

Migration and development

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TAMPERE CONCLUSIONS

11. The European Union needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit. This requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights, in particular rights of minorities, women and children. To that end, the Union as well as Member States are invited to contribute, within their respective competence under the Treaties, to a greater coherence of internal and external policies of the Union. Partnership with third countries concerned will also be a key element for the success of such a policy, with a view to promoting co-development.

PART 1: ASSESSMENT OF THE CURRENT SITUATION

The Tampere conclusions have approached the relationship between development and migration in a rather general and oblique way, as made apparent in the quoted paragraph 11. Acknowledging the relevance of development within a comprehensive approach to migration was not new at the time. It was already endorsed in 1992 by the European Council in the Edinburgh Declaration on principles of governing external aspects of migration policy.² Despite the vagueness of their provisions, the Tampere conclusions have provided an important impetus for a vast number of subsequent initiatives aimed at specifying the measures to be taken in this vast area.

Since the adoption of the Tampere conclusions in 1999, the migration-development nexus has become a major EU tool for its partnerships with third countries. Its primary focus is to address the root causes of migration with the view of preventing the arrivals of migrants and asylum seekers in the European territory. A plethora of policy documents adopted by the European Commission and the European Council have promoted the role of development to address the root causes of migration and facilitate the conclusion of readmission agreements with third countries.³

Mainstreaming migration in development cooperation has been further reinforced by many other regional processes, including most notably the Valletta Action Plan on Migration, which was adopted by heads of states and governments of Africa and Europe in November 2015. This plan was also accompanied by the launch of the EU Emergency Trust Fund for stability and addressing the root causes of irregular migration and displaced persons in Africa, based on resources coming mainly from EU

development instruments (especially the European Development Fund).

In parallel to the EU and other related regional initiatives, discussions about the migration-development nexus have become truly global since 2006. The UN General Assembly organised the first High-level Dialogue on International Migration and Development in 2006, which resulted in the creation of the Global Forum on Migration and Development. In 2013, a second High-level Dialogue produced the very first declaration on migration and development, agreed upon by all UN member states. As a result of this momentum, migration has been mainstreamed within the 2030 Agenda for Sustainable Development. Reciprocally, the recently adopted Global Compact for Safe, Orderly and Regular Migration (GCM) includes development assistance among several of the objectives to be implemented by UN member states.

However, in stark contrast to the preventive stance of the EU, the UN instruments promote a more inclusive and balanced approach to the migration-development nexus. As exemplified by the Sustainable Development Goals and the GCM, the positive contribution of migration to the development of both countries of origin and destination coexists with the root causes approach as a long-term objective.

The migration-development nexus is indeed at the junction of two conflicting paradigms: the root causes one follows a control-oriented approach to alleviate migration pressure from countries of origin through development assistance, whereas a more positive viewpoint of migration focuses on its potential for development in both countries of origin and destination.

While these two contradictory driving forces still coexist to a large extent, the ambiguity of the migration-development nexus has been instrumental in the dialogues between states of destination and origin at the bilateral, regional and international levels.

While dialogue in the sensitive field of migration is a virtue in itself, the concrete achievements of EU policy towards third states remain very limited so far. This calls for a new approach based on mutually beneficial cooperation and informed by a sound evidence-based understanding of the potential and limits of the complex interlinkages between migration and development.

PART 2: IDEAS AND SUGGESTIONS FOR THE FUTURE

The ambiguous nature of the relations between migration and development represents by far the main challenge to be addressed by decision-makers. The interactions between migration and development are much more subtle and complex than it is commonly assumed. A large body of evidence has shown that they are far from being negatively correlated processes.⁴ While the two intersect at their margins, development is not an answer to migration and vice-versa.

On the one hand, contrary to the simplistic assumption of the root causes approach, development initially leads to an increase rather than a decrease in migration, in so far as economic growth in developing countries raises new opportunities and encouragements to find a better life abroad. This phenomenon, called the 'migration hump', tends to disappear in the long run, when the level of development in the country of origin reaches a more stable stage.

