

Coherence between Migration and Development Policies

The EU's security-oriented migration policy is at odds with its rhetoric of using migration as a potential source of development in poor countries.

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The debate on the interdependence between migration and development has gathered tremendous momentum over the last 10 years, within the European Union and on a global level. Indeed, since the adoption of the multi-annual programme creating an area of Freedom, Security and Justice – the so-called 'Tampere programme' – in 1999, the possible synergies between development and migration policies are being explored. Bringing the two policy areas closer together to increase effectiveness and coherence is a great challenge for many reasons. The EU has different levels of competence in both policy areas; policymakers and politicians have diverging goals and objectives related to 'their' policy area; and EU Member States have their own privileged or preferred relations with various third countries. Migration and development is a 'chicken

or the egg' debate. How realistic is the UN Secretary General's call for a 'triple win': i.e., benefiting migrant receiving countries, countries of origin and migrants themselves? In this report, the interaction between development and migration is analysed from the angle of its impact on the (re)distribution of wealth.

1999: Linking EU migration and development policies in the spirit of partnership with third countries

In October 1999, under the Finnish Presidency, the European Council adopted an ambitious five-year programme for the further development of EU policies in the area of Justice and Home Affairs. The programme was based on the recently acquired legal competence of EU institutions in the area of asylum and migration, as laid down in the Amsterdam Treaty adopted in 1998 (the treaty establishing the European Community). Partnerships with countries of origin (of migrants) was the first of four objectives in the European Council conclusions under the

chapter 'A common EU Asylum and Migration Policy'. The aim is to develop a comprehensive approach to migration, including development issues, in countries and regions of origin and transit by increasing the coherence between internal and external policies of the EU. The conclusions also call for stronger external action, in particular by integrating Justice and Home Affairs concerns into the definition and implementation of other EU policies and activities.

The NGO community broadly welcomed the European Council's conclusions, but expressed its concern that the EU may make (economic) assistance to countries of origin or transit conditional upon their willingness to take measures to control migration flows. Indeed, the formulation of the text could lead to an interpretation of development aid as 'conditional'. Countries of origin would need to comply with EU requirements in the management of migration flows.

2001: September 11 and the Laeken Council conclusions

In December 2001, the European Council dedicated part of its conclusions to "the Union's action following the attacks in the USA on 11 September" (Council of the European Union, 2001). Indeed, the events in the US caused a dramatic change in the climate within which EU migration policies are debated. Obviously, the debate on its external dimension was equally affected. No more talk of development cooperation with third countries to address root causes, but instead, as feared by NGOs, migration management measures became integrated into the EU's foreign policy. "In particular, European readmission agreements must be concluded with the countries concerned on the basis of a new list of priorities and a clear action plan" (Council of the European Union, 2001, p.11). The external dimension of Justice and Home Affairs has turned into a security debate. The European Council asked the Commission to submit amended proposals for directives concerning asylum procedures and on family reunification. The management of EU external borders has become the core instrument in the fight against terrorism and illegal migration networks, mentioned in the same phrase, suggesting a direct relation between the two.

2002: The Seville Council – Migration management, a key element of cooperation agreements

The European Council of Seville of June 2002 urged that:

BOX 1: The evolution of European immigration policy

In the aftermath of WWII, the need for foreign workers for the reconstruction and modernisation of Western Europe led countries such as Britain, France and the Netherlands to adopt liberal immigration policies. The high immigration flows in that period were guided by economic concerns. In the 1970s, Northern European countries, hit by economic recession and growing unemployment, put a halt to their *laissez-faire* immigration policies. Moreover, it had become clear that the stay of the first-wave of migrants was not temporary, but permanent.

Until the mid-1980s, Western European states were reluctant to cooperate on immigration and asylum issues. The right to freedom of movement was recognised in the founding treaties of the European Communities, the Treaty of Paris (1951) establishing the European Coal and Steel Community (ECSC) and the Treaty of Rome (1957) establishing the European Economic Community (EEC). However, such a right was only limited to EC nationals, who were conceived as workers, rather than citizens. Nation states retained most of their policy-making authority regarding the immigration of third-country nationals (TCNs).

From the early 1990s, Western European countries witnessed an upsurge in immigration flows and asylum demands. The reaction of policymakers was to strengthen national restrictions and increase cooperation on border control. In addition, the Schengen Agreement, signed in 1985, but which came into force ten years later, provided a further incentive to cooperate on asylum and immigration issues. With the dismantling of their internal borders, signatory countries sought to reassert their control over external borders through collaborative action. They adopted a common visa policy for TCNs and created a common Schengen Information System (SIS) to facilitate interstate judicial cooperation.

