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**ALIEN-SMUGGLING AND UNCONTROLLED MIGRATION
IN NORTHERN EUROPE AND THE BALTIC REGION**

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I. BACKGROUND

1. Over the past decade, the growth of alien-smuggling by organized transnational crime and the rise in uncontrolled migration across national frontiers have emerged as world-wide phenomena that pose a serious problem for many governments and societies. The United Nations Commission on Crime Prevention and Criminal Justice in 1994 identified alien smuggling as a matter of grave concern for many Governments, especially those of source, transit or destination States (UN/GA, 1994:2). During the 1990s, the smuggling of aliens or illegal immigrants has become a profitable business for organized transnational crime on both local and international levels.

2. The "push" for much of alien-smuggling lies in a combination of poverty, economic crises and war. Many developing countries have undergone massive rural-urban migration, with the new urban residents unable to find housing except in the rapidly spreading slums. On arriving in the cities, they are faced with an almost total lack of prospects for education and employment. In some countries, the poverty and economic crises are exacerbated by war and internal conflict, as has recently been the case in, for example, Afghanistan, Angola, Bosnia-Herzegovina, Haiti, Iraq, Kamputsea, Mozambique, Myanmar, Rwanda, Somalia, Sudan and Yemen. World-wide, the number of war refugees has mushroomed from an estimated 2,4 million in 1974 to 23 million in 1994. If one adds to this some 26 million "internally displaced" persons, about one out of every 114 persons in the world has been uprooted by conflict (International Herald Tribune, 9 August 1994).

3. The "pull," in turn, is provided largely by the lure of a more secure life in countries that are believed to offer employment and liberal social welfare benefits to all who can pay for the cost of travel. In particular North America and Western Europe, with their growing multicultural societies, have proved to be such an irresistible attraction that many are prepared to invest their life savings and risk the dangers of transit to find a new life for themselves. The increasing ease of international travel, the relaxation of border controls among the European Union countries and the porousness of borders in Central and Eastern Europe have helped to smooth the way for the

growth of the phenomenon.

4. According to estimates, criminal organizations move between hundreds of thousands to one million persons per year from their countries of origin, through transit States to recipient countries for profit (UN/GA, 1994:3 & ANSA, 1994:54). The organizations also assist in the uncontrolled migration of aliens by producing and providing falsified passports, travel documents, visas, and various types of business or official invitations. The smuggling of aliens is carried out by air, land and sea. Often, the mode of transportation is changed several times between the country of origin and the countries of destination (UN/GA, 1994:3).

5. According to one report published by the United Nations General Assembly in 1994, the "smuggling of illegal aliens is perceived by criminal organizations as a low-risk, high-profit activity. Smuggling is usually handled by ethnically organized crime groups which are supplementing their traditional criminal enterprises, including illicit trafficking in drugs, with alien-smuggling. In transporting illegal immigrants through transit countries, the smuggling organizations rely upon local criminal elements which supply documents, safe houses and contacts to facilitate smuggling operations. Alien-smuggling is seen by legally resident businesses in third countries as a source of cheap labour for restaurants, "sweat shops" and factories. Illegal immigrants are also utilized as foot-soldiers for criminal organizations" (UN/GA, 1994:4). Between September 1993 and April 1994, the International Organization for Migration documented 44 incidents reported in the national and international media, in which illegally smuggled aliens were intercepted. The incidents generally involved the smuggling of nationals from developing countries to developed Western countries. The groups involved in these incidents ranged from small groups of four to ten persons, to groups of over 100 persons (UN/GA, 1994:4).

6. The smuggled aliens include illegal immigrants, asylum-seekers, refugees, economic migrants or foreign criminals that originate from developing countries in Asia, Africa, Latin America and, most recently, Eastern Europe. They usually pay individuals or criminal groups involved in alien-smuggling an exorbitant fee of thousands of (American) dollars in some foreign currency. During their journey, the

aliens are often subjected to considerable hardship, deprivation and indignity. On arrival at their destination, they often find that they are left owing money to the smugglers and are forced to engage in criminal activities to pay off the debt (UN, 1994:17). Sometimes, alien-smuggling does not involve just the trafficking of persons from poor countries to wealthier countries, but involves the illegal smuggling of prostitutes and drug couriers.

7. The exact number of persons being smuggled world-wide each year cannot be determined due to the very nature of the crime. Only rough estimates concerning the number of such persons have been made. "According to some estimates, immigrants from China form only 20 per cent of those in a pipeline that encompasses India, Iraq, the Islamic Republic of Iran, Pakistan, Romania, Sri Lanka and the Sudan. Those in transit include 60,000 Chinese in Moscow, 80,000 or more Asians, Africans and people from the Middle East in Romania, and significant numbers in staging areas such as Guatemala, the Netherlands and Spain. The scale of the problem is also revealed by the fact that in 1993 there were 1.2 million attempts to enter the United States illegally" (UN, 1994:17).

8. The smuggling of Chinese into the United States has received great attention in the media and by the American Government since 1993 when a large ship ran aground off the coast of Long Island, New York, with a large cargo of illegal Chinese immigrants who were being smuggled into the country (Horvitz, 1994:A9). Some estimates have placed the number of Chinese illegally entering the United States at over 100,000 each year (Newsweek, 1993). Between 1991 and 1993, the number of Chinese smuggled into the country by boat dramatically increased from less than two dozen to over 3,000 (UN/GA, 1994:18). The standard fee for being smuggled from mainland China to the United States was reputed to be between 15,000 to 30,000 dollars. Besides the United States, Chinese are smuggled to over thirty other countries worldwide (Metro, 1995). There are said to be some 100,000 to 200,000 Chinese illegally smuggled into Europe each year; for them the standard fee was reputed to have been between 10,000 to 15,000 dollars (Newsweek, 1994:27 & UN/GA, 1994:18). Alien-smuggling is said to produce an estimated profit of over 3.5 billion dollars each year for criminal organizations (UN, 1994:17).

9. Both Western and Eastern Europe have been affected by the growing dimensions of alien-smuggling and the uncontrolled migration of persons from countries that are developing or in transition. The developed countries of Western Europe have become both transit and destination sites for the smuggling of aliens by organized transnational crime. Many of the aliens come from North Africa, the Middle East or Eastern Europe, as asylum-seekers, illegal immigrants or economic migrants. The political and socio-economic upheavals that have been occurring in North Africa and Eastern Europe over the past decade have contributed to the increase in the movement of persons to Western Europe and the rise in organized criminal activity. Countries in the south of Europe such as Italy, France, Portugal and Spain have seen an influx of illegal immigrants from countries bordering on the Mediterranean. Countries in Central and Northern Europe, such as Germany, Austria, Switzerland, and the Scandinavian countries have also experienced an influx of either asylum-seekers or illegal immigrants from such countries as Iraq, Somalia, Turkey and former Yugoslavia.

10. The increase in the flow of foreigners to many of these states has also fuelled a movement among extremist groups that has fed on fear, prejudice and anti-foreigner feelings. It has prompted violent racist attacks by extremists against anyone who may be considered foreign, alien or simply "different", such as refugees, asylum-seekers, economic migrants, Muslims or Jews, or handicapped persons. In Germany, for example, an "influx of 650,000 foreigners seeking asylum from Bulgaria, Romania, the Balkans and other areas . . . stirred anger among right-wing groups in the last two years. According to German authorities, right wing and neo-Nazi groups carried out more than 2,000 attacks last year [1992] on asylum seekers, resulting in 17 deaths and nearly 600 injuries" (CJ International, 1993).

