

CSCE
Office for Democratic Institutions and Human Rights

**CSCE HUMAN DIMENSION SEMINAR ON
MIGRATION, INCLUDING REFUGEES
AND DISPLACED PERSONS**

CONSOLIDATED SUMMARY

WARSAW, 20 - 23 APRIL 1993

**CONSOLIDATED SUMMARY
OF THE CSCE HUMAN DIMENSION SEMINAR
ON MIGRATION, INCLUDING REFUGEES
AND DISPLACED PERSONS**

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I. INTRODUCTION

The CSCE Human Dimension Seminar on Migration, including refugees and displaced persons took place on 20 - 23 April 1993 in Warsaw. The Seminar was organised by the Office for Democratic Institutions and Human Rights. This seminar was the second in a series of specialised meetings organised by the ODIHR in accordance with the decision of the CSCE follow-up Meeting in Helsinki 1992. The previous seminar was devoted to Tolerance (Nov. 1992).

The topic of the second seminar was Migration, including the prevention of involuntary migration, the protection of involuntary migrants and co-operation among international and domestic institution.

The Seminar was not mandated to produce negotiated texts, but summary reports of the moderators of the three discussion groups were presented in the final plenary meeting.

II. AGENDA

1. Formal opening of the Seminar.

Address by the Director of the ODIHR.

Keynote Speech by Mr James Purcell, Director General of the International Organisation for Migration.

2. Introductory contributions by participants

3. Discussion on migration: preventing involuntary migration, protection of migrants and Co-operation among relevant international institutions and development of domestic Institutions.

4. Closing contributions.

5. Formal closure of the Seminar

III. TIMETABLE AND OTHER ORGANISATIONAL MODALITIES

1. The Seminar opened on Tuesday, 20 April 1993 at 10:00 am in Warsaw. It closed on Friday, 23 April 1993.

2. All Plenary meetings and Discussion Groups were open.

3. Agenda items 1, 2, 3, 4 and 5 were dealt with in the plenary sessions. In addition, the closing Plenary was dedicated to a review of lessons learnt and focussed on practical suggestions for dealing with the issues and problems raised during the Discussion Groups.

4. Agenda item 3 was dealt with in the Plenary, as well as in the following three Discussion Groups:

DG 1: Preventing involuntary migration

Topics included:

- An overview of potential migration flows within and into the CSCE region;
- Discussion of the root causes of displacement and involuntary migration.

DG2: Protection of involuntary migrants

Topics included:

- Fundamental norms of international protection;
- Different legal systems of protection;
- Protecting the internally displaced.

DG3: Co-operation among international institutions and domestic institution building

Topics included:

- Basic guidelines of international foreign policies;
- National institutions and procedures;
- International organisations and intergovernmental bodies.

5. Meetings of the Plenary and Discussion Groups took place according to the attached work Programme.

6. Representatives of the ODIHR chaired the Plenary and the Discussion Groups.

7. The ODIHR invited the Moderators to guide discussion in the Discussion Groups. ODIHR Representatives assisted them.

8. Standard CSCE rules of procedure and working methods were applied to the Seminar.

IV. PARTICIPATION

The Seminar was attended by a total of 224 participants. Representatives of 44 CSCE participating States. Among the participants were also delegations from Australia, as a visitor invited by ODIHR, and a non-participating State, Japan.

In addition, 4 international organisations were represented: the Council of Europe, International Organisation for Migration, United Nations Development Programme, United Nations High Commissioner for Refugees and The European Bank for Reconstruction and Development. Non-Governmental organisations numbered 27.

V. SUMMARY OF PROCEEDINGS

The Director of the ODIHR, Ambassador Luchino Cortese, opened the Seminar. Mr James Purcell, Director General of the International Organisation, delivered the keynote address for Migration. 21 participating States and 3 International Organisations made opening contributions.

During the course of the week, three discussion Groups met. The topics were divided as follows:

Discussion Group 1: Prevention of Involuntary Migration.

Moderator: Mr Jonas Widgren, director, International Governmental Consultations on Asylum, Refugee and Migration Policies in Europe North America and Australia.

ODIHR: Elizabeth Winship

Discussion Group 2: Protection of Involuntary Migrants

Moderator: Mr Adam Bernatowicz, Division for Migration and Refugee Affairs

ODIHR: Jacques Rousselier

Discussion Group 3: Co-operation among International Institutions and Domestic Institution Building.

Moderator: Mr Willibatd Pahr, Special Commissioner for Refugees and Migration, Federal Ministry of the Interior, Austria.

ODIHR: Jacek Paliszewski

The Director of the ODIHR chaired the closing plenary meeting. The Moderators presented their summary statements. The representatives of 12 participating states and 2 International Organisations made closing contributions. In addition, the NGO s presented a joint closing statement.

