



GLOPEM - MA in GLOBAL POLITICS AND EURO-MEDITERRANEAN RELATIONS
Department of Political and Social Sciences, University of Catania
Course on 'Migration and Development'

MIGRATION, ECONOMIC AND SOCIAL DEVELOPMENT

A Students' Handbook

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Foreword

Although migration broke in international studies and course books about 20 years ago,¹ probably migration studies as an academic discipline are still not well established in academic institutions of higher learning but the gap is being rapidly bridged in a synergy between such disciplines as development economics, sociology, anthropology, political science, international relations, law and, last but not least, journalism. This trend will help to avoid a silo approach when studying such a multifaceted phenomenon as migration.

In recent years, students of the class on Migration and Development at the Master Course on Global Politics and Euro-Mediterranean Relations - GLOPEM - have asked whether manuals or handbooks could be used. Indeed, there are such publications, edited and written by leading scholars. The problem is that not only they can be voluminous, and not very affordable by students, but some of the topics that they cover need to be updated every year in such areas as flows of migrants and refugees, remittances, legal developments, multilateral and bilateral agreements. For this reason, the *Handbook on Migration, Economic and Social Development* is based on an elaboration of my classes, my professional experience at FAO and IOM and, typically, on a literature review, albeit far from being exhaustive. Remarkably, however, the handbook includes a good number of contributions from GLOPEM students. The intention is to update and review the handbook regularly, with new data from international sources and students' research papers.

Some topics escape from the review such as crisis management, a more thorough review of the European asylum system which will be the bone of contention of the next EU negotiations. Other topics not covered refer to the free circulation of foreign workers within the EU, security concerns, integration and human rights, subjects about which GLOPEM has considerable expertise to offer in the various classes.

¹ Fulvio Attinà, TACKLING THE MIGRANT WAVE: EU AS A SOURCE AND A MANAGER OF CRISIS, *Revista Española de Derecho Internacional*, Sección ESTUDIOS, Vol. 70/2, Julio-Diciembre 2018

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Introduction

In times when anti-immigration sentiments are running high in destination countries, too often migration is regarded as a problem, be it humanitarian, political, economic or of a national security nature. Indeed, the end of the 19th century was characterized by larger waves of migratory flows than today, for example from Europe to the Americas. Destination countries in North and South America, although in dire need for workforce, have experienced in their history anti-immigration waves. The St. Louis ship set sail from Hamburg to Cuba on May 13, 1939 carrying almost 1,000 passengers, most of them Jewish refugees seeking asylum from persecution but because of the anti-immigration laws passed at that time, the refugees were denied disembark in Cuba, then in United States and Canada. The ship was obliged to return to Europe, where a few countries accepted some of the refugees but many of them were later on caught in Nazi roundups in the occupied countries of Europe and approximately a quarter were killed in death camps.

More recently, migration has become a highly sensitive issue in national politics and international relations. The juggernaut of over a million Syrians fleeing the country in 2015 and migrants' arrivals to the southern shores of Europe and from the Balkans has been wreaking havoc in European politics thereafter. To use another sea reference, although not as tragic as the St. Louis, nowadays ships with crews from non-governmental organizations are part of a polarized debate on the provision of asylum. In June 2019, Carola Rackete, the 31-year-old German captain of the Sea-Watch 3 vessel, decided not to hand over to the Libyan coast guard a rubber dinghy that was drifting, directionless, with 53 migrants on board. In the previous weeks, the Italian government had banned all rescue ships bearing migrants from docking at its ports. Carola Rackete, after two weeks in international waters, decided to guide the ship into the port of the Lampedusa Island the night of 29 June. In doing so the ship trapped an Italian police patrol boat against the quay and she was confined to home detention for a few days. The case highlighted an existing and rising polarization of the public opinion, with 52% of Italians who thought migrants were a burden on their country according to Pew Research Center in March of the same year.

Take for example the importance of migration in the debate on Brexit in 2016 and in the last two US presidential elections, or the progressive importance of migratory issues in the European political discourse both at the national and the EU level. In 2021, the EU member states will have to discuss the September 2020 proposal of the Commission for a new holistic Compact on Migration and Asylum. However, and if COVID is brought to a manageable level, the EU states will presumably be ensnared in discussions on the reform of the Dublin system which foresees that the first country of entry has to process requests for asylum. A serious discussion on a more encompassing management of migration (refugees and economic migrants), as proposed by the EU Commission, might be postponed.

"Refugees are fine, we will welcome them... but economic migrants will be helped at home, in their country of origin." Several statements in this sense are being made by European leaders belonging to the entire political spectrum. Other leaders go to the extent of saying: "Refugees are my brothers but the others have to stay home." This type of reasoning simply does not reckon the fact that the number of economic migrants is much higher than refugees. Two

thirds of all international migrants are labour migrants. Economic migrants are, therefore, the elephant in the room that most leaders apparently do not see in their political narration.

The course at GLOPEM is mainly about migration, economic and social development. This handbook is therefore topically organized to provide a reference text. During the course of the next 13 chapters I will try to parse, recalling leading scholars' analyses and with the aid of GLOPEM students' contributions, how the multiple facets of migration can lead to consider it either as a threat or an opportunity depending on the observation point, the political sensitivities and the instrumentalisation that is made of it, often unabashedly.

Part I is titled: Trends, Theories and Types of migration.

Chapter 1 examines statistics, misconceptions about invasions of migrants from Africa, economic theories on migration including push and pull factors and investment-insurance-aspirational motivations. It also illustrates concepts of migration humps that imply that as incomes rise in poor countries there will be an initial increase of migration as well. Furthermore, the analysis will be on remittances, the sheer amount of which (some US\$ 508 billion in 2020 and a projected US\$ 470 billion in 2021) demands attention on their potential for development. Other issues covered are how new digital currencies, mobile money transfer applications, electronic wallets and social media may be used not only to transfer funds but to foresee and monitor migrants' movements.

Chapter 2 illustrates how climate change and environmental degradation affect migration and may have multiplier effect although they are not the sole drivers of migration. The key terms will be sudden-onset catastrophes (tropical storms, heavy rains, floods and droughts, transboundary pest diseases), and slow-onset catastrophes (longer-term drying trends, salinization, rising sea levels and competition over natural resources). The chapter will also cover such issues as internal-international migration, voluntary or forced, temporary or permanent migration, legal protection.

Chapter 3 is about Diasporas, their transactional role and the social remittances which is a wide concept that encapsulates ideas, practices, mind-sets, world views, new values and attitudes, norms of behavior and social capital (knowledge, experience and expertise acquired). Ways to use such remittances for development purposes and integration in the destination countries will be examined.

Chapter 4 is on the political economy of migration. Alternative views on migration will be illustrated, like the "We need them" approach in opposition to the "We cannot absorb them" or the third view, "Migrants are needed but not welcomed," based on demography, population ageing, selective or benign neglect labour policies towards migrants.

Chapter 5 delves into Co-development, the concepts of circular and return migration. Various approaches will be discussed, such as the Free market (Anglo-Saxon) one, the Bancarization or Banking the unbanked migrants (Spanish) approach and the (French-Italian) one aiming at supporting, both financially and technically, the investment of part of migrants' remittances. The

related government policies to promote an environment conducive to such investments will also be parsed.

Chapter 6 is about circular migration, seasonal workers schemes, temporary migrants' quotas, their pros and cons, lessons to be drawn. Seasonal migration responds to the infinite motivations of human beings. They can range from earning money in order to ensure household food security to the Malian youths who are migrating seasonally to the Ivory Coast to work in the cocoa and coffee plantations and, upon their return, buy the *Jakarta* scooters which are status symbols among young Africans. Issues of exploitation of foreign workers, the so called "*Uberization*" of agricultural temporary foreign workforces, who are recruited through contractors in Europe as well as in other parts of the world, are mentioned.

Chapter 7 covers trafficking and smuggling of migrants, the extent of this phenomenon, the legal and operational issues, who controls the controllers, the joint ventures between traffickers and security forces, trafficking in persons during humanitarian crisis.

Chapter 8 focuses on the media representation of migration and the different ways in which migration is framed in destination as well as in origin countries. The analysis includes the terms employed, for example the stereotypical use of disaster or threat metaphors by political parties, how and when migration is seen as a threat or, rather, as an opportunity at both ends of migration. The focus will be on Sub-Saharan Africa's media, a macro-region of importance for migration particularly for Europe.

Part 2 is titled: The Building of Europe's Vallum, echoing the huge earthwork associated with the Hadrian's Wall during the first half of the second century in Britain, which run practically from coast to coast to the south of the wall.

Fair to say, scholars have used less highfalutin metaphors like "the Fencing of Europe, an effort based on pressures on the Sub-Sahara governments to approve national legislation to curb migration and trafficking of migrants. In addition, it is based on physical and electronic surveillance equipment made available to Sub-Sahara countries. For example, *ROBORDER* is a nine million euro programme to develop an autonomous border surveillance system with unmanned mobile robots including aerial, water surface, underwater and ground vehicles. The problem is that the chinks in the above armor can be so numerous that they might not deter seasonal waves of migrants or refugees. Today's Libya is one of such fissures in the protection, tomorrow it can be Tunisia, Egypt or Morocco, not to mention the fact that migration takes place through multiple channels like study and touristic visa overstays, etc.

In the course of the four chapters of this part of the handbook, the central question will be whether the present attempts at externalizing Europe's southern borders, pushing them further south through the building of a gigantic political and surveillance wall in the Sahel against migrants, will be sufficient in the short term. If not, it may rather trigger off further instability and new migration flows in the medium term.

Chapter 9 is about readmissions and returns of migrants in the origin countries and the legal aspects and commitments between the parties. The key terms will be *non-refoulement* (*push backs*), fair and transparent procedures, legal limbo, voluntary departure, basic rights pending

removal, proportionality of coercive measures for removal, entry bans, minimum safeguards for detainees.

Chapter 10 is a narration of the long tale of the EU-African, Caribbean, Pacific states agreements from the Yaoundé to the Cotonou Conventions and the evolution of the European Union approach to migration. A review will also be made of the operational tools that have been designed over the last decades regarding cooperation on migration between the EU and third parties like, for example, the recent Comprehensive Partnerships Agreements.

