

CONCORD Cotonou Working Group Briefing paper

MIGRATION

1. Migration and development

While forced migration due to conflict and violence has reached unprecedented levels, the link between migration and development remains a corner stone of international discussion in the field of migration management since the International Conference on Population and Development in 1994. Remittances - the money sent home by more than 232 million international migrants worldwide- are multiple the size of official development assistance today and are an important lifeline for millions of poor households. According to the World Bank, remittance flows to developing countries are expected to reach \$435 billion this year, an increase of 5 percent compared to 2013. The growth rate is even faster than the 3.4 percent growth recorded in 2013. However, this is private money spent mostly on immediate consumption by the families of migrant workers.

Human development is the basis for economic development. Moreover, the benefits of migration for development do depend on the degree to which migrants rights are protected and empowered by countries from which they come and the countries in which they live and work in, regardless of their legal status. The fact that migration can promote economic and social well-being and contribute to improved education and health situation has become more and more accepted.

For some years a set of instruments and measures has been promoted to foster and stimulate positive impacts of migration on development. Intergovernmental development actors classically focus on facilitating remittances to the country of origin by reducing the costs of those transfers and making them safer. Also the development potential of migrant Diasporas has been discovered and is strengthened to serve countries of origin. International academic discourse and policies like the Global Forum on Migration and Development have been discussing intensively the added development value of flexible and permeable migration schemes like circular migration.

In 2013 several processes dealt with migration from a multilateral approach: in October a United Nations High-level Dialogue on International Migration and Development was held in New York. At the same time, the global development framework is renegotiated as the Millennium Development Goals are about to expire in 2015. Whereas in practice hardly any advancement for facilitating mobility or enhanced migrant protection is observed, migrant experts are calling on the United Nations to include migration as a post-2015 development and sustainability issue.

What the EU is doing

Since the early days of existence the EU and its member states have benefitted of labour migration. Although the commitment has decreased recently, nowadays various elements frame the EU's engagement in migration and development. When the Lisbon Treaty entered into force in late 2009, the management of international migration officially became one of EU's priorities. Historically this process started in 1985 when the Schengen Agreement superseded the internal borders between EU member states, while at the same time external borders were strongly reinforced and new patterns for asylum claims set in the Dublin Convention in 1990.

The European policy area "freedom, security and justice" does include civil protection, police and customs cooperation, cooperation in the fields of civil and criminal law, asylum, migration, visa and external border controls. The focus on cooperation is presented in multi-annual strategic work programmes. An intersectoral or cross pillar approach to migration was agreed on in 1999 (Tampere Programme). It aimed at building and consolidating a common EU asylum and migration policy through partnership with third countries, a Common European Asylum System (CEAS), a fair treatment of third country nationals residing within the EU and the management of migration flows, including readmission agreements. This approach was followed up by the Hague Programme for 2005-2009 which had an even stronger focus on harmonising the procedures for fighting illegal migration. End of 2009 the Stockholm Programme entered into force: on migration issues the programme further aimed at enhancing the harmonisation of rules to strengthen migrants' legal rights and to share the responsibility for asylum applications more evenly. While referring to the links between labour market needs and migration it also strongly referred to the necessity to tackle cross-border crime. A prominent feature has been a new directive on third-country seasonal workers adopted by the Council February 17th, 2014.

Migration is also put forward by other EU institutional actors. The so called Global Approach to Migration and Mobility (GAMM), which includes the external dimension of EU's migration policy, explicitly recognizes the impact of migration on development. It illustrates the ambition of the European Union to establish a multi sectoral framework to manage migration in a coherent way through political dialogue and close practical cooperation with third countries. Initially based on three pillars, namely promoting legal migration, preventing irregular migration, maximizing development impacts, a fourth one was added at the end of 2011 acknowledging on paper the importance of a migrant-centred approach and the mainstreaming of human rights protection in the context of migration. It remains to be proven that this adjusted theoretical concept will improve the rights for migrants and enable sustainable development – especially against the priority to EU's acting on migratory pressures.

In 2000 in-depth dialogue on migration between ACP and EU became explicitly part of the Cotonou Partnership Agreement. Article 13 stresses the need for dialogue, respect for human rights and tackling root causes of migration by supporting the economic and social development of regions from which migrants originate. Also the prevention of illegal immigration and

readmission agreements shall be part of ACP and EU cooperation. The article neither reflects strong commitment on legal migration nor does it refer to challenges like brain drain. The role of Diaspora as development agent is not mentioned at all.

