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IN THIS ISSUE:

CIVIL SOCIETY

- Zaynidin Kurmanov.** EVOLUTION IN THE PARTY STRUCTURE
IN KYRGYZSTAN 7
- Abdurrauf Saidmuradov.** UZBEKISTAN: POLITICAL PARTIES ON THE EVE
OF THE PARLIAMENTARY ELECTIONS 16

INTERNATIONAL TERRORISM

- Ramiz Sevdimaliev.** ON THE CIVILIZATIONAL AND ISLAMIC NATURE
OF INTERNATIONAL TERRORISM 24
- Sergey Markedonov.** TERRORISM IN CHECHNIA: DEFINITION
OF THE PHENOMENON AND ITS EXPLANATION 31

REGIONAL CONFLICTS

- Malkhaz Saldadze.** DEFROSTING THE CONFLICT IN TSKHINVALI:
IS THE "REVOLUTION OF ROSES" STILL GOING ON? 40
- Afti Tepsaev.** THE REAL AND IMAGINED ABOUT THE CONFLICT
IN CHECHNIA 46

ENERGY RESOURCES AND ENERGY POLICY

Taleh Ziyadov.	PROSPECTS OF CASPIAN GAS AND ITS POTENTIAL MARKETS	52
Rauf Guseynov.	RUSSIAN ENERGY COMPANIES IN CENTRAL ASIA	60
Bulat Khusainov, Kanat Berentaev.	KAZAKHSTAN: PROBLEMS OF DEVELOPING THE OIL AND GAS SECTOR AND IMPROVING THE SYSTEM FOR TAXING SUBSURFACE USERS	70
Vladimir Saprykin.	GAZPROM OF RUSSIA IN THE CENTRAL ASIAN COUNTRIES	81
Gennadi Petrov.	TAJIKISTAN'S ENERGY PROJECTS: PAST, PRESENT, AND FUTURE	93

RELIGION IN SOCIETY

Mikhail Tulskey.	A SPLIT IN THE LEADERSHIP OF THE MUSLIMS OF RUSSIA: 1994-2004	104
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REGIONAL POLITICS

Zhao Huasheng.	CHINA, RUSSIA, AND THE U.S.: THEIR INTERESTS, POSTURES, AND INTERRELATIONS IN CENTRAL ASIA	116
Iaroslav Matiichik.	GUUAM: ITS CURRENT STATE, RISKS, AND PROSPECTS	125
Natalia Mkhitarian.	CONSOLIDATION OF THE TURKIC WORLD IN THE IDEOLOGY AND POLITICAL PRACTICE OF OFFICIAL ANKARA (<i>Retrospective Stage-by-Stage Analysis</i>)	134
Anara Beyshebaeva.	KYRGYZSTAN: MENTALITY AND MODERNIZATION	139

REGIONAL ECONOMIES

Alexander Salitskiy.	ASIAN MONEY: A NEW QUALITY	145
Gulmira Kurganbaeva.	THE FUNDAMENTAL CONCEPTIONAL PRINCIPLES OF ECONOMIC INTEGRATION IN THE CENTRAL ASIAN COUNTRIES	156

Otar Kandelaki. GEORGIA: ECONOMIC POLICY AFTER THE “REVOLUTION OF ROSES” 160

**ETHNIC RELATIONS AND
POPULATION MIGRATION**

Mamuka Komakhia. GEORGIA'S AZERBAIJANIS:
PROBLEMS OF CIVILIAN INTEGRATION 166

Meiram Baigazin. THE MIGRATION SITUATION IN KAZAKHSTAN 172

CULTURE AND SOCIETY

Vladimir Mesamed. UZBEK CINEMA: A SLOW REVIVAL 180

FOR YOUR INFORMATION

The Special Feature section in the next issue will discuss:

Central Asia and the Caucasus

- Political Development Trends in the Context of International Antiterrorist Campaign
- Geopolitical Landmarks
- Party Development

THE MIGRATION SITUATION IN KAZAKHSTAN

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International migration of the population today is a multifaceted phenomenon which is having an impact on all aspects of social development. Regulation of this phenomenon is a specific area of government social policy carried out on the basis of administrative-legal, organizational-economic, informational, and other measures. During the course of integration development and universal globalization, migration of the population on a world scale is playing an important role in cooperation among the entities of international relations. Nevertheless, the existing control mechanisms are failing to deal with the growing migration flows.