11. Eastern Europe and the territory encompassing the former Soviet Union has been used by organized transnational criminal groups as a transit zone for the smuggling of aliens from Africa and Asia to Western and Northern Europe. Conditions throughout the region, such as the porous borders and the weak capacity of the law enforcement authorities, have proven conducive to an increase in transnational crime, such as alien-smuggling. Northern Europe and the Baltic region in particular have seen that area used

as a transit area for alien-smugglers. Since the collapse of Communism between 1989 and 1991, the countries bordering on the Baltic Sea have had their territorial integrity violated by criminal groups illegally transporting aliens. Illegal immigration in the Baltic Sea area has been compared in the Swedish press to the illegal immigration that takes place on a daily basis along the Mexican-American border (Veckans Affärer, 1993).

12. During December 1993, an inter-governmental conference was convened in Borgholm, Sweden, to discuss growing transnational crime in the Baltic. The conference, "The Baltic Sea Conference on Combatting International Crime", brought together senior officials, including deputy Ministers and under-secretaries of Justice, of Security and of the Interior, from Belarus, Denmark, Estonia, Finland, Germany, Norway, Latvia, Lithuania, Poland, the Russian Federation and Sweden. The Russian delegation included representatives from the Murmansk, St. Petersburg and Kaliningrad regions.

13. The representatives at the Baltic Sea Conference noted in their Final Communiqué of 8 December 1993 that "it was established that there is a tendency towards an increase in international crime, especially organized crime, in the Baltic Sea area. This development has taken place in the last few years. Furthermore, according to several participants, there are signs that such crime is gradually becoming more serious" (Baltic, 1993). Two working groups were set up to examine the various types of crime and the forms of law enforcement cooperation needed to deter and apprehend the offenders. The first working group, chaired by Poland, was tasked to "assess the existing information and further study and survey crime developments in the Baltic Sea region. In this context, particular attention will be paid to questions concerning organized crime, especially . . . to illegal immigration and other traffic in human beings" (Baltic, 1993).

14. A follow-up to the Baltic Sea Conference on Combatting International Crime was held in Warsaw, Poland, in late March 1995. This follow-up conference brought together representatives from Belarus, Denmark, Estonia, Finland, Germany, Norway, Latvia, Lithuania, the Netherlands, Poland, the Russian Federation, Sweden and Ukraine. A representative of the Council of Europe participated as

an observer. As noted in the final report, the "participants concluded that the states of the Baltic Sea region are all confronted with criminal phenomena such as: . . . illegal immigration of individuals as well as entire social groups attempting to cross several country borders in order to reach countries of Western Europe and the Nordic countries" (Baltic, 1995).

15. According to the report produced by the working group that was set up at the first Baltic Sea Conference on Combatting International Crime in Sweden and which was presented to the participants at the follow-up conference in Poland in March 1995, a number of countries around the Baltic Sea have identified their respective problem in respect of illegal immigration and alien-smuggling as follows (Baltic, 1995):

Denmark - "smuggling of people into the territory of Denmark from Russia and other Baltic states";

Estonia - "illegal smuggling of people via the territory of Estonia to Scandinavian countries";

Germany - "an increase in the illegal migration and criminal problems connected with this phenomenon";

Poland - "illegal migration via the territory of Poland to Western Europe and Scandinavia";

the Russian Federation - "illegal migration of sometimes big social groups";

Sweden - "illegal migration to Sweden with abuses of the asylum rights and forging travel documents".

The neighbouring countries of Belarus, Finland, Latvia, Lithuania and Norway have similar problems.

16. In the broader European context, the European Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders that was held in Vienna, Austria, between February and March 1994, "recommended in its conclusions that the Ninth Congress should seek to identify new forms of national and transnational economic and organized crime which, inter alia, already include illicit migration. It was noted that the free flow of people, goods, services and capital and the contemporary

efforts to increase regional integration were being taken advantage of and abused by organized criminal groups that identified new opportunities and expanded their operations across frontiers into new markets . . . [and] . . . there was widespread concern over the involvement of such groups in the illegal smuggling of aliens" (UN/GA, 1994:5). This can be seen now occurring throughout Eastern Europe and the Baltic region.

17. The problems associated with the smuggling of aliens and the uncontrolled flow of illegal immigrants into and through Europe have been made more difficult as a result of the relaxation of border and customs controls in the past two years along with the integration within the European Union, the implementation of the Schengen Agreement on 26 March 1995, and the continuing border control problems in Eastern and Central Europe. In Northern Europe and the Baltic region, the fact that Finland and Sweden joined the European Union on 1 January 1995 will require the shifting and dismantlement of certain border and immigration controls between member states, despite the fact that the Nordic region has had a customs-passport union since 1954, and thus has allowed semi-open travel between all the Nordic countries. The Nordic Council of Ministers meeting in Reykjavik, Iceland, in February 1995 reaffirmed their commitment to maintain the common Nordic customs-passport union even though Iceland and Norway are not members of the European Union.

18. Alien-smuggling and uncontrolled migration throughout Northern Europe and the Baltic region have become a serious problem for the countries of the area. Even so, these phenomena have not yet approached epidemic proportions. Belarus, Estonia, Latvia, Lithuania, Poland, and the Kaliningrad district of the Russian Federation have become primary transit states for East-West and South-North migration and alien-smuggling, while Germany and the Nordic states of Denmark, Norway and Sweden and to lesser degree, Finland, have become destination countries mainly due to their traditional liberal asylum and social welfare laws. A brief survey of the current situation in the individual countries of the area is provided below so as to give the reader a broader perspective and understanding.

II. REGIONAL OVERVIEW

19. Finland. Since the dissolution of the Union of Soviet Socialist Republics in 1991 and the collapse of Communism in the former East bloc, Finland has not experienced the previously anticipated influx of illegal aliens from the Russian Federation, the Baltic States and developing countries, when compared with the situation in Denmark and Sweden. Finland is estimated to have only a few thousand illegal immigrants, most of whom have arrived with official documents, but stayed in the country after the expiration of their visas. The reason for the insignificant immigration pressure on Finland may lie in the smallness of the resident ethnic population. Finland has only about 60,000 foreigners with permanent residence status (Baltic, 1995).

20. According to the Finnish authorities, violation of the regulations on visas is the most common way in which illegal aliens stay in the country. The passport control posts recorded 2,462 cases of expired visas during 1993, and 720 cases during the first six months of 1994. The authorities have identified in particular Kurds and Somalis as groups that have increasingly abused the asylum procedure. For example, many Somalis have been found to have smuggled other Somalis into Finland, using the aliens' passports granted by the Finnish state as travelling documents in order to bring "look-alike" persons into the country. In addition, the family reunion programme has been frequently abused. Recently, the authorities have found Iraqis and Iranians using falsified Polish passports at control posts on the Eastern border (Baltic, 1995). The number of asylum cases between 1985 and 1992 rose dramatically from 18 in 1985 to 2,743 in 1990, to 3,634 in 1992. Half of the cases in 1992 came from the former Yugoslavia (SVT, 1992 & Bunyan, 1993:135).

21. There have been several cases of aliens trying to transit Finland on the way to North America. These mainly came from Iraq, Iran, Somalia and Sri Lanka. Another problem that has arisen has been the internal migration of third country citizens staying illegally in Scandinavia (Baltic, 1995).

22. There has been a large number of Estonian and Russian citizens who have arrived in Finland to participate in both legal and illegal business. They have often arrived on tourist or temporary business visas. Some of these persons also have potential connections to Russian or Baltic organized criminal

groups that have been recently operating on a cross-border basis. The number of citizens of the former Soviet Union that have been arrested in Finland for serious crimes has grown considerably, from only 32 in 1989 to 745 in 1991 (CJ International, 1992).

23. The number of persons illegally crossing the land border from Estonia and Russia to Finland, or crossing the sea without checking in at the control posts has been relatively small. Only 18 persons were caught in 1993 crossing the Russian-Finnish border illegally (Baltic, 1995). There also has been several cases where illegal aliens have landed on the Finnish coast after being smuggled by boat from either Estonia or Latvia. In February 1995, Finland accepted a large group of 89 Kurds who had been smuggled into Estonia. They reportedly will be temporarily kept at refugee centres in Helsinki, Tampere and Oulu (B.O., 2/2-8/95).

