

Migration and Development:

Preliminary observations by NGOs active in the migration, refugee protection and the development field on the European Commission's Communication on "Integrating Migration Issues in the European Union's Relations with Third Countries", COM (2002) 703 final of 3 December 2002

One of the major challenges faced by the European Union today is to link a fair development policy aimed at eradicating poverty and the EU's declared aim of integrating developing countries into world economy with a clear and comprehensive migration policy. This is especially true in the context that many elements of a comprehensive migration policy have not yet been developed.

Non-governmental organisations active in the related fields of migration, refugee protection and development welcome the European Commission's Communication on "Integrating Migration Issues in the European Union's Relations with Third Countries" (December 2002) as an effort of laying down initial considerations in this regard.

The organisations signing up to this letter aim to contribute their comments, concerns and recommendations outlined below to the discussions initiated by the European Commission's Communication.

Goal failed

We are concerned that the Communication has ultimately failed in its goal with regard to the interrelation between migration and development. Although the analysis reflects the relevant points of concern, the conclusions fall far short from expectations by limiting the focus only on return policies and border control. Furthermore we fear that the Communication seeks to justify the extension of the impact of the fight against irregular migration beyond overshadowing the international protection regime to also taking hostage of the development sector. The signatory organisations regret that the Commission lost an opportunity and shifted the EU policy's focus to only short-term repressive and punitive measures rather than to balance this with refugee protection and development assistance. The EU's partnership with countries of origin should pave the way to develop a better balance between measures combating undocumented migration, measures protecting those in need of international protection and measures providing development assistance.

Protection is burdening others than Europeans

We welcome the Commission's acknowledgement that the major impact of migratory flows, both voluntary and forced, is found in the countries of the South, many of which are developing countries. We consider it a crucial step that the European Commission recognizes that the vast majority of refugees, 85 % of the total of 13 million refugees, are hosted outside the EU countries – with 9 million refugees living in developing countries.

Although some projects aimed at the integration of refugees in developing countries are supported by EU funds (Tanzania, Zambia are mentioned), this is not addressed as a matter of policy priority in the Communication.

In the European Union there are on-going discussions about the concept of protection in regions of origin and about the resettlement of people in need of international protection. We welcome the intention to increase programmes for resettlement to the EU that provide the possibility for persons in need of protection who have no access to effective protection

nor durable solutions in their country of first asylum to reach Europe in a safe and legal manner. We stress, however, that this can never replace the duty of Member States to examine in a fair manner applications for asylum by claimants arriving spontaneously in Europe. These debates are not satisfactory when it comes to channelling necessary financial support to UNHCR and host governments to strengthen their capacity to provide effective protection in regions of origin.

A system of sharing responsibility and providing protection in an effective and fair manner on a global level is needed. Since the major impact of refugee and migratory flows is in certain less developed countries, the EU should work closely with UNHCR, host governments and civil society to ensure that sufficient resources are made available to provide protection and assistance to refugees and internally displaced persons in developing countries. We encourage the EU to increase its efforts towards creating a fair system for sharing responsibility on a global level, especially in favour of poorer countries. This should involve provision of financial support to countries of first asylum and provision of protection for refugees in Europe.

We would welcome if the EU Council supported in its conclusions, which are presently negotiated, positive elements on the development-migration nexus particularly for finding durable solutions for refugee protection including local integration and developing comprehensive approaches to addressing protracted refugee situations.

Confusing migration generating countries and least developed countries

Whilst many countries in Sub-Saharan Africa are among the most important recipients of development funds, and range among the poorest both in UNDP and World Bank statistics, they are not found among the highest migrant generating countries. We share the analysis of the Communication that the countries generating migration are to a great extent not the world's least developed countries (LDCs). We are, therefore, very concerned that this analysis is not at all reflected in the conclusions of the paper.

The Commission rightly points to this fact in its analysis, but fails to adequately acknowledge in the proposed actions.

The Communication further fails to acknowledge the impact of internal rural-urban migration on poverty in developing countries. In many poor countries internal flows of migrants within countries are far more significant than international flows.

No conditionality between development aid and the prevention of migration!

On the contrary, the reader gets the impression that there is a real risk of making development funding conditional on migration prevention measures. We call upon the Commission to put far greater emphasis on ensuring that developing countries receive sufficient development aid from the EU in line with the EC's Development Policy.