As a member of the world community and by virtue of its geographic location, our republic is actively participating in migration and in resolving the problems associated with it. For example, in February 2000, the government created an interdepart-

mental working group for drawing up and implementing migration policy. It defines the priority areas in cooperation with international organizations with regards to migration: registration of internal immigration and departure of the population beyond the country, registration of foreigners, integration of ethnic Kazakhs, border control, the prevention of illegal migration and movement of people, their exploitation, and so on. What is more, this group has drawn up a conception and government action plan in this area for 2001-2010, defining in particular the priorities for resolving demographic and migration problems and the mechanisms for carrying them out in the mid term (2001-2005) and long term (2005-2010).

In the mid term, the following main tasks must be resolved: creating conditions to reduce emigration, improving the negative balance and integration in foreign migration, helping former compatri-

ots to return home, rendering *oralmans* (repatriates) comprehensive assistance to settle down and adapt to their new place of residence, and improving the migration control system and legislation in this area.

The gradual upswing in the republic's economy is helping to significantly reduce the negative migration balance (it decreased from 203,000 in 1998 to 9,100 in 2003). The growing economic opportunities are promoting a rise in the entry quota of *oralmans* with each passing year. For 2004 and 2005 it constitutes 10,000 and 15,000 families, respectively, which exceeds the 2000 level by 20-30-fold. In order to help them integrate into local life, amendments have been made to the laws on Citizenship and on Migration of the Population, army service has been deferred for three years, the children of *oralmans* are offered special courses to prepare them for university, and assistance is rendered in finding jobs.

The main tasks in the long term (2005-2010) are the following: controlling internal migration from the viewpoint of the country's economic development, regulating foreign migration aimed at attaining a positive migration balance, and gradually moving some of the population from unfavorable, underdeveloped regions to economically favorable areas, that is, from the south of the republic to the north.

Since the republic gained its independence, a total of more than 3.5 million people have changed their place of residence. This has had the greatest impact on the agrarian sector. In order to stimulate it and create favorable living conditions in the villages, a state development program for the republic's agricultural regions for 2004-2010 has been adopted. Based on its implementation tasks, the Migration and Demography Agency has drawn up a draft Law on Making Amendments and Addenda to the Law on Migration of the Population with respect to regulating migration of the rural population. What is more, internal migration is caused by the departure of people from small and medium cities, which was due to the crisis in their economic mainstay (main enterprises), including the processing complexes, as well as to the unfavorable ecological situation in the zones of the Semipalatinsk nuclear testing ground and the Aral area. The depressed state of the economy in such small and medium towns as Kentau, Zhanatas, Karatau, Saran, Abai, Shakhtinsk, Arkalyk, and so on, caused their

population to decrease by almost 50%. Another factor is transfer of the capital from Almaty to Astana. At one time, the former capital stemmed the natural migration flows from the labor-surplus southern regions to the industrially developed northern provinces.

As the country undergoes democratization and reform, the political factor has been having a stronger impact on the demographic and migration situation. The intergovernmental agreements signed by the republic's leadership, the opening up of borders, and unrestricted entry and exit created conditions for a significant number of people to emigrate to their historical homeland. By and large they headed for the CIS republics (70-75%), mainly to the Russian Federation (90-92% of this number). Up to 98% of those who emigrated to the "far abroad" went to Germany. People also emigrated to Israel, the U.S., Canada, and other countries. Most of those who left Kazakhstan are former residents of the Kostanai, Karaganda, and Pavlodar regions. Russians, at almost 60%, predominate in the ethnic composition of those emigrating, with 20% Germans, 10% Ukrainians, and 2% Tatars and Belorussians.

