



## **International mobility in a globalising world**

**Paper presented by Jan Niessen at the ACP-EU Joint Parliamentary Assembly  
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Nowadays human mobility involves more countries and people than ever before. Such mobility occurs through temporary migration, return and circular migration, permanent settlement, cultural exchanges, scientific co-operation and international tourism, but also through forced migration and asylum. The movement of people across borders and between countries and continents poses policy challenges of various kinds. They may be summarised as follows: How can policies make migration – a fundamental human right although not defined as such unambiguously in international law – beneficial for all parties concerned, namely the source and destination countries and the individual migrants.

### ***1. Some characteristics of current migratory movements***

150 million people live outside their country of birth or citizenship for longer than one year.<sup>1</sup> Of these, 14 million are refugees, with three million in Africa alone. More broadly, 22 million persons are 'of concern to UNHCR', with six million in Africa, including refugees who recently returned to their countries of citizenship, asylum applicants and stateless persons.<sup>2</sup> The Democratic Republic of Congo, Zambia, Kenya and Côte d'Ivoire experienced a particularly high increase in their refugee population in 2001. In 2000, Angola, Burundi, Eritrea, Sierra Leone, Somalia, and Sudan were among the ten main countries of origin for refugees. In addition to the refugee populations, there are between 20 and 25 million internally displaced persons, with Sudan and Angola as strongly affected countries.

More than half of international migrants lives in developing countries. Migration often occurs within the same continent. In other words, migratory flows between developing countries are bigger than between developed and developing countries. In Sub-Saharan Africa, major host countries for migrants (including refugees) are Côte d'Ivoire, Gabon, Botswana, and South Africa. Major countries of origin are Mali, Burkina Faso, and Lesotho. Some 18 million non-nationals reside in the 15 member states of the EU, with a total population of approximately 375 million persons. The 15 independent Caribbean nations, plus several dependencies, have some of the highest emigration rates in the world. Dominican Republic, Haiti, and Jamaica are major sources of migrants to the USA. Haitians also migrate to the neighbouring Dominican Republic and to the Bahamas. People of Pacific Island ethnicity living abroad were estimated at approximately 400.000 in the mid-1990s, mostly in New Zealand, the US, Australia, and Canada. Out-migration is especially significant for Polynesia and Micronesia. However, Micronesia is also characterised by an inflow of migrant workers.

*(1) The great number of countries affected by and the millions of people involved in international migration call for a global and comprehensive migration regime. International platforms such as the ACP- EU Joint Assembly can be instrumental to the establishment of such a regime.*

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<sup>1</sup> Unless otherwise specified, statistics in this section are taken from IOM, World Migration Report 2000

<sup>2</sup> As of 1 January 2001, [www.unhcr.ch](http://www.unhcr.ch)

- The feminisation of migration

The place of women in today's international migratory flows is changing both quantitatively and qualitatively. Of the 150 million migrants world wide, 47 to 48 percent are now women. The largest numbers of female migrants are found in the countries with the largest overall migration. Qualitatively, women are more likely to migrate independently in search for employment. They relocate as principal wage earners rather than as accompanying family members. There are, however, concerns about vulnerability as women migrants are affected by international labour trafficking and can be concentrated in vulnerable occupations, such as domestic service, "entertainment" (including forced participation in the sex-sector), and nursing.

In sub-Saharan Africa, migration revolved for many decades around male migrants on account of biased employment opportunities, the type of work available and an inequitable provision of education. For instance, there is a history of male-dominated labour migration to South Africa from neighbouring Southern African countries. In recent decades, with increased access to and attainment of higher education and skills training, higher female labour participation rates and more employment opportunities for women, female migration has become a significant phenomenon.<sup>3</sup> Women are potentially powerful agents of development in the region and facilitate the circulation of goods and capital. However, migration policy and law still hinder women's mobility and perpetuate the male bias in migration flows.<sup>4</sup>

*(2) The recognition of women's role in migration needs to be translated into policy. This means improving awareness, ensuring equal access to projects and services, and designing and implementing projects and services specific to migrant women.*

- Skilled and unskilled migrants

Businesses, particularly but not exclusively multinational corporations, press for access to a global labour market for their recruitment of personnel. This pertains to both skilled and unskilled labour.<sup>5</sup> Skilled migrants can broadly be defined as those in possession of a tertiary degree or extensive specialised work experience. They include architects, accountants and financial experts, engineers, technicians, researchers, scientists, chefs, teachers, health professionals, and – increasingly – specialists in information technology (IT, including computing professionals, computing engineers, managers, salespeople, etc.).<sup>6</sup> The ACP region includes both skilled and unskilled flows. Both of these, including the movement of foreign students, are becoming increasingly extra-continental.