We totally reject any conditionality in linking development aid to countries' willingness to cooperate on readmission clauses. We are convinced that investing in short-term prevention actions instead of long-term programmes of sustainable development - will prove disastrous for development policy objectives, and certainly for the poor and marginalised.

Development goals to be included in action

Economic globalisation has led to further marginalisation of those countries that are unable to compete effectively in the global marketplace. In the absence of fair and just rules, globalisation has limited the space for developing countries to control their own

development, as the free market-oriented system makes no provision for compensating the weak. The gap between rich and poor is widening and the EU's policies and programmes have so far not changed this trend.

The European Union should direct its efforts towards reducing the inequalities that are exacerbated by globalisation: reinforcing strategies aimed at globally eradicating poverty, improving living and working conditions, creating employment and improving the coherence between the EU's various policy fields (development, trade, agricultures, foreign policy...); strategies that in the long term help to create a more equal world and to reduce forced migratory movements worldwide.

Any expansion of the mandate of development cooperation must therefore be based on the principle of burden sharing between developed and developing countries. This will require that the industrialised countries fulfil their commitment to contribute 0,7 % of the GDP to development.

Forced Migration and Voluntary Migration

We agree that root causes for forced migration need to be fought, however, we think that the concept of fighting the root causes of migration is over-simplistic and does not address the complexities inter alia of protracted refugee situations. The Communication rightly highlights development potentials in migration, like remittances of migrants, but proposes little action to improve and expand this potential. E.g. the development of trade through engaging migrants is only touched upon briefly, but not further developed. No suggestion is made of how immigration and legal status requirements might be used to foster the involvement of migrants in bilateral or multilateral trade and development. We underline the necessity of continued research in order to develop concrete actions to promote the positive aspects of migration particularly in the link to development.

In this context, one should not overlook the fact that the migration of skilled workers can constitute a continental "brain-drain" problem, as it is often those people with a good education and potential that migrate internationally. We recommend that further proposals on the problems of brain drain be developed particularly for developing countries. These measures might include the development of incentives for national experts to stay in their country.

We believe, furthermore, that greater emphasis must be placed on the prevention of some of the key root causes of migration, including improved measures for conflict prevention and preventing forced migration. This should appear as a priority recommendation in the communication.

Return

We recognise the need for a joint approach regarding return measures as a part of a comprehensive migration policy. We thus welcome the opening up of this debate further to the Commission's Green Book on a Community return policy. We would like to support the principle of the priority of voluntary return, as stated in the Commission's communication. We therefore regret that this principle was omitted in the Council's Action Plan on Return.

With regard to readmission agreements, we would warn against the use of such agreements that aim at returning asylum seekers to countries where there might be a direct or indirect risk of refoulement. We call for the implementation of necessary legal safeguards that ensure respect for human rights law and international principles of refugee protection including the principle of non-refoulement.

Regarding another guiding principle in this field we would equally like to support the Commission's statement that "before the negotiation of any readmission agreement, the political and human rights situation in the country of origin or transit should be taken into account" and would like to express our concern that this principle was also omitted in the Council's decision.

Imbalance of action

While the analysis provided would warrant a vast field of programmatic action, the integration of justice and home affairs issues is limited to return and readmission policies. As we have stated above, the Commission has proposed immigration legislation, but this is not yet in place. As long as no legal alternative, be it short or long-term, is offered, potential migrants will easily be trapped by smugglers and traffickers, which offer an alternative way out of desperate situations.

The establishment of legal immigration is a prerequisite to promoting the development impact of migration. Only if migrants can travel safely and freely between their country of origin and country of destination will their potential to contribute to social and economic development be set free.

Protection of victims of trafficking and programmes for the prevention of trafficking

We are particularly concerned that, although the criminal organisations operate and recruit also in developing countries, the protection of victims of trafficking is not raised in this communication. Particularly with regard to a return policy for victims of trafficking, safeguards need to be internationally agreed. We would like to see components for protection of victims, reception and integration of migrants to be addressed with the same vigour as policing and control elements.

Conclusion

Development policy would benefit if it elaborated programmes addressing internal as well as international migration phenomena and supported possible benefits of migration and unfold the development potential of migrants. Only if migration policy is expanded and a European immigration policy is developed, these policy fields can adequately be combined.

Conditionality does not make sense, as the countries most in need of development assistance are not the most migrants generating countries.

Development aid should go to the countries most in need, and, foremost, to the people most in need. Any compromise on this principle is totally intolerable.

Signed:

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