Some of the emigrants are compensated for by immigration into our country, mainly repatriation of ethnic Kazakhs to their historical homeland from Uzbekistan, Turkmenistan, Russia, Kyrgyzstan, Mongolia, China, and Iran, that is, from countries where a large part of the Kazakh diaspora lives. But not only Kazakhs are coming to the republic (they constitute 50-55% of the inflow), but also Russians—24-27%, and Ukrainians, Tatars, and Uzbeks—2-3% each. Between 1992 and 2003, 79,200 families, or 307,400 *oralmans*, resettled in Kazakhstan, mainly in the Almaty (38,700), Zhambyl (25,500), Mangistau (47,700), and South Kazakhstan regions (96,100 people).

By the end of the 1990s, the migration furor had died down, and during the past 2-3 years, emigration has stabilized, and even trends toward a gradual improvement in the negative migration balance have been designated. Along with the improvement in the natural increment indices, this is naturally promoting an increase in the size of the country's population.

According to the data on 1 January, 2004, there are 14,953,900 people living in the republic. Compared with the 2003 indices, the number increased by 91,400, although this is still lower than

the 1989 level (by 1,245,200 people), when it amounted to 16,199,100 people. During these years, more than 235,200 oralmans adopted Kazakhstan citizenship. Most of them have managed to adapt to the republic's social life, although there are still problems in providing them with housing and setting them up with jobs. In order to implement the Departmental Migration Policy Program for 2001-2010 in all the territorial migration and demography departments, corresponding regional programs

have been developed, and an action plan for carrying them out has been drawn up. In each region, "Oralman Days" are organized annually, festivals to celebrate their special creative talents, authors' evenings, and sports contests. The achievements reached during the year are summed up, problems raised, and suggestions made for resolving them, which is helping these citizens to become acclimatized as quickly as possible, and promoting their participation in the country's sociopolitical life.

The Problem of Refugees, Illegal Migrants, and Human Trafficking

Refugee registration and control began in the republic's migration service system in 1998, after Kazakhstan joined the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Since then, approximately 2,000 people from 11 countries of the world, 1,093 of them subsequently recognized as refugees, have applied to the regional migration departments for this status.

Most foreigners apply to the migration departments after they have been living in Kazakhstan for 2-4 years (or more), that is, only after expiry of their previous residency permit. Most people coming from abroad legalize their residence in the country by submitting an application or statement to the judicial bodies, and other possible ways of extending their stay.

In 1999, a repatriation program of Tajik refugees was launched with the participation of the U.N. High Commissioner for Refugees (UNHCR), as well as with the consent of the Tajikistan government and migration services. Within the framework of this program, 2,359 people returned to their homeland between 1999 and 2002. But only 638 were sent to Tajikistan in 2002. (In 2003, no one was sent.) Nevertheless, the regional services of the Migration and Demography Agency clarified that after a certain amount of time, those sent to Tajikistan again turned up in our state. An analysis conducted by the Agency's specialists identified the reasons for this "migration." The main one is the instable situation in Afghanistan and adjacent regions of neighboring states.

The Migration and Demography Agency is also cooperating with the UNHCR in order to send refugees in Kazakhstan back to their homeland or to third countries. In 2003, the departure of more than 70 Afghan citizens was organized with the financial and organizational help of this organization, and the question was reviewed of providing Afghans living in our republic for extended periods with permanent residence permits. According to the Agency's regional bodies, as of 2003, there were 662 registered refugees in the country. This status is granted for one year, then reviewed (it is either extended or its extension is denied). Those who are denied must voluntarily leave Kazakhstan, otherwise they are forcefully deported from its territory. By the way, all those who received refugee status came from Afghanistan. Two hundred and sixty-two of them are children under 16, 134 are women, 248 are able-bodied men, 121 have higher and incomplete higher education, and 43 have secondary special education, almost 88% live in Almaty, and the rest in the South Kazakhstan Region.