STATEMENT

**By Mr. Jonas WIDGREN - delegation of Sweden
At the Closing Plenary Meeting
Of the CSCE Seminar on Migration
Warsaw, 23 April, 1993**

The task of the first discussion group was to approach the extremely complex issue of how to prevent involuntary migration. There was a general sentiment in the group that the issue to be discussed indeed was of an even broader character, namely how to avoid massive or disorderly movements of people from occurring in the region, be they involuntary or voluntary, and from becoming a general threat to security, stability and harmonious relations, in and between states and between people. It was recognised that rapid global population growth, in combination with severe regional economic imbalance, was bound to generate a substantial increase in the movements of persons, global-wide in the decades to come. However, as regards the volume of present immigration flows to Western Europe in general, and the evolution of East-West movements since the radical political changes in Central and Eastern Europe, there was yet any reason to dramatise, although it was noted that factual gross immigration to Western Europe; having been stable for decade, has tripled since the mid 1980a and that irregular and illegal movements is a phenomenon, which increasingly is preoccupying the Governments of all States in Europe. It was further noted that massive flows of refugees and of- displaced persons, unseen in Europe since the end of the second world war; since a few years again are emerging as a result of war and armed conflict in the very region itself. Brutal aggression against civilians in the area of former Yugoslavia have forced nearly four million the move, and tensions and conflicts in the area of former USSR have seek equally generated movement, also of displaced persons of a significant magnitude.

In terms of what constitutes massive in contrast to normal movements and of Basic States stands with respect to the phenomenon of immigration in the long- term perspective of nation building the discussion much benefited from the transatlantic experience. As regards Europe, it was recognised that it was not the volume of movement as such, but the extent to which they take place in an orderly fashion, and to not overburden the reception capacity and the prospect of social integration of the immigrants, which was the constituent element in assessing whether migratory flows are too big or not.

The discussion the first day concluded in a general assessment that economic balances and in some areas environmental risk, in combination with, in some area, the emergence of new refugee movements on European soil that the issue of movements of people, and of their interrelationship with human rights, minority rights, economic, environmental, political factors and overriding security dimensions, had to be more firmly set on the international agenda.

The group then proceeded in specifically addressing first economic, and then political, factors generating movements. The group took in this context with particular appreciation note of the Statement of the European Community and its member States, reaffirming basic principles on the external aspects of migration policy which were endorsed by the Heads of State and Governments at the Edinburgh summit. The political commitment does not only refer to action in the areas or

conflict control, human rights and democracy so as to diminish migratory pressure. It does also commit the Twelve to "encourage liberal trade and economic co-operation with countries of emigration... and so reducing economic motives for migration. The EC commitments further entail a consistent policy to ensure that ... development aid is effectively used to encourage sustainable social and economic development, in particular to contribute to job creation and the alleviation of poverty in the countries of origin.

Against this background an exchange of ideas took place on how the economic co-operation programmes with Central and Eastern Europe, such as the previous and recent G 7 packages for Russia and other NIS, the PHARE programme and other G 24 co-operation ventures as well as the lending activities of the EBRD, the Council of Europe Fund and other relevant institutions, could be more efficiently geared towards those very goals which are referred to in the Edinburgh summit migration document. A more effective use of remittances sent back to Central and Eastern Europe in the small enterprise sector was also referred to.

Many delegations remarked that, although unemployment levels, as a result of necessary economic transition, have attained very high and in some countries in Central and Eastern Europe alarming level, previously expected East-West flows of a significant magnitude have so far not taken place, with the exception of a few countries. Still, since the process of full introduction of market economy, privatisation, and industrial and agricultural reform in most countries concerned tends to be more protracted than expected. An aggravation of labour redundancy problems might nevertheless lead in future to significant pressures towards the labour markets of Western Europe. Hence, the option of organised bilateral programme for temporary employment should according to many of the participants be further explored. This was important also in a perspective of prevention of disorderly flows. The encouraging example and experiences of one major receiving country in Western Europe was highlighted in this respect.

The need of addressing the issue of South-North economic co-operation also in a CSCE migration perspective was also underlined, taking into account the illegal movement from non-CSCE countries which increasingly seek their way through Central and Eastern Europe. As regards to the more specific issue of how to combat illegal migration through co-operative efforts, reference was made to constructive outcome of the recent Budapest Ministerial Conference and its follow-up.