On the other hand, international migration remains a selective process, simply because the poorest of the poor – who live on less than \$1 a day – do not have the resources needed to go abroad. The survival migration of the poorest is thus primarily

within their country of origin (generally from rural to urban areas). From this angle, development cannot be a substitute for international migration but rather an objective in its own right, conducted for the very purpose of poverty reduction. Otherwise, a development policy targeting the reduction of migration pressure carries the risk of diverting international aid away from non-sending countries, which include the poorest regions of the world.

The dilemmas of the root causes approach to migration are numerous and overlap with many other cross-cutting areas, including peace and security, climate change, demography, democratic governance and the rule of law, trade and investment. While mobilising a huge amount of money and energy, the root causes mantra is bound to be ineffective if the complexity of the migration-development nexus is not taken seriously by decision-makers. It may also raise unrealistic expectations among both EU member states and third countries, as well as for their public opinion and population.

As documented by a vast array of policy and academic studies,⁵ the lessons learned from past experiences highlight three main interrelated challenges for the EU:

- The challenge of cooperating with third countries through a more balanced approach with the view of taking into account the competing interests at stake and finding mutually beneficial compromises.
- The challenge of policy coherence, as a result of the numerous EU stakeholders involved in migration and development, all with different and sometimes conflicting agendas.
- The relevance and efficiency of the EU policy in this vast field, because the complex interactions between migration and development are context-specific by nature and any measures should thus be tailored to the local needs and realities of the countries of origin.

A. Prioritising poverty reduction as the central objective of development policy

As mentioned above, the main drawback of the EU policy on migration and development is to prioritise migration control over poverty reduction. The limits inherent to this approach materialise at two levels, both the EU's migration policy as well as development policy.

- First, the EU current obsession with the root causes of migration is counterproductive from the perspective of its migration control policy for two main reasons: it relies on a flawed perception of the migration-development nexus and exacerbates tensions with third states, as illustrated by the recurrent temptation of the EU to subordinate development assistance to the externalisation of migration control in and by countries of origin and transit.
- Second, using development assistance to curb irregular migration undermines the core objectives and principles of development policy. This has raised longstanding criticisms from development actors, NGOs and academics because it affects development effectiveness and diverts assistance from those most in need.

From a legal perspective, this imbalance between the objectives of development assistance and those of the EU migration policy may even constitute a violation of the TFEU. According

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to Article 208, the primary objective of the EU development cooperation policy is the reduction of poverty. The same provision further underlines that the Union shall take into account this primary objective in implementing policies that are likely to affect developing countries.

The EU focus on the root causes of migration has not only failed to achieve its objectives and incentivise cooperation of third countries. It has also been criticised for its lack of accountability and its poor compliance with international law and the rule of law.

The divergent approaches and objectives followed by migration actors and development agencies are exacerbated by the lack of policy coherence within the EU.

The EU needs a holistic strategy for the twofold purpose of maximising the benefits of migration and minimising its negative effects.

THESE OBSERVATIONS RAISE THE FOLLOWING QUESTION:

- How to ensure that priority is given to poverty reduction in the EU development policy?

INITIAL SUGGESTIONS AND IDEAS:

1. Establishing a compatibility test with Article 208 TFEU systematically before elaborating and adopting any new instruments and decisions in the field of migration and development.
2. Carrying out a compatibility test with Article 208 TFEU during the implementation of any instruments or decisions adopted in the field of migration and development.

B. Balancing the root causes approach with the positive contribution of migration to the development of both countries of destination and origin

A more balanced and comprehensive perspective should be promoted by the EU between its traditional root causes approach and acknowledgement of migration as a positive contribution to the economic development of both its member states and third countries.