24. Norway. According to the Norwegian authorities, "illegal immigration to Norway is increasing every year. Several cases were reveal[ed] during the past few years indicating that it is a crime organised by international groups. Another growing problem is the illegal immigration from East European countries" (Baltic, 1995). The number of persons charged with attempting to cross the Norwegian border illegally has grown from 1,467 in 1992 to 1,944 in 1993. The citizenship of the Europeans charged with this offence varies greatly: Denmark 2, Estonia 15, Finland 7, Germany 19, Latvia 18, Lithuania 33, Poland 214, the Russian Federation 598 and Sweden 14 (Baltic, 1995). Also the number of asylum-seekers who have arrived in Norway increased considerably, from 3,962 in 1990 to 12,876 in 1993 (with the majority of these from the former Yugoslavia). Other significant groups of asylum-seekers have arrived from Ethiopia, Iran, Lebanon, Somalia and Sri Lanka (Statistics Norway, 1994).

25. Denmark. According to the Danish authorities, five large groups of persons applying for an asylum, totalling 283 in all, arriving in the country between 1 January 1992 to 1 July 1994. Most of these were Iraqis and Tamils (Baltic 1995). The number of refugees who were granted asylum in Denmark between 1990 to 1992 remained relatively stable (3,044 in 1990, 4,014 in 1991, and 3,782 in 1992)(Danmarks Statistik, 1994). In some of the asylum cases, the smuggling was carried out by

"professional" smugglers by sea from Russia and other Baltic states to Denmark. All of the groups, with one exception, landed on the island of Bornholm. The smuggling of persons into Denmark also takes place by air. Primarily Afghans, Iraqis and Somalis transit through the Baltic states, Belarus, Poland and the Russian Federation, and fly from Moscow and Vilnius to Kastrup airport at Copenhagen without valid documents (Baltic, 1995).

26. Sweden. Over the past several years, the country has experienced influxes of aliens who were either smuggled into the country or entered the country illegally by land, sea or air. According to the Swedish Immigration Board, 4,326 persons applied for asylum during the first nine months of 1994. 2,089 of the applicants applied for asylum at the border, and 2,237 of them applied once they had entered the country. Of these, 2,322 persons did not possess a passport nor any other travelling document, and 149 persons presented false passports when submitting their application for asylum (Baltic, 1995).

27. Since the late 1980s the number of asylum cases in Sweden has been fluctuating. The applicants generally arrive over land, by sea from the Baltic States or by air at Stockholm-Arlanda airport without proper documentation. In 1988, there were 19,595 applicants for asylum, 29,420 in 1990, 27,351 in 1991, 84,013 in 1992, 37,581 in 1993, and 20,279 in 1994. Over the past three years, large groups of persons have arrived in Sweden from war-torn former Yugoslavia, often using falsified Serbian, Croatian and Bosnian passports or identity papers. For many years before the period of transition in Central and Eastern Europe, Sweden and other Nordic countries have allowed large groups of illegal migrant workers to enter from Poland in order to work in the agricultural and service sectors during the summer months. After 1990, the situation changed slightly, as more "unusual" migrant workers came to the Nordic region. They started to stay beyond the summer months, often becoming involved in petty theft.

28. Since 1992, alien-smugglers have been attempting to smuggle refugees or illegal immigrants into Sweden from the Baltic states by using fishing boats. In some cases, these fishing boats have been unregistered. Since October 1992, at least 15 incidents have been reported in which Estonian, Latvian and Russian fishing boats have been used to smuggle

large groups of self-proclaimed refugees, totalling over 1200 persons, into Sweden. In many cases, the alien-smugglers put the aliens into life rafts or abandoned them on the fishing boats off the coast of the Swedish island of Gotland. The aliens had paid between 2500 to 5000 dollars to the smugglers to be brought to Scandinavia. Most came from China, Iran, Iraq, Palestine, Somalia, Syria, Vietnam, the former Yugoslavia, or the East. Examples of these cases are the following:

- In December 1992 and January 1993, almost 600 self-proclaimed refugees, mostly Kurds, landed on the island of Gotland from several vessels that had sailed from Estonia and Latvia (B.O., 1/29-2/4/93)

- On 1 November 1993, 28 refugees from the Middle East landed on the island of Gotland on rubber rafts from a larger vessel from Latvia.

- On 2 February 1994, around 46 Iranis, Iraqis and Kurds landed on the island of Gotland on rubber rafts after being dropped off by a large vessel from Estonia.

- In mid-March 1994, around 66 Afghans, Iraqis and Kurds were discovered in a container aboard the Estline ferry "Estonia" in Stockholm after being smuggled from Tallinn (Dagens Nyheter, 3/15/94).

- On 16 December 1994, a group of 70 aliens, mainly from Afghanistan, arrived on Gotland after being dropped off by a fishing boat from one of the Baltic States (The European, 12/22-28/94).

- On 31 March 1995, a group of 43 aliens from Afghanistan, Iraq and Somalia landed on Gotland after being dropped off by a ship from one of the Baltic States (Metro, 3 April 1994 & Dagens Nyheter, 9 April 1995).

The Swedish authorities apprehended some members of the boat crews who had smuggled aliens into Sweden, and sentenced them to imprisonment. A total of 16 have been apprehended as of 1994, with some receiving up to two year sentences of imprisonment or heavy fines. Sweden has in recent years tightened its smuggling and refugee laws so that the boats involved in the smuggling can be confiscated and their crews imprisoned.

29. In addition, persons from Sweden have been bringing aliens into the country against the law by using family reunification programmes, sham marriages or smuggling. In early April 1995, two Swedish men were arrested in Ukraine for attempting to smuggle aliens (Metro, 11 April 95). In another case in early 1995, a Swedish bus company violated international law concerning sanctions against the former Yugoslavia by illegally transporting people and goods between Sweden and the former Yugoslavia.

30. Germany. Since the unification of Germany and the opening of its once closed Eastern borders, the country has been the centre of European immigration, both legal and illegal. Many refugees and asylum-seekers have fled to Germany from Asia, Africa, Eastern Europe and the Middle East. Some of them have entered illegally across the Polish-German border or through the Czech Republic or Austria. Others arrive by air through large airports such as Frankfurt and Berlin. According to the German authorities, in 1992 the government instituted 45,675 preparatory proceedings and 1,400 proceedings against persons suspected of having been engaged in the organised smuggling of people. Charges were brought against a total of 48,351 persons. In 1993, the government instituted 48,351 preparatory proceedings and 1,300 proceedings against persons suspected of this same activity (Baltic, 1995). In the early 1990s, the number of illegal migrants in Germany was estimated to be around 350,000 persons, and the number of illegal refugees who were in the country was estimated to be around 300,000 persons (UNIDIR, 1993:69). In other cases, the family reunification plan has been severely abused by many in the large population of immigrants which have settled in Germany, including Turks, East Europeans and Kurds.

31. Kaliningrad. The Russian Federation enclave of Kaliningrad on the Baltic Sea coast has reportedly been used as a transit centre by organized criminal groups for smuggling aliens to Western Europe. The area is still a heavily militarized zone with the military port closed to foreign inspection. The restricted zones have become part of "The Baltic Corridor" for the illegal trade in or smuggling of people, narcotics, arms, prostitutes, cars and raw materials (Carter, 1995).