Mobility partnerships with single third countries like Moldova or Morocco are signed but until today they rather prevent migration than manage mobility. Policy seems to be shaped by EU security considerations, leading to very restrictive national migration policies and a bargaining of readmission agreements for visa facilitation. The development component for migrant sending countries as well as for the migrants themselves seems to be subordinated to border control to hinder irregular migration. This does not even change facing the ongoing boat-catastrophes in the Mediterranean Sea.

But out of GAMM the EU addressed Africa through high level discussions, called Rabat Process in 2006 which led to the EU-Africa Partnership on Migration, Mobility and Employment. Its main elements are improved management of migration and stimulation of employment as well as strategies against poverty. The benefits of migration shall be maximized and the fight against trafficking in human beings is a major priority. Again like in all other policy concretion the main emphasis seems to be put on the fight against irregular migration. This is also reflected in various readmission agreements the EU and its member states have negotiated with African countries. An EU attempt to make readmission binding and self-executive without needing complementary bilateral agreements for all African countries through a revision of the Cotonou Partnership agreement failed only in 2010. The latest document of importance is the EU-Africa Declaration on Migration and Mobility, adopted in Brussels on April 3rd 2014. (http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/142097.pdf)

Also the newly appointed EU Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos stated on his first day in office that it was “imperative to improve cooperation on this matter with countries that function as departure points for migrants seeking to reach EU countries....”. DG Home Affairs / European Commission has issued several policy planning documents, such as the annual reports on migration and asylum or the communication on intra-EU solidarity on asylum which do not completely correspond to the GAMM. The EU Council and the EU Presidencies lack even more attention on the development and rights components of the GAMM – best seen in the “EU Action on Migratory Pressures – A Strategic Response” focusing on the prevention, control and combat of illegal immigration.

2. **CONCORD recommendations**

- CONCORD urges all negotiating parties to consider the EU-Africa Declaration on Migration and Mobility as a fundamental basis for cooperation on migration and mobility and to complete this Declaration with a comprehensive action plan reflecting the values and visions agreed on.
- Political dialogue and cooperation on migration and development need to be intensified. Instead of offering development support for migration management the impact of migration on development should move in the focus of policy discussions.
- A certain level of development and welfare is a precondition for international migration as really poor and vulnerable people do lack the resources to migrate. Migration policies are not replacement for policies addressing extreme poverty. Securing borders is not hindering migration but leads to more irregular migration and criminalization and therefore greater vulnerability of migrants and hence does contradict development.
- Mobility is an element of human development and should not be combated but has to be dealt with through a migrant-centered approach. The respect for human rights, compliance with the principles of the rule of law and democratic governance are to be strengthened in countries of destination and of transit as well as in countries of origin to enable development. The UN Convention of Rights of Migrant Workers and their families and the ILO convention in work sectors dominated by Migrant workers (e.g. C189) must be ratified and shall guide the implementation of migration policies. Migration processes should be supported by raising awareness on migrants’ rights, offering decent work and employment, integration and reintegration facilities. A migrant centered approach on migration and development does also include the set up and improvement of family support systems to reduce negative impact for those who are left behind in countries of origin or transit to transfer claims for social and health insurance.
- Migration and development policies are often tied to either development agencies or interior affairs and separated from other sectors like justice or social affairs. Policy coherence needs to be a priority so that migration has positive impacts on development.
- At the same time brain drain must be addressed, e.g. by improving facilities for local employment in countries of origin and the respect labour market needs in developing countries when actively recruiting workers from developing countries facing critical shortages of workers in certain branches. Also brain waste should be avoided. The acknowledgement of educational degrees, foreign diplomas or other certificates can facilitate migrant’s access to labor markets appropriate to their skills.
- Linking development assistance with constricting people’s right to leave one’s country has to be stopped. There is a strong need to create more possibilities for legal migration, e.g. negotiate for short visa stay facilitation agreements.
- Mobility partnerships and other agreements should to be based on a multi-stakeholder approach that does favour partnerships between migrants, Diasporas, civil society and development stakeholders from public and non-governmental sectors. A human-rights based approach is essential for in shaping these partnerships.

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