4.12. European Union

In the past decades European policy discussions on migration have gained greater prominence, and is shaping the socio-economic value system and developments in the European Union. The topic of M&D has been introduced progressively in strategic documents since the late 90s until becoming one of the three pillars of the Global Approach on Migration (GAM) in 2005, which was reconfirmed in the 2011 Global Approach to Migration and Mobility (GAMM). Whereas in the past, the EU’s development policy was geared at tackling the root causes of migration to eventually halt outward migration from developing countries, the understanding of the nexus between M&D has broadened significantly over the last decade. Currently, the relationship between M&D is seen as complex as it encompasses a variety of dimensions. The EU follows a comprehensive approach towards M&D that puts emphasis on consistency between development and migration policies and encompasses all types of people on the move, be it vulnerable migrants such as victims of trafficking, asylum seekers or stranded migrants. The GAMM places migrants’ rights at the centre and introduces a migrant-centred approach. Harmonization in the area of migration has gradually been delegated by the member states to the European Union, while certain specific issues, such as admission quotas of third country nationals, for example, have been excluded. Since the Treaty of Lisbon, at EU level, the Council shares competence with the EU Parliament regarding a greater number of policies related to migration. The EU has taken a number of steps towards improving coherence of migration policies with development objectives. Yet, there is scope for more action regarding policies, inter-institutional coherence, and coherence between policies of different Member States. The latter uphold sovereignty for some parts of migration policies relevant to development. The EU's main strategic long-term cooperation framework for migration management with partner countries is the Mobility Partnership. The EU engages in political dialogues at a high level with various regions regarding M&D issues. The EU and its Member States have been actively involved in the Global Forum on Migration and Development (GFMD).

4.12.1. The Migration and Development concept

Following the recommendations of the High Level Working Group on Asylum and Migration, which was set up by the European Council in 1998, the Tampere European Council Conclusions of 1999 called for “a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit”. One of the objectives was to establish partnerships with third countries. This was the first time that the EU explicitly linked migration to its development objectives, thereby going beyond the security-oriented “more development for less migration” policies of the 1980s and 1990s.

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In 2002, the European Commission confirmed the ambitions to integrate M&D issues in its Communication on Integrating Migration Issues in the European Union’s Relations with Third Countries.\(^{346}\) By recognising the potential benefit of remittances and introducing policy options to mitigate the negative brain-drain effect on developing countries, the Communication led the way towards a more development focused approach of migration policies. In addition, it called for integration of migration aspects into development strategies, i.e. the country/regional strategy papers supported by EU Development Funding. Yet the long-term priority as stated in the Communication was to address the root causes of migration flows as well as to prevent irregular migration, which lead critics to argue that the security aspect in EU migration policies, rather than maximising its developmental impact, still remains a priority.\(^{347}\) The Council Conclusions to this Communication in 2003 recognise the link between M&D as a central aspect for future comprehensive approaches on migration for the EU.

In 2004, with the adoption of the Hague Programme (2005-2010) by the European Council, the follow-up Programme to the Tampere Conclusions to strengthen freedom, security and justice within EU Member States, the aim of achieving partnerships with third countries (countries of origin and transit) was reiterated.\(^{348}\) The Hague Programme introduced an ambitious agenda with areas relevant to M&D, such as an integration policy with equal opportunities for third-country nationals, the protection of refugees outside the EU and a policy plan on legal economic migration.\(^{349}\) However, much of the envisaged partnerships centred around the readmission of irregular migrants and failed asylum seekers. Clear commitments for legal migration and immigrant’s integration at EU level were still lacking, as details and the implementation for both were left to the Member States.\(^{350}\) At the same time, the Council called on the European Commission to appoint a Special Representative for a common readmission policy.

Since 2005 migration has been identified as one of the priorities within the Policy Coherence for Development (PCD) Agenda. Further specifying long existing legal commitments to take into account development objectives into all policies that can affect developing countries, the 2005/2006 European Consensus on Development specified and politically reinvigorated the EU’s commitment to PCD.\(^{351}\) It required policies in all areas, including migration, to take into account development objectives and reiterated

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the call for greater inclusion of migration issues in development policies.

In September 2005 the EU Commission published another Communication on Migration and Development, which reflected upon the state of the art on M&D much more than the Communication in 2002 did. Instead of focusing on the reduction of “push factors” for migration, innovative ideas on how to make migration work for development (circular migration, diaspora involvement, etc.) were developed.

In 2005, following this Communication, the Council adopted the Global Approach on Migration (GAM). The GAM covers the external aspects of EU’s migration policy in three sections:

1. Legal migration (especially management of legal migration);
2. Irregular migration (prevention and reduction);
3. Migration and development (strengthening the link between the two, in the interest of the country of origin).

The last section of this Communication formally recognises the impact of migration on development. Being the key document of the EU’s approach to M&D, the GAM has been the subject of several Communications of the Commission, which among other issues dealt with the evaluation, application and strengthening of the approach.

In 2010 the Stockholm Programme, in the area of Justice and Home Affairs, was adopted, and replaced the Hague Programme. The new Programme confirmed the Global Approach to Migration and, building on a concept proposed by the Commission in 2006, introduced Mobility Partnerships as the main tool for migration management with third countries. Specifically in the area of migration and development, the Programme chooses three clear priorities:

1. Facilitation of remittances;
2. Diaspora engagement;
3. Circular migration.

However, instead of introducing plans for concrete circular migration schemes, the recommendations on circular migration do not go beyond the call to further explore this matter. This leaves the negotiations of Mobility Partnerships as the main tool for temporary migration agreements. At the same time the Programme emphasises that migration policies should be linked to the development of opportunities for decent and productive work and improved livelihood options in third countries, so as to minimise brain-drain.

Moreover, being concerned about the effects of climate change on M&D, the EU Member States invited the Commission to prepare a study on the effects of climate change on international migration. Yet, access to EU labour markets and a common labour migra-
tion strategy was put not on the agenda, as the elements of the policy plan on legal migration set out in the Hague Programme proved difficult to adopt and the EU Member States were not able to agree on a more open and coordinated immigration policy. One significant element of the Programme is the commitment to grant third-country nationals “rights and obligations comparable to those of EU citizens” by 2014, which goes back to the programme of Tampere.

In November 2011, after another evaluation of the GAM, the Commission put forward the latest proposal on the Global Approach by enhancing the GAM and adding mobility as an extra dimension to EU’s approach “in order to reap the benefits that well-managed migration can bring and respond to the challenges of changing migration trends”. The new proposal, named Global Approach to Migration and Mobility (GAMM), aims to launch a more strategic phase of dialogue and cooperation with third countries, and to promote a more evidence-based use of the Global Approach instruments, as well as to make dialogue and partnerships more sustainable and progressive.

Building on the GAM, one of the four central pillars of the Global Approach concerns M&D that reaffirms the operational strategy to maximise the development impact of migration and mobility. The GAMM also puts migrants at the centre of the approach and aims to promote mainstreaming of human rights protection throughout the migration cycle, an aspect that was lacking in the GAM. For the first time, the need to address environmentally-induced migration was mentioned.