The root causes approach to migration remains relevant in the long term to mitigate the adverse drivers and structural factors that hinder people from building and maintaining sustainable livelihoods in their countries of origin. Besides its long-term nature, this approach should be truly comprehensive by addressing not only economic opportunities in countries of origin

but also the rule of law and good governance. Likewise, development cooperation is only one tool among many others to address the root causes of migration. It should work in tandem with a more open and fair policy of trade and investment in third countries, as well as a robust strategy of peacekeeping and conflict prevention.

The measures to be adopted in this area are thus numerous and virtually cover any aspects related to the EU migration and asylum policy, as well as its broader policy on external relations. If the interactions between migration and development are understood in a more literal and restrictive sense, the root causes approach is unable to incentivise the cooperation of third states as long as it is not accompanied by other proactive measures aimed at improving the positive contribution of migration for economic development.

THESE OBSERVATIONS RAISE THE FOLLOWING QUESTIONS:

- How can the root causes approach be combined with the positive contribution of migrants to development?
- What should the main components of a truly balanced and comprehensive approach of the migration-development nexus be?
- How can the cooperation of third states with the EU on migration and development be incentivised?

INITIAL SUGGESTIONS AND IDEAS:

3. Facilitating remittances in countries of origin by reducing the cost of remittances and promoting transfers in productive investment.
4. Empowering diasporas to contribute to sustainable development in their countries of origin and migrant integration in EU member states.
5. Mitigating the brain drain by creating an EU compensation fund for third countries, especially when those recruited by member states have been educated and trained in their countries of origin.
6. Capitalising on lawful channels for labour migration at all skills levels to incentivise third countries' cooperation and meet the member states' labour markets' needs.
7. Expanding the number and types of long-term visas for students and of humanitarian visas for asylum seekers and vulnerable migrants.
8. Facilitating the sustainable reintegration of returning migrants – whether it is voluntary or not – through a holistic approach which most notably ensures that they are provided equal access to employment opportunities, basic services and justice in countries of origin, with the assistance of the EU.

C. Designing and implementing development assistance and migration partnerships with third countries with due respect for international law

The EU focus on the root causes of migration has not only failed to achieve its objectives and incentivise cooperation of third countries. It has also been criticised for its lack of accountability and its poor compliance with international law and the rule of law. Many stakeholders have addressed this longstanding criticism within and outside the EU on three main counts:

- First, the willingness of the EU to overlook the poor human rights records of some third countries in order to achieve its own objective of migration control has been frequently denounced as contradicting the fundamental values of the EU and weakening its international reputation and legitimacy, as well as its own policy and commitments toward democratic governance and the rule of law. This is also counterproductive because cooperating with abusive governments undermines the effectiveness of development assistance and perpetuates a vicious circle of repression and corruption that causes people to flee their own countries.
- Second, some measures aimed at preventing irregular migration may affect and, sometimes, violate the basic human rights of migrants under international law. Among other well-documented instances, this most notably concerns the right to leave any country and the prohibition of arbitrary detention as grounded in a broad range of international conventions ratified by both EU member states and third countries.
- Third, another concern relates to the fact that the measures adopted by the EU are

adopted and implemented without regard to the binding agreements of third countries governing the regional, sub-regional and bilateral free movement of persons. This is particularly obvious in Africa, where many regional economic communities have been established to facilitate the free movement of persons as a tool of sustainable development. The numerous existing agreements on the free movement of persons are bound to be reinforced at the continental level once the newly adopted Protocol to the Treaty Establishing the African Economic Community relating to Free Movement of Persons, Rights of Residence and Rights of Establishment⁶ comes into force.

THESE OBSERVATIONS RAISE THE FOLLOWING QUESTION:

- How to design, negotiate and implement migration-development partnerships with third states with due respect for the values of the EU, the local needs of countries of origin and their national contexts?

INITIAL SUGGESTIONS AND IDEAS:

9. Operating a systematic assessment of human rights records when identifying potential partners and designing development assistance and migration partnerships.
10. Identifying local needs and carrying out a compatibility test with international law when negotiating and elaborating migration-development partnerships.