Chapter 11 focuses first on the international governance of migration, namely the two United Nations Compacts on Migration and on Refugees respectively, adopted in 2018. The salient aspects of the UN Compact on Migration, recalling scholars' view on their (pre)- soft law nature and the level of implementation to date will be illustrated. The chapter will then move on to a categorization of the EU approaches to migration. In particular, the concepts of liquid versus solid borders, the historical phases of EU management of inflows of migrants and the evolution towards an increasingly more "securitarian" approach to migration in the EU (and worldwide) will be illustrated based on leading scholars' analysis.

Chapter 12 leads the reader to the present situation and the turning point that might be represented by the EC Commission Communication of September 2020 proposing to its member states a New Compact on Migration and Asylum. The chapter is devoted to negotiations within the EU and with third countries, often characterized by the bartering of issuance of more visas with trade and aid concessions. The list of key terms in this chapter is rather long: swift return procedure, reinforced external borders, root causes' of migration, negotiations on visas, containment of migration, Fortress Europe, the Multiannual Financial Framework 2020-2027 which confirms the increasing focus on the provision of capacity building and border control equipment. To be fair and in addition to criticism from observers, the political difficulties of the European Commission in dealing with EU member states (and their public opinions) and its very commendable efforts to develop new thinking on migration will be dutifully acknowledged.

Chapter 13, finally, delves into labor needs and job mismatches in Europe and whether migration policies, with Development Aid support, can address them. For example, through Skill Mobility Partnerships. Such schemes have "Away" tracks to train students and semi-skilled workers who are willing to work abroad, in a developed country, permanently or temporarily, and "Home" tracks for students to be trained to work in related jobs inside the country of origin. In terms of refocusing development aid, suggestions from distinguished scholars will be recalled. The question will be asked whether, since Aid cannot deter migration according to some of them, it would rather be better to use funds to try to alter migration flows, establishing safe, lawful and mutually beneficial channels for labor mobility. At the end of this chapter I draw a list of recommendations or, if I may say so, seven metaphorical pillars of wisdom.

Each chapter has a summary and a list of key terms. Seven annexes will cover more in detail technical topics like empirical methods to estimate formal and informal remittances, Article 13 of the Post Cotonou Agreement under negotiation between the EU and the ACP states, which refers

to the hot topic of readmissions and is “the bone of contention.” Other annexes delve into the legal nature of the UN Compact on safe and orderly migration, legal issues of return and visa agreements.

Part I: Trends, Theories and Types of migration

Chapter 1 Migration and economic Development

Definitions

The 1998 United Nations recommendation on this subject defines a migrant as any person who changes his or her country of usual residence.² Thus, international migration includes movements of many kinds, such as people leaving their country of origin as economic migrants, refugees and family members of migrants. More recently, in 2019, according to the UN International organization for Migration-IOM “Migrant is considered as an umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally-defined, such as smuggled migrants, as well as those whose status or means of movement are not specifically defined under international law, such as international students.”³ As we will see, other definitions try to capture new awareness about, for example, environmental migration.

Thus, at the international level no universally accepted definition for “migrant” exists. The above definition was developed by IOM for its own purposes and it was not meant to imply or create any new legal category. For the students of this course, based on Philip Martin’s seminal work, international migrants are defined as “persons living outside their country of birth for at least a year.”⁴

The broad category of Development, which is the background against migration is considered, is generally defined as a process of improving the overall quality of life of a group of people, and in particular expanding the range of opportunities open to them. This definition is broader than the traditional notions of development that primarily concern economic growth and associated statistics like gross domestic product (GDP), gross national income (GNI), and incomes of individuals and families. It is for this reason that the Handbook examines also such issues as economic and social remittances, circular migration.

Flows and Stocks of migrants

Stocks

These terms are regularly quoted in the literature and in the media and a definition is worth to be provided before entering the subject matter. A flow shows change during a period of

² International Organization for Migration, Glossary on migration, IML Series No. 34, 2019

³ Ibid

⁴ Prof. Martin is an award-winning author whose research focuses on the impacts of migrant workers on labour markets in destination countries, the effects of emigration and remittances on sending countries as well as and the recruitment business that moves workers over borders. His most recent book is *Managing Merchants of Labour: Recruiters and International Labour Migration* (Oxford, 2017).

time whereas a stock indicates the quantity of a variable at a given point in time. Thus, for example, wealth is a stock since it can be measured at a given point in time, but income is a flow because it can be measured over a period of time, say a year. The stock of international migrants was some 280.6 million in 2020.⁵ When dealing with statistics about flows and stocks of migrants, a first important notion is that a much larger figure, about 700 million people, are internal-regional migrants.

Two thirds of all international migrants are labour migrants. Mainly responsible for the relative increase in the last decades international migration is the global rise in conflict and violence. Between 1993 and 2019 the number of globally displaced more than tripled from 21.4 million to 79.5 million; the number of internally displaced increased by more than ten times from 4.2 million to 45.7 million. Internal conflicts lead to the largest numbers of displacement. In 2019, 68% of all refugees worldwide came from five countries in protracted and multi-faceted conflict situations: Syria, Venezuela, Afghanistan, South Sudan and Myanmar.⁶

The global number of international migrants has grown faster than the world's population. Consequently, the share of international migrants in the total world population has increased from 2.8 per cent in the year 2000 to 3.5 per cent in 2019. However, it is fair to say that despite the increase in absolute numbers, the share of international migrants in proportion to the world's population has remained relatively stable between 1970 and 2019 at around 2.2 to 3.5 per cent.⁷

Misconceptions about migration regions

There are a number of misconceptions about African migration. First, most African migrants are not crossing oceans, but rather crossing land borders within Africa; second, 94 per cent of African migration across oceans takes on a regular form (legal or visa overstays); and, third, most global migrants are not African. Africa accounts for 14 per cent of the global migrant population, compared, for example, to 41 per cent from Asia and 24 per cent from Europe.

In 2019, Asia hosted 31 per cent of the world's 272 million international migrants, followed by Europe (30%), Northern America (22%), Africa (10%), Latin America and the Caribbean (4%) and Oceania (3%). Currently, international migrants comprise 2 per cent of the total population in Africa, compared with 3.5 per cent for the world as a whole. The share of international migrants in the total population is significantly higher in Oceania (21.2%), Northern America (16%) and Europe (11%), but lower in both Asia and Latin America and the Caribbean (1.8% each).⁸

⁵ IOM data portal

⁶ *ibid*

⁷ UNDESA 2020

⁸ IOM Africa Migration report 2020

The United Nations Department of Economic and Social, launched in 2019 a number of key messages:

Most of the world's migrants live in a relatively small number of countries. In 2019, two thirds of all international migrants were living in just 20 countries. The largest number of international migrants (51 million) resided in the United States of America, equal to about 19 per cent of the world's total. Germany and Saudi Arabia hosted the second and third largest numbers of migrants worldwide (around 13 million each), followed by the Russian Federation (12 million) and the United Kingdom (10 million).

Most international migrants move between countries located within the same region. The majority of international migrants in sub-Saharan Africa (89 per cent), Eastern and South-Eastern Asia (83 per cent), Latin America and the Caribbean (73 per cent), and Central and Southern Asia (63 per cent), originated from another country in the same region where they resided. By contrast, most of the international migrants that lived in Northern America (98 per cent), Oceania (88 per cent) and Northern Africa and Western Asia (59 per cent) were born in a region other than the one in which they were residing.⁹

One-third of all international migrants originate in only ten countries. In 2019, India was the leading country of origin of international migrants, with 17.5 million persons living abroad. Migrants from Mexico constituted the second largest "diaspora" (11.8 million), followed by China (10.7 million), the Russian Federation (10.5 million) and the Syrian Arab Republic (8.2 million).

In 2019, women comprise slightly less than half of all international migrants. The share of women in the total number of international migrants fell from 49.3 per cent in 2000 to 47.9 per cent in 2019. The share of migrant women was highest in Northern America (51.8 per cent) and Europe (51.4 per cent), and lowest in sub-Saharan Africa (47.5 per cent), and Northern Africa and Western Asia (35.5 per cent).

One out of every seven international migrants are below the age of 20 years. In 2019, 38 million international migrants, equivalent to 14 per cent of global migrant population, were under 20 years of age. Sub-Saharan Africa hosted the highest proportion of young persons among all international migrants (27 per cent), followed by Latin America and the Caribbean, and Northern Africa and Western Asia (about 22 per cent each).

Three out of every four international migrants are of working age (20-64 years). In 2019, 202 million international migrants, equivalent to 74 per cent of the global migrant population, were between the ages of 20 and 64. More than three quarters of international migrants were of working age in Eastern and South-Eastern Asia, Europe and Northern America. We will see the implications of working age for Europe in Chapter 4 when discussing alternative views on migration.

⁹ UNDESA cit

In conclusion, in terms of destination of international migrants, **35 per cent move from South to North, while 37 per cent are South to South migrants and 28 per cent represent North to North and North to South migrants.**¹⁰

Against the above backdrop, are the numbers sufficient to justify fears of invasion in destination countries? Other questions to be asked are whether they represent manageable flows. Furthermore, should migration be encouraged at certain conditions or just contained? These seem to be the alternatives in the current debate as we will see throughout this handbook, together with in-between positions. Before reviewing these alternative views in the next chapters, let's take a cursory look at historical trends.

Historical trends

1870 to 1910

Current statistics tell us that labour mobility remains fairly restricted by current policies and is low by historical trends and they tend to challenge the perception that we currently live in a period of very high migration. A look at the past can help us in putting migration into perspective.¹¹ The late nineteenth century was indeed a period of mass migration. Take for example the 1870 to 1910 period. The immigration annual net rate was 12 migrants per 1,000 residents in Argentina and it was 7 immigrants per 1,000 residents in Canada and Australia, and 4 per 1,000 in the USA. Regarding emigration, the rate was 11 per 1,000 inhabitants in Ireland, 9 per 1,000 in Italy, and between 2 and 5 per 1,000 for Norway, Sweden, Denmark and Great Britain.

1910-1950

In 1910, almost 15 % of the population in the USA was foreign-born whilst nowadays foreign born Americans are just above 10 % of the total population. One can conclude that as a share of the world population, the nineteenth century was a period of higher international mobility than the twentieth century. The black and white pictures, the movies and documentaries of the early 1900 give a good idea of the mass movements of that historical period.

