivants, en vue d'encourager activement les immigrés à apprendre la langue du pays d'accueil ainsi qu'à comprendre et à respecter les institutions et les valeurs fondamentales de la société d'accueil ;
- e. en formant les agents des services publics pour qu'ils comprennent et mettent en valeur la diversité ethnique et culturelle et qu'ils soient informés des politiques d'égalité des sexes ;
- f. en adoptant les mesures appropriées pour tenir compte des besoins des personnes vulnérables tels que les enfants, les personnes âgées, les personnes handicapées et les personnes traumatisées ou atteintes physiquement par la torture et la guerre ;
- g. en assurant la réunification familiale et l'acquisition de la citoyenneté/nationalité du pays d'accueil par les immigrés de longue durée et les réfugiés reconnus, conformément à la législation nationale et la Recommandation R (2002) 4 du Comité des Ministres sur le statut juridique des personnes admises au regroupement familial.

26. à promouvoir l'égalité dans l'accès à l'emploi des migrants résidant légalement, entre autres :

- a. en facilitant l'appréciation des compétences et des qualifications et l'accès à la formation professionnelle, entre autres, en soulignant l'importance de la reconnaissance des qualifications et aptitudes professionnelles ;
- b. en reconnaissant les diplômes au niveau européen.
- c. en assurant l'égalité de traitement concernant le recrutement, la carrière, les conditions de travail et le salaire;
- d. en adoptant la gestion de la diversité dans la politique des ressources humaines des entreprises et des organisations gouvernementales et non-gouvernementales ;
- e. en encourageant la participation des migrants aux syndicats et comités d'entreprise, en contribuant ainsi à leur intégration sur le lieu du travail.

27. à renforcer les règlements et le suivi des conditions de travail décentes en accord avec les normes européennes et internationales pour prévenir l'exploitation, le travail irrégulier et pour réduire la compétition inégale avec les travailleurs nationaux.

28. à renforcer la législation et les mesures pratiques pour lutter contre les violences et les discriminations y inclus le harcèlement des travailleurs migrants sur le lieu de travail, en tenant compte des instruments pertinents du Conseil de l'Europe, de l'Union européenne et d'autres instances internationales.

Les défis pour les politiques de gestion des migrations

29. en s'inspirant du rapport 'Vers une stratégie de gestion des migrations', à promouvoir une stratégie de gestion des migrations et à intensifier le dialogue pour gérer efficacement les questions de migration.

30. à développer les voies de migration régulière, entre autres :

- a. en poursuivant des politiques ouvertes et transparentes concernant la migration de main d'œuvre et en établissant, si nécessaire, des dispositions concernant le statut juridique des travailleurs temporaires ;
- b. en établissant des règles claires sur le recrutement et le statut juridique de la main d'œuvre étrangère, permanente ou temporaire, en tenant compte également des aspirations des migrants (amélioration des qualifications et formation continue; préparer et aider le retour et renouveler les contrats à des intervalles bien définis) ;

- c. en mettant à la disposition des migrants potentiels une information claire et complète, si possible dans une langue appropriée, concernant les conditions d'entrée, de séjour et de travail ; les conditions de vie et de la culture du pays de destination ; le système politique et juridique (réglementation en matière de migration) ; la situation sur le marché du travail.
31. à lutter contre la traite et le trafic des personnes et l'exploitation des migrants, entre autres :
- a. en développant des politiques nationales et des plans d'action pour assurer la protection et l'assistance effectives aux victimes du trafic et de la traite, notamment aux femmes et aux enfants ainsi qu'aux mineurs non-accompagnés ;
 - b. par la promotion de campagnes d'information contre le trafic d'êtres humains ;
 - c. par la promotion de la recherche et de l'analyse des réponses par les Etats membres aux phénomènes de la migration irrégulière et du trafic d'êtres humains dans les pays d'origine, de transit et de destination ;
 - d. par la mise en place de peines plus lourdes contre les trafiquants, le renforcement du contrôle des secteurs sensibles, les sanctions aux employeurs et en trouvant des solutions flexibles et humaines dans le respect de la dignité humaine des migrants irréguliers ;
 - e. en s'assurant que le retour des personnes dans les pays d'origine ne s'effectue que de façon digne et sûre et dans le respect des droits de l'homme, notamment en ce qui concerne le droit à la vie privée et familiale.
32. à mettre en place une co-opération bilatérale et multilatérale étroite et durable entre pays d'accueil, d'origine et de transit :
- a. pour améliorer l'échange d'information, lutter contre la migration irrégulière, les filières clandestines et la traite des êtres humains ;
 - b. pour prévenir la migration irrégulière en renforçant les dispositifs juridiques (pénaux, fiscaux et civils) ;
 - c. pour lutter efficacement contre les trafiquants et les filières criminelles à travers la coopération avec les pays d'origine et de transit ;
 - d. pour traiter le problème de la migration irrégulière en coopération avec les autres pays (pays de transit ; pays d'origine) en vue de trouver des solutions appropriées et respectueuses des droits de l'homme.