Accompanying the Communication of the GAMM, the Commission published a staff working paper on ‘Migration and Development’ as annex, in which the tools and concepts of M&D are outlined. Whereas the GAMM reconfirms the Global Approach “as the overarching framework of the EU external migration […] policy” in which M&D is embedded, this staff working paper recognises that the M&D pillar of the GAMM is still taking shape, and that the “current reflection focuses on the need for a new paradigm which encompasses migration as a factor of development and economic growth in the medium and long term, and hence as a component of EU development policy alongside other sectors such as education, or health”. Since the adoption of the Global Approach in 2005, remittances, diaspora engagement, circular migration, and measures against brain-drain have been key aspects of European policies with regards to M&D. The Commission staff working paper on M&D accompanying the GAMM, however, aims to broaden the conceptual understanding between migration and development and argues that “the challenges faced by partner countries as regards the link between development and migration are much broader and more complex than those which have been addressed so far”. Thus, the Commission calls for enhancing governance of migration processes in a development perspective at all levels of policy making: from the global to the national.

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356 EC, 2011a, op. cit. p. 3.
358 EC, 2011b, op. cit.
359 See EC, 2011a, op. cit.
360 EC, 2011b, op. cit.
The relationship between migration and development is seen as complex as it encompasses a variety of dimensions. Whereas in the past, the EU conceived of development policy tackling the root causes of migration and eventually halting outward migration from developing countries, the understanding of the nexus between M&D has broadened significantly during the last decade. Nonetheless, much of the interrelations between the economic and social consequences of migration and asylum, as well as policies in other sectors affecting migration, still requires a better understanding.

Migration is conceived as having positive as well as potentially negative effects on development as it offers opportunities, but it can equally create challenges. A key priority thus lies in “maximizing the positive impact of migration on the development of partner countries while limiting its negative consequences”. Development policies, for example aimed at the creation of decent jobs, and their effects on migration processes are still a key policy concern for the Council of the EU in M&D, with the official aim to make the decision to migrate a choice rather than a necessity.

Since the Tampere Council in 1999, and especially after the 2005 EU Consensus on Development, migration issues have been included in the political dialogue with developing partner countries and are systematically incorporated in development cooperation. The most recent EU development strategy “Increasing the impact of EU Development Policy: an Agenda for Change” (2011) emphasises that “in terms of the development-migration nexus, the EU should assist developing countries in strengthening their policies, capacities and activities in the area of migration and mobility, with a view to maximizing the development impact of the increased regional and global mobility of people”.

Whereas in the past EU development cooperation seemed to address mostly the push factors for migration in order to reduce migration flows, a more comprehensive approach is now being used. Migration and asylum issues are systematically integrated into development cooperation and are mainstreamed into the development cooperation frameworks of third countries (i.e. Poverty Reduction Strategy Papers), including strategies on poverty reduction and sustainable development. These new developments put more emphasis on capacity building and on achieving consistency between development and migration policies, rather than only focusing on the push factors of migration. The Commission notes that such mainstreaming exercises, supported by the EU, have already been carried out in Morocco, Ghana, are ongoing in Mali, and are considered for the Philippines. In the draft conclu-

362 EC, 2011b, op. cit.
363 EC, 2011b, op. cit.
367 EC, 2011b, op. cit.
sions on the GAMM, the Council recommends assisting partner countries to further mainstream migration into development cooperation and into policies in a wide range of sectors by making use of the EU sponsored migration profiles, i.e. country-owned tools that are prepared with a broad range of stakeholders that aim to provide useful background information for evidence-based policymaking.368

As a future priority, the EU emphasises the interrelationship between migration, development and employment with special focus on the young.369 Efforts are likely to be directed at enhancing opportunities through mobility partnerships, as well as at creating jobs in the countries of origin, in order to maximise the young generations’ potential as drivers for change towards inclusive and sustainable development.

Development cooperation in the area of migration will also increasingly target the linkages between climate change, migration and development.370

4.12.1.1 Thematic focus areas

The GAMM recognizes that protection and the appreciation of migrants’ social, financial, human and cultural capital has a positive effect for the development impact of mobility, as many people see increased opportunities for international migration as a livelihood strategy and tool for future well-being.371 The GAMM thus views the human rights of migrants as a cross-cutting issue that is to be strengthened in source, transit and destination countries.

Due to the broad concept of migration and development, and especially through introducing a migrant centred and rights-based approach, the EU’s policies on M&D encompasses all types of people on the move, be it vulnerable migrants such as victims of trafficking, asylum seekers or stranded migrants, skilled and lower skilled labour migrants on the search for better opportunities, as well as migrants who have established themselves in the receiving country.

Past and possible future policy tools of the EU to strengthen M&D in the framework of the Global Approach, as well as in development cooperation, are presented and discussed below.

The facilitation of remittances has gradually emerged within EU policies and initiatives since 2005.

There are three main areas of EU commitments on remittances: (a) favouring cheaper, faster and more secure remittance flows; (b) improving data on remittances; and (c) enhancing the development impact of remittances from the EU. These have been reconfirmed by the Council with an emphasis on ensuring coherence with other development priorities.372 The European Commission itself has made substantial progress with regards to remittance facilitation since 2009.373

The main initiative at the European level concerns the implementation of the Payment Services Directive (PSD) aiming to make

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368 Migration Profiles are commissioned by the EU Commission and are carried out by the International Organization for Migration. Up to date Migration Profiles for 35 countries have been prepared. Council of the EU, 2012, op. cit.;

369 Council of the EU, 2012, op. cit.

370 EC, 2011a, op. cit.

371 EC, 2011b, op. cit.


373 EC, 2011e, op. cit.
remittance flows faster, cheaper and more secure. The PSD “provides the legal basis of a single European market for payments” and increases transparency. First, payment institutions have to make charges and conditions clear to customers. Second, even small payment institutions that are unable to meet all requirements can offer remittance services once their identity has been registered. Another directive, the E-Money Directive of 2009, allows e-money institutions to carry out new payment methods for remittances (such as PayPal online transactions) as well as traditional payment methods (e.g. Western Union with telecom providers). At present, these directives only apply to intra-EU transfers. However, “some EU Member States have already chosen […] to extend its field among operators, one of whose players are located outside the EU and are in currencies other than the EURO or other European currencies. This should facilitate the access of migrants to formal financial services.” The extension of the PSD towards non-EU countries would do a great deal towards facilitating easier and less costly transfer of remittances.

Efforts in the data area are directed at research, improving data, knowledge creation, and commissioning studies on remittances. Eurostat publishes consolidated data on EU remittances. Moreover, the definition of remittances and recommendations regarding quality of data has been put forward by the Luxembourg Group, and it is increasingly being adopted by EU Member States. This helps to improve data collection. The EU promotes the collection of data on remittance transfers on its sponsored migration profiles that assess the migration situation of partner countries.

In order to enhance the development impact of remittances on developing countries, development cooperation aims to improve access to banking and financial services in those countries with a focus on microfinance institutions.

The EU included the facilitation of remittances as a thematic area in its political dialogues, such as the EU-ACP dialogue on Migration or the EU Africa Strategic Partnership. Moreover, the EU supports third countries and aims to support the development of a policy framework in countries of origin that are receiving high level of remittances. For example, training sessions on remittances for officials from developing countries have been organised.