We then turned, on our third and last working day, to the highly complex item of prevention of coerced movements, resulting from the denial of human rights, from the absence of rule of law, from the non-functioning of democracy, from individual political persecution, from ethnic discrimination, from violation of international law, from armed conflict, and from aggression on neighbouring sovereign states and massacres on helpless civilians, such as we witness it today in the very heart of Europe. With a certain sentiment of frustration we recalled the euphoria of 1989 and the promising opening towards a whole and safe CSCE-region, as embodied in the 1990 Paris Charter, a region finally safe for all its own citizens, and a region no longer, ever, producing refugees.

Obviously, an even more vigorous, energetic and systematic implementation of all relevant norms and standards in international law in all countries and regions in the CSCE area where grave violations of such law had not occurred was deemed to be indispensable, in the interest of safeguarding that similar degrading processes would not occur. The group was in-depth informed of the overall activities of CSCE and its institutions, including the new High Commissioner for Minorities, in this regard, as well as of those of the Council of Europe UNHCR and NGOs.

A discussion then took place on how to elaborate a consistent pattern of action in these spheres, with the ultimate aim of preventing coerced movements to occur. The changing emphasis in the current international debate on what constitutes and threatens international security was here referred to. In this context also the issue of movements interrelationship between movements, arms control, arms purchase and selling was referred to. So our discussion covered all relevant areas, from the necessary implementation mechanisms when it comes to monitoring and implementing human rights in general and minority rights in particular, to early warning, preventive diplomacy peace-keeping, and to an obviously more limited extent, given the context peacemaking, under Security Council auspices.

In the context of this debate, certain concrete new situations in the CSCE-region were referred to where early warning clearly indicated that significant coerced movements were on the brink of occurring and what concretely could we do before it would be too late.

It was recognised that this type of combined prevention-cum-emergency planning had much in common with certain suggestions on collective refugee emergence mechanism and international burden-sharing which had been set forward in the two other working groups. It was also noted that in the context of the Vienna-process, a major project on collective co-operation between Western and Eastern Europe as regards all types of migration and refugee related issues, presently was carried out.

Finally, the further concretisation of prevention strategies the rough sub-regional co-operation was addressed, as well as, obviously the role of the CSCE as such in the overall context of protection and national and international prevention, institutional response to the phenomena as of considerable movements of people. To begin with, it was felt it would be important if the CSCE process could further pay attention to the overall security and co-operation dimensions of migration, and its inter-linkage with all other areas dealt with by CSCE. If the deliberating of our working group would lead to this, I think we all agreed that a major result would have been achieved through our discussion.

Statement

By Adam Bernatowicz - delegation of Poland At the Plenary Meeting of the CSCE Seminar on Migration Warsaw, 23 April 1993

Mr. Chairman, Ladies and Gentlemen,

I had an honour and pleasure to be the moderator of Discussion Group 2. Let me present some observations and impressions on our work during last four days, drafting a scope of our interest and investigations. I would like to start with very general remark. In my opinion, thanks to great activity and deep involvement of participants we managed to touch upon and- in some cases - examine in-depth a lot of issues of great importance, what may contribute to further discussions on the subject matter.

1. Discussion group 2 examined, in general terms, the problem of protection of involuntary migrants. That situated us between fields of interest of discussion group 1 (preventing involuntary migration) and discussions group 3 (co-operation among international institutions and domestic institutions building). However, many references broadening the agenda drafted at the beginning have been made - and I found it advantageous.

The matter of a special interest of participants was the role of CSCE in formulating migration policies of participating States. Having in consideration that human dimension seminar is an expert body to work out ideas and concepts, they stressed the necessity to create political mechanism within the CSCE to deal with migration problems. Because of the specifics of the CSCE there are reasons for which the Conference may have a significant role. In this regard political bodies of CSCE should be encouraged to give a proper follow-up to our discussion through appropriate fora bearing in mind the need to co-operate with relevant reorganizers.

Due to a fact of new phenomena resulting in involuntary migration we tried to identify several categories of involuntary migrants, who are in need of protection and assistance. Starting with regular refugees, whose criteria and status is defined in 1951 Convention, we moved to victims of war and armed conflicts. This category, for which at least temporary protection and assistance is necessary, focused very much our attention. We also identified other categories of involuntary migrants, being of concern to States and international organisations. Such categories as: internally displaced, the so-called "ecological refugees", victims of catastrophes and disasters (both natural and man-made), sometimes large in numbers, should be considered while looking for proper solutions.

3. As mentioned above, the problem of temporary protection has been examined at length. This crucial issue for Europe at the present moment brings very hot humanitarian challenge. Mass flow into many European countries affects to a large extent the internal situation in legal, social and economical terms, resulting in strains and disturbances. Among problems related to, we may indicate the following: level of admittance (determination of eligibility, legal status), level of assistance provided (access to welfare system and social benefits), working out a minimum standard of protection and assistance, elaborating burden-sharing mechanisms, creating mechanisms of repatriation (if circumstances permit), determination of the period time when temporary protection

becomes permanent etc. our discussions were supported by distributed papers, including proposed solutions.