Highly skilled professionals who once migrated to traditional destinations in Europe, the US, and the Gulf States of the Middle East are finding South Africa and Botswana viable migration alternatives. South Africa receives skilled professionals from Nigeria, Senegal, Sierra Leone, the DRC, Kenya, and Uganda. These flows are in addition to 'traditional' immigrants from nearby countries such as Mozambique and Lesotho, who are mostly unskilled farm labourers and mine workers. Notwithstanding significant unemployment in

<sup>3</sup> IOM, IOM Migration Policy Framework for Sub-Saharan Africa, 17 November 2000

<sup>4</sup> Southern African Migration Project, <http://www.queensu.ca/samp/>

<sup>5</sup> Susan F. Martin, Remittance Flows and Impact, Conference Paper, May 2001, <http://www.iadb.org/mif/eng/conferences/pdf/susanmartin.pdf>

<sup>6</sup> Steven Vertovec, Transnational Networks and Skilled Labour Migration, WPTC-02 –02, Transnational Communities Programme Working Paper Series, [www.transcomm.ox.ac.uk](http://www.transcomm.ox.ac.uk)

these countries, Côte d'Ivoire, Gabon, Namibia, and Senegal are also notable destinations.<sup>7</sup> Ghana and Nigeria both receive and send migrants. Former migrant-receiving countries like Uganda, Zambia and Zimbabwe are now migrant-sending countries.<sup>8</sup> Interestingly, about 100.000 non-African experts now work in sub-Saharan Africa, a number far greater than at independence and about the same as the number of Africans working in Western Europe and North America. These foreign experts, whose work is tied to development assistance in the region, occupy positions not available to qualified Africans and account for 35 per cent of the region's annual development aid.<sup>9</sup>

*(3) Migration is an issue for almost all ACP, as well as all EU countries. It is important to note that the distinction between source (ACP) and destination (EU) is fading. Both ACP and EU countries are in need of a policy that manages migration and the integration of immigrants.*

## **2. Conceptual issues**

- Forced and voluntary migration

It is not always easy to determine what constitutes "forced migration", nor to distinguish whether a person is forced to leave one's country for political, socio-economic or other pressing and valid reasons. Forced migration can nevertheless be understood to refer to conditions, other than individual choice that induce migration. Although migration is almost always based on individual choices, options are substantially reduced when migration becomes a last resort and an indispensable part of survival strategies. While there are still significant numbers of persons who can be classified as "refugees" (in the 1951 Convention terms), "war refugees" or persons who migrate for (self-) employment reasons, an even greater number of persons are forced to leave their country because of a combination of factors. These factors may include extreme poverty and the lack of possibilities for a dignified life, social deprivation and collapse of the social fabric, political instability and collapse of the political fabric, brutal violations of human rights and dignity as well as generalised violence, ecological degradation and man-made natural disasters.

The ACP region is particularly affected by internal displacement or the forced movement of persons who have not crossed an internationally recognised state border. Half the world's internally displaced persons – more than 9 million - are to be found in Africa. There, the number of refugees crossing borders has decreased since the 1980s, while the number of people displaced within their own country has grown dramatically. In addition to the major displacement crises in Angola and the Sudan, there are the protracted crises in the DRC and Somalia and accelerating crises in Zimbabwe and Nigeria. In Nigeria, close to 400,000 persons fled their homes at the end of 2001. While religious and ethnic clashes have been the major cause of internal displacement, land and boundary disputes as well as oil-related conflict have also played a part. Civilians often become displaced because armed groups are deliberately targeting them, either with the purpose of displacing them in order to loot villages for supplies, to forcibly conscript them as fighters, or for sexual exploitation. In other parts of the ACP area, the Solomon Islands are affected by internal displacement following clashes between the Malaitan and Guadalcanal communities.<sup>10</sup>

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<sup>7</sup> IOM, IOM Migration Policy Framework for Sub-Saharan Africa, 17 November 2000

<sup>8</sup> IOM, World Migration Report, 2000

<sup>9</sup> *ibid.*

<sup>10</sup> Global IDP project, [www.idpproject.org](http://www.idpproject.org)

Most displacement occurs in rural areas and the affected civilians are very often subsistence farmers. It can therefore be difficult to distinguish the ‘voluntarily displaced’ from the forcibly displaced, as rural-to-urban migration is a common survival strategy in developing countries where the largest displaced populations are found. However, rural populations may also be displaced by development projects. Research findings presented by the World Commission on Dams have shown that between 40 and 80 million people have been forced to leave their homes as a result of the construction of large hydroelectric dams alone.<sup>11</sup> Large development projects are often justified by ‘compelling and overriding public interests’, but non-governmental actors question whether the costs are proportionate to potential benefits. Increasingly, the business sector is challenged to play a role in upholding human rights in the countries they operate in, including the prevention of forced displacement. Many companies have adopted mission statements or signed codes of conduct to that effect.

Mixed causes make it difficult to distinguish between different groups of migrants, but such distinctions form the basis for entitlements and access to protection. Under international law, countries have different obligations to different types of migrants. No international legal instrument specifically governs the treatment of internally displaced persons, and the normative principles, institutional arrangements, and enforcement mechanisms applicable to them ‘remain grossly inadequate’<sup>12</sup>. The main international instruments are the 1990 UN Convention on the Rights of all Migrant Workers and Members of their Families (not yet in force), ILO Convention 97 and 143. These Conventions are signed by a disturbingly low number of states.<sup>13</sup> Refugees are protected by the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. The Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention) was signed in 1969 and entered into force in 1974. The OAU Convention includes a broader refugee definition, which can be used for extending protection on a group basis.