32. Poland. Poland has developed into a transit area for the smuggling of cars, drugs, arms, and people since the collapse of Communism. The majority of people who have entered Poland illegally ultimately attempt to cross the border into Germany. These include persons from Eastern European states and developing countries. The number of persons who have been detained by Polish border units for crossing the border illegally has in fact decreased from 1992 to 1994. In 1992, 33,581 persons were stopped, while there were only 18,298 in 1993, and only 7,077 persons during the first six months of 1994 (Baltic, 1995). According to the Polish authorities, the nationality of persons who have been detained while attempting to illegally cross the Polish border during the first six months of 1994 was as follows: Armenia 405, Belarus 161, Bulgaria 265, Czech 265, India 149, Moldova 194, the Russian Federation 277, Romania 2,115, Ukraine 1,537, and the former Yugoslavia and others 124 (Baltic, 1995). At the end of 1992 there were an estimated 100,000 persons from Romania who were waiting in Poland to go to Western Europe (Bunyan, 1993:139). Presumably, a large number of persons illegally crossing the Polish border go undetected.

33. Belarus. Belarus and Ukraine are transit countries for aliens heading for Western Europe. In Belarus, the number of illegal immigrants or persons who crossed the border illegally has dramatically risen in the past three years. The number of officially registered refugees in Belarus rose from 1,500 to 18,000 by the end of 1993. There were some 3,000 refugees in the country from, for example, Afghanistan, Bolivia, China, Cuba, Ethiopia, Iran and Iraq. Various estimates have been given concerning the "real" number of refugees in the country. The estimated total figure for illegal immigrants in the country ranges between 150,000 in 1993 to over 200,000 persons in 1994 (Markus, 1994: 45-46). Many of them come from countries in Asia, Africa, the Middle East and the former Soviet Union. They enter Belarus primarily from Russia and either transit Belarus on the way to the West or illegally settle in the country. The number of registered illegal border crossing rose from 533 in 1992 to 1,443 in 1993 (Baltic, 1995).

34. The Russian Federation. Since the disintegration of the Union of Soviet Socialist Republics, the Russian Federation has been used as a source, transit and destination country by alien-smugglers and illegal

immigrants. Due to the sheer geographical size and ethnic composition of the country and its current political and socio-economic problems, the Russian Federation has seen an increase in uncontrolled internal migration since 1991. The level of foreign migration into or through the country has also risen. The aliens that come to or transit the country include Afghans, Chinese, Kurds and Somalis. There are an estimated 300,000 persons from developing countries residing in Moscow who are waiting either to immigrate illegally into Western Europe or are waiting to be granted asylum in the West (B.I., 4/15-21/94). There are, for example, an estimated 10,000 Kurds within this large refugee population (Jonson, 1993).

35. The Baltic States. Estonia, Latvia and Lithuania have become holding and transit areas for illegal aliens who are being smuggled through Belarus, the Russian Federation and Ukraine to the Nordic states. Numerous groups of persons from developing countries (including for example Afghans, Chinese, Iraqis, Kurds, Somalis and Turks) have been identified as illegally entering these countries.

36. In Estonia, according to authorities, "160 Kurdish people were detained in years 1993-1994. At present there remained 85 of them. In the years 1992-1994, at least 6 organised refugee groups (454 persons in total) were illegally transported through the border from Estonia to Finland, Sweden and Denmark. Passenger ships and private boats are mainly used for smuggling refugees. Sometimes closed vans are also used there. Small groups try to cross the border by planes and passenger ships on the basis of forged or stolen documents of the former USSR, East European countries, Scandinavia countries, as well as documents obtained illegally in Sweden. In Moscow, St. Petersburg, Riga, Tallinn and Stockholm there were revealed a number of persons in charge of smuggling refugees (mainly Kurds, Afghans and Iraqis)" (Baltic, 1995). The overall number of persons illegally residing in Estonia is estimated to be between 20,000 and 100,000 persons (B.O., 2/23-3/1/95).

37. During the first three months of 1995, Lithuania deported some 340 persons from Asia and Africa who had paid to be smuggled through the Baltic States on the way to Scandinavia (B.O., 4/6-12/95). Latvian authorities estimate that as many as 40,000 people entered that country illegally in 1993 (B.O., 12/8-

14/94). Due to the constantly changing regulations and political atmosphere in each of the Baltic States, these figures for persons illegally residing in the countries sometimes reflect persons among the Russian minorities that settled in the region after the Soviet annexation.

38. In addition to the number of persons from developing countries who are based in the Baltic region and organize the smuggling of aliens, organized criminal groups from Russia and Eastern Europe have set up extensive routes through the Baltic States and use ports such as Tallinn and Riga to smuggle aliens into Scandinavia on the last leg of their journey. Organized criminal groups have used various forms of transport to smuggle aliens to Scandinavia, the most preferred being by sea. In the past several years, the number of aliens being smuggled has climbed as organized criminal groups find new ways and means to operate. The following list of examples provides a perspective on the extent of the problem:

- In one strange incident during November 1992, a Soviet-made MI-8 helicopter airlifted a group of 29 aliens from India, Pakistan, and Romania into Poland (New York Times, 20 Nov. 1992)

- Between late March and early April 1994, 130 Kurds who entered Estonia illegally in separate groups were discovered in Tallinn waiting to be smuggled to either Finland or Sweden. An additional group of Kurds were caught in the city of Narva while being smuggled from Russia into Estonia (B.I., 4/15-21/94)

- On 16 November 1994, 8 illegal aliens from Afghanistan were arrested in Latvia (B.O., 12/8-14/94).

- On 21 November 1994, 81 illegal aliens from Sri Lanka were discovered in western Lithuania and were later deported (B.O., 12/1-7/94).

- On 24 December 1994, the Latvian vessel *Katrana* ran aground off Estonia while trying to smuggle a large group of illegal aliens to Sweden. The group included 144 Kurds and Afghans (B.O., 1/5-11/95).

- On 31 December 1994, a group of 30 Kurds were detained on the Latvia-Russian border and deported to Belarus. The group had come from Belarus and was attempting to take a train to St. Petersburg (B.O., 1/12-18/95).

- During the month of January 1995, 85 illegal aliens had been detained in Estonia and 147 illegal aliens had been detained in Latvia (B.O., 2/2-8/95).

- A group of 109 illegal aliens from Asian countries was discovered and detained in Lithuania on 3 February 1995. Most of the aliens were subsequently deported. Lithuanian authorities estimate that an additional 5,000 aliens are in Belarus waiting to be smuggled through Lithuania to Scandinavia (B.O., 3/2-8/95).

- On 17 February 1995, 32 illegal aliens from Somalia were detained in Vilnius, Lithuania (B.O., 2/23-3/1/95).

- On 23 February 1995, 16 Turks were seized by Estonian authorities when they attempted to enter the country illegally (B.O., 3/2-8/95).

- On 22 March 1995, 40 illegal aliens from Bangladesh, India and Sri Lanka as well as other countries were discovered in Lithuania. They had entered from Belarus and were on their way to Poland (B.O., 3/30-4/5/95).

- On 29 March 1995, a group of 32 illegal aliens from various Asian countries were detained at the Lithuanian-Polish border on their way to Poland. They had previously crossed into Lithuania from Belarus (B.O., 4/6-12/95).

- On 26 April 1995, 12 illegal immigrants from India, Pakistan, Somalia and Turkey were stopped at the Lithuanian border. Eight of them did not carry documents. The Turks were trying to go to the United Kingdom while the others were trying to reach Scandinavia (B.O., 5/2-10/95).

III. NATIONAL AND INTERNATIONAL RESPONSES

39. It has taken some time for the countries bordering on the Baltic Sea to initiate and implement

national-level responses (including the revision of national legislation) to the increase in alien-smuggling. Many of the countries have been in the process of reorganizing their customs, police, and coast guard services and revising laws that deal with judicial and alien matters. One of the primary reasons why it has taken so long to change the legislation on aliens has been the sensitivity of the issue. Debates concerning human rights, refugee status, asylum rights, treatment of illegal aliens and the degree of punishment for foreign offenders involved in alien-smuggling often distort and delay the real argument for changing laws and regulations, which should be to deter and not encourage alien-smuggling and illegal immigration.