With the assistance of the Agency's regional departments and the direct participation of the UNHCR and Red Crescent Society, more than 600 refugees have received financial aid during these years (totally almost \$25,000). More than 200 families of refugees received money to pay for housing (\$11,000) and they enjoyed free medical services (amounting to approximately \$9,000). The republic's children's fund allotted them humanitarian aid totaling more than \$29,000: food, clothing, school

accessories, and personal hygiene items. What is more, under the Newborn Children program, each family with infants received two sets of linen and other basic necessities.

As of today, the legal status of persons applying for refugee status (and officially recognized as such) is regulated by the Law on Migration of the Population and a presidential decree (which has the force of the law) on the Legal Status of Foreign Citizens in the Republic of Kazakhstan of 19 June, 1995 (No. 2337). Registration and review of refugee applications is carried out on the basis of corresponding instructions drawn up by the Agency in order to execute the Law on Migration of the Population.

We have already noted that as a full-fledged member of the world community, as well as in keeping with the migration policy formulated and being carried out in our state, Kazakhstan is taking active part in refugee affairs. This is the logical continuation of the policy chosen by the republic to uphold the goals and principles enforced by the U.N. Charter and the Universal Declaration of Human Rights. For example, on 15 December, 1998, a Law on the Republic of Kazakhstan Joining the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees was adopted in the country. In this respect, the need arose for bringing national legislation into harmony with international legal norms in this sphere.

Illegal migration and the presence of refugees are caused by the geopolitical location of our republic, the transparency of its borders with neighboring CIS countries, the absence of a unified and coordinated policy in these countries, and the unsophisticated state of their legislative base. Illegal migrants who travel through the Commonwealth republics to Western Europe are arousing particular alarm. In recent years, this phenomenon has been gaining momentum. For example, whereas five years ago, approximately 60,000 foreigners arrived in Kazakhstan for various reasons, in 2003 alone, their numbers rose to more than 800,000.

Control of illegal migration has been reviewed repeatedly by the Council for Legal Policy under the Head of Government and by the Coordination Council of law enforcement bodies. The government drew up a regulatory document on Some Measures to Strengthen Migration Control. In particular, it sets forth the length of time citizens may reside in Kazakhstan from countries with which there is a non-visa entry and residence agreement.

In recent years, the Interior Ministry has exerted immense efforts to raise the efficiency of illegal migration control, and prevent and eliminate instances of illegal transit of foreign citizens through Kazakhstan, as well as their settlement in the country. Measures have been adopted to improve the regulatory and legal framework. For example, a special headquarters has been set up for carrying out more efficient prevention and elimination of illegal migration in the most vulnerable regions directly on the border with Kyrgyzstan, which operates during the summer months, that is, when the situation in this area becomes particularly aggravated. Thanks to the increase in control and fortification of the country's southern borders, the penetration of illegal migrants into the republic has declined. For example, whereas in 2001 the Russian Federal Border Service turned back more than 850 illegal migrants who arrived in the Russian Federation from Kazakhstan, in 2002, there were only 38 such cases, and in 2003 no instances occurred.

According to the migration police, there are up to 1,000 illegal migrants in Kazakhstan, in the summer their numbers increase to 5-7,000, mainly due to those violating the border crossing regulations to find seasonal farm work. In 2003, approximately 2 million foreigners traveled through the republic in transit. More than 100,000 of them were brought to administrative account for non-observance of the entry and residence regulations, and 50,000 of them were deported from the country for malicious violation of these regulations. One hundred and fifty-four criminal cases were instigated on instances of illegal migration. The same year, the interior departments prevented 129 attempts at illegal travel through the republic by foreigners, including with the aim of heading for third countries, and during the first quarter of 2004, eight such cases were intercepted.