*(4) The ACP- EU Joint Parliamentary Assembly should persistently call for the ratification and full implementation of these international instruments.*

- Various forms of mobility and transnational communities

While globalisation is far from being a new phenomenon, it is presently characterised by accelerating and intensifying human mobility involving more economies and people than ever before. Such mobility occurs through temporary migration, permanent settlement, cultural exchanges, scientific co-operation and international tourism.

A survey conducted among 271 leading European companies showed that these companies require an increasingly mobile workforce and already employ 65000 expatriate executives around the globe. In 1997 some 285.000 people migrated to the United Kingdom and some

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<sup>11</sup> Bjorn Pettersson, development-induced displacement: internal affair or international human rights issue?, Forced Migration Review issue 12, February 2002

<sup>12</sup> Roberta Cohen and Francis Deng, Masses in Flight: the Global Crisis of Internal Displacement, Brookings Institution Press 1998

<sup>13</sup> Of the 77 ACP states, seven have ratified the UN Convention, and six have signed it Ratifications: Belize, Cape Verde, Ghana, Guinea, Senegal, Seychelles, and Uganda. Signatures: Burkina Faso, Comoros, Guinea-Bissau, Sao Tome and Principe, Sierra Leone, and Togo. No EU Member State has yet ratified the UN Convention. The ILO Migration for Employment Convention No. 97 was adopted in 1949 and came into force in 1952. It has been ratified by 41 countries. The ILO Migrant Workers Convention No.143 of 1975 has 18 ratifications.

225.000 migrated from that country. For Germany these figures are 840.600 and 746.000 respectively, for the Netherlands 109.800 and 62.000, and for Sweden 44.800 and 38.500. As far as tourism is concerned, the European Union has a leading position in the world when it comes to tourism. It directly employs 9 million people, accounting for at least 5,5% of GDP and 30% of total external trade in services.

Transnational communities comprise 'dense networks across political borders created by immigrants in their quest for economic advancement and social recognition'.<sup>14</sup> Through these networks, an increasing number of people are able to live dual lives. Participants are often bilingual, move easily between different cultures, frequently maintain homes in two countries, and pursue economic, political and cultural interests that require their presence in both. Newer, cheaper, and more efficient modes of communication and transportation allow migrants to maintain transnationally their home-based relationships and interests.<sup>15</sup> Although circular migration has always been present, with migrants living sequentially in the source and receiving country, migrants can now live at one and the same time in two different countries<sup>16</sup>. In the ACP region, Dominican migration exemplifies transnational migration and its practice of maintaining ties to two countries. Dual citizenship has been legal in the Dominican Republic since 1994, and Dominican politicians regularly campaign for votes in New York City.<sup>17</sup>

*(5) The increased mobility and the socio-economic, cultural and scientific interests it represents calls for a policy eliminating obstacles to mobility, which is keeping pace with the elimination of barriers to the movement of goods, services and capital.*

### **3. Policy issues**

- From migration control and restriction to migration management

There is an ongoing shift in debates and political opinion within the EU concerning migration, from a position of limiting the flow of economic migrants and minimising the number of asylum seekers to one which is more concerned with tackling the problems of a shrinking workforce and an ageing population. The admission of immigrants from outside the Union has thus made a comeback on the agenda for a mixture of labour market and demographic reasons. Throughout the nineties, economic factors led governments to leave the backdoor open for almost all categories of (documented or undocumented) immigrants despite publicly declared closed-door or zero immigration policies. However, this non-declared and inconsistent immigration policy led to complicated and non-transparent immigration rules and procedures. In an effort to manage the growing number of undocumented migrants, some governments launched successive legalisation programmes that, in essence, became a form of *de facto* 'post-immigration' policy. Many Member State governments are now reconsidering their position more comprehensively, aware that migration management is needed to harness the benefits of migration and integration.

At the 1999 Tampere Summit, the Member States declared their intention of developing a common EU asylum and immigration policy. In its Communication on A Community

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<sup>14</sup> Alejandro Portes, 'Immigration theory for a new century: Some problems and opportunities,' *International Migration Review* 31: 799-825, 1997

<sup>15</sup> Steven Vertovec, *Transnational Networks and Skilled Labour Migration*

<sup>16</sup> Susan F. Martin, *Remittance Flows and Impact*.

<sup>17</sup> IOM, *World Migration Report*, 2000

Immigration Policy (2000), the European Commission proclaimed the end of zero immigration policies and affirmed that Europe is an immigration area. At the Belgian Presidency's ministerial conference on migration, held in Brussels on 16 and 17 October 2001, the majority of speakers emphasised that immigration *is* a reality in Europe. This acknowledgement, and the consequent support for policies to manage migration positively, marked a sea change in the attitude of European governments.