There are ongoing initiatives, such as remittance transfers via mobile phones, and support to a newly established African Remittance Insti-
tute, but there is still scope for further action in the area of remittance facilitation.\textsuperscript{383}

Most of the efforts aimed at involving \textit{diaspora organisations} in the field of development are still in their infancy. The European Commission finances studies to elaborate on possible engagements of diaspora groups and to identify possibilities to involve them. An example is the EU funded study of 2011 on diaspora involvement in the framework of the EU in the Horn of Africa,\textsuperscript{384} as well as the support to set-up databases at national or regional levels where diaspora members, who are interested in promoting development of their home country, can register.\textsuperscript{385} Other initiatives aim at establishing cooperation frameworks to facilitate the engagement of diasporas as well as building capacity and transferring skills from the diaspora to the African continent.\textsuperscript{386} For example, the creation of a dialogue platform with the diaspora is part of the Joint-Africa EU strategy, though it is still in its beginning.\textsuperscript{387}

The EU has opened a specific budget line under its thematic programme ‘Non-state actors and local authorities in development’ intended for diaspora organisations.\textsuperscript{388} The programme only began in 2008, hence it is too early for it to be evaluated.

EU wide diaspora networks have the ability to engage with their home countries and to facilitate development should they be included in mainstreaming activities. But more needs to be done in terms of creating such networks while remaining sensitive to the various diaspora groups and its diversity.\textsuperscript{389}

Engagement with diaspora is also often found at the level of individual Member States that try to organise and engage diaspora groups with their countries of origin, such as the Africa-UK initiative, which fosters greater dialogue between national and international policy makers and UK based Africans working in development.\textsuperscript{390} Finland and its engagement of the Somali Diaspora is another example.\textsuperscript{391} Due to the early stages of this work it is difficult to evaluate these initiatives regarding their impact for development or to list the best practices.

Circular and temporary migration, defined as “a form of migration that is managed in a way allowing some degree of legal mobility back and forth between two countries”\textsuperscript{392}, is a central aspect of Mobility Partnerships - the EU’s main strategic long-term cooperation framework for migration management with partner countries. According to this definition, two forms of circularity are captured: temporary

\begin{thebibliography}{99}
\bibitem{383} European Think Tanks Group, 2010, op. cit., p. 49.
\bibitem{385} EC 2011b, op. cit.
\bibitem{386} EC, 2011e, op. cit., p. 88
\bibitem{387} European Think Tanks Group, 2010, op. cit., p. 49
\bibitem{389} European Think Tanks Group, 2010, op. cit., p. 51
\bibitem{390} EC, 2010, op. cit.
\bibitem{391} Ibid.
\bibitem{392} EC, 2007a, op. cit
\end{thebibliography}
movements by third country nationals legally residing in one of the EU Member States while retaining their residence rights, and temporary movements by third country nationals to the EU for work or study purposes, who return when their EU residence permit expires.  

Such a type of mobility is viewed by the Commission as a “triple-win process: for the migrant, the country of origin and the country of destination” thereby reflecting positive linkages between circular migration and development, for instance via brain circulation. If well managed, circular migration can contribute to economic growth and flows of knowledge that are beneficial for development in both the sending and the receiving countries.

Mobility Partnerships with partner countries lists a series of initiatives that the EU as well as the partner country will adopt. The commitments by the EU cover the following areas: support for developing countries to build capacity in order to manage legal migration, combat human trafficking and detect irregular migration, implementation of measures to address potential “brain-drain”, promotion of circular migration and improving procedures for issuing visas (usually short stay). It is expected that the partner country commits to fighting irregular migration and to signing a readmission agreement. When negotiating MPs, the “more for more” approach is an integral part of the EU’s approach. Thus, on the one hand, mobility partnerships aim to strengthen the joint management of migration flows and limit irregular migration, on the other hand, enhanced possibilities of mobility and circular migration from the EU is offered to partner countries.

Taking the form of a joint political declaration, however, the commitments are not legally enforceable, nor have bodies been installed to ensure implementation.

The EU emphasizes the strategic nature of these partnerships when stating that the “primary focus [should be] on the countries in the EU Neighbourhood […] while taking into consideration the broader economic, political and security context”. At the time of writing, mobility partnership agreements were in place with Cape Verde (2008), Moldova (2008), Georgia (2009), and Armenia (2011). Negotiations are ongoing with Ghana but have stalled with Senegal with slim prospects of being concluded in the near future. Partnerships with Morocco, Tunisia, and Egypt are also foreseen on a case by case basis.

Within the EU legal migration framework, further policies exist aiming at facilitating circular
migration or at providing incentives for “brain and knowledge circulation”. For migrants with long-term resident status in the EU, the long-term resident’s directive grants the right to periods of absence (a period of less than 12 consecutive months) from the EU without forfeiting their long-term residence rights.400

In May 2009 the European Council adopted the Directive on the conditions of entry and residence of third-country nationals to attract highly qualified individuals, also known as the ‘Blue Card’ directive.401 The directive tries to encourage brain-gain through circular and temporary migration. Article 22 of the directive calls for the “development and application of mechanisms, guidelines and other tools to facilitate, as appropriate, circular and temporary migration, as well as other measures that would minimise negative and maximise positive impacts of highly skilled immigration on developing countries.” One of these measures is the right granted to Blue Card holders to be absent for up to 18 months without having to give up their long-term residence status.402

In terms of access to the EU for third country nationals, two further directives in the area of labour migration have been proposed: one for lower skilled seasonal workers granting easier access to work permits valid for up to six months for each year and up to three years in a row; the other for facilitating temporary migration of highly skilled professionals. At the time of writing both directives are being discussed in the European Parliament and the Council. The former one emphasises “contribution to the development of countries of origin”, while discouraging overstays; and “flows of remittances and transfer of skills and investment in third countries”.403 are allowed.

Against the pressing needs of the labour market, the EU Commission has called for improving the effectiveness of policies that aim to integrate migrants into the labour market in the GAMM. New strategies for integrating legal migrants into the labour market of the EU Member States are thus expected to be developed in a future Green Paper, including dialogue with the private sector and employers as well as improvements in the portability of social and pension rights.404 Although not specifically linked to M&I but rather to the strategic thinking for employment and growth of the EU, better integration of economic migration into the EU might have the potential to strengthen the development dimension of migration.

Other EU policy areas, such as trade in service agreements with implications for visa management, also seek to facilitate temporary migration. One example are the opportunities granted to high and medium skilled people that have been negotiated under the CARIFORUM-EU Economic Partnership Agreement. Commitments have also been made to negotiate ‘mutual recognition agreements’ for qualifications. However, compared to the EU’s ambitions in the area of goods and investment, it has been argued that EPAs lack ambition.


402 EC, 2011b, op. cit.

403 EC, 2011e, op. cit. p. 85

404 EC, 2011a, op. cit.; Council of the EU 2012, op. cit.
with regard to the admission of service providers. Implementation and the issuing of visas in accordance with the service provisions agreed in the EPA also seem to have been difficult within some Member States.

The EU has also made progress regarding the portability of social security rights, which can facilitate circular migration. With the recent adoption of the Single Permit Directive, all migrants covered by the Directive will be able to acquire pensions under the same conditions and at the same rates as the nationals of the Member States concerned when they move to a non-EU country.

In addition, the EU supports small-scale circular migration schemes of individual Member States, which so far however only seem to have had limited impact on development outcomes.

