



A SILK ROUTES PARTNERSHIP
FOR MIGRATION

BUDAPEST PROCESS

5th MINISTERIAL CONFERENCE

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20+ Years of the **Budapest Process**

An Analysis of Over Two Decades of Migration Dialogue

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Introduction

The fifth Budapest Process Ministerial Conference “A Silk Routes Partnership for Migration” represents a milestone for migration dialogue specifically and migration governance in general. By keeping its relevance through two eventful decades, the Budapest Process has confirmed the significance of informal intergovernmental dialogue on migration as a tool for migration management and policy development. Governments need access to a wide array of cooperation frameworks in the field of migration - ranging from formal to informal and from bilateral to multilateral - spanning over regions and continents, as the Budapest Process.

With its 20 years of operation, the Budapest Process has provided the longest-standing cooperation framework on migration for Europe and its eastern neighbours. The development of activities under the framework of the Process has taken place parallel to the dynamic development of migration policy in Europe and beyond. It has adapted to political developments caused for example by the breakup of the Soviet Union and Yugoslavia, and the enlargement of the European Union (EU) from 12 to 27 states, following and stimulating policy changes in the process. In other words, the Budapest Process has developed together with the migration debate it aims to facilitate. The dialogue has promoted new policy directions and has helped, through research and innovative methods, to advance the migration discourse.

This document aims at providing an analysis of the main developments and contributions of the Budapest Process over the last 20 years. It looks at how the Budapest Process discussions have impacted policy development and shows how the Budapest Process has adapted to the political reality of the changing landscape of migration management. Apart from numerous meeting results and reports, the Budapest Process has developed a number of methods to facilitate dialogue, which are also presented.

The Meeting Catalogue – due to be published online as an annex – provides a chronological and narrative overview, from the very beginning, illustrating each step in the development of the Budapest Process. In order to allow this text to be true to the time, the terminology has not, with very few exceptions, been changed. Thus it reflects the migration terminology used at the time of the respective activities.

Including the meetings now in Istanbul, the Budapest Process has held since 1991, a total of five ministerial conferences, 18 senior officials meetings, 20 meetings of the Friends of the Chair, 91 working group and other meetings, as well as countless smaller meetings, assessment missions, etc. All in all, 155 intergovernmental meetings have been held, involving some 3,000 officials from over 50 participating states.

The establishment of “A Silk Routes Partnership for Migration” marks the official start of a new initiative and at the same time, the consolidation of an already entered avenue. This new chapter of the Budapest Process will establish its working principles with an even wider range of countries, anchor future plans and lay the ground for even deeper cooperation.

The Origins of the Budapest Process

Already in the second half of the 1980's there were signs of changes in the migration routes and methods affecting Europe and several international meetings were organised to discuss these developments. Following the changes in Central and Eastern Europe, starting in 1989, the anticipation of increased irregular movements acquired growing political significance in the whole of Europe. Countries in Central and Eastern Europe became both transit and sending countries. International organised crime increasingly got involved in facilitating illegal migration, exemplified by the growth of smuggling and trafficking activities in border regions.

Western European countries had already in the mid-1980s started to make their entry policies stricter, by reforming visa and asylum procedures. As a consequence, many migrants found themselves stranded on their way and stayed in countries which were meant to be only transit countries, or tried to enter Western Europe using illegal means. Some of the transit countries, therefore, became de facto countries of destination. In light of these developments, the countries of Western, Central and Eastern Europe felt an imminent need to enter into dialogue to establish entry, control and asylum policies that were compatible and to develop concrete cooperation.

Hence, a variety of initiatives were taken in the early 1990's at the international level to strengthen cooperation on migration control and asylum between Western, Central and Eastern European countries, in the context of a new order for pan-European cooperation.

The starting point for this process of consultations was a number of ministerial meetings which addressed the issue of East-West migration, such as the Organization for Economic Cooperation and Development (OECD) Conference in Rome in March 1991 and the Council of Europe Meeting of Migration Ministers in Luxembourg in September 1991, as well as the Vienna conference on migration, also held the same year.

The initiative to launch the Vienna Ministerial Conference was taken by the Austrian Minister of Foreign Affairs in the late 1980s. The subsequent Vienna Process was very active and proved to be instrumental in achieving results. At the initiative of the EU countries, the Vienna Process as such was discontinued in 1994, and parts of it were incorporated into the regular structures of the Council of Europe in 1994. These parts were later consolidated and became the European Committee on Migration (CDMG), while other issues were henceforth dealt with within the Budapest Process.