40. The best methods for combatting alien-smuggling and uncontrolled migration are through the revision and enforcement of national and international legislation, and the improvement in the capacity and coordination of police, customs, coast guard and border units on both national and regional levels. Since the early 1990s, most of the Nordic states have concluded bilateral agreements with their counterparts in the Baltic States and Eastern Europe, and have provided assistance in customs, border security, immigration, police and judicial matters. Such activity between the Baltic States and their neighbours (Belarus, Poland and the Russian Federation) is still in the process of being expanded.

41. Finland. At the December 1993 Baltic Conference on Combatting International Crime, the report delivered by the Finnish Ministry of the Interior stated that the key approaches to combatting such organized crime as alien-smuggling involve appropriate domestic legislation, international agreements, and effective and flexible cooperation between authorities across borders. Also domestic measures are needed. The report notes that in Finland, the police, customs and border control authorities engage in close cooperation, which is to be intensified further through legislation. On the Nordic level, there has been long-standing cooperation between police, customs and border control authorities. Such legislation, the agreements concluded between the states and a number of well-established forms of collaboration offer a good combination of means to suppress organized crime (Finland, 1993). In a footnote to this report, the Ministry further expressed the point that "it is very much in our interests to establish the same kind of

cooperation between our neighbors in the east and in the south, particularly with Russia and the Baltic States" (Finland, 1993).

42. In the early 1990s, Finland began intensive cooperation with its Baltic Sea neighbours in the areas of customs, border, and police matters. Prior to the dissolution of the former Union of Soviet Socialist Republics, Finland and the Soviet Union had been working together in customs matters under an agreement that had been most recently renewed in 1975. A new agreement, this time between Finland and the Russian Federation, was signed in December 1993. Finland has also established closer cooperation with Russia in respect of the extradition and readmission of aliens or criminals. Finland and the Russian Federation continue to apply the Border Regulation Agreement that was signed between Finland and the USSR in 1960.

43. In March 1993 the Finnish President, Mauno Koivisto, and Russian President Boris Yeltsin signed agreements dealing with issues relating to combating organized crime. During early April 1995, border control authorities from Estonia, Finland and the Russian Federation met in Kotka, Finland, for discussions and agreed to set up trilateral groups to work on issues concerning the guarding of the sea border and border controls (B.O., 4/6-12/95). In addition, Finland has provided various modes of assistance to Russian authorities, such as the exchange of information, training and material assistance, and has stationed a liaison officer in St. Petersburg and Moscow.

44. Finland has extensive ties also with the Baltic States and Poland. In respect of the combating of cross-border organized crime, Finland entered into negotiations with Estonia during 1994 to draw up an agreement for joint cooperation, and is pursuing similar efforts with Latvia and Lithuania. In issues relating to asylum, extradition and readmission, Finland is pursuing joint cooperation with each of the Baltic States. Finland also has customs agreements with the Nordic States, Estonia, Germany, Latvia, Lithuania and Poland, and a liaison officer stationed in Tallinn.

45. Finland has been providing direct assistance to the three Baltic States, particularly Estonia, in the form of the exchange of information, training and material

assistance. In 1994, Finland began training Estonian police officers at its police schools in Espoo and Tampere (FBIS-WEU, 17 May 1994:42).

46. In the area of legislation, a new Act on International Assistance in Criminal Matters was adopted on 5 January 1994. After a group of Kurdish refugees was smuggled to the Finnish coast by an Estonian fishing boat in February 1993, the Aliens Act was reformed on 28 June 1993 to "permit authorities to interfere with abuses and criminal activities" and to "give authorities more effective means with which to combat alien-smuggling including the maintenance of a register of information identifying aliens not permitted to remain in the country" (UN/GA, 1994:13 & Finland, 1993). One of the primary reasons for amending the Act was to speed up the processing of applications for asylum "and in this way to decrease the crime rate among foreigners while in the country" (Finland, 1993).

47. In respect of the aliens register, an amendment to the Aliens Act of Finland "permits the taking of a photograph and fingerprints and recording of other personal distinguishing marks of an asylum seeker or foreigner whose identity has not been established. These details may be surrendered to authorities in other countries, subject to the legislation of those countries" (Finland, 1993). According to the Finnish authorities, the "illegal entry of aliens often involves criminal activity. Criminals have no scruples in taking advantage of the distress of persons anxious to immigrate. The arrangement of illegal entry is therefore a criminal act in a number of countries. The Finnish Aliens Act has also been amended to this effect" (Finland, 1993). In addition to closer cooperation between the Finnish police, customs and border services, Finland has as previously mentioned also initiated "negotiations with the authorities of adjacent States for cooperation to prevent alien-smuggling" (UN/GA, 1994:13).

48. Norway. Norway has provided assistance to the different Baltic States and signed a customs agreement with Estonia on 20 April 1995. It also has customs agreements with Poland and the Russian Federation. In response to the increase in alien-smuggling and uncontrolled migration, Norwegian officials have been authorized "to take fingerprints from asylum seekers and other foreigners and store them in a data base. The data base is located at the

National Bureau of Crime Investigation, which has been given national responsibility for investigation and intelligence related to organized illegal immigration" (Norway, 1993). Norwegian authorities have developed a "computer-based communications system called Fingerprint Image Transmission . . . [and] have also developed a system [Document Image Transmission] to enable [authorities] to transfer reports, passports and identification documents quickly and safely" (Norway, 1993).

49. According to information submitted by Norway to the United Nations, the "Central Illegal Immigration Intelligence Unit, a special department at the National Bureau of Crime Investigation, was established in June 1993 to prevent alien-smuggling more effectively by collecting, processing and registering information pertaining to illegal immigration received by various authorities in the country, including information obtained through the computerized electronic transfer of documents, and to function as a centralized contact office for foreign police authorities. Since Nordic countries face identical problems in this area, a Nordic working group was established in 1993 to discuss work-cooperation routines, with special emphasis on the exchange of information and on developing the competence of police personnel working on alien matters" (UN/GA, 1993:15-16). In relation to legislation, there were some restrictions placed into the Aliens Law of 1989 (Bunyan, 1993:139).

50. Denmark. Denmark has "undertaken navy and police cooperation with neighbouring countries and other countries in nearby regions, particularly the Baltic countries. Legislation has also been enacted to punish any person transporting aliens who are not in possession of proper travel documents and identification papers" (UN/GA, 1994). In 1986, Denmark and Germany signed a border agreement that allowed the mutual expulsion of illegal immigrants who crossed the border illegally. Between 1986 and 1993, several other amendments of alien laws or regulations were implemented that allowed for expulsion and restricted rights surrounding persons who crossed the border without proper reasons.

51. In April 1994, the Government of Denmark "conducted a review of the apparently increasing number of incidents of alien-smuggling to Denmark from or through other countries with coasts on the

Baltic Sea. In this connection, Denmark is planning, subject to the approval of the appropriate authorities and in concert with the Nordic and possibly other donor countries, to undertake a comprehensive programme of cooperation on migration issues with the countries around the Baltic Sea. The programme, whose primary aim is to strengthen the border control in these countries, would, through training, study tours and technical assistance, build institutional capacities within the migration and border-control authorities of the beneficiary countries" (UN/GA, 1993). Denmark has also stationed police liaison officers in some countries on the continent.