11. Establishing independent follow-up and reporting processes during and after the implementation phase.

D. Improving the policy coherence of the EU policy on migration and development

The cross-cutting and multidimensional nature of the migration-development nexus inevitably entails some degree of heterogeneity and fragmentation. However, the divergent approaches and objectives followed by migration actors and development agencies are exacerbated by the lack of policy coherence within the EU. Due to the vast number of EU institutions, funds and policies involved in migration and development, the institutional landscape has never been so piecemeal and incoherent.

The reasons for this are not only institutional but also, and more fundamentally, political by nature: they primarily result from the absence of a truly common position among member states. In such a politically sensitive and polarised context, the root causes approach has become the lowest common denominator without regard to the broader and much more nuanced picture of the migration-development nexus.

This situation entails two main consequences. At the macro/political level, the EU lacks and accordingly needs a common understanding and a holistic strategy for the twofold purpose of maximising the benefits of migration and minimising its negative effects. At the micro/operational level, migration and development actors compete for the same funding (e.g. the Emergency Trust Fund for Africa, which is mostly composed of development funds), and their various actions are not coordinated in a cogent and efficient manner.

THESE OBSERVATIONS RAISE THE FOLLOWING QUESTION:

► How to improve the coherence of the EU policy on migration and development with due regard to the broad number of stakeholders and interests at stake?

INITIAL SUGGESTIONS AND IDEAS:

13. Creating a coordination mechanism which gathers the EU institutions involved in migration and development.
14. Establishing clear and balanced policy objectives to guide funding decisions and operational priorities.
15. Creating a database of good practices.

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² European Council (1992), *European Council in Edinburgh 11-12 December, 1992: Conclusions of the Presidency*.

³ See e.g. European Council (2002), *Presidency Conclusions Seville European Council 21 and 22 June 2002*, DOC/02/13, Brussels; European Commission (2005), *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. Migration and Development: Some concrete orientations*, COM(2005) 390 final, Brussels; European Council (2006), *Brussels European Council 14-15 December 2006: Presidency conclusions*, 16879/06, Brussels; European Commission (2016), *Communication from the Commission to the European Parliament, the European Council, the Council and the European Investment Bank on establishing a new Partnership Framework with third countries under the European Agenda on Migration*, COM(2016) 385 final, Brussels; European Union (2017), *The New European Consensus on Development: 'Our world, our dignity, our future'. Joint statement by the Council and the Representatives of the Governments of the Member States meeting*

within the Council, the European Parliament and the European Commission.

⁴ See e.g. De Hass, Hein (2006) "Turning the tide? Why 'development instead of migration' policies are bound to fail", Oxford: International Migration Institute. Chetail, Vincent (2008), "Paradigm and Paradox of the Migration-Development Nexus: The New Border for North-South Dialogue", *German Yearbook of International Law*, Volume 51, pp.183-216. Lavenex, Sandra and Rahel Kunz (2008), "The Migration-Development Nexus in EU External Relations", *Journal of European Integration*, Volume 30, Issue 3, pp.439-457. Zanfrini, Laura (2015), "Migration and Development: Old and New Ambivalences of the European Approach", Milan: Initiatives and Studies on Multiethnicity Foundation. Fratzke, Susan and Brian Salant (2018), "Moving Beyond 'Root Causes': The Complicated Relationship between Development and Migration", Migration Policy Institute. Funk, Marco; Frank Mc Namara; Romain Pardo and Norma Rose (2017), "Tackling irregular migration through development – A flawed approach?", Brussels: European Policy Centre. Latek, Marta (2019), *Interlinks between migration and development*, PE 630.351, European Parliamentary Research Service.

⁵ *Ibid.*

⁶ African Union (2018), "Protocol to the Treaty Establishing the African Economic Community relating to free movement of persons, right of residence and right of establishment".