In addition to the aforementioned conferences, the Berlin Ministerial Conference was also held in October 1991, initiated by the then German Minister for Interior, Mr. Wolfgang Schäuble who invited all Ministers of Interior of the Member States of the European Communities, of Switzerland as well as of 13 states of Central and Eastern Europe, to discuss "Measures for checking illegal immigration from and through Central and Eastern Europe".¹ This conference turned out to be the starting point for the Budapest Process.

¹ Delegations of the following countries participated in Berlin: Albania, Austria, Belarus, Belgium, Bulgaria, Czechoslovakia, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, the Soviet Union, Spain, Switzerland, Ukraine, the United Kingdom and Yugoslavia.

The First Phase of the Budapest Process 1993–2003

On the basis of agreements reached during the follow-up process to the Berlin conference, the Minister of Interior of Hungary organised another Ministerial Conference on 15-16 February 1993 in Budapest with the title “To Prevent Uncontrolled Migration”².

The Process was hence given its name after this conference, which also led to the establishment of the Budapest Group of Senior Officials.

For the years to come, the Budapest Process was to become one of the main instruments for consultation between EU Member States and the Central and (South-) Eastern European countries. The early focus of the Budapest Process was, following the needs of the time, East-West migration and migration control. The final document of the 1993 Budapest Ministerial Conference dealt primarily with combating illegal migration and smuggling of migrants. The recommendations adopted focused on border management, visa and return policies, readmission, trafficking and smuggling, and asylum. It also specifically encouraged and developed a process for the legal harmonisation and exchange of information.

More importantly however, the Budapest Process was used as an instrument for EU approximation outside the scope of the then EU Member States. The role of the Budapest Process in preparing the Central and Eastern European states for EU membership has been recognised as instrumental. In 1995, the well-known “Langdon” report³ – an EU report seeking to identify the major challenges for the EU accession countries in the fields of justice and home affairs and their need for assistance – acknowledged the particular importance of the Budapest Process as “the only migration forum that routinely brings together most of the Member States and Associated Countries, as well as some of the NIS, along with other players” and noted that “full weight should be attached to its views”.

At the Budapest Ministerial Conference, it was decided to establish a Steering Group composed of eight countries⁴. This Steering Group was later to be named the “Budapest Group”. The Budapest Group of Senior Officials was officially established at the Senior Officials Meeting held in Budapest on 2-3 December 1993, as an informal consultative body to monitor the implementation of the recommendations of the Budapest Ministerial Conference. At the statutory meeting it was decided that senior officials from all participating States could attend the meetings of the Budapest Group, which by way of this decision became the most important pan-European forum for migration cooperation and would influence the European migration debate for many years to come.

Between the Budapest and Prague Ministerial Conferences, five senior officials meetings were held; in Budapest in 1993, Prague in 1994, Zürich in 1995, Oslo in 1996 and Vienna in 1997.

In the Prague meeting, expert groups were tasked with following up on certain priority issues selected from the recommendations elaborated at the Budapest Ministerial Conference, for example, the international criminalisation of ‘trafficking in persons’⁵ with a view to harmonising the penalisation of employers of illegal migrants in the participating countries; the conclusion of readmission agreements and other instruments with a similar purpose, cooperation in returning illegal migrants, schemes for the exchange of information on illegal migration and relevant financial and technical assistance to support the countries of Central and Eastern Europe to implement the recommendations. The expert groups worked according to a working group structure, dividing responsibility for the above topics among them. Reports were elaborated and meetings were organised with the support of ICMPD, Intergovernmental Consultations on Migration, Asylum and Refugees (IGC) and the International Organization for Migration (IOM).

² The Conference was attended by ministers or their representatives of 36 governments: Albania, Austria, Belarus, Belgium, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Moldova, the Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine and the United Kingdom. In addition, the conference was attended by observer delegations representing Canada and the United States of America, as well as the European Commission (EC), the Council of Europe, the International Organization for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR) and Intergovernmental Consultations on Asylum and Migration (IGC).