52. Poland. Poland signed an agreement in March 1991 with six countries in Western Europe which were part of the Schengen Agreement, that obligated Poland to take back aliens who illegally crossed Poland to Western Europe (Bunyan, 1993:139). In areas of other legislation, a bill was introduced in 1991 that concerned the detention and expulsion of illegal aliens. On 7 May 1993, Poland and Germany signed a treaty that sought to control the flow of illegal aliens going to German and Western Europe for asylum. Under the treaty, Germany has provided financial support to Poland to shelter illegal aliens and asylum seekers, and increased efforts to improve surveillance along the German-Polish border. (Germany has signed similar agreements with Bulgaria and Romania, and has been in the process of negotiating one with the Czech Republic.)

53. Sweden. In areas related to organized crime and alien-smuggling, Sweden has been providing legal and material assistance, training, and information exchanges, including the stationing of liaison officers, to the Baltic States, Belarus, Poland and the Russian Federation. Sweden has signed customs agreements on mutual assistance with Estonia, Poland and the Russian Federation. It also signed an agreement with Poland in 1990 to provide legal assistance in different types of criminal cases, and signed an agreement with Estonia in February 1995 concerning asylum matters. Beginning in the early 1990s, Sweden began providing foreign assistance to the Baltic States, Poland and the Russian Federation under "Sovereignty Support Programmes", which mainly concern assistance for police and customs services, border monitoring and control, and rescue services.

54. On 17 June 1993 the Swedish Ministry of Culture

was allocated funds to undertake a project related to migration control, "Cooperation in the Field of Migration", with Estonia. The Ministry of Culture and the Swedish Immigration Board have further established cooperation with migration and immigration officials in each of the Baltic countries and are assisting personnel in the region with training on frontier controls and visa procedures. In March 1994, the Swedish Government announced plans to provide additional aid to Estonia's border control service and to fund "the training of passport check officials and raising the professional skills of migration department officials" (B.O., 3/10-16/94). On 23 November 1994, the new Swedish Government reaffirmed its commitment to continue assistance to Latvia and the Baltic region that was started under the previous Conservative government in relation to combating illegal immigration and organized criminal activity (B.I., 12/2-8/94).

55. In December 1992 the Swedish Government decided for the first time on bilateral assistance to police authorities in other countries, mainly in the Baltic region, under the "Swedish Bilateral Police Assistance Programme" (National Police Board, Stockholm, Sweden, 1995). Part of this is being carried out within the framework of a "Baltic Police Academy", which is a free-flowing structure of cooperation for Sweden, Finland, Denmark and Norway on one side, and Estonia, Latvia, and Lithuania on the other.

56. During December 1989, the Swedish Government started tightening the conditions for granting asylum. In 1992, the Government submitted a proposal to Parliament that would allow the authorities to expel asylum-seekers accused of petty crime and to refuse entry to those who were suspected of intending to commit such crime (Bunyan, 1993). Between 1992 and 1994, various proposals were given that would revise alien, asylum, and criminal law in respect of alien-smuggling and illegal immigration. In December 1993, the Swedish Parliament passed a bill entitled "Stricter measures to combat refugee smuggling". Under this amendment to the Aliens Act which came into effect on 1 January 1994, a person may be imprisoned for two years if found guilty of assisting an alien in entering the country illegally, and the means of transport used for that purpose may be confiscated (UN/GA, 1993). In several cases, Latvian and Estonian fishing boats and their crews involved

in alien-smuggling to Sweden were detained for the investigation of suspected violation of the Swedish Aliens Act.

57. Eastern Europe in general. Over the past decade, the states of Eastern Europe and the Baltic region have dramatically transformed their views in relation to fighting cross-border organized criminal activity. Previously, these countries were only marginally involved, and were slow to sign even bilateral treaties on mutual assistance in criminal matters. One of the results of the recent fundamental changes throughout this region has been the new interest of the Central and Eastern European countries in international cooperation. They are quickly hammering out a network of bilateral agreements. The Russian Federation, for example, has already signed agreements with Austria, Cyprus, France, Germany, Italy and the Netherlands on joint meetings of leading Interior officials, the exchange of experts, data and research results, and accession to judicial requests for mutual assistance. More practical and informal models of cooperation are aimed at the sharing of law enforcement cooperation, tracking the flow of international financial transactions, and developing regional "judicial spaces." The International Criminal Police Organization (INTERPOL), one body which seeks to promote such informal cooperation, now includes almost all Central and Eastern European countries among its members (Joutsen, 1993:16-17). In November 1992, law enforcement officials from Belarus, Estonia, Latvia, Lithuania, Poland and Ukraine met in Poland to organize joint efforts to fight the increase in various forms of cross-border smuggling.

58. In relation to alien-smuggling and illegal immigration, several countries of Central and Eastern Europe have joined the 1951 Geneva Convention on the Status of Refugees and subsequent agreements, applying as restrictive an interpretation as possible on their provisions. The legislation adopted has not been equally comprehensive in all countries, and in many cases the handling of refugees, asylum seekers, immigrants, and illegal aliens is still largely based on ad hoc measures. Russia (February 1993), Ukraine (December 1993), Bulgaria (March 1994), and Hungary (May 1994) have also adopted new legislation or reformed their old legislation on the treatment of aliens (Shafir, 1994:34).

59. The Baltic states. On 27 April 1995, top level officials from the Baltic States of Estonia, Latvia and Lithuania met in Riga, Latvia, to "draft an agreement on inter-Baltic cooperation in an attempt to handle a rising flood of refugees and migrants from Iraq, Afghanistan and other strife-torn Central Asian nations" (B.O., 5/2-8/95). On 23 November 1994, the foreign ministers of the three Baltic countries signed an agreement on trilateral cooperation in the control of their borders (B.O., 12/1-7/94). The agreement additionally provides for the establishment of a data base on border issues, the creation of communication networks between the border guard units of the three countries, and a border control mechanism designed to increase the effectiveness of measures against illegal migration (B.O., 12/1-7/94). The Presidents of the Baltic States later met on 8 February 1995 in Latvia for discussions and emphasized the need to intensify Baltic cooperation in the areas of customs, transit procedures, border control, and the prevention and control of organized crime (B.O., 2/16-22/95).

60. In alien matters, the individual Baltic States have been debating or drafting legislation concerning transit and visa regulations, the status of refugees or illegal immigrants, and the expulsion and readmission of persons who illegally cross the borders of one of the Baltic States. These countries have come under recent criticism from the Nordic countries, Germany, and the United Nations High Commission for Refugees (UNHCR) in respect of the treatment of refugees and aliens that have crossed into the Baltic States on the way to Scandinavia. This criticism was partly brought on by an episode that occurred in late March and early April 1995, in which a group of 85 Iraqis, 4 Lebanese and 16 Afghans were shuttled between the borders of Russia, Latvia and Lithuania in train cars.

61. The UNHCR has asked the Baltic States to become a haven for refugees, and both the Nordic States and the UN have offered support to the Baltic States to set up asylum procedures for refugees. Estonia, Latvia and Lithuania have stated that they do not have the ability to handle the influx of refugees and illegal immigrants that has come in the last few years. Even so, for example Lithuania is currently seeking to create national laws and policies on the status of refugees, bring asylum procedures up to European and UN standards, and eventually become a member of the 1951 Geneva Convention on Refugees. Since their independence, the Baltic States

have attempted to create appropriate aliens laws concerning refugees and the status of minorities within their borders but have run into periodic obstacles related to the status of the minority Russian population.

62. In the view of the UNHCR, it would be better for the Baltic countries to investigate applications for asylum within their countries. As was noted by a UNHCR representative, if the word is spread that the Baltic countries would be the last stop, and that refugees cannot reach Scandinavia through the Baltic, "then the flow will become a trickle" (B.O., 4/6-12/95). The same representative cited the example of Poland and Germany. "After Poland tightened up its border with Germany and established a mechanism for reviewing refugee claims itself, people from Third World countries stopped using Poland as a springboard into Germany." Germany is providing much of the funding for the efforts of the Polish authorities, and the Scandinavian countries could do the same for the Baltic (B.O., 4/6-12/95).