Between 1914 and 1950, migration flows slowed down significantly due to the First and Second World Wars, and the ensuing Great Depression that ravaged the world. Europe started being a net recipient of migrants in the 1960s, but its rate remained fairly low – just a little above 2 immigrants per thousand inhabitants. Important to know, labour mobility has remained heavily restricted when compared with the international movement of goods and capital that represent the salient aspects of globalization that took place at the turn of the 20th century.

Present trends

As mentioned before, present trends tell us that the proportion of the world's population who migrate overseas – is around 3.5 per cent and has been relatively stable since 1970. Certainly, the migrants that arrive to Europe today meet a Europe very much different from the one the migrants met in the past decades. In post-World War Two, the economies of Western Europe

¹⁰ IOM data Portal

¹¹ Livi Bacci, Limes, July 2016

welcomed foreign labour force from countries like Turkey, Morocco and Algeria. In the 1970s, west European governments turned towards restricting immigration to curb the effects of the world market crisis on the national markets. In the 1990s, irregular migration towards Europe increased enormously after the political change of the Central-Eastern Europe countries and after the effect of the global trends on the economies of the Third world countries.¹²

In recent times the absolute number of people abroad has increased and more people are on the move today but, compared to any point in history, the flows are characterized by greater circularity; in addition, there are multiple origins and destinations, which is making this phenomenon a megatrend of the twenty-first century. As it will be seen in the various chapter of the handbook, new industries related to migration have appeared and they will be linked to demography. In 2050 Nigeria alone might have more people than Europe which should see its population decrease from 500 million to 340 million people. Africa as a whole might have a population of 2.5 billion people while now 1 billion people live there.

A quick overview of the evolution of economic theories related to labour migration.¹³

In a nutshell, for those students who have not had yet courses on economics, the Classical Theory, associated with Arthur Lewis,¹⁴ proposed a development model of a dualistic economy, consisting of rural-agricultural and urban-manufacturing sectors. According to this theory, initially the majority of labour is employed on the land. Labour is a variable resource and, as more labour is put to work on the land, diminishing marginal returns¹⁵ lead to reduced marginal product (output produced by an additional worker) and underemployment.

On the other hand, urban workers, engaged in manufacturing, tend to produce a higher value of output than their agricultural counterparts. The resultant higher urban wages might therefore push surplus agricultural workers to migrate to cities and engage in manufacturing activity. In turn, high urban profits would encourage firms to expand and hence result in further rural-urban migration. The Lewis model is a model of structural change since it describes the development from a traditional economy to an industrialized one.

The Neo Classical theory, which believes that the customer is ultimately the driver of market forces, i.e. price and demand, explained migration based on sectorial wage differentials at origin and

¹² Fulvio Attinà, Fulvio Attinà, TACKLING THE MIGRANT WAVE: EU AS A SOURCE AND A MANAGER OF CRISIS, Revista Española de Derecho Internacional Sección ESTUDIOS Vol. 70/2, julio-diciembre 2018

¹³ For a thorough Literature review on labor migration see Edward Taylor, The New Economics of Labour Migration and the Role of Remittances in the Migration Process, International Migration, Volume 37 (1) – Mar 1, 1999. More recently, Binford 2000, Haas 2007

¹⁴ In 1954, Arthur Lewis, Nobel laureate in economics, published a paper, 'Economic Development with unlimited supplies of labour' (The Manchester School), which has since become one of the most frequently cited publications by modern economists

¹⁵ The law of diminishing marginal returns states that in any production process, adding one more production unit while keeping the others constant will cause the overall output to decrease. It is also called "the law of increasing costs" because adding one more production unit diminishes the marginal returns, and the average cost of production inevitably increases. However, over longer periods of time, it is virtually inevitable that other factors of production will also change in one way or another.

destination. Already during the 70s of the 20th century, other authors like Todaro, an American economist and a pioneer in the field of development economics,¹⁶ focused on labour-market imperfections. In this view, migration is a function of both wage differentials and the probability of employment at origins and destinations.

The problem with all these views is the persistence of migration even when there is high and increasing urban unemployment. In other words, migration from poorer to richer areas has taken place even during economic downturns. Furthermore, it has been observed that even remittances do not decrease much during slowdowns of the economies in the receiving countries. This persistence of migration even when there is high unemployment, for example in a country like Italy and Spain, is due to the omission, in the above theories, of other influences, besides expected income, that shape potential migrants' decisions and their potential impacts on rural economies.

So, when does migration occur? According to other economic thinking, in particular the New Economics of Labour Migration –NELM–,¹⁷ migrating is based on decisions made by the families at large. It is common, while listening to broadcasts or reading articles on migrants trying to cross the Mediterranean or moving from Mexico to the USA, to hear that each migrant was the product of family and relatives' decision to put together the resources to allow one member, normally the younger ones but not only, to start an often dangerous journey. The cost of such journeys may initially be of some euro 2.500-3,000 and might end up, with the ransoms to be paid to kidnappers during the odyssey from Sub-Saharan Africa to Libya and then to Europe, to over US\$ or Euro 20,000.

The NELM focuses on households, families and market imperfections. Individual migration decision is made jointly with household members to face missing or incomplete capital and insurance markets. The rationale is that later on migrants will have to repay this investment, once they have established themselves in a new country. Important to note, remittances sent home by migrants were totally absent from previous models while the NELM considers them as a crucial reason for migrating. As we will see in further paragraphs, there are other aspects to be considered. Some authors, for example, see migration as an investment, an insurance and as a result of cultural aspirations. In general, the NELM has been greeted by observers and scholars with different views:

- **The optimistic view** considers that migration reduces poverty by shifting population to urban sectors and external economies, therefore from low to high income sectors (industry, services). Remittances produce flows of financial and other resources that will be spent by families, hometown associations, and community projects in the country of origin.
- The **Pessimistic** view, on the contrary, highlights the negative fact that migrants take productive capital - including human capital - with them when they move. Moreover,

¹⁶ Michael P. Todaro, *Internal Migration in Developing Countries: A Review of Theory, Evidence, Methodology and Research Priorities* (International Labour Office, 1976)

¹⁷ See Edward Taylor, *The New Economics of Labour Migration and the Role of Remittances in the Migration Process*, *International Migration*, Volume 37 (1) – Mar 1, 1999

migrants' families do not spend the moneys sent to them by the migrants on products from the poor, they rather prefer to buy such imported goods as refrigerators, cars, (luxury goods) and build houses. This view therefore focuses on the negative aspect of a dependency on remittances by the economy of the country of origin of the migrants. As we will see in the sections referring to remittances, this is true but one has to consider also the positive developmental impact of the flow of financial resources.

As we realized in FAO in a study conducted on 15 migration countries and following scholars' analysis,¹⁸ migration is more than remittances:

- It reallocates household labour associated with productive activities. For example, women will take up jobs that were made by men before migration.
- It contributes to changes in rural and urban wages. In fact, a shortage of labour in a migration prone region in a given country might require better conditions to be given the remaining labour force.
- Migration enhances non-farm activities. Garages, internet points, agricultural services companies are set up by migrants' families at home. Therefore, migration contributes to investment and capital formation (both human and physical) in the rural areas.
- As it will be seen in the chapter regarding social remittances, migration is now altering the traditional social structure for example the role of women in ways and means that are substantial, beyond the fact of managing funds sent home by the migrants, and they have a new role in society.
- Finally, migration can carry with itself the danger of brain drain, depleting the human capital of the country of origin when not only unskilled labour migrates but also nurses, doctors, technicians who go overseas for better jobs.

When does migration occur?

The theories mentioned above and current descriptions of migration quote the so called push factors, namely poverty and unemployment, and the pull factors which include the possibility of finding jobs and obtaining higher wages. Another factor influencing migratory flows is Demography.¹⁹ By 2050 population will increase more in 170 poorer countries

- In Sub Sahara Africa the present population, 1, 2 billion (16% world population) will grow to 2, 5 billion (25% of the total).
- In Europe, including UK and other non EU countries, the population will move from 743 million, now 10% world population, down to 7% of the total population of the planet. At present, demographers tell us that In Europe there are 1.3 children per woman while in Africa 5 children are born from a woman on average.

¹⁸ Taylor, A Rapid Situation Assessment of Migration and Remittances and their Impact on Food Security, Agriculture and Rural Development, 2015

¹⁹ UN Statistics Division 2020

Among other push-pull factors that are commonly indicated, economic inequalities, the highest in history, need also to be mentioned. Newspapers, magazines, social media, UN organizations and nongovernmental organizations regularly depict the increasingly striking aspects of economic inequalities.²⁰ For example,

- 1% of families has 46% of global wealth (US\$ 110.000 billion)
- 9 % of the world population receives 50 % of global income
- Since 1970, taxation on richest diminished in 29 countries out of 30. In other words, the richest earn more and pay less.

Finally, Climate Change is certainly not a minor factor contributing to migration. The direct nexus between change in the conditions of the planet and migration is difficult to prove, but we would all agree to include it among the push factor. Chapter 2 of this handbook is dedicated to Climate Change related migration.

Where do migrants come from? The Migration Hump and the Migration Band: It takes money to migrate

The pioneering work of Philip Martin²¹ indicated that the poorest countries, those in the range of US\$ 0-1,500 per capita income, can only produce refugees because they are able only to move internally or from one country to the next one when famines, disasters and unbearable economic conditions oblige people to do so. As mentioned earlier, migrating overseas takes money. Martin observed that it is the countries in the so called “migration band”, where per capita income is US\$ 1,500-8,000, that produce economic migration. Conversely, when this hump in the slope is reached migration starts decreasing. In Martin’s statistical analyses, richer countries, where per capita income is higher than US\$ 8,000, do not produce significant migration.