The GAMM asks for greater mobility for students and researchers through, for example, provisions in Mobility Partnerships that facilitate exchanges, extension of bilateral youth mobility agreements to certain countries, as well as through the future single programme for education, training and youth (to be introduced in 2014). This will however be based on the labour market needs of member countries and it would need to include measures to combat the brain-drain issue discussed below. In its draft Council Conclusions, the Council of the EU suggests the exploration of further efforts to promote circular migration, such as the inclusion of measures that permit longer periods of absence without the loss of residency status, longer periods for work permits and stronger efforts facilitating reintegration.

The EU Commission has set up an EU immigration portal in order to inform migrants of the possibilities for legal migration. It contains practical and up-to-date information on legal frameworks and national immigration procedures and policies. It also aims at disseminating knowledge on the risks of irregular migration. Critics have pointed out, however, that “despite the rhetoric on mobility and migration and development linkages, the fact remains that there are very limited opportunities for third country nationals, especially low skilled workers, to migrate for employment to EU Member States”. This is underlined by the fact that, despite the work towards harmonization in EU’s migration policies, within all schemes of managed labour migration (temporary and more permanent), the Member States retain the right to control the volume of admission of third country nationals into their territory.

405 European Think Tank Group, 2010, op. cit. p.46
407 EC 2011e, op. cit, p. 13
409 EC, 2011a, op. cit.t.
410 Council of the EU, 2012, op. cit.
With regard to human rights and protection, EU Member States traditionally have argued that migrants are sufficiently protected according to national law.\(^{412}\) Indeed, as Concord states, “the EU has robust legislation on non-discrimination and has ratified a large number of international conventions and instruments relating to human and migrants’ rights.” However, it also points out that “their proper enforcement to all persons residing on EU territory must be largely improved.”\(^{413}\) The matter is further complicated due to the fact that regulatory frameworks differ in terms of migrant rights and their integration into the communities of receiving countries.\(^{414}\)

Moreover, one important element for the protection of migrants’ rights, the UN Convention on the Protection of the Rights of Migrant Workers and Their Families, has not been ratified by any EU Member States. Similarly, the ILO Convention on Migration for Employment (C97) and the supplementary Convention on Migrant Workers (C143) has not been ratified by all EU Member States.\(^{415}\)

Although enhancing the rights and opportunities of third-country nationals has already been included in the Tampere Programme, it seems to gain the Commission’s increased interest in the light of the Europe 2020 Strategy. In the field of integration policies, related to migration, a recent communication of the Commission states that “achieving the Europe 2020 objectives of employment, education and social inclusion will depend on the capacity of the EU and its Member States to manage migrants’ integration, ensuring fair treatment of third-country nationals and granting rights, opportunities and obligations comparable to those of EU citizens”\(^{416}\).

The GAMM puts migrants’ rights at the centre of the approach. However, how this commitment will be fully translated in terms of how human rights and a migrant-centred approach, i.e. with respect to social protection and access to social and health services, is yet to be seen.

With regard to minimising the potential negative effects of migration, the focus so far has been on addressing the problem of brain-drain, which is especially pertinent in the health sector of many developing countries in Africa. Following the 2005 Communication ‘Addressing the Crisis in Human Resources for Health’\(^{417}\) the Commission adopted an EU Programme for Action to address the shortage of health workers in developing countries (2007–2013).\(^{418}\) The reinforcement of “brain circulation” is one of the sets of measures, which include the development of ethical recruitment principles of

\(^{412}\) European Think Tank Group, 2010, op. cit. p. 49


\(^{414}\) European Think Tank Group, 2010, op. cit.

\(^{415}\) Italy, Germany France, Belgium, The Netherlands, Portugal, Spain and the United Kingdom have ratified C97, and Cyprus, Sweden, Italy, Slovenia and Portugal have ratified C143 to date.


human resources in health within the EU from third countries, with focus on the transferability of pension rights, recognition of qualifications to facilitate circulation, and support for partnerships between medical institutions in the EU and in the developing world. The Programme for Action further includes development support at the regional and country level for brain circulation, capacity building, research, and knowledge generating initiatives.\textsuperscript{419}

The aim to combat brain-drain has been reiterated in various other EU documents such as the 2007 Communication on Circular Migration and Mobility Partnerships\textsuperscript{420}, the 2010 Commission Communication on The EU’s Role in Global Health \textsuperscript{421} and the Policy Coherence for Development 2011-2013 Work Programme.\textsuperscript{422} These documents include commitments to balance EU labour market needs with the possible negative effects of brain-drain, the application of relevant codes of conduct on ethical recruitment, support for the development of human resource strategies in developing countries, and the extension of good practices on ‘brain circulation’ from existing Mobility Partnerships.

In addition, the EU has invited its Member States to voluntarily adopt and implement the WHO Code of Practice on the International Recruitment of Health Personnel. The brain-drain discussion has been sparked by the adoption of the “Blue Card” Directive.\textsuperscript{423}

Although the Directive includes an ethical recruitment clause (recital 22), which calls upon Member States not to pursue active recruitment in sectors where this may lead to a skill shortage in a developing country, the EU had to face strong criticism from developing countries on the ground that these recruitment principles are voluntary and not enforced or monitored. The GAMM thus recommends monitoring the application of the Blue Card Directive to mitigate brain-drain.

Future initiatives from Commission will be based on ‘lessons learnt’, including experiences from countries that have successfully transformed brain-drain into brain-gain (e.g. in the IT sector in India), that have made progress in retaining a higher number of highly skilled workers (such as health workers in Ghana), that have made cost-benefit evaluations of brain-drain, that have incorporated a gender dimension, and that have implemented a more comprehensive policy mix through which ‘drained countries’ can receive better support.\textsuperscript{424}

The GAMM also includes plans to mitigate other negative effects of migration processes on development that have not yet been sufficiently addressed in the EU’s policy documents. These include ‘brain waste’, a challenge that migrants often face due to the non-recognition of qualifications, as well as the potential dependence on foreign labour markets, which can become problematic in times of crisis.

\textsuperscript{419} EC, 2006, op. cit.
\textsuperscript{420} EC, 2007a, op. cit.
\textsuperscript{421} EC, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on “The EU role in global health”, 2010c, viewed on 3 September 2012, http://ec.europa.eu/development/centre/repository/COMM_PDF_COM_2010_0128_EN.PDF.
\textsuperscript{422} EC, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on “A twelve-point EU action plan in support of the Millennium Development Goals”, 2010d, viewed on 3 September 2013, http://ec.europa.eu/development/centre/repository/SEC_2010_0421_COM_2010_0159_EN.PDF.
\textsuperscript{423} Council of the EU, 2009c, op. cit.
\textsuperscript{424} EC, 2011a, op. cit.
The support for labour market policies and the creation of decent work opportunities in partner countries will be another initiative that may mitigate brain-drain, and which has been confirmed in the Council Conclusions on the Gamm.425

4.12.2. Institutional framework and policy coherence for Migration and Development

Member States have traditionally voiced reservations about handing over policy sovereignty to the European Union with regard to migration policies. However, harmonisation in the area of migration has gradually been delegated to the European Union, while certain specific issues, such as admission quotas of third country nationals, for example, have been excluded. This is reflected in Paragraph 1 and 5 of Article 79 of the Treaty of Lisbon, which states that “The Union shall develop a common immigration policy aimed at ensuring, at all stages, the treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, irregular immigration and trafficking in human beings” and that “this article shall not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed of self-employed.”