63. Regional and subregional conferences. Several pan-European conferences have been held on the subject of uncontrolled migration, alien-smuggling and organized crime, bringing together representatives from a number of countries and inter-governmental organizations, such as the European Community and the Council of Europe. On 30 and 31 October 1991, Ministers of the Interior and Justice from around 27 Eastern and Western European states met in Berlin, Germany, at the "Ministerial Conference on European Cooperation To Prevent Uncontrolled Migration From And Through Central And Eastern Europe". The Conference recommended measures to combat illegal migration and alien-smuggling. Among these measures are:

- cracking down on groups smuggling refugees across borders;
- standardizing border controls;
- deploying forces in remoter border areas; and,
- applying heavy fines on airlines failing to adequately check the documentation of travellers at their point of departure (Keesing's Record of World Events, Nov. 1991:38549 & Bunyan, 1993).

64. A "Berlin Group" of senior officials was set up at the conference and held several meetings through 1992, including meetings of senior officials on 14 January and 28-29 September, and a meeting of the

"Berlin Group Drafting Committee" on 28-29 September (Bunyan, 1993).

65. As a follow-up to the 1991 Berlin conference, an "International Conference on Uncontrolled Migration" was held in Budapest, Hungary on 15-16 February 1993. This brought together Ministers of the Interior and Justice from 35 European Countries and Canada, as well as representatives of six international organizations. They met to draw up a common policy to deal with illegal and uncontrolled migration. The conference reaffirmed the recommendations made by the working group set up at the 1991. The 1993 conference also called for the clear criminalization of the smuggling of illegal immigrants, and for airlines and transport companies to be penalized for carrying illegal immigrants. The Conference further recommended the creation of special police units to track down smugglers of immigrants, and the use of modern communications equipment to co-ordinate border checks and information and to detect forged papers.

66. The 1993 Conference set up another working group to consider the repatriation of immigrants, an Austrian proposal for a European migration convention, and a German proposal for financial assistance to the poorer eastern European countries to distribute the burden more evenly (Keesings Record of World Events, Feb. 1993: 39340). A Follow-up Working Group of the Budapest Conference was established, and held its first meeting on 2-3 December 1993 in order to discuss methods of combating alien-smuggling.

67. A similar conference was held earlier under the auspices of the Council of Europe in Vienna, Austria, on 24-25 January 1991, entitled the "Ministerial Conference On Movement Of Persons From Central And Eastern European Countries". The purpose of this conference was to discuss measures for the control of East-West migration and third-country migration. A "Vienna Group" on immigration was set up after the conference.

68. On the subregional level in Northern Europe and the Baltic region, a "Conference on Uncontrolled Migration over the Baltic Sea" was convened at Stockholm on 25 and 26 January 1994. This conference brought together representatives of the Nordic and the Baltic countries, the IOM and the

UNHCR. It emphasized the importance of combatting illegal migration by legal actions targeted at the smuggling of persons, by readmission agreements and by measures against transporters of illegal immigrants (UN/GA, 1994:5).

69. In September 1993, a Working Group on the Uncontrolled Migration over the Baltic Sea made recommendations on border controls, training programmes and further forms on the exchange of information. A follow-on conference will take place during late May 1995 in Helsinki, Finland.

70. As noted earlier (paras. 12 and 13), the "Baltic Sea Conference on Combatting International Crime" was convened in Borgholm, Sweden on 7-8 December 1993. A follow-up conference was held in Warsaw, Poland, on 24 March 1995. Two working groups were set up at the 1993 conference to examine the various types of cross-border crime in the Baltic region that have developed, such as alien-smuggling, and to recommend ways to combat crime by establishing closer cooperation and coordination.

71. The participants at the Warsaw conference concluded that "the current level of crime in the Baltic Sea region prompts the necessity to further develop and improve cooperation between the police, customs as well as coast guard and justice authorities of the participating states, both in bilateral terms and in wider regional terms" (Baltic, 1995). The next Baltic Sea Conference on Combatting International Crime is scheduled for 1996 in Finland.

72. Nordic cooperation. Cooperation among the Nordic countries in customs, police, and migration issues has extended through the post-war period. During the early 1950s, the Nordic Council was created to foster closer cooperation and joint policies in a wide range of fields, including migration, police and customs. In 1954, the Nordic countries signed an agreement that created a passport union in the region, and later created joint rules that regulate customs control. There has also been an established history of cooperation among the Nordic police and customs services, and there has been a tradition of exchanging officers between member states through liaison programs. In 1995, the member states of the Nordic Council reaffirmed their commitment to continue regional joint cooperation even though Sweden and Finland now belong to the Europe Union.

73. Cooperation within the European Union. In Europe, the Council of Europe and the European Union have taken the primary lead in dealing with the increased problems of alien-smuggling, uncontrolled migration and crime prevention. In the European Union, the recent implementation of the Schengen agreement, the move to abolish all internal frontier controls and strengthen external border controls, and increase cooperation in police, border, immigration, and asylum matters have created both opportunities and problems for the entire region. Beyond the previous EEC Treaty and the revised Treaty of Rome, cross-border cooperation in these areas became part of the "third pillar" covering home and justice affairs. In the Treaty on European Union, Title VI (Provisions on Cooperation in the Fields of Justice and Home Affairs), Article K regards "the following areas as matters of common interest" among the 15 EU states:

- (1) asylum policy;
- (2) rules governing the crossing by persons of the external borders of the Member States and the exercise of controls thereon;
- (3) immigration policy and policy regarding nationals of third countries:
 - (a) conditions of entry and movement by nationals of third countries on the territory of Member States;
 - (b) conditions of residence by nationals of third countries on the territory of Member States, including family reunion and access to employment;
 - (c) combating unauthorized immigration, residence and work by nationals of third countries on the territory of Member States;
- (6) judicial cooperation in civil matters;
- (7) judicial cooperation in criminal matters;
- (8) customs cooperation; and
- (9) police cooperation for the purposes of preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime, including if necessary certain aspects of customs cooperation, in connection with the organization of a Union-wide system for exchanging information within a European Police Office (Europol).

74. Under the Treaty on European Union, the so-called K4 Committee (which deals with matters under Article K.4.) will take responsibility for home and justice affairs, and will eventually take over criminal

and immigration activities that were previously handled by TREVI, MAG, and the EC Ad Hoc Group on Immigration. The K4 Committee will have three senior steering groups with a number of subordinate working groups. These steering groups will deal with the following issues (Bunyan, 1993):

- (1) immigration and asylum (asylum, immigration policy, control of external frontiers, visas, "clearing houses" for asylum and immigration)
- (2) security and law enforcement, police and customs cooperation (counter-terrorism; public order, training, scientific and technical work; combating serious crime; Europol; Customs; Drugs) and
- (3) judicial cooperation (criminal and judicial cooperation).

75. As an example of the extensive work completed by numerous groups within the framework of the European Community which lead up to the provisions set out under the Treaty on European Union, in 1989 a "Coordinators Group" produced a report, the "Palma Report" or "Palma Document", which was agreed upon at the EC Council meeting in Madrid in June 1989. The document set out certain recommendations concerning home and justice affairs and greatly contributed to the development of the structures and procedures that exist today. The document brought together the issues of immigration, terrorism, internal and external border controls, police and customs, and judicial cooperation. The programme of action that it recommended, and which was taken up by the EC Council, includes combating illegal immigration. This programme of action recommended that agencies in the EC should be encouraged to exchange information on "clandestine immigration networks, the identification of aliens reported for the purpose of refusal of entry to a member state and of aliens considered likely to compromise public order, [and] the techniques used in the manufacture of travel documents" (Bunyan, 1993).