In Africa, migration management has been discussed under their auspices of subregional economic communities, such as COMESA (Common Market for Eastern and Southern Africa), SADC (Southern African Development Community), ECOWAS (Economic Community of West African States). A number of initiatives to permit the free movement of persons within these communities are under discussion, although the acceptance of such policies is far from universal.<sup>18</sup>

*(6) Voluntary migration requires the establishment of national and international agreements and policies that lead to its effective management. Migration policies must be designed in parallel to, but separately from, refugee policies. Refugee protection must remain firmly based on the humanitarian principles embodied in international convention. In addition, forced migration necessitates socio-economic co-operation.*

- Migration and development

The relation between economic development and migration has been extensively debated in academic circles and in such forums as the UN Population Conference, the Organisation of Economic Co-operation and Development (OECD) and the International Organisation for Migration (IOM). In these debates, the presumed relationship between socio-economic development and reduced or increased migration has not been sufficiently proven. While some studies demonstrate that economic development of migrant-sending countries reduces pressures to emigrate, other analysis project that it is precisely this economic restructuring that spawns increased emigration from the region. Both conclusions may have foundation and are usually based upon specific case studies. In policy debates, they are alternatively used to defend positions either favouring or opposing the linkage of migration and development, usually resulting in no implementation of policy. The two positions may be reconciled by recognising that socio-economic development likely increases voluntary migration and reduces forced migration. Development can alleviate poverty and unemployment, diminishing forced or 'survival migration'.<sup>19</sup> However, development also brings change in social institutions, family relationships and the way of life. People are better equipped to move abroad and will seek opportunities outside if development fails to match their new aspirations. They will be more likely to look for better jobs abroad especially if development does not lead to an upgrading of the economy and the creation of higher-level jobs.

Developing destination and source countries are among the poorest in the world. In-migration puts a heavy burden on these countries and in many cases has a destabilising effect on the receiving societies. Out-migration may under certain circumstances have advantageous effects for the countries of origin. The systematic withdrawal of people from the labour market, however, depletes essential sources of skill and labour in these countries. The drain of human resources has a discernible negative effect on the socio-economic development of these countries, underscoring the extent to which migration is a development issue. The uprooting

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<sup>18</sup> IOM, World Migration Report, 2000

<sup>19</sup> Bimal Ghosh, Migration and Development: Some Selected Issues, IOM, 1997

of millions of people cannot be solved by immigration and asylum policies but require a comprehensive approach to migration and development.

The 1999 Tampere Conclusions advocated such an approach to migration ‘addressing political, human rights and development issues in countries and regions of origin and transit’. Making economic aid contingent upon visa questions and the readmission of irregular migrants is a danger implicit in this approach<sup>20</sup>. However, many Member States acknowledge that development is long-term process and that economic co-operation and aid should not be contingent upon immigration statistics. Therefore, a debate on development and international migration can only take place in a meaningful way within the context of the larger debates on foreign relations and global socio-economic development.

*(7) Migration policies must be linked with foreign policies and, therefore, it is best to take not the interior ministries’ agenda, but the foreign policy agenda as the starting point.*

- Migration of the foreign policy agenda

The European Union and its various structures for co-operation and agreements with non-member countries and regions provide a good platform to translate the debates on development and migration into practical policies<sup>21</sup>. The Cotonou Agreement, made with 77 ACP countries in 2000, includes an article on migration in its Title II ‘The Political Dimension’ (Article 13). It stipulates that ‘The Parties will take account, in the framework of development strategies and national and regional programming, of structural constraints associated with migratory flows with the purpose of supporting the economic and social development of the regions from which migrants originate and of reducing poverty.’ This Assembly last year demanded ‘greater commitment from the EU Member States and the European Commission to promote the social and economic development of poor countries as a means of managing migratory flows, which will persist so long as the prosperity gap remains and increases’.<sup>22</sup>

EU development ministries and development NGOs appear to be reluctant to become engaged in the debate on migration and development. They argue that funds for development programmes are being reduced at the same time that new priorities and responsibilities are being imposed on the development agenda, and that such priorities do not necessarily correspond to the interests of developing countries or migrants. In addition, many development NGOs fear that migration prevention will principally serve to legitimise restrictive immigration policies. Although these are expressions of valid concerns such views, however, narrow the migration debate down to immigration and admission to the European Union.

*(8) Migration must be systematically included in the ongoing ACP-EU debates and migrants themselves - as stakeholders in the development of their country of origin – must be more involved in the formation and implementation of development policies.*<sup>23</sup>

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<sup>20</sup> Jan Niessen, International migration and the foreign policy agenda. In European Journal for Migration and Law (Vol I no 4, 1999).

<sup>21</sup> Jan Niessen and France Mochel, EU foreign relations and international migration (Migration Policy Group and the Churches’ Commission for Migrants in Europe, 1999).

<sup>22</sup> The ACP-EU Joint Parliamentary Assembly meeting in Brussels (Belgium) from 29 October to 1 November 2001, Resolution 1 on migration, ACP-EU 3304/01/fin.

<sup>23</sup> Institute Panos Paris, D’un voyage a l’autre. Des voix de l’immigration pour un développement pluriel (Paris 2001).