ENCOURAGEONS

33. les Etats membres ne l'ayant pas déjà fait à examiner la possibilité de signer et/ou de ratifier :

- la Convention européenne relative au statut juridique du travailleur migrant (STE 93) ;
- la Convention européenne d'établissement (STE 19) ;
- la Convention sur la reconnaissance des qualifications relatives à l'enseignement supérieur dans la région européenne (STE 165) ;
- l'Accord européen sur le placement au pair (STE 68) ;
- la Convention européenne d'assistance sociale et médicale et son Protocole (STE 14) ;
- l'Accord intérimaire européen concernant les régimes de sécurité sociale relatifs à la vieillesse, à l'invalidité et aux survivants et son Protocole (STE 12) ;
- l'Accord intérimaire européen concernant la sécurité sociale à l'exclusion des régimes relatifs à la vieillesse, à l'invalidité et aux survivants et son Protocole (STE 13) ;
- la Convention européenne de sécurité sociale (STE 78) et son Accord complémentaire ;
- la Charte sociale européenne et son Protocole additionnel (STE 35 et 128) ;
- la Charte sociale (révisée) (STE 163) ;
- la Convention sur la participation des étrangers à la vie publique au niveau local (STE 144) ;
- la Convention européenne sur la nationalité (STE 166) ;
- le Protocole no. 12 à la Convention de sauvegarde des Droits de l'Homme et des Libertés fondamentales et
- tout autre instrument juridique du Conseil de l'Europe dont les dispositions sont susceptibles d'améliorer la situation des migrants.

34. les Etats membres qui ne l'ont pas déjà fait, à considérer la possibilité de joindre la Banque de Développement du Conseil de l'Europe (CEB).

35. Les Etats membres de la Banque de Développement du Conseil de l'Europe à faire plein usage des opportunités de prêts offertes par la Banque et à proposer des projets d'investissement permettant l'intégration sociale des réfugiés ou des migrants dans le pays hôte, ou leur retour volontaire dans leur pays d'origine.

RECOMMANDONS

36. au Comité des Ministres du Conseil de l'Europe de mettre en œuvre le Plan d'action suivant :

Coopération régionale et internationale

- renforcer le dialogue et le partenariat entre les Etats membres, le cas échéant, des Etats non-membres en tenant compte des accords bilatéraux et multilatéraux sur des questions de migrations et prendre des mesures pour identifier d'éventuelles lacunes juridiques;
- développer une co-opération plus étroite et durable avec les organisations internationales et les ONG ;
- élaborer des accords de coopération entre pays d'origine et pays d'accueil visant à valoriser et ou transférer les compétences des migrants ;
- développer des programmes avec des pays d'autres régions pour la protection des droits des migrants.

Dimension démographique des migrations

- proposer une perspective à long terme de la migration et de l'intégration et mettre en œuvre des enquêtes statistiques adéquates pour mieux comprendre :
- la dynamique des mouvements migratoires et des populations immigrées ;
 - la demande du marché du travail ;
 - faciliter et harmoniser les données démographiques sur les caractéristiques des populations immigrées au niveau national et international.

Politiques d'intégration

- élaborer et promouvoir des nouvelles politiques d'intégration basées sur les conclusions contenues dans la présente déclaration et sur les textes appropriés du Conseil de l'Europe;
- élaborer et à utiliser efficacement les instruments d'évaluation et de suivi appropriés (indicateurs d'intégration).

Accès aux droits minima

- charger les comités compétents d'examiner les questions touchant à la dignité humaine y inclus les questions concernant la jouissance effective des droits minima pour les personnes en ayant besoin.

Stratégie de Gestion intégrée des migrations

- suivi de la Conférence d'Athènes sur «Migration irrégulière et dignité des migrants : co-opération dans la région méditerranéenne» en établissant un dialogue régulier entre les pays d'origine, de transit et destination sur les moyens d'assurer une migration ordonnée, la cohésion sociale et les droits des individus, en organisant des tables rondes, séminaires et ateliers ;

- examiner les moyens supplémentaires de mise en œuvre d'une gestion ordonnée des migrations (CDMG (2000) 11 rev) et demander au CDMG de soumettre des propositions à cet effet ;
 - créer un réseau de villes d'accueil pour étudier l'incidence de la migration et de l'intégration au niveau local et pour évaluer comment ces villes ont relevé le défi, en étroite coopération avec le Congrès des pouvoirs locaux et régionaux.
37. A l'issue de leurs débats, les Ministres ont remercié les autorités finlandaises pour l'excellente organisation de la Conférence et pour leur chaleureuse

PROGRAMME

Sunday 15 September 2002

16.00 – 20.00 Registration of participants

Monday 16 September 2002

08.00 – 9.00 Registration of participants

09.00 – 10.00 **Inaugural Session** (open to the media)

- Opening of the Conference and statement by Mr Harri Holkeri, President of the 55th General Assembly of the United Nations, former Prime Minister of Finland
- Opening speech by Mr Walter Schwimmer, Secretary General of the Council of Europe
- Election of the Chair of the Conference
- Adoption of the Agenda
- Musical interlude by Hortto Kaalo, Roma Ensemble

Opening statements

10.00 – 10.30 Coffee break

10.30 – 13.00 ***Session I - Challenges for integration policy***

Introduction by the Chair of the session: Ms Tarja Filatov, Finnish Minister of Labour

Keynote speeches

Statements

Debate on “Managing diversity in a democratic society” :

- Promoting a welcoming society and encouraging participation of migrants in social and cultural life (non discrimination measures, language training, etc.)
- Promoting and valuing cultural diversity and identities
- Promoting the integration of migrants in the work place (equal opportunities, participation in trade-unions, workers committees, promoting human resources management in order to value competences and professional skills, etc.)