76. In other areas, several European conventions and systems have been established in the last five years to handle migration, borders, customs, police and judicial issues. These include the Dublin Convention and a Parallel Convention (asylum and immigration procedures), the External Frontiers Convention, and the Schengen Agreement (Sauerwein, 1994).

77. Computerized data systems for use by customs and law enforcement authorities include the Schengen

Informational System (SIS), designed to track and identify the movement of wanted people and stolen goods across borders, and the Customs Informational System, which is designed to relay messages related to fraud prevention and other border control concerns between various countries (Financial Time, 3/25-26/95).

78. In regard to the potential accession of Eastern European countries into the European Union, in 1994 the European Commission stated in a communiqué entitled "The European Agreements and Beyond: A Strategy to Prepare The Countries of Central and Eastern Europe for Accession", that in the fields of home and justice affairs cooperation, "The countries of central and eastern Europe are considered as one of the gateways towards the Union. In the context of the Vienna, Berlin and Budapest Conferences on East-West migration, which took place between 1991 and 1993 the countries concerned have committed themselves to respect certain standards related to visa policies, border controls, admission policies and repatriation of those found to be illegally resident. The implementation of these commitments can, however, pose problems due to lack of technical and financial resources".

79. The "Berlin Declaration" agreed upon by the Ministers of Justice and the Interior participating in the Berlin Conference of 8 September 1994 emphasizes that, in view of the prospect of accession of the associated countries to the European Union, cooperation in combating all forms of organized crime is of particular importance. Along the lines of the "Berlin Declaration", the European Union envisages cooperation with the associated countries, inter alia, in the area of illegal immigration networks.

80. Other international cooperation. On the international level, various organizations have played important roles in fostering greater cooperation and measures to handle alien-smuggling, including measures related to refugee, immigration, asylum and law enforcement issues. These organizations include the International Criminal Police Organization, the Customs Co-operation Council, the Office of the United Nations High Commissioner for Refugees, the International Civil Aviation Organization, the International Maritime Organization, the International Organization for Migration, and specialized UN commissions and councils such as the Economic and

Social Council and the United Nations Commission on Crime Prevention and Criminal Justice.

81. The International Criminal Police Organization (INTERPOL), which has 176 country members and is based in Lyons, France, creates a forum for cooperation and the exchange of information on forms of criminal activity across national frontiers, such as organized alien-smuggling. Most of the countries of Eastern Europe have joined or rejoined the organization only recently, during the period of transition in the early 1990s.

82. The Office of the United Nations High Commissioner for Refugees has stressed that, when considering measures to combat the smuggling of aliens, "people who need protection, because they are directly fleeing violence and persecution, must be clearly distinguished from other migrants". The UNHCR notes that General Assembly resolution 48/102 emphasized that "international efforts to prevent the smuggling of aliens should not inhibit legal migration or freedom of travel or undercut the protection provided by international law to refugees"(UN/GA, 194:19).

83. The International Organization for Migration seeks primarily to advise governments on migration issues, exchange programmes, work experience programmes, the promotion of re-emigration and transport arrangements for refugees and migrants (Sweden, 1994). Its activities concerning alien-smuggling have expanded in the past few years. For example, it has organized numerous conferences on various aspects of alien-smuggling. It has in addition played a more active role since 1991, "mainly because of the development in the former Soviet Union and in Central and Eastern Europe. In 1993 the [organization] opened a new regional office in Helsinki so as to be able to respond more adequately to the needs of Russia and the Baltic countries" (Sweden, 1994).

IV. THE WAY FORWARD: THE UNITED NATIONS FRAMEWORK

84. The United Nations has recognized that "the criminal practice of organized smuggling of illegal migrants across national borders constitutes a growing problem for many countries," and these countries "have experienced difficulties in dealing effectively with the organized illicit smuggling of aliens; this is especially true of developing countries and those in transition, including countries which are used as transit areas by smuggling groups" (UN/GA, 1994:21-22).

85. The United Nations Economic and Social Council has, in its resolution 1994/14, condemned the practice of smuggling illegal migrants in violation of international standards and national law, and without safeguard for the safety, well-being and human rights of the migrants (UN/GA, 1994:3). This resolution further called for "all States to take effective and expeditious measures, such as the enactment or amendment if necessary of domestic criminal law, providing appropriate penalties to combat all aspects of organized crime activities constituting the smuggling of illegal migrants, including all elements of the organization of smuggling and transport of illegal migrants, such as the production or distribution of false travel documents, money laundering, systematic extortion and misuse of international commercial aviation and maritime transport, in violation of international standards" (UN/GA, 1994:3).

86. The United Nations has noted that "a number of countries have taken specific measures to combat alien-smuggling which include increased vigilance at coastal ports, airports and land borders, have enacted or amended legislation so as to increase the relevant criminal penalties and have enhanced the professional skills of the relevant personnel. States have also provided humanitarian assistance and funds for the safe repatriation of illegal migrants to their respective countries of origin, as well as strengthened cooperative arrangements of appropriate form" (UN/GA, 1993:21).

87. Furthermore, the United Nations has stated in a report in 1994 that "greater emphasis could usefully be placed on the promotion of international cooperation and technical assistance, in order to assist those countries in developing and implementing policies to prevent and control the clandestine traffic in aliens. Steps should also be taken to improve coordination between national law-enforcement authorities, in cooperation with the competent international bodies and in coordination with carriers engaged in international transport. Such measures are needed not only to detect and prevent alien-smuggling operations but also, in so far as possible, to safeguard the human rights of the aliens, who are often transported under hazardous conditions, and to facilitate their safe repatriation. In particular, countries requesting it should be given comprehensive technical assistance in preparing legislation to criminalize and punish the organized smuggling of aliens and in establishing a range of administrative measures to support the penal regimes, where necessary. Training should also be available for the personnel involved in enforcing and administering the law" (UN/GA, 1994:22).

88. The United Nations World Ministerial Conference on Organized Transnational Crime, held in Naples, Italy, on 21-23 November 1994, recommended in its "Naples Political Declaration and Global Action Plan" that countries affected by such organized transnational criminal activity as alien-smuggling should "achieve more effective and coordinated cooperation at the international, regional and national levels against the threats posed by organized transnational crime, particularly in order to:

- (a) prepare threat assessments on the risks posed by organized transnational crime;
- (b) encourage the collection, exchange and dissemination of reliable data and information, through a specialized computerized network to be established as a matter of urgency;
- (c) set up appropriate mechanisms for more effective law enforcement and judicial cooperation at the subregional, regional and international levels, with a view to integrating and consolidating the efforts of States in their fight against organized transnational crime;
- (d) elaborate model organizational and legislative measures, building on positive experiences, innovative measures and results achieved in their application;
- (e) provide training to upgrade the skills of criminal

justice personnel and promote the highest standards of professional conduct; and

(f) provide technical assistance, including advisory services, in order to reinforce institution building" (World Ministerial Conference, 1994).

89. On the subregional level, the problem of alien-smuggling and uncontrolled migration in Northern Europe and the Baltic region is unlikely to diminish in the foreseeable future. It requires effective measures by the transit countries in Eastern Europe and by the destination countries of Scandinavia. What is required is closer cooperation and coordination, and mutual assistance in areas of law enforcement, air-land-sea surveillance, customs, border control, and legislation concerning alien matters, immigration and human rights. As has been noted by the European Parliament, there is also a clear need for "tighter control of immigration and the development and approximation of regulatory instruments, particularly as regards visa policy and controls at external borders, in order to combat illegal immigration and organized gangs involved in smuggling immigrants . . . [It also] requires greater efforts to tackle the underlying causes of emigration in the countries of Eastern Europe and the Third World" (European Parliament, 1994).

90. The current level of prevention measures used by Member States and the international community against alien-smuggling and the organized criminal groups behind it can be considered sufficient for the time being. However, additional efforts by the affected countries and by the international community are needed to truly bring this problem under control.

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