More recently, Clemens and Postel,²² two authors whose seminal work will be illustrated in various chapters of this handbook, showed through regression analysis that in 67 out of the 71 countries that during the last 50 years graduated from poor to middle income status migration did increase substantially. The data also confirmed that migration from middle-income countries is usually much higher than from poor countries: in particular, those countries having US\$ 8,000-10,000 per capita annually (the so-called Middle Income Countries) produce three times more migrants than countries earning \$2,000 or less. This tells us that when economic development allows countries to move from low to middle income level it typically raises migration rather than deter it. In the example I made earlier, it is expensive to migrate, the cost may range from US\$ 2,000 to 20,000, if the cost of paying ransoms by the families of migrants held in private detention camps in transit countries is considered. This is an amount that warrants the efforts of an entire

²⁰ See Jeffrey Sachs, *The Age of Sustainable Development*, Columbia University press, 2015 and the annual OXFAM reports on this subject

²¹ Philip L. Martin has written scholarly articles since 1980s on the Migration Hump and Migration Band (US\$ 1,500-8,000)

²² Michael A. Clemens, Center for Global Development and IZA; Hannah M. Postel, Princeton University, *Deterring Emigration with Foreign Aid: An Overview of Evidence from Low-Income Countries*, CGD Policy Paper 119 February 2018.

family or village and that is why the New Economics of Labour Migration –NELM-²³ provides more tools to understand economic migration. This notion will be helpful when, in the last chapter, I examine the actions that are suggested to address and manage migratory flows in ways that are beneficial to both the origin and receiving countries.

In their works, Clemens and Postel also suggest new motives for migration that can complement the push-pull and other factors mentioned in the theories of the past. In particular, they say that people migrate as an investment to send money that will be used to cover living expenses at home and to support income generating activities by members of the family. This is consistent with the NELM theory that defines migration as a decision made at household level. Studies in recent years by IFAD, World Bank, IOM, FAO, show that 80-90 % of remittances are spent on consumption (food, education, health) and the remaining resources are used for savings and or investment. According to Clemens and Postel, people also migrate as an insurance for future emergencies and shocks that in developing countries are more devastating since welfare and insurance systems are weak. Last and really not least, among the reasons behind the decision to migrate that should not be underestimated, especially for young people, may be aspirations. As development proceeds, human capital accumulates, connections to international networks increase and fertility shifts. Thus, aspirations rise and credit constraints are eased. Young people want to see other countries. There is also to consider, with the increase in available income, the greater ability to invest in things that both inspire and facilitate migration such as Internet access, movies, TV, language skills, overseas business connections, and overseas tourism. Youths want to see the world. All of these changes tend to raise emigration.

As a digression and as it will be discussed in the chapter on trafficking and smuggling, recent developments in Sub-Saharan African countries show that the current migration curbing measures imposed to governments in the countries of origin as a condition to receive aid from the EU, combined with the increased danger of migration routes across the Mediterranean and the economic crisis in their countries, are currently pushing increasing numbers of desperate youths to join jihadist groups in several Sahel countries.

The Migration rhetoric

The take aways in the work of Clemens and Postel are important:

- today's poorest countries, if they continued to grow at their historical rate of growth (over the last 24 years), would only reach the migration hump of US\$ 10,000 in the year **2198**
- There is no unanimity, anyway, that development aid is really effective in ensuring a sustained economic development
- However, even if development aid could systematically raise their economic **growth by one percentage point** every year—more than a doubling of the historical rate, the US\$10,000 level would be reached in the year **2097**
- And even if aid could raise growth by two percentage points—a tripling—not so much in view, it would take until the year **2067**.

²³ Taylor cit

The above estimates do raise a number of issues that will be addressed in the final chapters of the handbook. First, from the above figures it is clear that migration will continue to be a salient part of international relations for the years to come, when many poor countries, hopefully, graduate from low to a middle income status. Second, today's rhetoric in Europe popular among many politicians, is "let's help them at home" or "let's address the root causes of migration," i.e. underdevelopment. The question is whether those politicians who are proposing this approach, often used to justify measures to simply contrast economic migrants' arrivals in Europe, are aware of the above caveats. In other words, are they aware that helping poor countries to become middle income countries (if successful) will take a long time before migratory flows start decreasing when economic development proceeds? In other words, are the "let's help them at home" supporters aware that migrants flows will initially increase before they reach the US\$10,000 income level and that in any case it will be far away? Clearly, it is a rhetorical question, they are not. The problem is that migration is addressed as a short term problem, the focus of present migration policies is to stop, or pretend to, flows of migrants just in time for the next elections. In the final chapter we will discuss how development aid could rather be used to manage and alter migratory flows, to ensure a better governance of migratory flows in the short and medium term. I have not mentioned on purpose a far reaching view, aware of the John Maynard Keynes' say that *in the long term we will all be dead*.

Remittances

The discourse on migration inevitably leads to economic remittances, the moneys that migrants send home once they manage to settle in the destination country and find more or less stable employment. Migrants' remittances are "a Manna from Heaven for Mali". So begins the National Migration Strategy Paper of this country, a cross road of migratory flows in sub-Saharan Africa. The document further says that the vision is to make migration a development tool and a way to bring the country out of extreme poverty.²⁴ Other countries all over the world are following Mali's example and are preparing national migration strategies, for example Ghana, Nigeria, Senegal, Bangladesh, Philippines, while destination countries are trying to equip themselves with migration containment strategies. These seem to be rather conflicting approaches, aren't they? The reason is that in some countries, remittances represent almost 40% of the GDP and in over 25 countries they represent more than 10 per cent of the GDP.²⁵

Remittances have been resilient, until recent times, to economic down turns.

- 2014: US\$ 534 billion;
- 2015: US\$ 440 Billion
- 2016: US\$ 459 billion
- 2017: US\$ 479 billion
- 2018: US\$ 528 Billion

²⁴ Maurizio Malogioglio, Evaluation des mécanismes mis en place au Mali depuis 2011 sur comment réduire les coûts des transferts de fonds 2016, EU-CP IOM Action, 2016

²⁵ World Bank

In 2019, global remittances to low and middle income developing countries (LMICs) were US\$ 549 billion, larger than foreign direct investment (FDI) flows, US\$ 534 billion and overseas development assistance (ODA), around US\$ 166 billion. Furthermore, the gap between remittances and FDI is expected to widen further as the decline in FDI in developing countries is expected to be sharper.

In 2021, remittance flows to LMICs are expected to decline by over 14% according to the KNOMAD report of December 2020.²⁶ "The decline is based on the trajectory of economic activities in many major migrant-hosting countries, especially the United States, European countries, and the Gulf Council countries affected by the COVID pandemic. In practice, remittance flows to low and middle income countries (LMICs), are expected to register a decline to **US\$ 470 billion in 2021**. The projected decline in remittances will be the steepest in recent history, certainly steeper than the decline (less than 5 percent) recorded during the global recession of 2009. FDI flows to developing countries have steadily declined since 2013 (with the exception of 2018), and they could remain below pre-pandemic levels through 2021."

The World Bank projects a decline of remittance flows in 2020 across all regions: Europe and Central Asia (-16%); Sub-Saharan Africa (-8.8%), South Asia (-4%), the Middle East and North Africa (-8%), Latin America and the Caribbean (-0.2%), and East Asia and the Pacific (-10.5%).

In 2019, in current USD, the top five remittance recipient countries were India (83.1 billion), China (68.4 billion), Mexico (38.5 billion), the Philippines (35.2 billion), and the Arab Republic of Egypt (26.8 billion). In relative terms, the top 5 countries which received the highest remittances as a share of gross domestic product (GDP) in 2019 were: Tonga (37.6% of GDP), Haiti (37.1%), South Sudan (34.1%), the Kyrgyz Republic (29.2%), and Tajikistan (28.2%).²⁷

Characteristics of remittances

Empirical studies have shown that migration and remittances have great potential to reduce poverty: "on average, a 10% increase in the share of international migrants in a country's population will lead to a 2.1% decline in the share of people living on less than \$1.00 per person per day. A similar 10% increase in per capita official international remittances will lead, on average, to a 3.5% decline in the share of people living in poverty."²⁸ FAO work in 15 countries showed that both migration and remittances had a positive impact on the reduction of poverty and in increase food security.²⁹ Remittances have a positive impact on household livelihoods, and a significant percentage of remittances are used on poverty-related items or basic needs: food, clothes, housing, utilities and medicine (health).

In a study on one rural area, Taylor³⁰ illustrated the direct and indirect effects of international remittances on one Mexican village. He found that international remittances

²⁶ World Bank, The Global Knowledge Partnership on Migration and Development (KNOMAD)

²⁷ IOM Data Portal 2021

²⁸ Adams, Page, 2005

²⁹ Malogioglio, FAO, Study on the impact of remittances in 15 countries in Africa, Asia and Latin America, 2011

³⁰ Taylor, A Rapid Situation Assessment of Migration and Remittances and their Impact on Food Security, Agriculture and Rural Development, 2015

generated a multiplier effect of 1.6 which means that a remittance of US\$1 million dollars would raise the village's value-added output by US\$ 1.6 million dollars. However, when disaggregated by income group, the author found that most of effects of remittances go to large- and small-landholding households; landless households gained relatively little from the multiplier effects of remittances. As I will mention in the chapter on co-development, in such cases governments can intervene, for example by promoting long lease schemes of land. Cooperatives of migrants may receive rights to use communal land (unused at that time). Such groups commit themselves to farm the land for 30 and more years. Accompanying measures such as credit, fiscal and custom duty exemptions for the cooperatives may be provided.³¹

Furthermore, Taylor found that in the short-term, a 10 percent increase in returns from international migration lead to a 5 percent increase in rural wages and a 52 percent marginal increase in investment in education. In the long-term, a similar 10 percent increase in the returns from international migration lead to only a slight, 1 percent increase in rural wages and large marginal increases in investment in education (52 percent) and housing (15 percent).

Finally, using household survey data from China, Taylor et al. (2003) observed that migration and remittances may have contradictory effects on rural household income. On the one hand, when a migrant leaves a household, he observed that crop yields fall and crop income declines by about 33 percent. However, the remittances sent home by the migrant have a positive, countervailing effect on household income. In other words, with the receipt of remittances, rural households tend to purchase more inputs and to substitute capital for labor. Taking into account all of these various effects, participating in migration increased per capita household income in rural China, for those left behind, by between 16 and 43 percent.³²

A central question is how to harness the full potential of remittances for development. The issues can be summarized as follows: First, the transfer of remittances is still very costly to migrants. Second, the vast majority of remittance flows (80-90 percent) at destination are spent on primary needs while a much smaller part (10-20 percent) goes to formal/informal savings and investments principally in rural areas (including off farm activities). Third, remittances sent back are often not invested in agriculture, for example, to buy agricultural inputs or small investments but are rather used to engage in petty trading, small economic activities. Fourth, another important characteristic of remittances commonly observed is that actual transfers take place in small amounts, in other words euro 50-100 per month, to large numbers of people, thus engendering a "capital fragmentation". The capital is not enough to make investments. In order to address the above challenges, their investment in economic development activities, by nudging migrants to join forces and establish cooperatives, has to be promoted. The issue of investing remittances will be covered in Chapter 5, Co-development.