The need for a common European immigration and asylum policy was officially recognised in 1992 in the Treaty of Maastricht. European Union cooperation on these issues was especially enhanced by the Treaty of Amsterdam, signed in 1997, which gave increased power to EU institutions on the subject. In 2004, the Dutch presidency of the European Council set a new agenda for immigration and asylum issues, known as the Hague Programme, for the period 2005 to 2010. More recently, in October 2008, the European Council adopted the 'European Pact on Immigration and Asylum', drafted by the French presidency of the Union.

The new five-year policy framework for immigration and asylum for the period 2010 to 2014, referred to as the Stockholm Programme, is expected to be adopted by EU leaders at the European Council summit in December 2009, after talks with the European Parliament in autumn.

[A]ny future cooperation, association or equivalent agreement which the European Union or the European Community concludes with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration. (Council of the European Communities, 2002)

In December 2002, the Commission adopted a communication on 'Integrating Migration Issues in the European Union's Relations with Third Countries'. The Commission listed the push and pull factors for migration on which EU policies could impact. Being very migration control oriented, the policy proposals concentrated on measures preventing migration. In line with the Council conclusions, the European Commission proposed to start negotiating readmission agreements with Albania, Algeria, China and Turkey, as well as with African, Caribbean and Pacific (ACP) countries, the latter based on Article 13 of the Cotonou Agreement. Moreover, the communication provides that new readmission agreements with ACP countries should cover third country nationals. Such a provision means that any country signing a readmission agreement with the EU accepts to readmit nationals of other countries who transited through the country on their way to the EU.

NGOs were, and are, very critical of such provisions, as they do not include any safeguards for the protection of the human rights of readmitted persons, particularly if they are not citizens of the country of readmission.

2005: The Hague Programme and the Commission communication on synergies between migration and development

The Hague Programme, successor to the Tampere Programme of 1999, also contains a chapter on the external dimension of EU migration policy. The partnership with third countries, however, is reduced to EU support to increase the ability of these countries:

... to improve their capacity for migration management and refugee protection, prevent and combat illegal immigration, inform on legal channels for migration, resolve refugee situations by providing better access to durable solutions, build border-control capacity, enhance document security and tackle the problem of return. (EU, 2004)

The development aspect of migration policy is very limited in the new multi-annual programme. Existing financial instruments are oriented towards increasing the capacity of third countries to control their borders and new instruments are established to finance forced return operations. The goal of addressing the root causes of forced migration is off the radar.

2005: Commitment to policy coherence for development

In 2005, the European institutions adopted a joint statement on EU development policy, known as 'The European Consensus', in which the commitment to increase Policy Coherence for Development (PCD) is agreed:

The EU shall take account of the objectives of development cooperation in all policies that it implements which are likely to affect developing countries. (EU, 2006)

The European Consensus is unambiguous about the goal of increased policy coherence. It specifically states that the positive impact on development of initiatives in 12 policy areas has to be assessed. Hence, achieving the Millennium Development Goals (MDGs) is the final aim of the whole exercise. This is equally applicable to EU migration policy. However, the statement is immediately followed by a restricting addition:

... the Commission will aim to include migration and refugee issues in country and regional strategies and partnerships with interested countries and to promote the synergies between migration and development, to make migration a positive force for development. It will support developing countries in their policies of management of migratory flows... (EU, 2006)

Although it is stated in the European Consensus that migration can contribute to development, it is obvious that financing capacity building and resources in developing countries to control borders does not contribute in any way to achieving the MDGs. The EU's own Home Affairs interest in controlling borders and stopping migrants from reaching Europe prevails.

2008: European Pact on Immigration and Asylum

The European Pact on Immigration and Asylum was an initiative of the French EU presidency aimed at renewing the Member States' commitment to achieving a common migration and asylum policy. The Pact also contains an 'external dimension' formulated as "to create a comprehensive partnership with countries of origin and transit to encourage synergy between migration and development" (EU, 2008). The predominance of EU interest is also clearly reflected in this political declaration, as it states that cooperation with countries of origin will be developed to discourage and combat illegal immigration.

The Pact is no more than a political commitment, but Member States agreed that it would be the basis for the next multi-annual programme for Justice and Home Affairs (2010–2014).