Examining asylum systems and late changes in asylum laws we tried to find key success factors. As social, cultural and economical circumstances create more and more complications, the challenge for establishing rules and procedures fulfilling requirements of fair approach and efficiency at the same time is very urgent and difficult to respond. Efforts of governmental bodies, NUGO-s and international agencies should be complementary and co-ordinated.

5. In this context the specific case of countries of Central and Eastern Europe has been examined. Being in transition time, under strong economic limitations, equipped with weak infrastructure, they only recently started to build laws and structures to deal with refugee and migration problems. That process needs time and resources. Substantial assistance is needed in terms of training, advisory, financial contribution. As problems are emerging on a large scale, such assistance should be urgent, well organised and co-ordinated. There were doubts expressed as to how far countries of much more developed systems could go in implementing regulations affecting negatively countries of Central and Eastern Europe (safe-country concept for instance).

6. Trying to elaborate any solutions we came to the conclusion that a need of inter-related approach is self-evident. Then, the co-ordination and integration of activities are necessary. Reactive, ad hoc measures have to be completed by long-term strategies. Only such an approach may be efficient.

I am aware, that my observations do not reflect all our activities. My intention was only to draft in general what we were discussing, raising rather questions than answering them, what need further examinations. On behalf of discussion group 2 I moderated I would like to thank Ambassador Cortese and his staff from the ODIHR for creating excellent opportunity to spend this nice time working together.

Thank you very much for your attention.

Summary of discussion Group 3 Of the Migration Seminar in Warsaw 20 - 23 April 1993

Dr. Wilibald Pahr, Moderator

English synopsis:

Discussion Group 3 focused on co-operation among international institutions and domestic institution building for surmounting the problems of migration in Europe, taking into account East-West and South-North movements of people.

For an analysis of how international institutions may co-operate in this area, government Migration policies should also be taken into consideration.

The solution to the problem presented by today's migration movements calls for a realistic and comprehensive migration policy. The facts of migration are immigration cannot be ignored by CSCE participating States. This is true also for those states that were formerly sources of migration allows but are now receiving countries. A migration policy should not be repressive, but should instead propose constructive regulation of migration flows. Such a policy must be carefully worked out with due consideration given to the open opinions of all States concerned.

A particular element of any migration policy must be the integration of immigrants, whose expected length of stay differs according to the characteristics of the group. Given the complex nature of migration issues, formulation of a migration policy is a governmental task. Involuntary migration (those in flight and those chased out) is a special case involving the issue of asylum. Given the long duration of stay of asylum seekers in a democratic country and the resulting costs incurred, steps to hasten the processing of these migrants must be taken. It is important to consider the possibility of providing everyone access to information in the countries of origin. The establishment of an international information clearinghouse would be an improvement.

In the case of a massive flow of immigrants, all countries of the world must be prepared to accept them. In the light of the tragic situation in former Yugoslavia the creation of an institute for temporary protection is called for. The regulation of voluntary migrant flows calls for selective acceptance and especially also a quota system, which would significantly reduce the numbers of family reunification cases.

On the question of illegal migrants an efficient migration policy was suggested based upon the recommendations given at the Budapest Ministerial Conference in February of this year. The practical and legal resolution of the problem of illegal migrants requires inter-State co-operation.

Recent years have seen a proliferation of international organisations dealing with the problem of migration. The cause of this proliferation is, on the one hand, the complex nature of the migration problem and, on the other hand, the immediate needs faced by European governments and their lack of legal instruments.

The task of international organisations, where humanitarian help is concerned is to support States in the formulation of a fair migration policy and to promote material help (technical, food, financial, developmental aid) as much as possible. Especially meaningful is an international mechanism for the guarantee of an equal distribution of costs in the spirit of international solidarity. In this regard, the need for an international sharing mechanism would be raised. Further, voluntary contributions in the form of an international migrant fund could be envisioned from which funds for financing emergency cases could be drawn.

The CSCE should take an active role in future co-ordination of the many inter-State activities named above, since migration is not only a national and international security problem but also an issue of the Human Dimension.

NGOs have a special meaning for the problem of migration since their role is quite different vis-à-vis international organisations and governments. This difference affords even greater flexibility as well as proximity to non-state mechanisms to the people involved, and to voluntary sources of financial assistance.

Humanitarian help is the centre point of NGO activity relates to migration. NGOs also play an important role as bearers of information, being accessible to sources of open opinion and taking an intermediary role with governments.

Co-operation between NGOs and all other organisations concerned with migration problems would be an improvement. In this regard, the CSCE serve as a forum for all NGOs who are interested in these issues.