Dimanche 15 septembre 2002

16h00 – 20h00 Enregistrement des participants

Lundi 16 septembre 2002

8h00 – 9h00 Enregistrement des participants

9h00 – 10h00 **Session inaugurale** (ouverte à la presse)

- Ouverture de la conférence et déclaration par M. Harri Holkeri, Président de l'Assemblée générale des Nations Unies de la 55^{ème} session, ancien premier ministre finlandais
- Allocution de M. Walter Schwimmer, Secrétaire Général du Conseil de l'Europe
- Election de la Présidence de la Conférence
- Adoption de l'ordre du jour
- Intermède musical par Hortto Kaalo, Groupe Rom

Déclarations d'ouverture

10h00 – 10h30 Pause

10h30 – 13h00 **Séance de travail 1 - Les défis pour la politique d'intégration**

Introduction par la Présidente de séance : Mme Tarja Filatov, Ministre finlandaise du Travail

Discours introductifs

Déclarations

Débat sur « Gérer la diversité dans une société démocratique » :

- Promouvoir une société accueillante et encourager la participation des migrants dans la vie sociale et culturelle (mesures de non-discrimination, apprentissage des langues, etc.)
- Promouvoir et mettre en valeur la diversité culturelle et les identités
- Promouvoir l'intégration des migrants sur le lieu du travail (égalité des chances, participation aux syndicats, comités d'entreprise, promotion de la gestion des ressources humaines pour mettre en valeur les compétences et les qualifications professionnelles, etc.)

13.00 – 15.00	Luncheon Hosted by the Secretary General of the Council of Europe in honour of the Ministers/Heads of delegation. The Finnish Ministry of Labour will host the lunch for other participants
15.00 – 16.00	<i>Session I (Continued)</i>
16.00 – 16.30	Coffee Break
16.30 -18.00	<i>Session II - Challenges in migration management policies</i> Introduction by the Chair of the session: Mr Ville Itälä, Finnish Minister of the Interior
	<i>Keynote speeches</i>
	<i>Statements</i>
	Debate on “Management Questions” : <ul style="list-style-type: none">- Developing channels of regular migration (labour migration, family reunification, etc.)- Dialogue and partnership between countries of origin, transit and receiving countries, including protection of the human dignity of irregular migrants- Addressing irregular migration (illegal work, employers sanctions, information campaigns, etc.)- Prevention and combating of smuggling and trafficking of human beings and migrants exploitation- Protection and assistance to victims of smuggling and trafficking (particularly women and unaccompanied minors)
20.00	Buffet Dinner at the House of the Estates Hosted by Ms Tarja Filatov, Finnish Minister of Labour

13h00 - 15h00	Déjeuner Offert par le Secrétaire Général du Conseil de l'Europe aux Ministres/Chefs de délégation. La Ministre finlandaise du Travail offrira le déjeuner pour les autres participants
15h00 – 16h00	<i>Séance de travail 1 (Suite)</i>
16h00 – 16h30	Pause
16h30 - 18h00	<i>Séance de travail 2 - Les défis pour les politiques de gestion des migrations</i> Introduction par le Président de la séance: M. Ville Itälä, Ministre de l'Intérieur finlandais
	<i>Discours introductifs</i>
	<i>Déclarations</i>
	Débat sur « Questions de gestion » : <ul style="list-style-type: none">- Développement des voies de migration régulière (migration de main d'œuvre, réunification familiale, etc.)- Dialogue et partenariat entre les pays d'origine, de transit et d'accueil, y compris la protection de la dignité humaine des migrants irréguliers- Traiter la migration irrégulière (travail illégal, sanctions aux employeurs, campagnes d'information, etc.)- Prévention et lutte contre la traite et le trafic des êtres humains et l'exploitation des migrants- Protection et assistance aux victimes de la traite et du trafic (notamment les femmes et les mineurs non-accompagnés)
20h00	Buffet Dîner à “House of the Estates” Offert par Mme Tarja Filatov, Ministre finlandaise du Travail

Tuesday 17 September 2002

09.00 - 9.05	Possible screening of the Euronews report on the conference due to be broadcasted on Monday evening
09.05 - 10.30	<i>Session II (Continued)</i>
10.30 - 11.00	Coffee Break
11.00 – 13.00	<i>Closing session (open to the press)</i> Chair of the session: Ms Elisabeth Rehn, UN Under-Secretary-General 1998-1999, former Minister of Defence and Equality Affairs of Finland, member of the Parliament of Finland and European Parliament 1979-1996
	<i>Closing statements</i> The General Rapporteur, Mr Gunnar Jansson, MP, Finland, member of the Parliamentary Assembly of the Council of Europe
	Adoption of the Final Declaration of the Conference
	<i>Closing statements</i> The Chair of the Conference and Mrs Gabriella Battaini-Dragoni, Director General of Social Cohesion at the Council of Europe
	<i>followed by</i> Press Conference
13.30	Luncheon Hosted by the City of Helsinki at the City Hall
	Informal meeting of the Parliamentary Assembly sub-Committee on Migration with European Parliament members and Finnish MPs

Mardi 17 septembre 2002

9h00 – 9h05 Diffusion (éventuelle) du reportage d'Euronews sur la Conférence, devant être transmis le lundi soir