Immigration continues to be a shared competence of the EU and its Member States.426 However, after the Lisbon Treaty, “the wording of the new provisions suggests that it would be easier to justify more intensive EU action pursuant to the principles of proportionality and subsidiarity, and harder to argue that any particular area would be outside EU competence, apart from the […] restriction on competence in Article 79 (5).”427

This means that even though harmonisation on issues concerning quotas are excluded, the legislation offers the possibility for Europeanisation and harmonisation to continue dealing with administrative aspects of migration, such as admission process of labour migrants, conditions, and rights of migrants.

However, despite the move towards Europeanisation in the field of migration, countries have the possibility to opt out of this policy agenda (as well as “opt-in on specific aspects”), which is the case for the United Kingdom, Denmark and Ireland.

Since the Treaty of Lisbon, on the EU-level, the Council shares competence with the EU Parliament in a greater number of migration policies. New areas, which are now subject to the ordinary legislative procedure (“co-decision”) are:

1. Part of the rules on short-stay visas and residence permits (Art 77 TFEU);
2. Legal immigration (Art. 79 TFEU).

Asylum policy, irregular immigration and other parts of the rules on short-stay visas and residence permits were already subject to ‘co-decision’ with the EU Parliament and qualified majority voting in the Council (see General Secretariat of the Council of the EU, 2009).

The legislative process in EU policy making can be divided into two phases:

425 EC, 2011a, op. cit.
426 It has been a shared competence since the Amsterdam Treaty in 1999
1st phase: The European Commission uses systematic and relatively transparent processes to develop its legislative proposal, which is informed by impact assessments and public consultations with inputs from several organisations, NGOs and other interested stakeholders.

2nd phase: the Council and the Parliament aim to reach consensus through a rather complex but structured process with possibly two readings of the Commission proposal.

Before putting forward a legislative proposal, the Commission usually publishes a Communication to ‘test the waters’ for new ideas.

In the area of migration policy, DG Home Affairs is responsible for preparing new legislative proposals, whereas DG Development and Cooperation- Europeaid (DG DEVCO) and the External Action Service are responsible for development cooperation, including development and migration issues, and the design and implementation of the external dimension of the policies through geographical instruments (European Development Fund/ Development and Co-operation Instrument and European Neighbourhood and Partnership Instrument), and the funds of the thematic programme for migration and asylum.

Within the Council of the EU, the Justice and Home Affairs Council (JHA) and the High Level Working Group on Asylum and Migration under the General Affairs Council (GAC) pursue migration policies. Every other month the JHA ministers discuss the development and implementation of cooperation and common policies. The Council meetings are prepared by working parties and committees, such as the Strategic Committee on Immigration, Frontiers and Asylum, and, by the most relevant working parties for a certain policy development, such as the Working Party on Integration, Migration and Expulsion. The Committees prepares the discussions at the more senior COREPER (Coreper II) Level attended by the permanent representatives of each Member State. The High Level Working Group on Asylum and Migration is tasked with establishing a comprehensive strategy for EU’s cooperation with third countries and is responsible for dialogue and cooperation with third countries in the area of asylum and migration. As such the tools of the GAMM, especially Mobility Partnerships, are discussed in this group, as well as conclusions on asylum and migration for discussion and adoption by the Council. Migration and development issues are also discussed in the Council Working Party on Development Cooperation (CODEV), which for example, provided input to the GAMM Council Conclusions.

The main Committee in the Parliament regarding migration policies (e.g. for above discussed circular migration schemes and the Blue Card Directive) is the Civil Liberties, Justice and Home Affairs Committee (LIBE). However, other Committees are involved in certain Commission proposals if aspects fall under their competency, such as the involvement of the Employment and Social Affairs Committee (EMPL) regarding the Single Permit Directive.


DG Justice, Freedom and Security was previously responsible but was split up in 2010

Migration issues have also been discussed by the Committee on Foreign Affairs and by the Committee on Development. For example, the Foreign Affairs Committee and the Committee on development discussed “migration flows arising from instability: scope and role of EU foreign policy” in 2010. The relevant responsible Committees usually appoint a rapporteur for a specific proposal by the Commission, which presents its report. A co-rapporteur from the so-called Associated Committees can also provide inputs. The reports then serve as a basis for discussing the Commission Proposal or Communication.

As noted, the area of migration has been central to the Policy Coherence for Development Agenda since 2005. In 2009 the EU reaffirmed its commitment to “make migration work for development” and confirmed migration as one of its areas of focus in the Policy Coherence for Development Agenda.431

With respect to the level of institutional organisation of the EU, there are three dimensions to Policy Coherence for Development: vertically, between the European Union and the individual Member States, and horizontally, between different policy areas within the community as well as between the different institutions of the EU. Policy Coherence for development at the EU level should thus be evaluated along these dimensions.

Regarding coherence and harmonisation of individual EU Member States’ policies in the area of M&D and respective vertical congruence with policy developments at EU level, it has to be noted that EU migration policies are still characterised by significant inter-governmentalism. This is illustrated by the fact that Member States have not been keen to delegate too much competence to the EU, especially in relation to access. Policies of Member States often follow their own interest and logic, which at times runs counter to EU community level aspirations. As the ILO points out, for instance, “while circular migration is encouraged by the EU and other destination countries, many national visa regimes in practice discourage circulation”.432 Concerning readmission agreements, there seems to be an overlap of negotiations. While the EU Commission is tasked to negotiate Community Readmission agreements, bilateral talks between third countries and individual EU Member States take place in parallel. This often leads to confusion and results in the deferral of EU negotiations.433 On a more positive note, several programmes and initiatives are funded directly by Member States that aim to strengthen M&D, such as bilateral projects that fall under the encouragement of circular migration or diaspora engagement.434

The EU Commission invites EU Member States’ PCD contact points twice a year to discuss experiences and to provide feedback on PCD migration issues. These meetings are useful for monitoring PCD action between the EU and the national levels. Members of the European Parliament Development Committee (DEVE), OECD representatives as well as civil society are invited to these meetings. Biennial reports, especially on the PCD areas, are published

431 EC, 2011e, op. cit.
which are important to foster a common understanding and awareness on issues of policy coherence for development.

Generally, with regard to the horizontal dimension of policy coherence, the European Union faced a dichotomy between a more liberal view on immigration management, represented by the Parliament and the Commission, and a more conservative approach held by the Council through the Member States. The Council of the EU traditionally prioritises irregular migration management and border control focusing on security issues. For this reason, the Commission has encountered a number of obstacles in translating its ambitions regarding development-friendly migration policies, including more open borders for temporary migration schemes, into legally binding instruments. Many of the initiatives of the Global Approach are characterised by “soft law” as is the case with the Mobility Partnerships outlined above.

However, another factor relevant for PCD with regard to migration policies is the role that the parliament will play in the future. Having gained more influence through the ordinary legislative procedure since the Lisbon Treaty entered into force in December 2009, the parliament’s role for future policy-making processes on European migration law is increasingly important. Although the parliament has been traditionally development-friendly and has been emphasising the need for coherent migration policies with regards to development, it has more recently been heavily criticised for passing the Returns Directive in 2008, which is said to negatively impede migrants’ fundamental rights. Nevertheless, parliament aims to safeguard PCD, which manifested itself in a resolution calling for additional efforts to achieve coherent policies on M&D, and the call to refrain from using ODA to deter and control policies. Cooperation between the Council and the EU Commission takes place through the relevant Working Groups of the Council, which are coordinated by the rotating Council Presidency together with the General Secretariat of the Council. The EU Parliament also has a coordination structure in place: coordination and cooperation are usually achieved through relevant Rapporteurs of the EU Parliament. The appointed PCD Rapporteur are mandated to foster collaboration between the various EP committees to ensure that development issues are taken into account in all stages of decision-making on migration policies.