³¹ FAO, Study on the impact of remittances in 15 countries in Africa, Asia and Latin America, cit

³² Taylor et alia, Migration, remittances, and children's high school attendance: The case of rural China, International Journal of Educational Development

Making the transfer of remittances more cost effective in order to free resources for investment and development at home

Imagine that a migrant has managed to have a more or less regular job in his new country and is now sending home every month euro 100 to help his family or to invest in an economic activity also in view of his future return at home and that when he/she makes his transfer through Western Union or any other Money transfer Operator (MTO) he has to pay 10-20 euros for the transaction fee. With 10 euro a migrant's household in Africa may buy food for more than a week. The way remittances are sent does matter to him and his family. It is only fair to see how, although it involves a lot of technicalities.

Official versus informal remittances

The USD 549 billion remittances sent home in 2019 through official channels (Money Transfer Operators and banks) represent about three times total development aid and are, as we have seen in the previous paragraphs, more than foreign direct investment in developing countries. However, the World Bank, IMF and IFAD estimate that remittances sent through informal channels may underestimate the flows by 40-50 per cent. In other words, remittances to LMICs could actually be as much as US\$ one trillion and may be more. Annex 1 of the handbook examines the methods to make estimates about such informal remittances flows that, for example, I discussed in 2019 with the monetary authorities of Cameroon, Gabon and Rwanda.³³ Basically, it is proposed to combine remittances figures officially recorded in the balance of payments with figures obtained through field surveys (e.g. number of active workers multiplied by average transfers and other data to be indicated in questionnaires filled during interviews). Such an approach can give an estimate of possible differences between what is recorded in the balance of payments and the actual total transfers. Finally, a qualitative analysis of supply and demand factors for remittance services (e.g. banking products offered to migrants) will allow triangulation with balance of payments remittances data and field surveys on remittances.

Sending money at home still costs too much. Crucial is the way remittances are transferred to the countries of origin. Globally, according to the World Bank in the third quarter of 2020, the average costs of sending USD 200 to LMICs remained high at 6.8 per cent, well above the target of 3 per cent of the Sustainable Development Goal 10.c.1. Among the regions, Sub-Saharan Africa remains the most expensive place in the world to send money to, with an average cost at about 8.5 per cent; South Asia had the lowest average remittance costs at 5 per cent. The average remittance costs from the remaining regions were: Europe and Central Asia (6.5%); East Asia and Pacific (7.1%); Middle East and North Africa (7.5%); and Latin America and the Caribbean (5.8%).³⁴ Cutting prices by at least 5 percentage points could save up to \$16 billion a year.³⁵ However, there might regional be corridors, like in Southern Africa, where the cost of sending remittances are double digit figures.³⁶

³³ Maurizio Malogioglio, *Panorama des transferts de fonds dans les pays de la CEEAC*, 2019

³⁴ Ibid

³⁵ Knomad, cit

³⁶ Remittances Prices worldwide , September 2020 (WB group)

It is intuitive that the above economic disadvantages promote the use of such informal and untraceable money transfer tools as the Hawala and Hundi system³⁷ to quote the most widespread and known examples. We will see in the chapter on co-development that it is important for remittances receiving countries to make these funds come to the surface and be channelled through formal channels. For example, having a bank account for a migrant's household may imply the possibility of using remittances as collateral for loans. In the following paragraphs, I delve into the ways and means to make the transfer of remittances less expensive, in line with the Agenda 2030 for Sustainable development Goal of reducing it to 3% of the amount sent. To this end, workers' identity cards are being delivered by migrants' consular offices in destination countries, for example in the USA but also in Asian countries, where biometric data may be stored. Such cards may help the opening of accounts and therefore their financial inclusion.³⁸

Monopolies imposed by the Money Transfer Operators- MTOs: The Exclusivity Clauses

There is now a better awareness by government officials and other stakeholders that practices in the area of price setting for remittances transfers need to be monitored. National and international regulatory and administrative measures in the area of transparency of contracts between money transfers and their clients are necessary. A first issue is that in a given country a large number of sub-agents are working for MTOs in urban and rural areas (retail merchants, small shops, gas stations who are sub-agents of Money gram, for example). Their activities need to be monitored also for internal revenues purposes. In fact, large volumes of funds traded by MTOs through the myriads of their sub-agents, not to mention those by the informal traders, escape the fiscal systems of countries that still receive large inflows of remittances.

Another issue is the practical monopoly that money transfer operators manage to obtain in the country where they operate. In practice, what happens is that at the national level an MTO needs to associate itself to local banks which are the only institutions licenced to operate financial transactions to the public. Thus, the MTO is, in principle, a sub-agent of the bank. In reality, it is the MTOs which imposes an exclusivity clause in the contracts with the mandated bank. Such a clause obliges the bank to work only with that particular MTO. This creates a *de facto* monopoly or cartel of a few MTOs operating with banks in a given country. In other words, if in a Sub-Saharan country there are 12 banks, until recently only two or three MTOs used to share among themselves the licences in the remittances business associated with those banks. This is the main cause of high costs incurred by migrants who need to transfer badly needed and painfully earned funds to their families at home.

³⁷ With *Hawala* (in African and Arab countries) and *Hundi* (in Asian countries) money is transferred via a network of *Hawala* brokers, or *Hawaladars*: a migrant deposits money with a broker in the country of residence, normally a merchant, who contacts a broker in the country of origin. E-mails, Sms are exchanged and passwords provided. Small fees (1-2% of the total transferred) are charged as compared to banks and money operators.

³⁸ The Malaysia-Indonesia Remittance Corridor Making Formal Transfers the Best Option for Women and Undocumented Migrants, 2008

Thus, administrative-regulatory measure may be the first step to be undertaken in order to break such monopolies. Mali in 2011, and Senegal earlier on, with a simple administrative circular from the the Banque Centrale des Pays de l'Afrique de l'Ouest – BCEAO- requested banks and MTOs to abandon this exclusivity clause practice. As a result, there was a rapid decrease of costs of remittances. In spite of that, however, in recent years one could observe in Mali, a country where I have been doing research for the International Organization for Migration, a convergence in the fees that MTOs charge, at a level of around 4.75% of the amount of the amount of money that a migrant's relative was cashing in Bamako. Even higher costs to the migrants were observed in the rural areas. This means that MTOs and banks were still aligning themselves in terms of the rates that they were charging, but were competing, albeit timidly, in other services offered to migrants, for example mortgage loans, health and corpses' repatriation insurances. The latter is not of a minor importance since in case of deaths migrants' Diasporas abroad normally cover these costs if migrants' families have no adequate resources.

Transparency of remittances contracts

There is another administrative action that governments in both remittances sending and receiving countries may use to favor competition among operators, namely to enforce a better transparency in the contracts and conditions offered for the transactions. For example, it happens quite often that if a migrant wants to send Euro 100 from Europe to Niger the MTO will first change that amount into US dollar, charging to the client an exchange rate fee, and then from dollars into FCFA, the currency of West Africa, charging another fee without telling the migrant. This needs to be avoided. Another transparency measure needed is that costs for remittances transfers should be indicated in percentage. In other words, if I want to send money I need to know clearly if the MTO asks me to pay 5, 6 per cent. Instead, such costs are indicated by range, for example up to the equivalent of US\$ 100, 300, 1,000 and above. The information provided to the migrant clients in the contracts is so opaque that people living in rural areas, with low degree of (financial) literacy, have problems in understanding and comparing prices between MTOs.

Below is an example of such a fuzzy description of the price that a Malian sending money from France, Spain or from West Africa will pay to a MTO³⁹:

Fig.1

Sociétés de transferts d'argent		
Western Union France-Mali⁴⁰		Withdrawal cost
Pallier	Francs RCA	Francs CFA
60.000		3.214
200.000		10,429
400.000		13.053
600.000		16.333
Money gram France-Mali		
Pallier		Withdrawal cost

39 Maurizio Malogioglio , Evaluation des mécanismes mis en place au Mali depuis 2011 sur comment réduire les coûts des transferts de fonds 2016, EU-CP IOM Action , 2016

40 Payement en ligne website.

60.000	2.951
200.000	9.183
400.000	19.022
600.000	21.646

In other words, the customer does not know the percentage he has to pay and does not know whether he is paying twice an exchange rate fee. In conclusion, MTOs have a vast array of tools to charge migrants excessive fees, enjoy quasi monopoly status and enormous profits. Interesting to note, if one tries to talk to a Western Union executive in a national branch, he has to face a curtain of discretion even secretiveness about where the headquarters in the country are. Western Union and other MTO's small kiosks can be found at street corners in migrants' origin countries, but talking to managers is difficult. Sometimes it is even difficult to know if and where there is a regional headquarters in a given continent. Local monetary authorities know such things but, as in many other areas, lobbying activities often impede the transparency needed. During my field missions for IOM, managing to talk to a Western Money Office Manager has required *intelligence* efforts and convincing also government officials to provide information about them.

Impact of mobile telephone companies on the price of transferring remittances

Naturally, the new technologies that are boggling minds these days are also influencing heavily both migratory flows and the remittances market.⁴¹ Regarding the first, it is by now well known that migrants' traffickers and migrants themselves know which routes are opening at a certain moment, while a kind of cat-and-mouse game is played with security authorities in transit and destination countries. In this connection, Facebook is used by traffickers to offer their services but also by migrants to tell their families and friends which part of the journey is safer, where to try to get transport, where it is possibly to land, which frontiers are less controlled both at home and in the elected destination country.