Human trafficking is the grossest violation of human rights and freedoms. Control over it must be harsh and implacable, since the matter concerns protecting constitutional human rights to life, freedom, and protection of health. Unfortunately, both the recruitment of foreigners for the purpose of exploitation in Kazakhstan and the illegal transportation of our citizens to foreign countries occur. Most Kazakhstan human trafficking victims are young women recruited for sexual exploitation. But cases of the illegal

recruitment and transportation of men are also known (young and middle-aged), who, after ending up in other countries, are forced to live there in inhuman conditions and work as slave labor.

Keeping in mind the above, the country's leadership has taken several measures in recent years aimed at eliminating trafficking in human beings. Efforts to expose, prevent, and eliminate crimes in this area are under the constant control of the republic's state bodies. For this purpose, an interdepartmental commission on combating the illegal export, import, and trafficking in persons has been created in the government.

Kazakhstan is a member state of the U.N. Conventions on the Elimination of All Forms of Discrimination against Women and on the Rights of the Child, as well as of three corresponding conventions of the World Labor Organization. At present, an attempt is being made to join the Convention on the Fight against Trafficking in Persons and the Exploitation of Prostitution by Third Persons. In 2000, our country signed the U.N. Convention against Transnational Organized Crime. In compliance with international obligations, amendments and addenda are being made to national legislation. The conception of legal policy approved by a presidential decree of 20 September 2002 (No. 949) recognizes that particular attention should be paid in Kazakhstan's legal policy to the timely introduction of norms aimed at preventing and eliminating the spread in human trafficking, particularly in women and children.

There are articles in the Criminal Code which set forth punishment sanctions for recruiting people in order to exploit them, trafficking in juveniles, holding people in servitude, forcing people to engage in intercourse and other sexual acts, violating the migration regulations and procedure for hiring workers, and forging documents. What is more, it sets forth punishments for abducting people, recruiting people for prostitution and procurement. In the same context, it should be noted that the Criminal Code sets forth liability for premeditated illegal crossing of the state border, failure to comply with department decisions, organizing illegal migration, and repeated violation of the regulations for hiring and using foreign workers in our country, which to a certain extent is also related to the prevention of human trafficking and punishment for participating in it.

In 2003, the republic's migration service carried out more than 200 special operative-investigation measures to expose instances of procuring and recruiting women for prostitution, eighteen of which were in areas bordering on Russia. The same year, eight criminal cases were instigated, including under articles 270 of the Criminal Code (recruitment for prostitution), 271 (the organization and maintenance of brothels for engaging in prostitution and procurement), and 330 (premeditated illegal crossing of the state border). In three of the cases, guilty verdicts have already been issued, three are still in progress, and two have been curtailed. What is more, the work of the law enforcement agencies in this area is being stepped up, as a result of which in the first three months of 2004 alone more than 100 similar crimes have been registered.

An ongoing exchange of information has been established among the corresponding state bodies regarding instances of using migrants who arrive from the "near" and "far" abroad as illegal workers, and instances of recruiting people for prostitution. Interdepartmental coordination has been strengthened among the Tourism and Sports Agency, the Border Service of the National Security Committee, and the Interior Ministry in exchanging information on the illegal transportation of people beyond the republic. Thanks to the efforts of Kazakhstan's diplomatic representative offices abroad, in 2003, 24 of the republic's citizens who fell victim to human trafficking were returned from the United Arab Emirates, Israel, and Rumania.

What is more, based on a corresponding governmental plan, the Prosecutor General's Office and Interior Ministry have drawn up methodological recommendations to expose, intercept, and investigate crimes relating to the trafficking in humans, as well as special measures to prevent and eliminate human trafficking and other crimes in this sphere. The first results of this work can already be seen. For example, in January 2004 at the airport in Almaty an attempt was intercepted to take two of the country's citizens out of the country on forged passports to the United Arab Emirates for exploitation in the sex industry and an investigation is going on to expose the organizers of this channel of trafficking. What is more, during the first three months of this year, a channel for illegally transporting Kazakhstan women from the North Kazakhstan Region through Russia to Israel and Holland for the purpose of prostitution was exposed.