The third challenge is the lack of a coherent approach between different policy areas, which are often characterised by different values and interests relating to M&D. Sterkx points to the different values and interests of the former DG Justice Freedom and Security and DG Relex as well as DG Development. These differences are considered to be replicated in the new institutional set-up of the

437 Acosta, 2009, op. cit.
438 EC, 2011e, op. cit.
440 Sterkx, 2008, op. cit., p. 126
European Commission. As a result of diverging perspectives on migration, development and external relations ranging from security concerns and the fight against irregular migration flows to a stronger focus on the development dimension of migration, overall coherence has been at stake. Standard decision-making procedures within the EU Commission and the EEAS involve inter-service consultation for all policy proposals. Other relevant DGs are asked to check proposed policies for coherence and consistency in order to improve PCD.

In order to further ensure Policy Coherence for Development in various areas, including migration, the EU Commission has created an inter-service group on PCD, which is composed of participants from various DGs as well as the EEAS. The EU includes the EEAS in its inter-service consultations.

Regarding the EU’s ability to engage in a coherent migration policy towards partner countries, Van Criekinge lists several constraints that the EU faces in implementing policies and converting obligations into practice. Besides the challenge of PCD due to the overlap of migration policies with development, trade and security, two other levels are identified with similar overlaps. First, an effective, coordinated and coherent migration policy depends on the available resources needed to execute the policies on the ground. Concerning the work of EU Delegations, for example, the challenge “lies partly in allocating sufficient financial and human resources and time, as well as building-up relevant policy expertise in order to deal with an increasingly important profile” (p. 11). Second, separate national policy agendas lead to incoherence and constrain the emergence of an effective policy at EU level. PCD will remain difficult to achieve as long as the Member States, with their focus on security and migration control, steer the policy discussions on migration.

In conclusion, the European Union has taken a number of steps towards improving coherence of migration policies with development objectives, as the above outlined tools and the renewed Global Approach for Migration illustrate. Yet, there is scope for more action regarding policies, inter-institutional coherence, and coherence between policies of different Member States, which have kept sovereignty regarding parts of migration policies relevant for development outcomes. More involvement of the Development Committees in the Parliament, or the Working Party on Development Cooperation of the Council in the Policy, could be helpful for migration, for example, since “issues on Migration are often referred to the High Level Working Group on Migration and Asylum, which was established to reduce the influx of migrants and analyse and fight the causes of migration”.

Beyond stronger coherence in the areas of brain-drain, circular migration, remittances and diaspora and access for labour migrants, further harmonisation in migration policies with regards to migrants’ conditions and rights is a crucial step to ensure policy coherence for development on the level of coherency of migration policies between

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440 Sterkx, 2008, op. cit., p. 126
442 Ibid, p. 17
443 Ibid.
444 European Think Tanks Group, 2010, op. cit.
EU Member States possibly affecting development. As the European Think Tanks Group points out, “regulatory frameworks across Member States differ in terms of entry, mobility, long-term residency, migrant rights and the integration of migrants into the host community”.

4.12.3. Operationalising the Migration and Development Policy

Most of the EU’s external development assistance is provided through the geographical development cooperation funds (EDF/DIC/ENPI), which are programmed in cooperation with partner countries. These often do not consider M&D as a priority. In addition to that, and complementing development funding through the geographical instruments of the geographical development funds, the Commission implemented the “Aeneas” programme (2004-2006) in the thematic area of migration to assist third countries in better managing migratory flows. Mostly technical and financial assistance was provided under this programme: around EUR 120 million were allocated to this. In 2006 the “Aeneas” Programme was replaced by the “Thematic Programme for the cooperation with third countries in the areas of migration and asylum”, which is also managed by EuropeAid, with DG Home Affairs and the EEAS being co-responsible for the programming.

It runs from 2007 to 2013 with an indicative budget of EUR 384 million funded through the EU budget. The budget for the period from 2011 to 2013 is EUR 179 million, which is indicatively allocated in following way:

- Southern Mediterranean, Sub-Saharan Africa and Middle East: EUR 68 million;
- Eastern Europe and Central Asia: EUR 28 million;
- Other regions: EUR 18 million;
- Targeted thematic priorities: EUR 53 million;
- Special Measures: EUR 12 million.

This funding channels a substantial amount of money to civil society organisations, international organisations, research institutions as well as government departments, for example to enhance remittance transfer and reduce negative effects such as brain-drain. Its main aims are to foster the links between M&D, promote well-managed labour migration, fight irregular immigration and facilitate the readmission of irregular immigrants, protect migrants against exploitation and exclusion and support the fight against trafficking in human beings, as well as promote asylum, international protection and the protection of stateless persons. For example, a programme targeted at Sub-Saharan Africa aims at increasing the data and solid analytical evidence basis regarding health care providers’ education, migration and retention, as well as increasing the tools for African medical schools to track and stay in contact with alumni. Moreover, partner countries are supported in mainstreaming migration in their development strategy. The new strategy follows a geographical

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445 EC, 2011e, op. cit.
446 European Think Tanks Group, 2010, op. cit.
449 EC 2010b, op. cit.
450 EC 2011e, op. cit.
migration flow approach and “puts emphasis on the Southern-Mediterranean flows together with Northern-African, Sub-Saharan and Eastern European” flows.\(^{451}\)

Against the background of the EU’s aspiration to manage its borders and engage with partner countries on security and migration, some researchers have been concerned with the “possibility that development funds are being diverted to migration control”\(^{452}\), which was first raised by Statewatch in 2003. Van Criekinge points out that several Aeneas projects included an element of migration control and for this reason sees it as “evident that the migration-development nexus was not prioritized”.\(^{453}\) However, other researchers view a possible diversion of aid to migration control as less problematic, as “the overall allocation of funds between programmes that emphasize security and management aspects, and the development impact or strengthening of institutions is rather balanced.”\(^{454}\) If an aspect is missing it is that, among the submitted proposals, human rights in relation to migration have received significantly less funding.\(^{455}\)

Besides the Thematic Programme, increasingly, other financial instruments, such as the geographical instruments, fund integration of migration governance in development cooperation, such as the integration of migration into Country and Regional Strategy Papers of Gambia, Ghana, Mali, Mauritania, Nigeria, Senegal and West Africa under the 10\(^{th}\) EDF. EUR 10 million is earmarked under the 10\(^{th}\) EDF for an ACP Migration facility.\(^{456}\)

For the coming multi-annual financial framework (2014-2020), the EC has proposed a budget line for Migration and Asylum, which falls under the Thematic Programme Global Goods and Challenges. The proposed budget amounts to about EUR 440 million for the seven year period (7.1% of the total proposed budget for that programme).\(^{457}\) The aim of the new programme is, amongst others, to maximise “the development impact of the increased regional and global mobility of people, while promoting and protecting the rights of migrants, through support to the formulation and implementation of sound regional and national migration and asylum policies and through integration of the migration dimension into other regional and national policies” as well as “improving a common understanding of the migration and development nexus”.\(^{458}\)