Remarkably, a recent IOM report explains that Big Data extracted from social media are already being used to forecast migration. "Many EU countries are currently heavily investing in new ways to forecast migration. Relatively large numbers of asylum seekers in 2014, 2015 and 2016 strained the capacity of many EU governments. Ten out of the twenty-two EU governments surveyed in a recent study said they make use of forecasting methods, many using open source data for "early warning and risk analysis" purposes. Migrants may use the internet to prepare for a journey, or at any point during the journey. This means that search data may be a potentially effective way of gaining insight on migration plans and patterns. [...] Several studies have explored the use of Google Trends for predicting migration flows. With over 2.71 billion users around the globe, Facebook remains the most-widely used social media platform around the world. Facebook data have been used to monitor stocks of migrants globally. Facebook data have been used to monitor stocks of migrants globally, and have successfully anticipated the increase of Venezuelan migrants and refugees in Colombia and Spain. [...] it was found that a 1-percent increase in networks is associated with a 0.7 percent increase in bilateral migrant stocks across all available countries

41 In *The Age of Surveillance Capitalism*, a 2019 non-fiction book, Shoshana Zuboff looked at the development of digital companies like Google and Amazon, and suggested that their business models represent a new form of capitalist accumulation that she calls "surveillance capitalism", based on the behavioral surplus of personal information that each user unwittingly provides to such companies.

pairs.”⁴² Incidentally, as it is by now well-known search trends are used to profile Google and other media users and eventually influence their behaviors.

Technology is also influencing remittances heavily. A telephone company like Orange Mobile, for example, at the time of a study I conducted in Mali in 2016 was offering the possibility to transfer remittances between Ivory Coast, Senegal and Mali, which is an important corridor of the so called South-South Migration, at a cost between 2 and 3.5 per cent for each amount transferred, well below the fees of 9-10 per cent paid by migrants those days. This was due to the fact that the internal pricing of a company working in three countries belonging to the FCFA-UEMOA region (i.e. a monetary union), with no exchange rate transactions involved, allowed for important cost reductions. Because of the widespread diffusion of mobile telephones, the entry of telephone companies represented a major change in cost reduction strategies for remittances. In Mali, for example, Orange Mobile had more than 10 million subscribers and MaliTel 8.92 million⁴³ out of a population of 18 million. The quantum leap in reducing costs is represented by the fact that today important telephone companies, as well as other type of companies, have entered the remittances market worldwide and in the future the cost of remittance should be addressed positively.

These may look at extremely complicated and technical matters. However, they do matter to people and governments, if you allow me the play on words. The fact is that, because of the potential outreach of telephone and tech companies, governments’ policies are necessary to regulate the mobile telephone sector to avoid the distortions. For example, the so called *Street Bankers* problem. When one of the myriads of small kiosks of a telephone company placed at the crossroads of cities like Bamako, Abidjan, Niamey, Lagos or Addis Ababa, is visited by the relative of a migrant abroad, the teller can pay him, after presentation of a code sent by a SMS, even the equivalent of several thousand Euros. The Kiosk teller normally does not have these amounts but goes to a retailer merchant, a shop or gas station and borrows the money. All this excludes and weakens the local banking systems, not to speak of the risk of money laundering and financing of illegal activities, like smuggling, terrorism. Amounts being traded by street kiosks might need to be capped, making sure that such restrictions are not too high on the prevailing situation in the country.

42 Jasper Tjaden, Andres Arau, Muertizha Nuermaimaiti, Imge Cetin, Eduardo Acostamadiedo, Marzia Rango, Using “Big Data” to forecast migration, IOM 27 January 2021

43 L’ORTM et l’avenir de la télédiffusion numérique et de l’Internet au Mali



One concept should be clear: The sheer amount of remittances calls for a continuing attention on how to diminish the cost of sending money home and on how to include in the national financial circuits the moneys sent. This is not of a minor importance. To the amount of US\$ 550 billion sent in 2019 and 471 billion estimated for 2021 we should add the unknown amount of informal remittances which is 40-50 % higher than the official flows, i.e. through banks, money transfer operators. As I said, the issue with informal transfers made by migrants back home through the Hawala and Hundi systems is that they cannot be used as collateral for obtaining loans from banks, and can sometimes be used for illegal purposes, money laundering, terrorism. Therefore, it is important that governments promote legal channels for the transfer of remittances and such channels have to be appealing to the migrants, namely they have to be effective, fast and cheap. Western Union and other MTOs so far can offer only the first two conditions.

Mobile money transfer applications, eWallets (electronic wallets) and smartphones

“eWallets” services have been quite popular in developed countries like the US for almost the last 20 years. However, they have slowly started to gain popularity in the developing countries which although are one or two decades behind in terms of the IT infrastructure they are catching up rapidly in a few areas, like the use of smartphones. Smartphones are important for a person in Europe as well as for someone living in a Sub-Sahara Africa country. However, it won’t be wrong to say a smartphone has a greater impact on the life of the latter. This is because nowadays the advancements in the smartphones are bridging the gap between a laptop and a phone. Kenya, Tanzania, and Zimbabwe are the top three developing countries that have spent most amounts on mobile money. The mobile money expenditure accounts for massive percentages of GDP of these countries. The percentages are 55%, 65%, and 21% for Kenya, Tanzania, and Zimbabwe respectively. Even in Afghanistan, mobile money has a significant 18% of its total GDP. Mobile wallets are becoming popular in developing countries. In East Africa, for example, Vodafone customers are

eligible to use the M-Pesa service. During the process, the migrant must contact an M-Pesa agent to register the account. Various functions like account replenishment and deposits are carried out with the help of an agent. The customer gives to the agent the amount of cash that he needs to store or transfer. Then the agent sends the money from his account after deducting his fees. Similar schemes are widely used in China with *Alipay* by *Alibaba*, the Chinese equivalent to Amazon, *WeChat*, the Chinese *Whatsup*, and *Grabpay* in Malaysia, based on credit/debit card, cash, and bank accounts that allow the transfer of remittances.

In conclusion, in order to mitigate the risks and the excessive costs in transferring painfully earned money abroad, governments in remittances receiving countries should regulate such semi-informal sector which are structured around telephone companies. Furthermore, they should also be helped by Aid agencies, by the EU, in conducting light surveys among MTOs, banks, telephone companies to understand how remittances fees are calculated, how the sub-agents of banks and MTOs operate and to provide a spotlight on an areas which escapes information to the fiscal authorities and thus impede to expand the revenue bases of the country. If consumers receive adequate and clear information malpractices are more difficult to occur.

The new digital market for remittances: Facebook, Telegram, Walmart

The above developments in the telephone sector are now mirrored in other types of technologies equally important. In fact, we cannot illustrate the impact of technologies on remittances and, as matter of fact on migration in general, without mentioning digital currencies. They represent a technology that might influence profoundly financial markets, changing the way big companies do business and could significantly influence the remittances market as well. An interesting paper by Nicola Bilotta and Fabrizio Botti,⁴⁴ illustrates how the current efforts of such giants as Facebook with “Libra”, Telegram with “Gram” and Walmart with “Walmart Units”, to set up their own digital currency might not only influence the retail sector (cross-borders payments, e-commerce payments, peer-to-peer payments) as well as the remittance sector where, in 2017, the aggregate cost of sending remittances around 30 billion dollars according to the World Bank. This new solution can be cheaper and “frictionless and faster transactions are likely to attract end users like consumers and merchants as well as remitters”⁴⁵.

Walmart’s digital currency, according to the authors, has the objective of improving the efficiency of its ecosystem engaging its consumers while saving on interchange fees. It is something like the Orange telephone company’s entry into the remittances markets that was mentioned in the previous paragraphs

Facebook’s and Telegram’s digital currencies have the stated aim to become global currencies. If tech giants’ digital currencies become widely used, succeeding where crypto currencies have failed, implications and risks for national markets and for the world economy could be dramatic. In comparison with e-wallets or payment apps, digital currencies allow tech giants to record transactions directly on their block chains. If Walmart develops its digital currency in other countries – either pegged to the US dollar, to national currencies or to its digital currency issued in the USA, it is not hard to imagine that it would also target the profitable remittance market. Its

⁴⁴ Libra and the Others: The Future of Digital Money, IAI Paper 2019

⁴⁵ *ibid*

digital currency could be used in place of credit and debit cards, with a “pre-approved biometric” credit – such as finger prints.

Facebook seems to be willing to cooperate with worldwide public authorities but it is no secret that it does sell data of its users, mostly to advertising companies. The scandal of Cambridge Analytica, with millions of data sold for electoral campaigns in America is still vivid in our memory. Telegram, instead, has a tendency to secrecy and has not sought approval by public authorities.

Libra, the currency that Facebook tried to launch in 2020, if it is given birth could one day be a stable coin, pegged to a basket made of US dollar (50 per cent of the basket value), euro (18 per cent), Japanese yen (14 per cent), British pound (11 per cent) and Singapore dollar (7 per cent).

The Gram unit’s value will be determined by market forces – as Bit coins and has the ambition of being a global decentralized digital currency neglecting permission from central powers.

Walmart’s Units are currently developed only for the US market and aim at enhancing solely the Walmart ecosystem therefore binding its customers not only in terms of sales but also payments.

What Gram, Libra and Walmart units have in common is to encourage a new system of financial intermediation in which digital currencies operate independently of the traditional banking infrastructure. Even though these could be just pilot experiments, a world of business blocks as big as nations could develop.⁴⁶ The potential number of users for Walmart units are 275 million, for Gram 200 million and for Lybra they are 2.4 billion! These developments would affect monetary policies which are the prerogative of central banks that until recently have had the monopoly of issuing currencies and regulating transactions. At present, the efforts by these large companies seem to have been stopped by clear signals sent by governments and monetary authorities. For example, many banks have withdrawn from the Lybra consortium while Walmart and Telegram have put a momentary alt to their efforts.

There is no doubt that in the future alternative payment systems will surface. Walmart could for example allow Mexican migrants living in the USA not only to buy items that can be delivered in Mexico but accompany such goods with cash payments to be withdrawn by migrants’ families at home. Just imagine how big the potential of Facebook is for remittances transfers. From what we have seen in the previous paragraphs, it is not wrong to suggest that migration studies, in the future, will have to focus also on the role of technologies in determining migration flows and their economic and social implications, circular migration and integration.

46 The authors describe the companies involved as Aggregators of mutually complementary activities. For example, Apple: (iPhones, iPad, Mac, HomePod and smartwatches), accessories (such as Apple airPad), operative systems (iOS) and services (like Apple Music, Apple TV, Apple Pay or iCloud). Other similar cases are Rakuten in Japan, Alibaba and Tencent in China, Amazon and Google in Western countries or MercadoPago in South America.