- Investment and trade

Investments and subsequent economic development may play a role in reducing migration. Governments of developing countries are being encouraged to create a favourable socio-economic climate in order to attract investors. At the same time transnational companies are increasingly put under pressure to make the respect of socio-economic and civil and political rights a condition for investments in developing countries.

Investors may also be immigrants and ethnic minorities that have maintained their links with their country of origin. Governments of the host countries and countries of origin should take effective measures to make it easier for migrants to invest (micro-credit, training, assistance and advice, relaxing of administrative formalities, fiscal incentives, etc.).

Trade is another central aspect of socio-economic co-operation. Access to the market of the developed countries for products originating from developing countries furthers economic development. Trade liberalisation can thus contribute to reducing migratory pressures.

An example of how to link trade, development and migration by involving the immigrant communities is the French policies of co-development.<sup>24</sup> Stable migrant communities in France are given an official role in helping build up the home country's economy. The French model includes co-development agreements with individual countries that would provide an official structure to help migrants set up businesses in Europe and foster trade relations with their countries. For instance, France and Mali signed a convention with the aim of increasing the impact of remittances from Malians working in France.

*(9) All governments should seek to maximise the pay-off of the involvement of immigrants in the development of their country of origin by fostering investments in projects that can create jobs, stimulate socio-economic development and render migration unnecessary.*

- Remittances

World wide the flow of remittances exceeds \$100 billion per year, with more than 60 percent going to developing countries.<sup>25</sup> Remittances often exceed any other form of trade, investment, or foreign aid available to the source countries of migrants.<sup>26</sup> They are thus an important mechanism for the transfer of resources from developed to developing countries.<sup>27</sup> For instance, remittances from migrants in the USA are a major source of foreign exchange in the Caribbean. In Haiti, remittances account for 17% of the GDP, a volume more than four times the amount of official development assistance.<sup>28</sup> Consumer use of remittances can

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<sup>24</sup> Patrick Weil, Towards a Coherent Policy of Co-Development Cooperative Efforts to Manage Emigration (CEME), May 3, 2001, [migration.ucdavis.edu/ceme/weil\\_1.html](http://migration.ucdavis.edu/ceme/weil_1.html)

<sup>25</sup> Susan F. Martin, Remittance Flows and Impact A more conservative estimate (US\$ 77 billion) was given by the IMF for the year 1997 (quoted in IOM, World Migration Report, 2000).

<sup>26</sup> Remittances in 2000 were greater than total government aid to developing countries and larger than all the foreign direct investment by US companies in emerging markets. Source: [www.jubilee2000.uk](http://www.jubilee2000.uk), May 2001

<sup>27</sup> Net transfers to developing countries rose from US\$ 21 billion in 1980 to nearly 31 billion in 1989. The latter figure was almost two-thirds the value of official development assistance in 1988 (US\$ 51 billion). Source: Sharon Stanton Russell, "Migrant Remittances and Development," *International Migration*, Vol. XXX, No. 3/4, 1992

<sup>28</sup> In the Dominican Republic, remittances account for 10.0% of GDP (more than eleven times the amount of official development aid). In Jamaica, remittances make up 11.7% of GDP, an amount almost thirty-five times



stimulate growth if spent locally. However, governments in both EU and ACP countries have been looking for ways in which remittances that can be more effectively targeted at economic development. Transferred remittances can be invested in education, agriculture and the creation of small business as well as being used for private ends. As immigrants and subsequent generations become settled, their relationship with the country of origin undergoes changes. Remittances usually diminish and are often terminated. However, persons with an immigrant background may continue to be involved in the development of their country of (distant) origin. Among them are private investors, managers and other personnel of international companies and staff working for governmental and non-governmental development agencies.<sup>29</sup>

*(10) Governments should eliminate barriers for the transfers of remittances and seek to maximise the productive use of remittances.*

- Brain drain and brain gain

‘Brain drain’ has been a major concern of ACP countries. While they may be happy to have their unskilled workers emigrate and send remittances, they would like to keep their skilled migrants in the economy. High skilled emigration, by reducing human capital in source countries, may indeed hinder economic growth. As all economies become more reliant on knowledge, the loss of the best-trained workers poses threats to national productivity and output. In the case of Fiji, it has been argued that the exodus of nurses, doctors, engineers, teachers and managers in both public and private sectors has meant that basic services including health care, public utilities such as water supply and education are unsatisfactory and in danger of collapse.<sup>30</sup> While individual migrants often benefit, emigration can also lead to ‘brain waste’, where the highly skilled migrate but their skills are not adequately utilised in destination countries.

The way source countries are affected by high skill emigration varies. African countries have lost more of their tertiary educated than have Asian countries. Where brain drain has adverse impacts it occurs on a country-by-country basis, and even within an occupation-by-occupation basis. The loss of Jamaican nurses is a challenge for that country to deal with, but the loss of Filipino nurses is part of the Philippines’ strategy to export labour. In fact, the Philippines has followed a policy that could be termed “over-production” of the educated. Producing far more professionals than can be currently absorbed by the economy, the Philippines expects a significant amount of emigration of its skilled population. The prospect of working abroad for higher wages and better conditions is a stimulus to pursue higher education that increases the number of domestic students beyond what it might otherwise have been.