The share of the EU’s budget for Home Affairs policies (DG Home) is relatively small but has been growing. For the period 2007 to 2013 it amounts to EUR 6449 million. DG Home has relatively little experience with programming and implementing external assistance in the area of M&D. Yet, some of the issues

\(^{451}\) Charpin, Aiolfi, 2011, op. cit.
\(^{452}\) Collyer, 2011, op. cit., p. 13
\(^{453}\) Van Criekinge, 2008, op. cit., p. 21
\(^{454}\) European Think Tanks Group, 2010, op. cit., p. 50
\(^{455}\) Ibid.
\(^{456}\) EC 2011b, op. cit.
\(^{457}\) Ibid.
of primary concern to DG Home, such as readmission, fighting irregular migration and reinforcing border management, are linked to the development dimension of migration. In a 2011 consultation on the future organisational set-up of the DG Home budget, there was a call for more funds to create financial incentives for third countries to cooperate on issues of primary concern for EU Member States, i.e. readmission and border management. It calls for the creation of an external dimension of the two funds which should be managed by DG HOME in order to carry out operations in third countries on migration and asylum, which might also have implications for M&D.\textsuperscript{459} The proposed budget beyond 2013 for DG Home amounts to EUR 10,911 million with a special Asylum and Migration Fund of EUR 3.896 million. The foreseen allocation for the external dimension of the fund will most likely amount to the same level as the future budget line for migration and asylum that will be managed by DG DEVCO.

In general, the EU views the GAMM as a global approach that is not restricted to particular regions. However, the intensity of engagement will vary and the mix of instruments used will be tailored to the particular country or region. The principle of differentiation is also applied in the field of M&D, and countries that make reciprocal commitments, i.e. the ones that sign readmission agreements, can expect closer cooperation in areas of interests to them, such as visa facilitation or enhanced access for certain groups of labour migrants. Despite the GAMM being a global approach, one of its main tools, the Mobility Partnerships, are clearly focused on priority countries and regions of the EU. The launch of new initiatives related to M&D also follows the EU’s regional and bilateral priorities, which are determined, amongst others, by migration trends towards the EU and its Member States.\textsuperscript{460}

The EU Neighbourhood in the Southern Mediterranean, i.e. Morocco, Algeria, Tunisia, Libya and Egypt, is a key priority, and strong, close partnerships are envisaged by the EU. The second group of key priority countries are the countries of the Eastern Partnership, notably Ukraine, Belarus, Moldova, Georgia, Armenia and Azerbaijan.

The EU’s response to the North African Arab Spring countries, as set out in the “New response to a changing Neighbourhood”\textsuperscript{461}, includes a mobility aspect besides other instruments that aim to support development and democratic transition. Dialogues on migration, mobility and security were launched with Tunisia and Morocco in October 2011 and are expected to result in Mobility Partnerships. Egypt has so far declined to start a dialogue on a Mobility Partnership. The EU’s aim is to launch Dialogues with other Arab Spring countries such as Algeria, Jordan or Libya by the end of 2013.

The EU Commission works together with partners to implement some of the projects that it funds. In the area of M&D, partners of the EU include UN organisations, such as the ILO, the WHO and UNDP. In 2011 the EU, for example, contracted the ILO to carry out a project that aimed at improving the working conditions


\textsuperscript{460} EC 2011a, op. cit.

of women migrant domestic workers in the Lebanon, contributing to enhanced economic integration of women migrants and improving labour migration governance and social dialogue.\textsuperscript{462}

Some EU policies and projects in the area of M&D have been evaluated externally. The EU itself also carries out ex-post evaluations. The lessons learnt from the evaluated programmes are presented below.

The pilot phase of the Mobility Partnerships with Cape Verde and the Republic of Moldova has been evaluated and the evaluation report was published in 2009.\textsuperscript{463} The report recommends that the EU should be more strategic in identifying its potential partners, as well as when it goes beyond issues regarding irregular migration. It also mentions that in the area of M&D, the partnership risks “being a collation of new and already planned activities and additional efforts should be made so that the package offered to a partner is an effective and coordinated offer bringing added value to existing cooperation”.

A recent ex-post evaluation, funded by the EU assessed projects in specific subsectors of Labour Migration (including Circular Migration) part of the Aeneas programme and the Thematic Programme for Migration and Asylum, looked at the achieved results.\textsuperscript{464} A total of 24 projects (11 funded under AENEAS and 13 under the Thematic Programme) were evaluated. The results and recommendations are divided according to five sub-categories relevant to labour migration:

1. Support to policy design, policy dialogue and policy development;
2. Reinforcement of labour migration management;
3. Protection of migrants’ rights;
4. Human capital development, brain-drain and brain-waste;
5. Temporary and circular labour migration.

The findings for subcategory 1) point to a lack of coordination for data analysis, research, and information sharing. Furthermore, south-south migration has not been given enough attention. This is especially true for African countries. In general, there are only a few labour migration projects with specific focus on policy support. However, other projects directed their work on policy design and have achieved results. Although some concrete changes like national Priority Action Plans on governmental level or agreements have been achieved, the evaluation concludes that there is still much more to be done.

With regards to subcategory 2) the report finds that management of labour migration has considerably improved (e.g. labour matching demand, pre-departure training, precise information booklets, and agreements with trade unions etc.), and capacity building and training in migration management techniques for national administrations in beneficiary countries have been of high level. Mixed reactions exist with regards to the success of pre-departure modules and vocational training.

Regarding the protection of migrants’ rights, subcategory 3), the report finds that there has


\textsuperscript{464} This section is drawn from the evaluation report (see Charpin, Aiolfi, 2011, op. cit) and summarizes the findings of the report.
been substantial progress in the dissemination of information to migrants on the risks of irregular immigration and working/living conditions, as well as opportunities in Europe. Another contribution has been the inclusion of labour migration into the agendas of employers and trade unions, as this is important in giving visibility to migrant workers as full participants in the receiving country’s economy.

In subcategory 4), there are few projects, and those that are more significant are in the early stages of implementation. Impact is difficult to assess at the moment since brain drain-mitigation is a rather long-term process.

Lastly, in subcategory 5), the report notes successes, especially in one project where the innovative approach to co-development has been incorporated into essential a project strategy. The report notes with regret that such initiatives have not been replicated elsewhere.

Overall, there is ownership of the projects, and new partnerships and synergies have been created. The projects have had an indirect but considerable effect in reducing irregular migration. However, the geographical coverage has not been well balanced although all the flows are represented in the programmes. Gender aspects as well as transit countries in labour migration projects are absent. Risks, such as the economic recession, natural disasters and other events have not been sufficiently included in the programme strategies. The report also notes that migrant child labour should be included as a priority in all migratory flows.

Interesting recommendations are also made with regard to coordination: there should be a higher degree of coordination and exchange of learning experiences with specialised agencies in the field of migration to enable cross-fertilization and the sharing of ideas. EU Delegations could be more involved in this.