9h05 – 10h30 **Séance de travail 2 (Suite)**

10h30 – 11h00 Pause

11h00 – 13h00 **Session de clôture (ouvert à la Presse)**

Président de séance : Mme Elisabeth Rehn, Secrétaire générale adjointe des Nations Unies, ancienne Ministre finlandaise de la Défense et des Questions d'Égalité, membre du Parlement finlandais et du Parlement européen 1979-1996

Déclarations finales

Discours de clôture par le rapporteur général M. Gunnar Jansson, parlementaire finlandais, membre de l'Assemblée parlementaire du Conseil de l'Europe

Adoption de la **Déclaration Finale** de la Conférence

Déclarations finales

Président de la Conférence et Mme Gabriella Battaini-Dragoni, Directrice générale de la Cohésion sociale au Conseil de l'Europe

suivi par
la Conférence de Presse

13h30 Déjeuner offert par la Ville d'Helsinki à l'Hôtel de Ville (City Hall)

Réunion informelle de la sous-Commission des migrations, avec les membres du Parlement européen et les parlementaires finlandais.

PARTICIPANTS

I. COUNCIL OF EUROPE MEMBER STATES/ ETATS MEMBRES DU CONSEIL DE L'EUROPE

Albania/Albanie :

Mrs Valentina LESKAJ, Minister of Labour and Social Affairs in Albania
Mr Kosta BARJABA, Chief of the Minister's Cabinet, Ministry of Social Affairs
Mr Spartak MERSINI, Head of Delegation, Ministry of Labour and Social Affairs

Austria/Autriche :

Mrs Heide-Marie FENZL, Head of Division, Ministry of the Interior in Austria
Mag Reinhard SEITZ, Federal Ministry for Economic Affairs and Labour
Ms Margarete HALMA, Counsellor, Federal Ministry for Foreign Affairs
Mr Wolf Dietrich HEIM, Chargé d'Affaires a.i. Minister Counsellor, Austrian Embassy

Azerbaidjan/Azerbaïdjan :

Mr Ali NAGIYEV, Minister of Labour and Social Protection in Azerbaidjan
Mr Seymur MARDALIYEV, Ministry of Foreign Affairs
Mr Mehrab TUKANOV, Chief of the Department, Azerbaijan Republic/Ministry of Internal Affairs
Mr Aghababa BABAYEV, Deputy Chief, Ministry of National Security

Belgium/Belgique :

M. Thierry DETIENNE, Ministre des Affaires sociales et de la santé in Belgium
Mrs Messaoude BARKAT, Collaboratrice du Ministre, Ministre des Affaires sociales et de la santé
Ms Nathalie Cassiers, Minister Councillor
M. Michel VILLAN, Direction Générale de l'action sociale et de la santé
M. Jozef MOSTINCKX, Directeur d'Administration, Ministère de la Flandre

Bosnia and Herzegovina/Bosnie-Herzégovine :

Mr Marijan BAOTIC, Assistant Minister for Immigration and Asylum, Ministry for Human Rights and Refugees
Mr Vladislav VLADICIC, Deputy Minister for Refugees and Human Rights, Ministry for Human Rights and Refugees
Mr Svetozar Mihajlovic, Ministry of Civil Affairs and Communications
Ms Bljana GUTIC, Ministry of Civil Affairs and Communications
Ms Enisa Abaspahic, Head of Dept. for Immigrants' and Asylum Seekers', Ministry for Human Rights and Refugees

Bulgaria/Bulgarie :

Mr Radoslav BOZADJIEV, Deputy Minister of Labour and Social Policy
Mr Boris CHESHIRKOV, Director, State Agency for Refugees
Mr Petar KYUTYUREV, Deputy Director, National Border Police Service,
Ministry of Interior
Mr Raimond SAPAREV, Head of European Integration Unit, Ministry of
Labour and Social Policy

Croatia/Croatie :

Ms Ljiljana PANCIROV, Minister Plenipotentiary, Croatian Embassy

Cyprus/Chypre :

Mr Andreas PANAYIOTOU, Minister of the Interior, Cyprus Ministry of the
Interior
Mr Kyriacos TRIANTAPHYGGIDES, Permanent Secretary, Cyprus Ministry of
the Interior
Mr Makis POLYDOROU, Administrative officer, Cyprus Civil Registry and
Migration Department

Czech Republic/République Tchèque :

Mr Tomáš HAIŠMAN, Director, Ministry of the Interior, Department for
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Mr Petr TROMBÍK, Ministry of the Interior, Department for Asylum and
Migration Policies
Mr Michael MEDUNA, Ministry of Labour and Social Affairs, Head of
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Denmark/Danemark :

Mr. Mark KJELDGAARD, Special Adviser,
Mr. Ulrik SØRENSEN, Special Adviser, Ministry of Refugee, Immigrant and
Integration Affairs

Estonia/Estonie :

Mr Eldar EFENDIJEV, Minister for Population and Ethnic Affairs
Mr Ain SEPPIK, Minister of Internal Affairs
Mr Mihkel LIIVO, Councillor of the Min. for Pop. and Ethn. Affairs
Mr Mari PEDAK, General Director, Citizenship and Migration Board
Ms Ruth ANNUS, Head of Aliens Dept., Ministry of Internal Affairs

Finland/Finlande :

Ms Tarja FILATOV, Minister of Labour
Mr Ville ITÄLÄ, Minister of the Interior
Ms Elisabeth REHN, Former UN Under-Secretary-General
Ms Annikki VANAMO-ALHO, Director, Ministry of Interior