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greater than the amount of official development assistance. Source: Multilateral Investment Fund and Inter-American Development Bank, Remittances to Latin America and the Caribbean: Comparative Statistics, Conference paper, May 2001, <http://www.iadb.org/mif/eng/conferences/pdf/Comparativeremittan.pdf>

<sup>29</sup> Policy Recommendations for EU Migration Policies, A joint document of 10 European and American migration experts, edited by Jan Niessen (Brussels, October 2001), [www.gmfus.org](http://www.gmfus.org) or [www.kbs-frb.be](http://www.kbs-frb.be)

<sup>30</sup> Vijay Naidu and Ellie Vasta, Introduction, in Asia Pacific Migration Research Network, Current Trends in South Pacific Migration, Working Paper no. 7, edited by Vijay Naidu, Ellie Vasta and Kerry Lyon, 2001.

The South African case highlights the complexities of the ‘brain drain’ debate. A comparison of South African statistics with those of the five major recipient countries of South African emigrants – the United Kingdom, Canada, the United States, New Zealand and Australia found that there is even significant official underestimation of the extent of South Africa’s brain drain. African men have the highest emigration potential, followed by white men, African women and white women.<sup>31</sup> The cumulative loss of skills through the brain drain has had an adverse impact on the South African economy. A restrictive immigration policy has exacerbated these effects. South African immigration law effectively excludes skilled foreign workers, which makes it difficult to replenish the supply of these workers needed in South Africa. South African immigration policy has become extremely restrictive since 1994. Immigration numbers are at an all-time low, even as emigration accelerates. However, admitting trained foreign workers may be the only effective way to offset the lack of newly educated South Africans or the out-migration of South Africans to Britain and elsewhere.

There is also an assumption that once South Africans emigrate, they are lost to their country and its development; that the “brain drain” represents a permanent loss of skills. This is not necessarily true, particularly if there are mechanisms in place for South Africa to tap into the skills of its diasporic population.<sup>32</sup> The SANSa project is an example of mobilisation in a diasporic network.<sup>33</sup> The network links skilled people living abroad who wish to make a contribution to South Africa’s economic and social development and connects them with local experts and projects. Similarly, the Jamaican Overseas Department maintains a jobs and skills data-bank to help in identifying expatriate Jamaican professionals with key knowledge and skills for employment or consultancies in Jamaica.<sup>34</sup>

*(11) Besides involving the diaspora in development and implementing strategies to promote return and circulation, governments’ efforts may be directed towards retention of skilled workers. This does not only concern the economic sphere but also the social sphere.<sup>35</sup>*

- Return and circular migration

There is a view that forced migration is distinguished from voluntary migration by the original absence of a desire or motivation to leave the place of residence, and that the forced migrant is more oriented toward retention or re-establishment of past conditions than is the voluntary migrant.<sup>36</sup> However, voluntary migrants may also wish to return or to benefit from circular migration with mobility between the host country and their country of origin.

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<sup>31</sup> Southern African Migration Project, Gender and the Brain Drain from South Africa, Migration Policy Series No. 23, 2002

<sup>32</sup> Counting Brains: Measuring Emigration From South Africa, Southern African Migration Project, Migration Policy Brief No. 5, 2001, <http://www.queensu.ca/samp/publications/policybriefs/brief5.pdf>

<sup>33</sup> South African Network of Skills Abroad, <http://sansa.nrf.ac.za/>

<sup>34</sup> <http://www.mfaft.gov.jm/jod/index.htm>. There is evidence of at least 41 e-based expatriate networks that were founded in the 1990s. Source: B. Lindsay Lowell and Allan M. Findlay, Migration of Highly Skilled Persons from Developing Countries: Impact and Policy Responses, final draft synthesis report prepared for the ILO, August 2001, p.12

<sup>35</sup> A survey has shown that reducing the threat of crime is the single most important factor that would encourage skilled South Africans of both genders and all races to see a future for themselves and their children in South Africa. The researchers conclude that ‘it is in the social sphere of security, education and health care that the solution to the loss of core skills to the economy must be sought’ Southern African Migration Project, Gender and the Brain Drain from South Africa.

<sup>36</sup> International Association for the Study of Forced Migration (IASFM), mission statement, <http://141.13.240.13/~ba6ef3/iasfm/mission.htm>

In the European Union, France and Germany have been at the forefront of developing assistance programs supporting voluntary return. These programmes can include 'integration packages' consisting of the transportation of the individual and his/her family, his/her personal effects, an insurance scheme, etc. In an African context, IOM's assisted return programme for Qualified Nationals (RQN) was in operation for sixteen years. It has now ended due to lack of support from the EU as its primary donor. Return programmes can be expensive and difficult to implement, and many have not been particularly successful in encouraging large-scale or sustained return. They can also lead to tensions with non-migrating persons, particularly if financial incentives are offered to the returnees. The irreversible nature of the return agreements that were offered by some European countries also made them less attractive to migrants.