Another evaluation was made of the projects carried out under the joint EU-UN Migration for Development initiative (JMDI). The overall objective of this project is to contribute to strengthening the positive impact of M&D by supporting and engaging small-scale actors and by disseminating global best practices. The evaluation criticises the selection of target countries and the lack of thematic and geographical focus. Due to the requirement to have a global programme, and as 50% of funding was allocated to countries falling under the ENPI instrument (European Neighbourhood Countries) and 50% to DCI countries, there was no critical mass of projects within any of the countries or regions. Moreover the objectives of the programme and the call for proposals were often too wide, lacking concrete needs assessments for a region or country. In the future, the strengths of local authorities should be more effectively utilised, since they are important actors in the process. This is even more necessary when there is a perceived lack of ownership in mainstreaming development in migration aspects, as has been suggested in this case by the evaluators.465

Finally, and with regard to Policy Coherence for Development, the 2011 Report on PCD dedicates a chapter on migration, as migration is one of the focus areas of PCD. This report lists the achievements regarding PCD of migration policies since 2005, gives recommendations for each policy and outlines the policy framework. It concludes that substantial progress has been made in a number of areas, but it also notes that the “real policy challenge for the coming

years remains whether the EU is capable and prepared to offer real migration and mobility options for nationals of developing countries seeking legal employment in the EU.”

4.12.4. Involvement in international fora on migration and development

Besides the bilateral Mobility Partnerships, the EU engages in political dialogues on a high level with certain regions regarding M&D issues. Some of them have emerged without the link to the EU but have become an important part of the EU’s engagement with third countries. One good example for a key regional dialogue is the dialogue the EU conducts with the African Union (AU), which aims to harness the important role of migration and mobility in the process of development, in both Africa and The EU. While the EU Commission aims to ensure that this dialogue approaches migration and employment in a holistic and integrated manner, the engagement should be seen against the backdrop of increasing fear of irregular migration from the African continent in several EU member states as well as a growing number of proposals facilitating high skilled migrants to European countries.

On the basis of the Joint Africa-EU Declaration on Migration and Development, which was agreed upon in 2006 in Tripoli and reflected an amalgam of African Union’s recommendations as well as EU interests (whereas the latter seems to have taken over with regards to migration management of irregular migration and more cautious regular migration opportunities) made prior to that. Both parties agreed to include a Partnership on Migration, Mobility and Employment (MME) in the Joint Africa-EU Strategy, which was adopted in Lisbon in 2007.

The priority actions of the MME from 2007 to 2010 were as follows:

1. Implement the Declaration of the Tripoli Ministerial Conference on Migration and Development (which covers nine key areas including migration and development, peace and security, human resources and brain-drain, concern for the well-being of migrants, regular migration opportunities, irregular or irregular migration and protection of refugees);
2. Implement the Africa Plan of Action on Trafficking of Human Beings (which accompanied the Tripoli Declaration);

A road map was developed based on the MME with a total of 33 initiatives, which was mainly a list of already ongoing migration initiatives in the development cooperation taking place at national level, thus putting ongoing initiatives under the MME framework. Additional funding opportunities were not created for the MME partnership initiatives.

As Klavert points out, although there is a great deal of emphasis placed on “dialogue”, there is little to show in terms of the concrete outcomes of this dialogue at continental level. This illustrates the difficulty of reconciling conflicting African and European interests in relation to migration.

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466 EC, 2011e, op. cit.

The Second Action plan of the MME Partnership (2011 to 2013) is more focused with a dialogue part and 12 clearly delineated flagship initiatives, with emphasis on the continental and regional level. This focus, however, has come at the cost for circular migration between the two continents. Funding spent on mobility concentrates on intra-African higher education programmes, with the Nyerere exchange programme, the Pan-African University and the 'harmonisation and tuning' initiative. The African Union’s recommendation to work towards recognition in the EU of academic and professional qualifications obtained in Africa is, however, not included in the agenda. Only one of the initiatives, facilitating dialogue, can be said to have been devised specifically for the MME Partnership. The other remaining projects originated elsewhere and/or resulted from the contributions to the first Action Plan.

The Cotonou Agreement following the Lomé Agreements also contains provisions on cooperation regarding migration (Article 13). Migration is thus part of the ACP-EU dialogue in the ACP-EU partnership context. The 2010 revision of Article 13, however, led to criticism and to disagreements around the EU’s proposal to replace a framework for bilateral discussion on readmission with a readmission agreement. ACP countries rejected it, arguing that it effectively makes aid provisions of the agreement conditional upon signing a readmission agreement. As a result, no agreement on Article 13 was reached and dialogue continued within a framework linked to the Global Approach. With regards to PCD, it would have been meaningful to revise Article 13 in a spirit of strengthening the positive link of M&D by using strong language and commitments on legal migration, on political dialogue, capacity building, brain-drain and brain-waste, diaspora, etc., where the EU had already made commitments in other documents. It seems, however, that this opportunity was foregone and instead dialogue continued without a clear and formalised commitment towards those specified areas. For the future the EU aims to intensify the EU-ACP dialogue.

The EC provides funding for the ACP Observatory on Migration, an initiative of the ACP Secretariat, and which is implemented by IOM. Its goal is to establish a research network in the six ACP regions to strengthen knowledge and the beneficial impact for development in the growing South-South migration.

The second regional priority of the EU, besides the EU-Africa Strategic MME partnership, is the Prague process between EU Member States, the European Economic Area, the Commonwealth of Independent States, the Western Balkans, Georgia, Turkey and Central Asian countries. The Action Plan from 2012-2016 comprises 22 action priorities, with a key aim to address the issue of making migration and mobility positive drivers for development. The EC funds four pilot actions with EUR 3 million through the Thematic Programme for Migration and Asylum.

The EU-African Regional Process on Migration, the Rabat Process is another Euro-Afri-
can Process, which brings together more than fifty countries that aim to achieve balanced and efficient management of migration flows from and via West and Central Africa. The Process offers a framework for dialogue from which concrete practical initiatives can be developed and implemented at ministerial level. Other regional processes and dialogues include the Budapest Process, the MTM Dialogue (EU- Middle East) and EuroMed Migration III (EU- ENPI Southern Neighbourhood countries). Projects and accompanying programmes to the dialogues are often implemented by third organisations, such as the International Centre for Migration Policy Development (ICMPD).

A more recent dialogue has also been set up between the EU and Latin America and the Caribbean (EU-LAC dialogue), and the GAMM aims at strengthening the dialogue between the EU and relevant Asian countries, as this is seen as becoming increasingly important.472

The EU and its Member States have been actively involved in the Global Forum on Migration and Development (GFMD). The contributions of the EU to the GFMD encompass input in the form of common statements at the annual meetings, participation in Working Groups and meetings as well as financial support. The EC chaired two roundtables and participated in several country teams.

The EU sees the GMFD as “an appropriate and useful international framework to address the issue of migration and development”. The EU’s position is that it should remain a state-led and non-binding platform for exchange, since its character allows states to discuss migration and development without sensitivities inherent in other fora.473

At the time of writing there was no clarity on the EU’s plans to have a proposal, or EU joint position, ready for the High Level Dialogue on Migration and Development. Nor was it clear to what extent the EU’s proposals in follow-up to Rio+20 and the post-2015 framework on migration would include specific references to migration. Migration was however included by the EU in a background document for its public consultations in the post-2015 framework that was circulated in June 2012. The EU has thus invited key stakeholders to put forward specific proposals in this area.

472 EC 2011a, op. cit.
4.12.5. Sources


EC, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on “The EU role in global health”, 2010c, viewed on 3 September 2012, http://ec.europa.eu/development/center/repository/COMM_PDF_COM_2010_0128_EN.PDF.

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