Ms Mervi VIRTANEN, Director, Ministry of Labour
Mr Risto Laakkonen, Ministerial Adviser, Ministry of Labour
Ms Ann-Marie NYROOS, Ambassador, Permanent Representation of Finland

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Ministère des affaires sociales, du travail et de la solidarité
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M. Christian LEFEUVRE, Chargé de mission, Direction de la population et des
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Germany/Allemagne :

Mr Bernd BUCHHEIT, Director General for Labour Market and Employment
of Migrant Workers, Federal Ministry of Labour and Social Affairs
Dr Albert SCHMID, President of the Federal Office for Migration and Refugees
(BAMF)
Mr Christoph HAUSCHILD, Head of Division “Migration and Refugee policy”,
Federal Ministry of Interior
Ms Ulrike SZEGEDA, Division “Social integration of migrant workers”,
Federal Ministry of Labour and Social Affairs
Ms Anke PLEUGER, Division “Migration Policy”, Federal Ministry of Labour
and Social Affairs
Ms Christa LÖRCHER, Deutscher Bundestag
Mr Holger MAUER, Division « Council of Europe, OECD, G7/8, OSCE »,
Federal Ministry of Labour and Social Affairs
Mr Frank HEMPEL, Former CDMG member

Greece/Grèce :

Mr Labros PAPADIMAS, Vice Ministre, Ministère de l'Intérieur, de
l'Administration Publique et de la Décentralisation
Mr George NIKITIADIS, Secretary General, General Secretariat of Public
Administration
Mr Athanassios VOURDAS, Advisor of the Minister of Interior, Ministère
de l'Intérieur, de l'Administration Publique et de la Décentralisation
Mr Ourania STAVROPOULOU, Head of Section, Ministry of Interior, Public
Administration & Decentralisation
Mr Andreas MENTZELOS, Director for Migration, Ministère de l'Intérieur, de
l'Administration Publique et de la Décentralisation
Mrs Nassia IOANNOU, Secretariat for Greeks Abroad
Mr Zafirios ROSSIDIS, Counsellor for Press Affairs, Embassy of Greece in
Finland

Hungary/Hongrie :

Ms Krisztina BERTA, Deputy State Secretary, Ministry of the Interior
Mr Ágnes GARAMVÖLGYI, Head of Department, Office of Immigration and Nationality
Mr Zoltan BANYASZ, Deputy Director, Ministry of Foreign Affairs
Mr Csaba LOVRO, Counsellor, Hungarian Embassy

Ireland/Irlande :

Ms Ann HOPKINS, Irish Department of Justice, Equality and Law Reform
Ms Lorraine CHRISTIAN, Embassy of Ireland
Mr John CONNOR, Embassy of Ireland - *I'm not sure of his function*

Italy/Italie :

Mr Guido BOLAFFI, Head of Department of Labour and Social Affairs, Ministry of Welfare
Mr Umberto CAMPINI, Vice Prefect, Ministry of Internal Affairs
Ms Sara MONTERISI, Ministry of Labour and Social Affairs
Mr Franco DANIELI, Senato della Repubblica

Latvia/Lettonie :

Mr Mareks SEGLINS, Minister of the Interior
Mr Martins BICEVSKIS, Chief of the Office, Ministry of the Interior of the Republic of Latvia, Office of the Citizenship and Migration Affairs
Mr Juris GROMOVS, Office of Citizenship and Migration Affairs
Mr Arijs JANSONS, Deputy Chief, Republic of Latvia State Border Guard
Mr Karlis TRAUTMANIS, Republic of Latvia European Affairs and, International , Co-Operation Department
Mr Raimond BLUKIS, Ministry of the Interior of the Republic of Latvia

Liechtenstein :

Mr Otmar HASLER, Prime Minister
Mr Hans Peter WALCH, Head of the Office, Office for immigration and passports
Ms Regine WALZL, Legal Adviser, Office for immigration and passports

Lithuania/Lituanie :

Mrs Mikaila MINDAUGAS, State Secretary, The Ministry of Interior
Mr Rimantas KAIRELIS, State Secretary, Ministry of Social Security and Labour
Mr Almantas GAVENAS, Head of the Migration Department, The Ministry of Interior
Ms Gitana KILINKAITE, First Secretary, Embassy of the Republic of Lithuania to Finland

Luxembourg :

Mme Christiane WELTER, Chargée de Direction du Service Social,
Commissariat du Gouvernement aux Etrangers
Mme Christiane MARTIN, Commissaire du Gouvernement aux Etrangers,
Ministère de la Famille
Mrs Lydia ERR, Députée, Parlement du Luxembourg

Malta / Malte :

Mr Hon Tonio BORG, Minister for Home Affairs and the Environment,
Ministry for Home Affairs and the Environment
Mr Joseph SCERRI, Personal Assistant to the Minister, Ministry for Home
Affairs and the Environment

Moldova :

Mr Valeriu MUNTEANU, General Director of the State Service for Migration
of the Republic of Moldova

Netherlands/Pays-Bas :

Mr Hilbrand P. A. NAWIJN, Minister for Immigration and Integration, Ministry
of Justice
Mrs Marilyn L. HAIMÉ, Director of Minorities Integration Policy
(Coordination) Department Ministry of Justice
Mr Alexander J.J. SOREL, Deputy Director Immigration Policy Department,
Ministry of Justice
Mr Wolf N. MANNENS, Senior policy advisor, Minorities Integration Policy
(Coordination) Department, Ministry of Justice

