



Policy Brief

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The 'Global Approach to Migration': rhetoric or reality?

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Background

What has come to be known as the 'Global Approach to Migration' heralds a new way of resolving migration dilemmas in Europe, focusing on partnership and dialogue with non-EU countries – from the Balkans to Iran. But how substantive is this change in strategy? And does the EU have the tools to fulfil its goals?

Before addressing this question, it is important to understand where the Global Approach comes from and what exactly it consists of.

The idea was first put forward by the British EU Presidency in 2005, and defined in the European Council Conclusions of that year as "a balanced, global and coherent approach, covering policies to combat illegal immigration and, in cooperation with third countries, harnessing the benefits of legal migration". The Council also noted that the EU's "commitment to support the development efforts of countries of origin and transit is part of a long-term process to respond to the opportunities and challenges of migration". In this way, the Global

Approach is presented as 'Migration and Development Plus'.

This strategy has been developed substantially over the past two years, and is now the central conceptual thrust behind activities within the EU immigration policy sphere. Its popularity stems from a confluence of good timing and opportunity. As such, it has been seized upon by a variety of actors as a way of pushing forward a range of distinct agendas, while avoiding certain deadlocks over harmonising immigration legislation within the Union.

At the international level, the debate about the link between migration and development is gaining momentum. The Global Commission on International Migration convened by the then United Nations Secretary-General Kofi Annan in 2005 highlighted it as a key issue, and it was the subject of a High-Level Dialogue at the UN General Assembly in 2006. This resulted in the establishment of a Global Forum on Migration and Development which brought

together 155 governments in Brussels in July 2007 to discuss how global inequalities might be minimised through 'equitable' immigration policies.

While some Member States remain sceptical about the value of such discussions, the EU's Global Approach reflects a shift in focus towards the *impacts* of migration.

External pressures and internal constraints

For EU Member States, the advantages of the Global Approach are clear. The all-too-visible 2006 humanitarian and security crisis in the Mediterranean brought home to many European countries that border-control measures alone are an insufficient response to increasing migration pressures from both outside and inside Europe. There is also a public relations aspect to the concept, emphasising the need for 'balance' and 'genuine partnership', and ostensibly moving the EU away from the oft-cited 'Fortress Europe' approach.

The European Commission has also embraced the Global Approach as a way out of the current impasse over harmonised immigration policies in Europe. After the frustrations of recent years, it is clear that all but the most minimalist proposals will be rejected by the Council. A central element of this – a common policy for economic migrants – has been reduced to proposals for a single application procedure and a weak framework of rights for migrant workers, alongside the proposed Blue Card system aimed at attracting highly-skilled workers to Europe.

Even though the latter focuses on the least contentious group of migrant workers, this painstakingly-drafted document – still full of safeguards for national labour and immigration policies – has already run into

strong resistance from some Member States.

The proposal explicitly notes the need to reduce the ‘brain-drain’ through ethical recruitment and flexibility to return home, but this is overshadowed by the desire to attract the brightest and best to Europe.

Irrespective of whether it is likely to have the desired effect or not, questions remain as to how far it fits in conceptually with the basic premise of using migration flows to boost development. This in turn leads to the main question: what exactly is the Global Approach to Migration and what does it mean for European immigration policies?

The central strand of this approach is closer cooperation with sending

and transit countries outside the EU, and it includes a number of different elements, many of which were envisaged in the 2005-2010 Hague Programme. It is therefore not a new concept, merely a new twist on a set of external relations policies which the EU has been pursuing for several decades as a ‘comprehensive approach to migration’.

This externalisation agenda, through which Europe shifts the burden of policing the entry of migrants into the EU onto neighbouring countries, is now being coupled with a range of activities designed to address the ‘push factors’ of migration. This is the novel element, but it remains to be seen whether the Union as such can deliver on it.

State of play

The Global Approach to Migration has already been translated into a series of policy proposals.

In 2006, the Commission published its Communication on ‘The Global Approach to Migration One Year On’, outlining its strategy for managing migration through cooperation. It simultaneously unveiled proposals to combat illegal border-crossing in the Mediterranean region.