BOX 2: European Pact on Immigration and Asylum

On 15 and 16 October 2008, Europe's leaders (European Council) set their seal on the European Pact on Immigration and Asylum, which was first approved by the Justice and Home Affairs Council on 25 September 2008. With the adoption of the Pact, the Council made five basic commitments:

1. To organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration
2. To control illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a country of transit
3. To make border controls more effective
4. To construct a Europe of asylum (to create a single European asylum procedure by 2012)
5. To create a comprehensive partnership with the countries of origin and of transit in order to encourage synergy between migration and development

2009: The Stockholm Programme – Focus on 'internal' solidarity

The Hague Programme for Justice and Home Affairs ends in 2009. The Council started negotiations on the next multi-annual programme – the 'Stockholm Programme' – on the basis of a Commission Communication and inspired by the European Pact. The chapter on asylum and migration concentrates on internal solidarity, even if it contains a part related to partnerships with third countries (EU, 2009):

Solidarity must remain at the centre of the common policy and the EU should provide more support to the Member States most exposed to migratory pressure. (Ibid)

Under the heading 'migration and development', the Commission mainly proposes additional measures to facilitate transfers of remittances and to alleviate the brain drain. NGOs hope that this section of the Programme will be reinforced during the negotiations. The contribution of EU migration policy to the achievement of the MDGs should be much stronger than it is in the Commission's proposal. Non-governmental development organisations (NGOs) and development experts should, therefore, follow and influence the debate, with the aim of prioritising development goals in shaping the next steps in the EU's migration policy.

Challenges ahead: Migration policy as an instrument for reaching the MDGs

The debate on migration and development in the EU is mainly oriented towards preventing migration and creating incentives for countries of origin to align themselves with the EU Member States' goals

concerning the management and control of migration. This trend is based on a number of assumptions, which deserve to be thoroughly reconsidered.

Assumption 1: Most developing countries are countries of origin of migrants to the EU.

Current EU migration and development policies target countries that are most important in European immigration statistics. The Least Developed Countries are underrepresented in migration statistics and, consequently, run the risk of not being considered. This casts doubt on the PCD commitment of migration policymakers. The criterion for prioritising the allocation of development aid resources to developing countries should be their level of performance in achieving the MDGs, rather than the number of citizens present or trying to reach EU territory.

Assumption 2: The migration of highly qualified workers from developing countries always constitutes a brain drain.

A common assumption is that qualified people leaving a developing country cause a brain drain and, therefore, put at risk the development efforts of the EU. This argument is used in shaping migration policies as a justification for denying people the right to leave their country to come and work in the EU. The link between migration and brain drain is partially true in a number of countries, but cannot be generalised. Moreover, a less debated phenomenon, but equally critical, is the one of 'brain waste', which refers to the flow of highly qualified migrant workers, who are employed below their qualifications.

The response to the problem of brain drain is again inspired more by the aim of controlling migration, than by a desire to achieve the MDGs. Instead, a more effective way to combat brain drain lies in investing in MDG 2 – achieving universal primary education – while at the same time increasing access to higher education. Concurrently, MDG 8 – develop a global partnership for development – should be promoted, in particular, the 'development of decent and productive work for youth'.

A more elaborate analysis of the impact of EU policies on brain drain can be found on page 14 of this report.

Assumption 3: Migration can be reduced by addressing root causes.

Poverty reduction as such does not reduce migration. As mentioned above, it requires resources to migrate. In other words, the poorest don't migrate. It is a myth that more development will lead to less migration.

Partnerships with countries of origin and transit should, therefore, be aimed at addressing the root causes of forced migration and displacement. Human rights violation and political and social instability are among the main causes of refugee movement. Taking into account that the number of asylum seekers in EU Member States is not repre-

sentative of the whole refugee problem, the EU can best address these causes by supporting the development of democratic controls on governance structures, which would contribute to conflict prevention.

Assumption 4: Circular migration is the one size fits all solution.

In the current debate, circular migration is presented as the ideal response to all incoherence between migration and development policies. Circular migration broadly refers to the repeated movement of workers across borders, as advocated by the EU for its citizens between the Member States. However, the definition of circular migration is unclear in the political discourse, reflecting a diversity of objectives ranging from reducing the negative impact of brain drain to controlling migratory movement.

In view of achieving a 'triple win' (benefiting receiving countries, countries of origin and migrants), an adequate interpretation and organisation of circular migration may increase the positive effects of migration for developing countries, while at the same time helping EU member states address their labour needs and reduce irregular migration. But, circular migration can only be facilitated by a legal framework that promotes mobility and protects workers' rights.

Concluding remarks

The EU's commitment and efforts to ensure policy coherence are positive and deserve the critical support of civil society organisations: Support, because ensuring policy coherence is a must, and critical, because all policy decisions in the area have to be inspired by the same main goal, the achievement of the MDGs. There is, and will be, a permanent tension between long-term and short-term objectives, but the MDGs cannot be jeopardised by short-term objectives related to migration control. The full potential of migration as a tool for the redistribution of wealth and as one of the instruments for reaching the MDGs can only be realised if that goal is clear and if all policy and decision makers fully adhere to it.

Apart from a political will and the close monitoring of the process by civil society organisations, the achievement of the MDGs will probably require some institutional changes and shifts of competences within the Directorate Generals (DGs) and from national to European governance levels. ■

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