³ <http://www.statewatch.org/news/langdon-report-1995.pdf>

⁴ Hungary (Chair), the EU Council Presidency (on a rotating basis), the European Free Trade Association (EFTA) Presidency (on a rotating basis), the Schengen Group Presidency (on a rotating basis), Croatia, Czech Republic, Poland and Turkey

⁵ Which in our current understanding of the concept actually focused on migrant smuggling

At the Prague meeting, all participating states also agreed to the proposal offered by Austria and Switzerland to provide continuous Secretariat services to the Budapest Group through the International Centre for Migration Policy Development (ICMPD) in Vienna, which had been established with an Agreement signed by these two countries in 1993.

At the Oslo meeting of the Budapest Group in 1996 it was noted that the 1993 recommendations to a large extent had been implemented and that the Central and Eastern European countries had developed, during a short period of time, legislation and control systems which in many respects were compatible with those of Western European countries. There had also been a considerable expansion in bilateral, regional and sub-regional cooperation and an impressive number of readmission agreements concluded.

However, the implementation of several recommendations was still lacking or slow, for example, the criminalisation of migrant smuggling and trafficking in persons, the harmonisation of levels of punishments for such offences, sanctions against employers hiring illegal aliens, the implementation of readmission agreements and the negotiation and conclusion of readmission agreements with non-European countries. Moreover, there were newly emerging areas of relevance such as the gradual harmonisation of entry policies and procedures between European states. Against this background, the Budapest Group finally recommended the convening of the Prague Ministerial Conference.

The Prague Ministerial Conference in 1997 also aimed to adapt the Budapest Process to the political and migratory realities that had rapidly changed since 1993, including the enlargement of the EU in 1995 from 12 to 15 Member States and the conclusion of cooperation agreements with ten Central and Eastern European countries. Since 1995 the provisions of the Schengen Agreement had become applicable to seven of its members. 35 governments attended the conference held in Prague on 14-15 October 1997⁶.

The conference resulted in a number of detailed recommendations in: (i) harmonisation of legislation to combat trafficking in aliens, (ii) pre-entry and entry control, in particular the approximation of visa regimes, (iii) return to country of origin and readmission agreements, (iv) information exchange on illegal migration, (v) technical and financial assistance to Central and Eastern European States and (vi) linkage between smuggling/trafficking in aliens and other forms of organised crime. The Budapest Group was requested to follow-up and to present a timetable for their implementation, including deadlines.

The Prague Ministerial Conference also resulted in the establishment of a number of working groups, based on an agreed working methodology for its follow-up implying that the Chairman and the Secretariat may call upon various participating states and organisations to assist in different tasks and meetings.

A working group, led by Norway, focused solely on evaluating the implementation of the recommendations. Other working groups which were established included the working groups on Legal Harmonisation (chaired by Denmark), Visa Policy Approximation (chaired by Slovenia) and Return and Readmission (chaired by France and Poland). Before the next ministerial meeting, other working groups were established by the senior officials, such as the Working Group on Irregular Movements and Asylum, chaired by the Czech Republic (2001), as well as the Working Group on Moldova in 2002.

The Working Group on South Eastern Europe (presently chaired by Croatia) also started in 1998 through the “Special Meeting on Illegal Migration through South-East Europe” initiated by Germany and held in Budapest in 1998. A number of very concrete activities followed including the setting up of five teams each responsible for one specific issue. Examination missions with EU experts took place at the Bucharest airport, the Black Sea and the land-border between Croatia and Bosnia and Herzegovina. The working group also looked into issues such as reception as well as joint information exchange on illegal migration.

Reflecting the flexibility of the process, ad-hoc meetings were also held on mechanisms for information exchange, organised crime, on the links between migration and terrorism and on regional issues such as readmission in the Baltic Region.

⁶ Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Moldavia, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom and USA) and nine International organisations (the Central European Initiative, Council of Europe, EU, ICMPD, IGC, IOM, Interpol, United Nations Commission on Crime Prevention (CICP) and UNHCR)

The Second Phase of the Budapest Process 2003 - 2009

The second phase of the Budapest Process came as the Central and Eastern European countries were about to become members of the European Union. Discussions were held regarding the continuing relevance of the Budapest Process, considering that a main focus had been the EU approximation of the above countries. However, considering the long-lasting success of the Budapest Process working methodologies, it was agreed that the framework should be kept and that countries further east; Armenia, Azerbaijan, Belarus, Georgia, Moldova, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Ukraine and Uzbekistan, should be invited to join the cooperation framework, while maintaining also a focus on South Eastern Europe.