The Communication outlined a number of ways to promote a comprehensive approach, emphasising dialogue and cooperation through a variety of existing mechanisms (including Euromed, the EU-Africa strategy and the European Neighbourhood Policy), and the creation of migration-support teams for sending countries. It balanced the need for capacity building to combat irregular migration and bolster asylum systems in partner countries with the promotion of legal migration through ‘migration centres’ and

‘mobility packages’. References to respect for fundamental rights and international obligations were also sprinkled throughout the document.

The Communication included a number of new ideas, but also exposed two central problems. First, while the Commission’s Directorate-General for Justice, Liberty and Security (DG JLS) can do much itself to tackle border-control and capacity-building issues, it relies on other actors to supply the balancing elements of the package – not least channels for legal migration.

Development funding and readmission agreements rely on the ability of external relations officials in the Council and Commission to deliver partnerships through negotiations, while Member States retain control over who can legally enter European territory.

The Communication also left open the question of whether this new approach can really offer anything

substantive to foster third-country development. There was, for example, little mention of increasing trade and promoting democratic governance – and here again, DG JLS cannot promise what it does not have competence to deliver.

Putting flesh on the bones

In May 2006, two further Communications were published fleshing out these proposals.

The first, on ‘Circular migration and mobility partnerships between the European Union and third countries’, looks broadly at two new concepts in the EU migration lexicon.

Mobility partnerships are intended to provide the framework for managing migration with particular sending countries, based on their cooperation regarding irregular migration and readmission. As the Communication acknowledged, the legal basis for such partnerships is fuzzy: a twin-track approach would be required, given that

competences are split between the EU and national levels.

In essence, these partnerships boil down to one key trade-off: if partner countries are willing to combat illegal migration, this will lead to facilitated access to the EU for their citizens. All eight commitments the Commission expects from potential partner countries make direct or indirect reference to limiting irregular migration.

This is, however, an unequal bargain. Without specific support and commitment from individual Member States, the Commission is unable to offer much of substance in return. Access to labour markets, favourable “treatment for admission” and programmes designed to match labour supply with demand – elements essential for a ‘genuine partnership’ – all rely on national enthusiasm. The one incentive the EU can use as a bargaining tool – visa facilitation for certain categories of visitors – seems weak when compared to the significant burdens these partnerships would place on partner countries.

Circular migration is a less well-defined concept. For some experts, it is merely a euphemism for re-introducing the temporary labour programmes of the 1950s and 1960s, using incentives (rather than enforcement) to persuade migrants to return home at the end of their useful stay. For others, it is more of a descriptive term, highlighting the spirit of mobility

which increasingly infuses 21st century migration. From the Commission perspective, it denotes programmes promoting mobility which are designed to induce frequent and possibly permanent returns to the country of origin for certain groups, such as students and seasonal workers.

At this level, the term is hardly contentious. However, once again, the Commission alone cannot propose a legislative framework, as Member States would have to agree unanimously to create European channels of migration. Instead, it suggests multi-annual entry visas for seasonal workers (presumably much like a loyalty card) and making it easier for those highly-skilled workers who have already worked in Europe to come back. The incentives are weak: migrants will be rewarded for compliance (i.e. timely trips home) with another visa, while permanent returnees will be offered ‘reintegration’ back home.

Wishful thinking – and dangerous temptations

But it is the second Commission Communication (‘Applying the Global Approach to the Eastern and South-Eastern Regions’) which reveals the stark gap between rhetoric and reality.

This Communication is an effort to catalogue all that has been done, and could be done, through partnerships with a broad range of

third countries. It describes several formats for such partnerships. Countries which are candidates for EU membership are the easiest, as they are required to transpose the main body of EU law (*acquis communautaire*) anyway. The EU is also negotiating readmission agreements with ENP partners, with the possible (but by no means guaranteed) offer of visa facilitation in return. Now the Commission is proposing that this partnership strategy be extended to further-flung states – particularly those which send large numbers of migrants to the EU – through informal dialogues.

The somewhat aspirational nature of this proposal is demonstrated most clearly by the Communication’s argument that, for example: “Iran should be encouraged to play a more active role in cooperating with its neighbours in the prevention and prosecution of smuggling and trafficking in human beings. Pilot forms of concrete cooperation could be explored.”

The hoped-for agreement with Iran also demonstrates a more troubling aspect of these negotiations: namely, that the EU appears ready to give up on other elements of its foreign policy – support for human rights and democracy – if this helps it to manage migration flows more effectively. Efforts to increase cooperation with Libya, despite concerns about human rights abuses within its territory, are a more explicit example of this.