Norway/Norvège :

Ms Kristin ØRMEN JOHNSEN, State Secretary, Ministry of Local Government
and Regional Development
Mr Trygve NORDBY, Director, Directorate of Immigration
Mr Stephan MO, Deputy Director General, Department of Migration, Ministry
of Local Government and Regional Development
Mr Åge KNUDSEN, Assistant Director General, Department of Migration,
Ministry of Local Government and Regional Development
Ms Marit KVARUM, Higher Executive Officer, Ministry of Labour and
Government Administration

Poland/Pologne :

Mr Piotr STACHANCZYK, President of the Office for Repatriation and Aliens,
Ministry of Internal Affairs and Administration,
Mr Marek SZONERT, Director of the Department, Ministry of Internal Affairs
and Administration, Office for Repatriation and Aliens
Mr Piotr RAKOWSKI, Ministry of Interior and Administration
Mr Andrzej JASIONOWSKI, Councillor, Polish Embassy in Helsinki

Romania/Roumanie :

Mr Marian SARBU, Minister of Labour and Social Solidarity, Ministry of Labour and Social Solidarity
Mr Nicolae BERECHET, Secretary of State, Ministry of Interior
Mr Mihai Gheorghe STOICA, Director, Ministry of Interior
Ms Luminita Giliola ALEXANDRU, Expert, Ministry of Labour and Social Solidarity, Directorate for International Relations
Mr Dan TUDOR, Embassy of Romania

Russian Federation/Fédération de Russie :

Mr Andrey Grigorievitch CHERNENKO, Deputy Minister, Ministry of Interior Federal Migration Service
Mr Vitaliy A. YAKOVLEV, Head of Section, Ministry of Interior, Federal Migration Service
Ms Natalia VLASOVA, Ministry of Labour and Social Development
Mr Lev PAUSIN, Deputy Director of the Department, Ministry of Foreign Affairs, Department of Consular Affairs
Mr Andrej DEMIDOV, Deputy Director of the Department, Ministry of Foreign Affairs, Department of Consular Affairs
Mr Konstantin BERSTEL, Employee of the Embassy, Embassy of Russia in Finland
Mr Pavel LILLENUM, Secretary of Embassy, Embassy of Russia in Finland

San Marino/Saint Marin :

Mme Noemie UGOLINI (apologised /excusée), Directeur du Musée de l'Emigrant

Slovak Republic/République Slovaque :

Mr Bernard PRIECEL, Migration Office of the Slovak Republic
Mgr. Maria KRAMAROVA, Migration Office of the Slovak Republic

Slovenia/Slovénie :

Mr Bojan BUGARIC, State Secretary, Ministry of the Interior
Ms Alenka Mesojedec PERVINSEK, State Undersecretary, Ministry of the Interior

Spain/Espagne :

Mr Fernando CARDERERA SOLER, Embassy of Spain in Finland
Ms María A. MARTINEZ ALVAREZ, Ministerio del Interior, Direction Générale des Etrangers et de l'Immigration
Mr Emilio PEREZ DE AGREDA, Deputy Permanent Representative

Sweden/Suède :

Ms Lise BERGH, State Secretary, Ministry of Industry, Employment and Communications
Mr Michael HAGOS, Min. of Industry, Employment and Communications
Mr Kristof TAMAS, Deputy Director, Ministry for Foreign Affairs
Mr Stefan ENGSTRÖM, Political Adviser, Min. of Industry, Employment and Communications

Switzerland/Suisse :

M. Eduard GNESA, Secrétaire d'Etat, Office fédéral des étrangers
Département fédéral de justice et police
M. Mario GATTIKER, Chef de section, Section intégration, Office fédéral des étrangers, Département fédéral de justice et de police
M. Michael BRAUN, Section affaires internationales et analyses, Office fédéral des étrangers, Département fédéral de justice et police
Mme Anne Grethe NIELSEN, Cheffe du domaine international, Division droit et affaires internationales, Office fédéral des réfugiés, Département fédéral de justice et police

Turkey/Turquie :

Mr Nejat ARSEVEN, Minister of Labour and Social Security
Mr Can ÜNVER, Director General, Ministry of Labour and Social Security
Mr Yasar YAMAN, Head of Section, Ministry of Interior/Dir. General of Security
Mr Renan SEKEROGLU, Counsellor, Turkish Embassy in Helsinki
Mr S. KOCAK, Ministry of Labour and Social Security
Mr A. Selcan SANLI, Turkish Embassy in Helsinki

Ukraine :

Mr Hryhorii SEREDA, Head of the State Dept for Nat. and Migration, State Department for Nationalities and Migration
Mr Mykola RUDKO, Head Citizenship Department, Administration of the President of Ukraine
Mr Oleksander PEROV, Ministry of Internal Affairs
Mr Volodymyr VASYLYEV, Deputy Head of Department, Ukraine Cabinet of Ministers
Mr Ivan KUKHTA, Councillor, Ministry of Foreign Affairs
Ms Yurii SUKHOV, Deputy Head, State Committee for Nationalities and Migration

United Kingdom/Royaume-Uni :

Mr Chris HEDGES, Home Office, UK
Ms Susan HADLAND, United Kingdom/Home Office, Community Cohesion Unit
Ms Anna-Marie TRIMBLETT, United Kingdom, Home Office, Refugee Integration Unit

Ms Jessica Clare GREGSON, Strategic Policy Officer, InPol, Home Office
United Kingdom, Home Office
Mr David IRELAND, Home Office