Summary Chapter 1

At the international level no universally accepted definition for “migrant” exists. In this handbook migrants are defined as “persons living outside their country of birth for at least a year. The stock of international migrants was some 280.6 million in 2020.⁴⁷ When dealing with statistics about flows and stocks of migrants, a first important notion is that a much larger figure, about 700 million people, are internal-regional migrants. Two thirds of all international migrants are labour migrants. Despite the increase in absolute numbers, the share of international migrants in proportion to the world’s population has remained relatively stable between 1970 and 2019 at around 2.2 to 3.5 per cent. Most of the world’s migrants live in a relatively small number of countries. In 2019, two thirds of all international migrants were living in just 20 countries. According to new economic thinking, in particular the New Economics of Labour Migration – NELM- , migrating is based on decisions made by the families at large to put together the resources to allow one member, normally the younger ones but not only, to migrate.

Migration is more than remittances: It reallocates household labour associated with productive activities. For example, women will take up jobs that were made by men before migration. It contributes to changes in rural wages. In fact, a shortage of labour in a migration prone region in a given country might require better conditions to be given the remaining labour force. Migration enhances non-farm activities. Garages, internet points, agricultural services companies are set up by migrants’ families at home. Therefore, migration contributes to investment and capital formation (both human and physical) in the rural areas. Migration is now altering the traditional social structure for example the role of women.

Regression analysis has showed that in 67 out of the 71 countries that during the last 50 years graduated from poor to middle income status migration did increase substantially. The data also confirmed that migration from middle-income countries is usually much higher than from poor countries: in particular, those countries having US\$ 8,000-10,000 per capita annually (the so-called Middle Income Countries) produce three times more migrants than countries earning \$2,000 or less. When economic development allows countries to move from low to middle income level it typically raises migration rather than deter it. People migrate as an investment, an insurance and because of aspirations to travel and see the world.

Today’s poorest countries, if they continued to grow at their historical rate of growth (over the last 24 years), would only reach the migration hump of US\$10,000 in the year **2198**. However, even if development aid could systematically raise their economic **growth by one percentage point** every year—more than a doubling of the historical rate, the US\$10,000 level would be reached in the year **2097**. If aid could raise growth by two percentage points—a tripling—not so much in view, it would take until the year **2067**.

Global remittances to low- and middle-income developing countries (LMICs) were US\$ 549 billion in 2019, larger than foreign direct investment (FDI) flows (US\$ 534 billion) and overseas

⁴⁷ IOM Data Portal

development assistance (ODA) around US\$ 166 billion. Furthermore, the gap between remittances and FDI is expected to widen further as the decline in FDI is expected to be sharper.

In 2021, remittance flows to LMICs are expected to decline to US\$ 470 billion in 2021. Globally, sending remittances costs an average of 6.51 percent nowadays. Official records of remittances sent through informal channels may underestimate the flows by 40-50 per cent. In other words, remittances to LMICs could be as much as US\$ one trillion and may be more. Technological developments and social media may be used to forecast migration stocks and flows. Governments in remittances receiving countries should regulate such semi-informal sector structured around telephone companies. They should also be helped by Aid agencies, by the EU, in conducting light surveys among MTOs, banks, telephone companies to understand how remittances fees are calculated, how the sub-agents of banks and MTOs operate and to provide a spotlight on an areas which escapes information to the fiscal authorities and thus impede to expand the revenue bases of the country.

Key terms

Definition of migrants	Push and pull factors	New Economy of Labour Migration
Remittances	Money Transfer Operators	Official Channels
Informal remittances	eWallets	Mobile Transfer Applications

Chapter 2 Migration and Climate Change. By Laura Lanzafame

This chapter deals with climate change which is intuitively among the reasons that explain why many people are obliged to move but is nevertheless difficult to indicate as the sole reason for migration.

According to UNESCO, the inhabitants of the Carteret Islands (Papua New Guinea) are the first officially recognized refugees caused by global warming. However, although this seems a breakthrough in political and legal terms, the Climate Change-Migration nexus is far from being clearly established and recognized by the majority of the international community. This chapter is structured in three parts: the first will frame the issue by identifying the linkages between climate change, environmental degradation and human mobility. The second will focus on the main challenges around legal terminology, environmental migrants' categorization and definitions, and on the difficulties to draft an international legal instrument specifically suitable for environmental migrants. The third and final part will deal with the global governance of environmental migration by analysing existing policy, and coordination frameworks (global compacts and conventions) and institutions.

There were around 272 million people living outside their country of birth in the world in 2019 and another 24.9 million were internally displaced across 140 countries and territories by natural hazards. Of the latter, storms – particularly tropical cyclones – accounted for the majority, as a reminder of the importance of reducing the risks associated with vulnerability and exposure to climate change. Furthermore, displacement associated with disasters mainly affected East Asia and Pacific, and South Asia, both regions with high levels of population exposure and vulnerability to hazards. Sub-Saharan Africa and the Americas were relatively lightly affected, instead, but floods and storms still triggered millions of new displacements. Over the next years, migration flows related to climate change, however, are expected to increase – particularly in the world's poorest countries. In 2018, the World Bank estimated that three regions (Latin America, sub-Saharan Africa, and Southeast Asia) will generate 143 million more climate migrants by 2050. This is because climate change is expected to boost the frequency and the severity of weather and climate risks. Nevertheless, climate migration is a proper “submerged” phenomenon that in the near future may become one of the biggest sources of refugees since World War II, with millions of “ghosts” individuals, families or entire communities without a legal protection and a clearly defined status seeking for a more viable and a less vulnerable place where to live.

How many environmental migrants are out there? Who are they? Where are they coming from? Where are they headed to? The only certainty is the following: the poorest areas of the world will produce frequent and large numbers of human beings fleeing their homes because of the loss of their livelihoods, rising sea levels, drought and desertification, and conflicts over water and energy resources. From the most affected countries – as the forty-little island-states reunited under the Alliance of Small Islands – to the least involved, it is crucial to take action together in order to tackle the next global challenge that can be considered as the “human face” of the climate debate.

Defining the challenge: the climate-change migration nexus

What is climate change?

Whereas climate change describes a change in the average conditions — such as temperature and rainfall — in a region over a long period of time, global climate change refers to the average long-term changes over the entire Earth, instead. These include warming temperatures and changes in precipitation, as well as the effects of Earth's warming, such as: Rising sea levels; shrinking mountain glaciers; Ice melting at a faster rate than usual in Greenland, Antarctica and the Arctic. Changes in flower and plant blooming times. Earth's climate has constantly been changing — even long before humans came into the picture. However, scientists have observed unusual changes recently. For example, Earth's average temperature has been increasing much more quickly than they would expect over the past 150 years. The issue of climate change emerged for the first time in the international agenda only in 1979 with the establishment of the First World Climate Conference. In 1992 during the Conference of Rio on the Environment and Development, the United Nations instituted the Framework Convention on Climate Change (UNFCCC), through which the global community is still striving to gain control over human-caused climate change. The UNFCCC operates as the Framework Convention under which all other climate change agreements are situated.

Within the UNFCCC, the decision-making body responsible for monitoring and reviewing the implementation of agreements is the Conference of the Parties (COP), which brings together the 197 nations and territories – called Parties – that have signed on to the Framework Convention. The 1995 Conference of the Parties (COP1), instituted to find a solution to climate change, is probably the most famous since it brought to the adoption of the Kyoto Protocol two years straight after for the reduction of polluting emissions. From that moment onwards, the Conference of Parties have been annually organized in order to analyse the progress in the adoption of the Protocol, but also for the negotiation of new international agreements in order to reduce the exploitation of non-renewable resources and to avoid the increase of the global average temperature. The importance of these discussion forums surely derives from the broad-based participation to the Conferences of the most diverse figures: not only representatives of Member States, but also academics, researchers, journalists, governmental organizations, NGOs and other representatives of the civil society.

Scientists foresee a remarkable rise in the temperatures, between 1.5° and 5.3° of the average temperature by 2100. Thus, in the near future the world would inevitably become uninhabitable not only for animal and vegetal species as we know it, but also for the humankind; this is the reason why gas emissions need to be quickly reduced. Nevertheless, it is still possible to limit global warming to 1.5° by adopting rapid and far-reaching mitigation strategies, as it has been suggested by scientists. This implies radical changes in the energy policies of industrialized countries (i.e. the Intended Nationally Determined Contributions –INDC- or reductions in greenhouse gas emissions), but also heavy investments in energy technologies in poor and underdeveloped countries. As a matter of fact, for generations the development based on fossil

fuels has mainly benefited developed countries. Instead, perpetuating the current development model will inevitably destroy the life of all the populations in the future, making the planet unfit for habitations.

In addition, even though the effects of climate change concern everyone, it is evident that their impacts are diverse and far ranging, often affecting poorer societies and their poorest members the most. Clearly, those who have less benefited of the current economic well-being are those who are expected to endure greater environmental consequences. First, they lack the infrastructures that are able to ease the disadvantages caused by environmental degradation. Second, their economic and social systems rely too much on natural ecosystems. In the same way, in developed countries and developing economies, those more exposed are the poorest people. In this context, scientists foreseen a climatic apartheid. Whereas rich people will escape the negative consequences of climate, the poorest will suffer hunger and conflicts. Hence, the priority should be an equitable approach in the future climate deals in order to help poor countries and populations to reach a well-being which will be no longer based on fossil fuels and assist them in becoming more resilient regarding the inevitable impacts of climate change. Equity among States and within the single States is a cornerstone of sustainable development. It is therefore obvious that, when adaptation and mitigation strategy are not efficient in supporting policies of sustainable development, we will assist to the phenomenon of environmental migration as an adaptive tool for survival for many.

The relation between climate change and migration: what is the link?

Despite the existence of multiple drivers of human mobility, in fact, researchers have been able to identify five main factors that influence people's choice to migrate: economic, political, social, demographic and environmental. Climate change affects all these main drivers (directly and indirectly) and therefore encourages population displacement. Thus, climate change is often regarded as a threat multiplier which exacerbates existing trends, tensions and instability. Still, it is not the sole driver of human migration. As a result, there are no pure environmental or climate migrants.

However, there are four paths that can be distinguished by which climate change and environmental degradation may affect migration: First, longer-term drying trends as a result of changing weather patterns will have an impact on water resources and as a consequence on related livelihoods such as agriculture, forestry or fishing. Second, rising sea levels, mainly as a result of glacier melting, may render coastal areas uninhabitable. Third, water-related acute natural hazards, such as hurricanes, are likely to increase in scale and frequency, threatening people's living condition. Ultimately, competition over natural resources may exacerbate persisting conflicts and force people to leave their homes. In general, climate change is expected to increase the frequency and intensity of sudden-onset disasters such as storms and floods, and also to worsen the impacts of slow-onset disasters such as droughts. It will also exacerbate gradual processes of environmental degradation, for example, desertification, ocean acidification and erosion. Some phenomena like sea-level rise and glacial melt linked to global warming will combine both slow- and sudden-onset effects.