Information is being checked in the Pavlodar Region about a channel for trafficking Kazakhstan women through Russia to Israel, Italy, Germany, and Holland, again for use in the sex industry. It has been established that its organizers are citizens of our country and Russia.

Regional plans are being drawn up at the local level to prevent human trafficking. These measures have already been approved in eight regions, as well as in Astana and Almaty. In particular, the following measures are envisaged: coverage of this activity in the mass media, carrying out a public awareness campaign in educational institutions; improving cooperation between the state bodies and nongovernmental organizations; and drawing up proposals for improving legislation on the recruitment and transportation workers and on the adoption of Kazakhstani children by foreigners. What is more, there are plans to create crisis centers and hotlines for helping the victims of human trafficking, improve control over employment agencies, and modeling, tourist, and marriage agencies to counteract the organization of illegal human trafficking, and strengthen interdepartmental coordination among state bodies in the regions. There are already twenty crisis centers in operation, at which women who are victims of violence can obtain psychological, legal, and premarital assistance. At nine centers they are offered temporary residence (with children).

All of these measures are aimed at creating a civilized and empathetic attitude in society toward the misfortunes of others, as well as reliable social and legal protection not only of Kazakhstan citizens, but also of foreigners.

Common Migration Problems of the Central Asian Countries

The situation that has developed in the Central Asian countries, as well as the continuing beds of tension in neighboring regions have led to an increase in illegal migration, terrorism, arms and drugs smuggling, trafficking in persons, and other forms of organized international crime. All of this is having a growing negative impact on socioeconomic development, stability, and security in each of the Central Asian republics and the region as a whole.

The measures being taken at the national and regional levels to combat illegal migration and other new migration threats have proven insufficient. This is set forth in the Treaty on Joint Action to Combat Terrorism, Political and Religious Extremism, Transnational Organized Crime, and other Threats to Stability and Security signed by Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan in Tashkent on 21 April, 2000, and in the Joint Communiqué drawn up at a meeting of the heads of state of the Central Asian Cooperation Organization in Astana on 27 December, 2002. The first positive experience in this direction is the joint activity by the governments of Kazakhstan, Kyrgyzstan, and Tajikistan to carry out a plan of urgent measures to combat illegal migration, which was signed by the foreign ministers of these countries.

But illegal migration is acquiring increasingly global dimensions, and illegal migrants are making ever active use of the Central Asian countries as transit territories for traveling on to Russia, other European states, and the U.S. and Canada. These countries are adopting tighter immigration and border control measures, which is often leading to a restriction of the rights of the citizens of our region's countries to freedom of movement. In this respect, cooperation must be strengthened with neighboring and other concerned states in order to raise the efficiency of illegal migration control. These efforts should be politically and legally based on the treaties among the Central Asian countries on combating terrorism, the joint communiqué of the heads of the CACO member states, and the provisions of international regulatory and legal acts.

At present, the migration situation and migration policy in the region have the following characteristics.

- First, there are certain differences in the nature of migration movement and the priorities of migration policy among the Central Asian states. Kazakhstan is a transit country for illegal mi-

grants, for admitting ethnic Kazakhs, and for labor migrants, who mainly come from other Central Asian states. The main measures of our republic are aimed at combating illegal migration by stepping up border and immigration control, implementing programs for the repatriation and integration of ethnic Kazakhs, and protecting the domestic labor market. Kyrgyzstan is a transit country for illegal migrants, for admitting ethnic Kyrgyz, and a source of labor migrants. The main priorities of migration policy are aimed at integrating ethnic Kyrgyz and refugees from Tajikistan and regulating foreign labor migration. One of Bishkek's distinguishing features is that along with stepping up measures to combat illegal migration, it is also conducting a liberal visa policy toward the citizens of developed countries and paying greater attention to the protection of refugees' rights, as well as to internal migration. Tajikistan is a country of origin of economic migrants, for the admittance and transit of Afghan refugees, and for the illegal migration of citizens of third countries. Its priorities are regulating foreign labor migration, resolving the problems of Afghan refugees, and forming an efficient system of immigration and border control (the weakest in the region). Uzbekistan and Turkmenistan are countries with tougher immigration and border control regarding the entry and residence of foreign citizens, and they have established visa regulations with other Central Asian countries. Uzbekistan occupies a special position at present in migration issues, it does not participate in regional cooperation, or on a wider international scale either.