Prospects

Now that the scope of the Global Approach has been determined, the next few months will test its worth.

The June 2007 European Council asked the Commission to produce concrete plans for implementing circular migration and mobility partnerships. In fact, the mandate was a near tautology: to create

“genuine partnership”, while respecting “Member State competences and the specific needs of their labour markets”. Given that what most partner countries want, above all, are improved legal channels for economic migration, it is difficult to see how the Union can offer anything other than a hollow, one-sided deal.

Before this, however, the EU is planning two regional summits – of Euromed ministers on migration in November, and of EU and African leaders in December – which will test how far the Union is willing to match words with deeds. Previous experience with the Barcelona Process (Euromed) suggests that the results may disappoint.

Political support for such initiatives to date has focused more on how to prevent irregular migration than on how to promote a balanced partnership, and even the increased sense of urgency triggered by migrants spontaneously crossing the Mediterranean is unlikely to change this dynamic.

Experience also suggests that even when the political will exists, explicit commitments are hard to come by. Despite a strong common interest in making the EU's external border control agency FRONTEX operational, a great deal of pressure had to be put on individual Member States to persuade them to make adequate personnel and equipment available.

In the current context, where the political will is weaker, it is difficult to see how EU governments can be persuaded to commit to an EU-led partnership. The few existing bilateral cooperation agreements between EU Member States (Spain Italy, and France, for example) and third countries are very limited and operate independently of the EU.

Again, in terms of institutional coordination, the Commission has a mixed record. The High-Level Working Group on Asylum and Immigration was created in 1998 to bridge the policy-making gap between Justice and Home Affairs (JHA) and the General Affairs and External Relations Council under which it operates. However, it functions simply as an 'institutional manifestation' of JHA in the external relations policy field, rather than as an opportunity to ensure linkages are made between issues.

Functional elements of external policy, such as readmission agreements, are hard enough to negotiate, and the rhetoric of the Global Approach demands even more.

By attempting to address the 'root causes' of migration, in order to limit the number of those forced to leave their home countries due to lack of economic opportunity, the EU is committed to looking more closely at the impact of its development, trade, agricultural, governance and human rights policies. Integrating these elements into a broader migration policy agenda would deliver a genuine and innovative Global Approach, and determine the success of its partnerships with third countries.

The migration-development nexus

This needs to occur on several levels. Specifically, some key 'migration and development' policies are missing from the Commission proposals, such as mechanisms to make it easier for migrants to send money home (remittances), and options for promoting 'equitable' mobility, such as 'portable' social security. More generally, a stronger commitment is needed to reform and liberalise EU trade and agricultural policies.

With respect to development funding itself, the policy goal has been turned on its head. Instead of using this funding to promote economic opportunities, the EU now uses it to 'encourage' developing countries to improve their governance of migration in a restrictive sense. This 'soft-sanctioning' is not that far away from British and Spanish calls in 2002 for development aid to be withheld from countries which did not do enough to curb irregular migration flows.

Aside from the ethical concerns about this approach, it seems perverse to impede development funding which would ultimately improve conditions in the country of origin. Support for development should be increased, rather than limited, and should not be linked to a country's capacity to control

emigration – unless this is done by creating opportunities for migrants at home.

Finally, there are serious questions about the way the migration and development debate is developing in Europe.

To date, it has been a one-sided discourse, with little involvement of sending countries or migrants in determining the benefits of linking migration and development policies. At the EU level, the migration and development nexus is also being used to promote and pursue an externalisation agenda that has little to do with addressing the core push factors associated with migration from developing countries, but a great deal to do with preventing those migrants reaching the European continent.

The external immigration narrative has not changed, merely the cover story. Currently, the EU has neither the competence nor the political will to fulfil its mandate to create genuine partnerships with third countries to manage migration – and rhetoric alone is no longer sufficient, either for partner countries or to deal with the dilemmas at hand.

If the EU does not deliver substantive commitments through the Global Approach to Migration, then in the coming years – as the context in which migration policy is shaped changes as a result of Europe's ageing population and growing labour shortages – the opportunity to shape strong cooperation and partnership may be lost for good. In other words, the rhetoric needs to match the reality.

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