The governments of the participating states worked on a new set of recommendations establishing a durable network to the East, and addressing the growing migration pressures coming from this region. These recommendations were approved in Rhodes during the Greek Presidency of the EU Council in 2003 when the fourth Ministerial Conference of the Budapest Process initiated a new phase of its work.

Another reflection of the broadening geographical scope of the Process was the endorsement of Turkey as Co-chair of the Budapest Process.

In addition to the geographical shift, there was also a gradual change in the focus of the migration debate, away from a pure migration control perspective to a more holistic approach embracing the full range of issues shaping the migration phenomenon. Consequently, issues such as the importance of offering legal migration channels and looking at how migration impacts development and vice versa rose on the agenda. These changes were also clearly visible in the results of the Rhodes Ministerial Conference.

Furthermore, the statements at the conference reflected the truly pan-European dimension of the process, and its trans-Atlantic dimensions (with Australia, Canada and the USA being present) as well as its linkages to inter-governmental processes dealing with irregular migration in other parts of the world, such as the Bali Process. Participants unanimously greeted the new directions of the Budapest Process.

In accordance with these recommendations, the European Commission financed a project that started in March 2004 with the aim to provide an overview of the migration situation in Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Ukraine and Uzbekistan, identify the key migration challenges faced by each of them, develop a network of senior officials, and establish an informal forum for dialogue with these countries. On this basis, the dialogue mechanisms of the Budapest Process were broadened to take into account the perspectives of these countries. The project was supported by Austria, the Czech Republic, Denmark, Georgia, Lithuania, the Netherlands, Poland and the Russian Federation and implemented by ICMPD as the Budapest Process Secretariat.

Three new working groups started: the Working Group on Approximation of Penalty Scales for Trafficking in Human Beings and Smuggling of Migrants (chaired by Belgium), the Working Group on Immigration and Admission Policies (chaired by Hungary and Slovakia) and the Working Group on the Development of Migration Systems (chaired by Bulgaria). The Working Group on Irregular Movements and Asylum and the Working Group on Return and Readmission continued their activities. Joint meetings were held with the Bali Process, in Perth in 2004 and in Vienna in 2005. Initiated by Turkey, a joint conference was also held in 2007 with the United Nations UNODC and the Organisation of the Black Sea Economic Cooperation (BSEC) on "Trafficking in Human Beings in the Black Sea Region". This meeting proved to be a forerunner to the Working Group on the Black Sea region which had its first meeting in 2008 (chaired by Bulgaria).

Turkey was to hold the position of Co-chair for 3 years. Following a series of consultations between Hungary, Turkey and ICMPD, Turkey formally took over the Chairmanship of the Budapest Process at the 14th meeting of the Budapest Group of Senior Officials which was held in Istanbul on 19-20 October 2006.

The Third Phase of the Budapest Process 2010 -

Already at the Senior Officials Meetings in Istanbul in 2006 and in Trabzon in 2008, the Turkish Chair initiated discussions on expanding the Budapest network to its eastern neighbours. Tentative conclusions supported this idea; however the plans would only be made concrete a few years later in relation to a completely different development.

At the Trabzon Senior Officials Meeting in 2008 the plan to hold a fifth ministerial conference was also discussed. The Czech Republic offered to host such a conference during its EU Council Presidency. Due to changing political circumstances, this Ministerial Conference “Building Migration Partnerships” hosted by the Czech Republic in April 2009 was to become the starting point of a new process later to be called the Prague Process. In the wake of the emerging Prague Process, Turkey as the Chair of the Budapest Process, and the Secretariat, initiated a process of stocktaking and a revision of the Budapest Process in 2009. Based on an internal review of state of play and collection of suggestions from participating states a meeting of the Friends of the Chair of the Budapest Process (FOC) was called to discuss the future direction of the Budapest Process on 9 September 2009.

In follow-up to the FOC, the Chair initiated a broader follow-up process through a letter at ministerial level, asking participating countries to clarify their commitments to and priorities for the Budapest Process in early 2010. Against the background of priorities presented and with the purpose of aligning the Budapest Process with other relevant initiatives and projects operating within the Eurasian sphere, as well as the purpose of streamlining the working group structure, the vision of the Chair for a new phase of the Budapest Process was shared with participating countries in May 2010. The Chair specifically proposed the introduction of a third phase of the Budapest Process with a regional focus, expanding the network of cooperation further eastwards, to include the countries along the historic “Silk Routes”. The proposal of the Chair to initiate a third phase of the Budapest Process was decided by senior officials in November 2010. Consequently Afghanistan, Bangladesh, China, Iran, Iraq and Pakistan were invited to become new participating and observer states in the Budapest Process.