- Second, from the viewpoint of regulating migration processes, essentially all the countries in the region have close ties primarily with the Russian Federation, as well as with other neighboring and nearby states—Afghanistan, China, Turkey, Iran, Pakistan, India, and recently also with the countries of the European Union. In this respect, it should be noted that under the conditions of globalization, migration policy should not be drawn up on the geographical principle, it must be aimed at developing cooperation at all levels, sub-regional, regional, and global.
- Third, national interests dominate over regional concerns and state security issues take priority over problems relating to the protection and provision of the rights of migrants and refugees. Despite the measures being taken to develop interstate cooperation, regional aspects, forms, and mechanisms of interstate ties in this area are not fully reflected in migration policy, and the proper cooperation has not been established within the framework of such structures as the CACO, EurAsEC, CIS, and SCO. Admittedly, this is largely due to the shortage of necessary technical and financial resources, which however requires more targeted joint efforts in this area.
- Fourth, the well-known events of 9/11 have had a significant impact on the approach to migration problems and on the situation in Central Asia as a whole.

The main problem, which is extremely aggravated in the countries of the region at present, is illegal migration, and has a double nature: illegal migration of Central Asians within the region and illegal migration of citizens from third countries. Its first aspect is largely related to the search for work. But there is also a high level of illegal labor migration of citizens from the region's republics to Russia, and recently to European countries, as well as to the U.S., Canada, and other developed countries.

The illegal migration of citizens from third countries is posing a serious threat to regional security and stability, which is accompanied by the penetration into the Central Asian states of extremism and terrorism, as well as such negative factors as the trafficking of human beings, drugs, and weapons. In this respect, the Central Asian countries are undertaking measures to strengthen the protection of state borders, stepping up control over travel from one republic of the region to another and over the entry and residence in the country of citizens from third countries, toughening up the current visa regulations with other countries, and adopting measures to prevent the forgery of national passports and visas. But this process is occurring at different rates due to the different capabilities of the states involved to manage the migration situation. Taking this into account, the drawing up and approval of a plan of practical measures to implement the agreement mentioned above envisages: creating an executive body, consultation councils, and specialized working groups to monitor execution of the adopted documents and decisions, as

well as to coordinate regional efforts; forming (on the basis of a tougher national immigration and border control system) a regional system and its working mechanisms, including joint immigration and border control points and border protection; approving a standardized list of countries to which tougher visa regulations, liberal visa regulations, and non-visa regulations apply; drawing up (and introducing everywhere) general instructions on entry, registration, and residence regulations for foreign citizens, primarily from states where illegal migrants originate and drugs are transited.

What is more, a set of documents must be drawn up to regulate the free movement of citizens from Central Asian countries through the territory of other republics in the region; general principles for a refugee protection system developed, and a multilateral agreement on the responsibility of states to review refugee applications entered, as well as bilateral agreements on readmission, including with neighboring states; and a regional system created for training and retraining the personnel of border, migration, and law enforcement agencies regarding immigration and border control, combating illegal migration, religious extremism, terrorism, and other forms of transnational organized crime. This system should also introduce standardized training programs and analytical studies, as well as be tailored to meet the specific needs of each of the region's countries.

The onslaught of illegal migration and trafficking in humans can only be counteracted by the Central Asian countries consolidating their efforts and fighting together to combat an evil that goes radically against their national mentality, creating instead the atmosphere of humanity and empathy much closer to their hearts.