II. OBSERVER STATES/ETATS OBSERVATEURS

Holy See/Saint-Siège :

Rev. Michael August BLUME, Reverend father/UnderSecretary, Holy See
Pontifical Council for the Pastoral Care of Migrants and Itinerant People
Rev. Lorenzo PRENCIPE, Reverend father/Directeur du CIEMI, Holy See à
Paris

Japan/Japon :

Mr Norimasa HASEGAWA, Ambassador of Japan
Mr Yoshiaki MIWA, First Secretary, Embassy of Japan

III. NON MEMBERS STATES OF THE COUNCIL OF EUROPE/ PAYS NON MEMBRES DU CONSEIL DE L'EUROPE :

Algeria/Algérie :

Mr Abdelkader DEHENDI, Minister Councillor, Algerian Embassy

Egypt/Egypte :

Mr Samah SOTOUHI, Ambassador, Embassy of the Arab Republic of Egypt in
Finland

Morrocco/Maroc :

M. M'hamed KARMOUNI, Secretary General, Ministère du Développement
Social, de la Solidarité, de l'Emploi et de la Formation Professionnelle
M. Aziz OUARAK, Chargé d'Affaires, Moroccan Embassy in Finland

Tunisia/Tunisie :

Mr Moncef BAATI, Chargé d'Affaires, Tunisian Embassy in Stockholm

European Commission/Commission Européenne :

M. Joaquim NUNES DE ALMEIDA, Member of Cabinet, European
Commission
Mr Constantinos FOTAKIS, European Commission
Ms Sandra PRATT, Principal Administrator, European Commission,
Justice & Home Affairs
Mr Bent SØRENSEN, European Monitoring Centre on Racism and Xenophobia
(EUMC)

European Parliament/Parlement Européen :

Mr Robert EVANS, European Parliament
M. Jean LAMBERT, European Parliament, Employment and Social Affairs Committee
Mme Martine ROURE, European Parliament, Députée
Ms Anna TERRON I CUSI, European Parliament
Ms Ewa KLAMT, European Parliament
Mrs Joke SWIEBEL, European Parliament
Ms Margaret DEAN, European Parliament
Mr Alejandro CERCAS, European Parliament

**IV. INTERNATIONAL ORGANISATIONS/
ORGANISATIONS INTERNATIONALES :**

International Labour Office/Bureau International du Travail (ILO/BIT) :

Mr Assane DIOP, Executive Director, Bureau International du Travail (BIT) in Geneva
Mr Patrick TARAN, Senior Migration Specialist, International Migration Branch, International Labour Office in Geneva

**Office of the United Nations - High Commissioner for Refugees (UNHCR)/
Bureau des Nations Unies - Haut-Commissariat des Nations-Unies pour les Réfugiés :**

Mr Kamel MORJANE, Assistant High Commissioner, United Nations High Commissioner for Refugees in Geneva
Mrs Pascale MOREAU, Head of Office/Strasbourg, United Nations High Commissioner for Refugees c/o Council of Europe
Mr Gary TROELLER, United Nations High Commissioner for Refugees Regional Representative, Regional Office to the Nordic and Baltic States
Mr Gonzalo VARGAS LLOSO, United Nations High Commissioner for Refugees Executive Assistant to M. Morjane

**United Nations Educational Scientific and Cultural Organization (UNESCO)/
Organisation des Nations Unies pour l'Education, la Science et la Culture (UNESCO) :**

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**International Organization for Migration (IOM)/
Organisation Internationale pour les Migrations (OIM) :**

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Mr Peter SCHATZER, Director of External Relations, International Organization for Migration (IOM)
Mr Eriks SLAVENAS, Programme Officer, Deputy Regional Representative in Helsinki

European Free Trade Association (EFTA)/ :

Mr William ROSSIER, Secretary General
Ms Thorunn J. HAFSTEIN, Head of Unit

International Centre for Migration Policy Development (ICMPD)

Mr Jonas WIDGREN, Director General in Wien
Mr Gottfried ZÜRCHER, Deputy Director General
Dr Willibald PAHR

Intergovernmental Consultations (IGC)

Mr Gerry VAN KESSEL, Palais des Nations (IEH)

**European Trades Union Confederation (ETUC)/
Confédération Européenne des Syndicats (CES) :**

Ms Beatrice HERTOGS, Secrétaire Confédérale, Confederation Europeene des Syndicats à Bruxelles
Ms Mirja JANERUS, Suomen Ammattiliittojen Keskusjärjestö SAK ry, Helsinki

**Union of Industrial and Employers' Confederations of Europe (UNICE)/
Union des Confédérations de l'Industrie et des Employeurs d'Europe (UNICE) :**

Mr Johannes KOROMA, Director General, Confederation of Finnish Industry and Employers

**Churches' Commission for Migrants in Europe (CCME)/
Commission des Eglises auprès des Migrants en Europe (CEME) :**

Mr Jari PIRJOLA, CCME Helsinki
Mrs Doris PESCHKE, General Secretary, CCME in Brussels

**International Catholic Migration Commission (ICMC)/
Commission Internationale Catholique pour les Migrations (CICM) :**

Mr Stefano ZAMAGNI, Professor, President of ICMC, ICMC, Università di Bologna, Dipartimento di Scienze Economiche
Ms Mariette GRANGE, ICMC Advocacy Officer in Geneva