The senior officials also confirmed the geographical division with three regional working groups; the Working Group on the Black Sea Region (chaired by Bulgaria), the Working Group on the South Eastern European Region (chaired by Croatia), both of which already existed, and a new one; the Working Group on the Silk Routes Region (chaired by Turkey). These regions were considered priority regions where the Budapest Process provided a strong added value.

Furthermore, senior officials agreed, that in addition to the traditional topics of the Budapest Process, such as illegal migration, return and readmission and asylum, also the topics of labour and legal migration, as well as links between migration and development should be included in the work of the process, thus making it a fully balanced migration dialogue including priorities of all participating countries.

It should be noted that the European Commission has subsequently referred to the Budapest Process as one framework for implementation of the Global Approach to Migration and Mobility, proposing a well-planned refocusing of all activities to the Silk Routes Region and possibly other Asian countries.⁷

In the period between 2009 and 2013 several working group meetings were held within the above structure, covering all topics of the balanced Budapest Process. The Working Group on the South Eastern European Region had two meetings in this period – one on practical cooperation in the implementation of readmission agreements and one on mixed migration flows in the region, including protection issues. The Working Group on the Black Sea Region had meetings on joint cooperation mechanisms in the Black Sea Region, on cooperation between border officials, as well as on links between legal and irregular migration, including labour migration. Finally the newly started Silk Routes Region Working Group had, apart from its inaugural meeting, one meeting on general cooperation on migration in the Silk Routes Region and another meeting on factoring migration into development planning in the Silk Routes Region. This meeting also constituted the first Budapest Process meeting solely focusing on migration and development, thus reflecting the new balance of topics in the Budapest Process. It allowed also for an active participation of local civil society organisations and academia working in this field.

⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, The Global Approach to Migration and Mobility, Brussels, 18.11.2011, COM(2011) 743 final

In order to concretise cooperation with the Silk Routes countries the Secretariat proposed the initiation of the project “Fostering Cooperation in the Area of Migration with and in the Silk Routes” (Silk Routes project). The project which started in September 2011 is funded by the Netherlands, Norway, Sweden, Switzerland and Turkey and includes cooperation with Afghanistan, Iraq and Pakistan. The project has carried out activities such as visits to several Silk Routes countries, the development of migration profiles for Afghanistan and Pakistan and the organisation of intergovernmental meetings and smaller consultation meetings between the participating countries. The consultation meetings have had the specific objective of developing a framework for operational and practical cooperation after the project, thus also contributing the planned follow-up after the Ministerial Conference.

A Silk Routes Partnership for Migration

In November 2011 at the 17th Senior Officials Meeting in Ankara, Turkey presented the strategic outlook and announced its' intention to hold a ministerial meeting in Istanbul in spring 2013, marking the 20th anniversary of the Budapest Process. This was the initiation of the preparatory period of the Istanbul Ministerial Conference "A Silk Routes Partnership for Migration" to be held on 19 April 2013.

The roadmap for the conference was presented to Budapest Process countries in a Communication in July 2012. Three separate preparatory meetings were held in the preparation phase, ; in Izmir on 27-28 September 2012, in Ankara on 10-11 December 2012 and in Budapest on 4-5 March 2013, as well as one Senior Officials Meeting on the eve of the Ministerial Conference. Based on the priorities expressed by participating countries at the first meeting, the initial draft of the Ministerial Declaration was put together. After several rounds of discussions, both at and in between the meetings, a final version of the text was agreed at the third preparatory meeting in Budapest.

An operational package was prepared to ensure operational follow-up in the Silk Routes Region with several different projects planned, some catering for short-term bridging actions and some providing long-term capacity building in the region. The project portfolio aims at following the thematic priorities expressed in the Ministerial Declaration, inviting all relevant stakeholders to be part of this next exciting implementation phase.

With the adoption of the "Istanbul Ministerial Declaration on a Silk Routes Partnership for Migration" with its six priority areas; Migration and Mobility, Integration, Migration and Development, Irregular Migration, Trafficking in Persons and International Protection, the Budapest Process has truly entered a new era, which is fully anchored in modern day migration management. The Budapest Process is now equipped with all the necessary tools to facilitate also the next generation of migration governance and will continue to further and deepen cooperation between countries over the whole Eurasian continent.

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