Destination countries, in co-operation with countries of origin, should develop policies that promote circulation of highly skilled migrants. When migrants return, either permanently or temporarily, or when they set up networks between their home and destination institutions, they are very likely to foster the transfer of technology. All categories of migrants could benefit from circulation. Seasonal migrants could have renewable visas that would allow them to work for a certain period of time several consecutive years in the host country on the condition that they return home after each working season. This would lessen the motivation for illegal migration.<sup>37</sup> Retirees could be granted a permanent visa to circulate, guaranteeing them continued access to medical assistance in the host country.

Regional co-operation can encourage circulation in a South-South context. For instance, the Migration Dialogue for Southern Africa, meeting on 8 March 2002 under the auspices of the IOM, brought together officials from 14 SADC countries to develop strategies to manage labour migration in the context of an integrated regional labour market. Technical workshops will follow to discuss labour migration regimes and technical co-operation on migration.

Return is helped by a positive perception of the domestic economy. A steady improvement in income and employment over a number of years has encouraged return flows of expatriate nationals, including many skilled and professional personnel, to countries like Singapore, Malaysia, and more recently Korea and Chile. South Korea, in particular, has implemented a long-term policy to reconnect expatriates with those in the country. However, this kind of policy will not work if the science and technology sector of the source country is not developed enough.

Return, circulation and the education of source country nationals are closely connected. The Cotonou agreement recognises this by stipulating that 'the Community shall support, through national and regional Co-operation programmes, the training of ACP nationals in their country of origin, in another ACP country or in a Member State of the European Union. As regards training in a Member State, the Parties shall ensure that such action is geared towards the vocational integration of ACP nationals in their countries of origin.'<sup>38</sup> It is likely that the Directive concerning the conditions of entry and residence of third country nationals for the purposes of study or vocational training (to be proposed by the Commission in April 2002) will contain provisions aiming to facilitate the mobility of students that have been trained in a Member State of the European Union between their state of origin and the EU, in particular in order to enable them to follow vocational training.

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<sup>37</sup> Patrick Weil, *Towards a Coherent Policy of Co-Development Cooperative Efforts to Manage Emigration (CEME)*, May 3, 2001, [migration.ucdavis.edu/ceme/weil\\_1.html](http://migration.ucdavis.edu/ceme/weil_1.html)

<sup>38</sup> Article 13 par. 4.3.

At the global level, the General Agreement on Trade in Services (GATS) mode 4 includes provisions for the mobility and facilitated circulation of skilled workers to provide services. In the negotiations, it was the developing countries that pushed for the inclusion of Mode 4. Their expectations have not been fulfilled, however, as Western countries' commitments to liberalise cover only selected sectors and place numerous conditions on the qualifications and the scope of activity of admissible workers. In this way, GATS applies restrictions to activities in which developing countries are competitive.<sup>39</sup> Developing countries seek to broaden the definitions used under Mode 4, as well as making it less dependent on transnational companies and international recruitment agencies.<sup>40</sup>

*(12) ACP and EU countries should develop flexible return policies, which do not exclude re-entry into the host country. Circular migration for the purposes of study or employment should be encouraged in the framework of regional or global agreements.*

- Readmission

Effective migration management requires the capacity to curb unauthorised flows of migrants and set realistic policies for the return of migrants no longer authorised to remain.<sup>41</sup> However, it is important to stress that premature return into post-conflict situations is problematic, as countries are ill equipped to support reintegration.

The question of the repatriation of ACP nationals unlawfully resident in Europe was a flashpoint in the Cotonou negotiations. Immigration, like conflict, was introduced as a completely new aspect of the partnership.<sup>42</sup> The Union pushed for a clause under which an ACP State through which a non-national had made an unlawful entry into the Union would be required to allow him or her re-entry. This was along the lines of the EU standard clause formulated at the end of 2001, which pertains not only to citizens of the co-operating states but also to citizens of third countries and to stateless persons. Agreement was finally reached on a framework agreement, which provides a basis for negotiated bilateral agreements with each ACP state. As pointed out at the Joint Assembly's 2000 meeting, readmission agreements can be problematic. They should include clauses to abolish the practice of expelling second-generation immigrants to the country of origin of their parents (double jeopardy). However, it must also be said that for instance in South Africa, unauthorised migrants remain unprotected under the law. Expulsion is immediate.<sup>43</sup>

*(13) Readmission agreements should reflect better the interests of the source and destination countries and include clauses that protect the rights of the individuals concerned.*

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<sup>39</sup> MPG and Institute for the Study of International Migration (Georgetown University), Report of the Transatlantic Roundtable on High-Skilled Migration and Sending Countries Issues, November 19-20, 2001. For e report of this meeting: [www.migpolgroup.com](http://www.migpolgroup.com), under the news section.

<sup>40</sup> Allan M. Findlay, A development policy perspective on the General Agreement on Trade in Services in relations to temporary skilled migration, report to the ILO, October 2001. The papers suggests that 'at present only the Philippines and Thailand make highly significant financial gains from the trade in services under GATS' (p.2).