**V. GENERAL RAPPORTEUR OF THE CONFERENCE/
RAPPORTEUR GENERAL DE LA CONFERENCE**

Mr Gunnar JANSSON, Finland

**VI. COUNCIL OF EUROPE BODIES/
INSTANCES DU CONSEIL DE L'EUROPE**

Committe of Ministers/Comité des Ministres :

Mr Joseph LICARI, Ambassador

Parliamentary Assembly/Assemblée Parlementaire :

Mr Gustavo De ARISTEGUI
Mr Jean-Guy BRANGER, Sénat
Mr Borriß CILEVICS, Saeima
Mr Franco DANIELI, Senato della Repubblica
Mr Joseph DEBONO GRECH, House of Representatives
Ms Lydie ERR, Chambre des Députés
Mr Valeriy FEDOROV, Council of the Federation
Mr Marc HORDIES, Sénat
Mr Ilie ILASCU, Senate
Mr Tadeusz IWINSKI, Chancellerie du Sejm
Mr Jacques LEGENDRE, Sénat
M. Jean-Marie LE GUEN
Mr Michael LIAPIS
Ms Christa LÖRCHER, Bundeshaus
M. Pasquale NESSA, Senato della Repubblica
M. Virgil POPA, Chambre des Députés
M. Gabino PUCHE
Mr John WILKINSON, House of Commons
M. Luís YÁÑEZ BARNUENO, Congreso de los Diputados
Mr Ans ZWERVER, Eerste Kamer der Staten-Generaal

**Congress of Local and Regional Authorities of Europe/
Congrès des Pouvoirs Locaux et Régionaux :**

Mr Bernard SUAUD, Président de la Commission de la Cohésion sociale
M. R RUOCCHI, Membre CPLRE
Mr Lambert van NISTELROOIJ, Executive

**Council of Europe Development Bank/
Banque de Développement du Conseil de l'Europe:**

Professor Orhan GÜVENEN, Chairman of the Governing Board
Council of Europe Development Bank (CEB)
Mr Apolonio RUIZ LIGERO, Vice Governor

Council of Europe Committees/Comités du Conseil de L'Europe :

Ad Hoc Committee of Experts on the Legal Aspects of Territorial Asylum, Refugees and Stateless Persons/

Comité Ad Hoc sur les Aspects Juridiques de l'Asile, des Réfugiés et des Apatrides (CAHAR)

Ms Andrea BARSOVA, Deputy Head (Chairperson of CAHAR), Government Office Human Rights Department

Ad Hoc Committee on Population/ Comité Ad Hoc sur les Populations

M. Werner HAUG, Vice-Directeur, Chef de la Division de la population et de l'emploi, Office fédéral de la statistique, Département de l'intérieur

European Committee for Social Cohesion/

Comité Européen pour la Cohésion Sociale (CDCS) :

Mr Gerry MANGAN, Principal Officer, EU/International Unit Department of Social, Community and Family Affairs

VII. SECRETARIAT

Secretary General/Secrétariat Général :

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Private Office/Cabinet :

Mr Alexander BARTLING, Private Office of the Secretary General/Cabinet du Secrétaire Général

Committee of Ministers/Comité des Ministres :

M. Denis HUBER, Administrateur Principal

General Directorate of Political Affairs/

Direction Générale des Affaires Politiques :

M. Jean-Charles DE CORDES, Adviser

Parliamentary Assembly of the Council of Europe

Secretariat of the Committee on Migration, Refugees and Demography/

Assemblée Parlementaire du Conseil de l'Europe

Secrétariat du Comité des Migrations, des Réfugiés et de la Démographie :

Mr Hervor LERVIK, Head of Secretariat

Mme Sonia SIRTORI, Co-Secretary

Mme Anne-Marie KLEIN, Assistant

**Office of the Commissioner of Human Rights/
Bureau du Commissaire des Droits de l'Homme :**

M. Christos GIAKOUМОPOULOS

Development Bank/Banque de Développement :

Mrs Giusi PAJARDI, Head of the Partial Agreement on the Development Bank

Press Officer/Attachée de Presse :

Mr Alun DRAKE

Mr Arne MADSEN

Dr Roberto TUMBARELLO, Press Correspondent

**VIII. DIRECTORATE GENERAL III - SOCIAL COHESION/
DIRECTION GENERALE III - COHESION SOCIALE**

Mme Gabriella BATTAINI-DRAGONI, Director General of Social Cohesion/
Directrice Générale de la Cohésion Sociale

Mr Henry SCICLUNA, Head of Migration and Roma/Gypsies Department/
Chef du Service des Migrations et des Roms/Tsiganes,

Mme Maria OCHOA-LLIDO, Deputy Head of Migration and Roma/Gypsies
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Mrs Chiara MAROLLA, Administrative Officer

Mr Piotr WALCZAK, Administrative Officer/Administrateur, Migrations

Ms Kirsty McDOWALL, Secretary, Division of Migration and Roma/Gypsies
Secrétaire, Division des Migrations et des Roms/Tsiganes

IX. INTERPRETERS – INTERPRÈTES

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Mme Elisabeth BERNECKER

M. Serge CAVANNA

Mr Igor ESKIN

M. Jason Mathew Tamblyn GARNER

M. Rino (Guerrino) GELMI

M. Georg KIENINGER

Mlle Anne MILES

M. Juan-Luis MORENO

Mme Noemi PLASTINO

M. Alexei REPIN