

31 October 1991

Final Communiqué
of the Ministerial Conference on measures for checking illegal
Immigration from and through Central and Eastern Europe

At the invitation of the Federal Minister of the Interior of the Federal Republic of Germany, the competent Ministers of Albania, Austria, 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, Belarus and Yugoslavia met in Berlin on 30/31 October 1991, and

I.

satisfied that the profound political changes now permit freedom of movement throughout Europe, this being an important pre-condition for the maintenance and development of free societies;

confirming the considerations and demands they supported at the Ministerial Conference on the Migration of persons from eastern and Central European countries, held in Vienna on 24/25 January 1991;

in consideration of the obligations arising from the Geneva Convention of 28 July 1951 on the Status of Refugees, and the New York Protocol of 31 January 1967;

in view of the ever-increasing magnitude of the streams of migration from and through the countries of Eastern and Central Europe into the territories of the Western European countries;

recognizing that internationally operating clandestine immigration networks increasingly, and with a view to exploiting the victims, make false promises to people in the countries of origin about the economic and social conditions of life in the countries to which they intend to emigrate, and induce the would-be immigrants to pay them large sums of money for their smuggling services, in some cases to hand over all their worldly goods, thereby delivering them into an often miserable existence;

realising that uncontrolled migratory movements in their present order of magnitude constitute a destabilising factor in all countries and place a burden on the harmonious development of relations between European peoples;

in view of the fact that the destination and transit countries must deploy considerable resources to bring the inflow under control, resources which could be put to better use for relieving the causes of the migrations;

II.

have recognized the common responsibility of all the Participating states (and their solidarity with countries first accepting migrating people, especially in the case of mass migrations), while fully appreciating the high value of freedom of movement, to take decisive action against illegal migratory movements and to use appropriate means, in accordance with the principle of good neighbourly co-operation, which is anchored in the Charter of Paris as a sign of the beginning of a new era in Europe, and have deemed the application of short-term and medium-term as well as long-term strategies and instruments to be indispensable.

III.

Have decide on the following measures:

1. To prevent or check illegal immigration in the short term, the Participating States will:
 - reinforce the fight against clandestine immigration networks with a common tactical concept and tackle the problem of unauthorised employment of illegal immigrants by exchanging relevant information, in particular regarding smuggling routes and methods of forging identity and travel documents, and create the legal conditions for the transfer of personal data, in particular through the signing of intergovernmental agreements;
 - effect thorough and, as far as possible standardised controls at road and rail border crossings and at air and sea ports, define to this end effective procedures to identify and forestall illegal entries, including illegal residence on the pretext of holidays or business trips and obtain assurance concerning the traveller's destination and conditions of his/her stay, especially in the form of supporting documents or other written proof, which should be with them;
 - intensify, as far as necessary, frontier surveillance between border crossing points by deploying mobile forces of a strength appropriate to the situation at known or suspected weak points and, to this end cut in close concentration, which may include arrangements on the deployment of frontier protection forces at critical points, on the basis of joint analyses and up-to- date situation reports.
 - in view of their obligations arising from the Convention on International Civil Aviation, support airlines operating at their airports in fulfilling the duties ascribed to airlines in Standard 3.37 and 3.37.2 of Annex 9 of the above-mentioned Convention, and in addition, take care that airlines check passengers at airports of departures to

establish whether they carry the requisite travel documents for entering the country of destination, and provide sanctions to be imposed on airlines which transport aliens who are not in possession of these documents into the sovereign territories of their nations; a corresponding rule should apply to companies which transport aliens by sea or by land;

- fulfil the obligation arising from the international principle of good neighbourly relations to re-admit persons who have left their country and illegally entered another country, from whence they will be returned as soon as possible or in compliance with existing intergovernmental agreements;
 - possibly conclude bilateral or multilateral re-admission agreements and, in so far as these do not already exist, arrangements on the undelayed transit of persons obliged to leave a given country;
 - ensure that illegal immigrants who are re-admitted are returned without delay and in any case to their country of origin or the country where the journey began, to the extent that those concerned have no right of residence;
 - provide mutual support in developing the border-securing infrastructure, in particular as regards the equipment and training of frontier protection forces, including the fields of communication and information processing;
 - explore possibilities to define arrangements and criteria for the partial compensation of financial disequilibria arising from the deportation and repatriation measures.
2. The Ministers will request the competent national agencies to harmonise visa policies as far as possible, in a spirit of mutual co-operation in order to contribute to reducing more effectively the pressure of immigration.

3. The Participating States will form one working party whose task is the rapid development of proposals for implementing the measures described under III.1, in particular with regard to effectively combat illegal activities of clandestine immigration networks, in so far as those proposals are not already being studied or can be studied by existing working parties involving the Participating States.

IV.

and have called upon all states which participated in the Vienna Ministerial Conference on Migration of 24/25 January 1991 to implement the recommendations for relieving the causes of migrations in the medium and long term contained in the Vienna final Communiqué, in particular the following proposals:

- active collaboration to develop policies and promotion measures which would help reduce disorderly migration;
- promotion of possibilities for economic co-operation in border regions thus allowing transfrontier employment;
- arrangements between interested parties providing opportunities for training and employment for fixed periods, such as employment on contract as part of economic co-operation projects and employment of workers for short periods on condition that they enjoy the protection guaranteed under labour and social legislation;
- examination of the possibilities for closer co-operation to promote the economic and social reintegration of persons who return voluntarily to their countries of origin;
- establishment of an information system and exchanging information on the labour and housing market situation in the countries concerned, so that the population can be informed of the actual situation in an appropriate manner.

The Participating States agree that social and economic progress in the home countries represents, in the long term, the most important preconditions to give the people in those countries a new professional and social perspective, which will encourage them to stay in their home countries.