<sup>41</sup> IOM World Migration Report 2000, p. 45

<sup>42</sup> The political dimension of the new ACP-EU partnership, by Sophie da Câmara Santa Clara Gomes, ECDPM programme spokesperson, European Centre for Development Policy Management [http://europa.eu.int/comm/development/publicat/courier/courier\\_181/en/en\\_010\\_ni.pdf](http://europa.eu.int/comm/development/publicat/courier/courier_181/en/en_010_ni.pdf)

<sup>43</sup> IOM, World Migration Report 2000

- Immigrant integration: equality, anti-racism and diversity

Economies profit from migration and mobility and societies benefit from the diversity that is the result of migration. Companies can profit from migrants' understanding of several cultures in order to explore new markets or to market products in developing countries. When the value of diversity is fully recognised, it becomes common sense to treat immigrants equally. This can foster a sense of belonging on the part of the immigrant who feels that he or she is not seen as an economic burden, but rather, as a contributing member of the wider society whose presence is needed and accepted. Family reunion may strengthen immigrants' links with the receiving society. Visa policies could facilitate visits by family members living in countries of origin. Permanent residence permits would enable immigrants to regularly visit their country of origin for short or extended stays. These measures would put immigrants on a par with EU nationals and promote equal treatment, which is a cornerstone of integration policies. They would provide immigrants with equal rights and equal access to the labour market, working and living conditions, education, health and other services. Equal treatment is a major instrument to bring about justice and to promote solidarity among the various groups in society. Racial and ethnic discrimination prevents immigrants and persons with immigrant backgrounds from participating fully and on an equal basis in society, and deprives society of the benefits of the skills and aptitudes of everyone in its population.<sup>44</sup>

The involvement of civil society and non-state actors is vital for the formulation and implementation of an effective and legitimate immigration policy. Chapter 5 ('Participatory Approach') of the Cotonou Agreement envisages the consultation of non-governmental actors and their involvement in the implementation of programmes and projects. In a resolution, the Joint Assembly regretted 'that there is still insufficient definition of how the dialogue between those parties to the Agreement and the representatives of civil society will be developed'. It urged 'the ACP-EU partners to lay down promptly the practical arrangements that will enable civil society to be involved in various fields, and at various stages, of co-operation, including planning'<sup>45</sup>. Migration is an area in which such involvement is particularly essential.

*(14) Destination countries should develop active integration policies for immigrants and safeguard equal treatment. Broadening the possibilities for return and circular migration should not preclude the integration of immigrants who settle permanently. Policies should recognise the benefits of diversity in the economic and social spheres and involve non-state actors and immigrants.*

#### **4. Some conclusions**

Migration constitutes a sensitive issue in the relationship between the ACP countries and the European Union. The ACP countries are pressing for better protection of the rights of their nationals who are living and working in the member states of the European Union. Cotonou indeed offers less protection than the Association and Co-operation Agreements concluded with Mediterranean countries. The European Union is currently mainly interested in combating irregular migration and readmission.

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<sup>44</sup> Policy Recommendations for EU Migration Policies, October 2001

<sup>45</sup> Resolution on the future of the ACP-EU relations, adopted by the ACP-EU Joint Assembly on 23 March 2000 at its 30<sup>th</sup> session in Abuja (Nigeria). ACP-EU 2880/A/00/fin

In order to do justice to all the issues involved in international mobility, the debates within the ACP - EU should be broadened. They should address other issues as well including:

- the positive and negative effects of international migration in terms of socio-economic development
- the contribution of immigrants to the development of their country of origin
- the tackling of root causes of forced migration, migratory movements between ACP states
- the adoption of policies that manage migration and the integration of immigrants.

Migration policies should facilitate movement. If the general trend is to liberalise trade and the movement of goods, capital and services, it becomes increasingly difficult to defend the exclusion of persons or their (voluntary) migration. Foreign aid also remains a significant element of development policy. In recent years, this aid has come under strain as a result of alleged donor fatigue and the expressed need to use development funds for emergency relief. The presence of large immigrant and ethnic minority populations from developing countries within EU member states could, however, help to revitalise interest in development programmes. In addition, there are good examples of the active involvement of immigrants and ethnic minorities in supporting development projects in their countries of origin. Developed countries should recognise that advice to developing countries by highly paid consultants may not be as effective as policies that promote return skilled migration and employ developing country workers.<sup>46</sup>

Developing countries should address the reasons for the emigration of high skilled workers, including issues of security, human rights and democracy. Improved socio-economic development and increased opportunities can give people a reason to stay and raise average human capital. While education and training may actually increase skilled migration in the short-to-medium term, it is the best means of addressing developing country skill shortages over the long run.<sup>47</sup> Return and circulation of migrants can improve communications, knowledge transfer, and investment. To date, most expatriate networks are autonomously founded, and there may be a role for the expanded involvement of both ACP and EU governments.

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<sup>46</sup> B. Lindsay Lowell and Allan M. Findlay, *Migration of Highly Skilled Persons from Developing Countries: Impact and Policy Responses*, p.10

<sup>47</sup> *ibid.*