International frameworks, institutions and the debate on migration and climate change
For what it concerns the debate about the establishment of a legal framework to address climate migration, there is no international legal definition or specific status for people on the move because of environmental degradation or climate change, and no legal instrument dedicated specifically to this issue. There are a number of possible arguments and reasons for why populations displaced by floods, droughts and other environmental hazards do not have the same legal protection as other types of migrants.

First, the lack of a clear-cut definition for this group of migrants. More than thirty years have passed since the publication in 1985 of El-Hinnawi's paper on environmental refugees,⁴⁸ but the debate is more active and livelier than ever about linking the environment with refugees. Academics have critiqued definitions of environmental migrants/refugees, arguing that they are based on simplistic explanations, often not taking the importance of multi-casualty into account. Second, the lack of an unequivocal categorization. A clear categorization by cause of migration would be difficult to make, since people usually move for a variety of reasons, where environmental stress is just one of the factors at stake. A clear typology of the movement is also not easy to make: the distinction between forced and voluntary movement is often blurred, and the duration of the movement is rarely fixed. This definition and categorization issues, hence, constitute a great challenge in terms of defining a specific legal status for climate migrants at the international level.

People moving in the context of climate change are not recognized as refugees, since natural disasters or environmental degradation are not included in the five forms of persecution (fear of persecution due to race, religion, nationality, membership of a particular social group or political opinion) established by the 1951 Geneva Convention Relating to the Status of Refugees. Therefore, the widespread terms environmental refugee and climate change refugee are misleading and inappropriate, and there is a consensus among concerned agencies – including the International Organization for Migration (IOM) and the Office of the United Nations High Commissioner for Refugees (UNHCR) – to avoid their use, as they could potentially undermine the international legal regime for the protection of refugees.

The majority of climate-induced migrants usually move within national borders. This excludes them from the regime of the Geneva Convention on Refugees, but place them in the broader category of Internally Displaced Persons (IDPs). The 1998 United Nations Guiding Principles on Internal Displacement imply natural disasters as a potential driver for migration. However, the principles are non-binding for states and the definition does not apply to persons having crossed international borders, or those moving due to slow processes of environmental degradation.

In the absence of an international instrument dealing specifically with climate migrants, several existing legal principles and branches of law are applicable to climate migration, including

⁴⁸ El-Hinnawi, Environmental Refugees (Natural Resources-Water Series : No 25) , 1985

provisions under international human rights law, humanitarian law, environmental law and nationality law.

Given the sensitivity behind both migration and climate change management, consensus among States over a single binding instrument may be hard to reach. In this context – due to the difficulty and the time required to pursue new legal paths, a soft-law approach may be initially more viable step to take in order to take responsibility for the protection of climate refugees at least in the short term and in the current legal framework. Yet, an ad hoc Convention for climate migration is desirable to be eventually set, since it would outline the government's bond required to receive refugees.

Addressing climate change and human mobility at the global level is difficult because the global governance of climate migration is fragmented and can be tracked down in hard and soft-law agreements, policies, agendas and action plans agreed by the international community. In particular, the Global Compact for Migration of December 2018 provides a unique opportunity to strengthen the global governance framework for environmental mobility by bringing together and summarizing principles in the climate change regime – including the Paris Agreement, the Sendai Framework, the 2030 Agenda – and other instruments that are particularly relevant for addressing drivers of migration.

Summary Chapter 2

Migration is often the result of a variety of layered causes – economic, social, political, demographic, and environmental – that rarely occur in isolation with one another. Rather, it is the interrelationship between the different drivers that influence people's choice to migrate. In other words, climate change and environmental degradation affect migration and may have multiplier effect but are not the sole drivers. As a result, there are no pure environmental or climate migrants – who will be difficult or even impossible to identify. Furthermore, the patterns of movement of environmental migrants can also vary – these may be internal within a country or international; voluntary or forced; temporary or permanent. Forced migration might result from sudden-onset catastrophes – such as tropical storms, heavy rains, floods and droughts – or slow-onset ones – sea level rise, salinization and desertification.

There are four paths by which climate change may affect migration either directly or – more likely – in combination with other factors: longer-term drying trends, rising sea levels, weather-related acute natural hazards and competition over natural resources. However, there are high levels of uncertainty about the specific effects of climate change, and partly due to the lack of comprehensive data on migration flows, especially movements within national boundaries and in particular for low-income countries that are likely to be most affected by climate change. The available dataset is quite limited, especially for what it concerns slow-onset events and processes that are widely believed to induce more migration and displacement than sudden-onset natural hazards in the longer term.

People are already moving in a changing climate without legal protection. There is no internationally accepted legal definition or specific status for people on the move due to environmental factors, and no legal instrument dedicated specifically to this relevant issue. As a result, environmental migrants are proper “ghosts” who are not recognized as “refugees” under the 1951 Refugee Convention, since natural disasters or environmental degradation do not constitute a form of persecution as per the Convention criteria – fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. Yet, several existing legal principles and branches of law can be applied to environmental migrants, including provisions under human rights law, as well as principles of international human rights law and of environmental law. However, there is consensus among concerned agencies – including IOM and UNHCR – to avoid terms such as environmental refugee as they could potentially undermine the international legal regime for the protection of refugees.

International environmental migration is an issue area which by its nature should demand international cooperation. Nevertheless, world summits (with the exception of the periodic, big multilateral meetings on climate change and high level talks focus mainly the coordination of economic policies, the maintenance of the international trade, or the reform of the international financial governance. It is likely that economic consequences would be mainly felt in the poorest countries where individuals, families or even entire communities will be forced to leave their homes because of desertification and acidification of waters. Regarding security threats, the increase in the number of environmental migrants is likely to foster the pressure on the current

destination countries – including Europe and Italy in particular. Taking action in migration governance– for instance through the 2018 Global Compact on orderly and safe migration – should be the first step in order to address the human face of the current main global threat represented by climate change: increasing numbers of environmental migrants.

Key terms

Climate change Global Climate Change

Sudden-onset catastrophes - tropical storms, heavy rains, floods and droughts –

Slow-onset catastrophes – sea level rise, salinization and desertification-

Paths: longer-term drying trends, rising sea levels, weather-related acute natural hazards and competition over natural resources

Internal-international migration Voluntary or forced migration

Temporary or permanent migration Legal protection

The United Nations Framework Convention on Climate Change (UNFCCC)

Chapter 3 Transnationalism, Diasporas and Social Remittances

One area that needs to be addressed when discussing migration is the relationship between the transnational mobility of migrants and the process of generation of social remittances both towards the countries of origin and destination. The crucial question is to what extent is mobility and circular migration important for social remittances and how important can they be and what are the configurations of this mobility? I will delve into these important aspects in this chapter as well as in Chapter 5 on co-development. The first part of the chapter will be devoted to recalling the various definitions of Diasporas, then define the concept of social remittances and their channels of transmission. In the second part, social remittances and their impact on communities of origin will be analyzed. Finally, I will recall the policies that would help to ensure that Diasporas can be strategic actors for development in their home countries and integration in the destination countries.

Definitions of Diasporas, social remittances and channels of transmission

Diasporas are important because they play an important role in transnational collectivity formation, because they bring the social impacts of migration to the attention of public opinion and political debate and they can be an important community development aid. It is for this reason that they are studied by sociology, political sciences, economics and international relations. Many immigrants today build social fields that cross geographic, cultural, and political borders. The contemporary African diaspora now living in the EU countries, for example, is estimated to be around 3.3 million people and these people keep their contacts with their families and they go back and forth when their legal status in Europe is stable. In defining Diasporas, there are several flexible definitions that take into account both concrete matters (citizenship, length of stay, rights) and intangible matters (feeling of identity, perceptions, and trust).

According to some definitions, Diasporas are expatriate groups which, in contrast to individual migrants, include not only first generation migrants but also generations born abroad to foreign parents who are or may be citizens of their countries of residence. They are the historical precursor of modern transnationalism since many immigrants today build social fields that cross geographic, cultural, and political border. India, for example, has two official definitions to take into accounts her Diasporas:

- The first describes Non-Resident Indians (NRIs) : Indian citizens holding an Indian passport and residing abroad for an indefinite period, for employment, business, vacation or any other purpose
- The second indicates the People of Indian Origin (PIOs): foreign citizens of Indian origin or descent, including second and subsequent generations

The Africa Union defines African Diaspora as “Peoples of African origin living outside the continent and irrespective of their citizenship and nationality, whom are willing to contribute to the development of the continent and the building of the African Union.”⁴⁹ The notion of organized work to contribute to the wellbeing of the country of origin characterizes this definition.

⁴⁹ Africa Union website, Diasporas

Finally, the UK House of Commons well captures the above notions when describes Diasporas as “International migrants who, although dispersed from their homelands, remain in some way part of their community of origin.” When talking of Diasporas, reference is made not to the poor migrants, whom we see in the media, who have survived perilous journeys and just managed to land in what they think is a safe land. Diasporas are expatriates based permanently abroad, nowadays they are often second-generation nationals and people who acquire citizenship in their host country but nevertheless wish to continue to support their home country development.

Social remittances

The main concept around social remittances is that migrants carry with themselves various forms of non-financial capital (norms/ideas, practices/ identities and networks) that shape their contacts with and integration into host societies and allow them to send back more than money. As we will see, social remittances may involve change in communal practices in both the origin and destination countries and ways of pursuing collective projects such as improving infrastructure or social and political behavior.

Perhaps the most influential scholar in this area is Peggy Lewit, a distinguished professor and chair of the sociology department at Wellesley College and the co-director of the Transnational Studies Initiative at Harvard, who has written extensively on this subject.⁵⁰ According to her and other authors, three types of social remittances can be distinguished, the first being normative, the second comprising structures, systems of practice and the third the social capital.

Normative structures are ideas, values, and beliefs. They include norms for behavior, notions about family responsibility, principles of neighborliness and community participation and aspirations for social mobility. They also encompass ideas about gender, race, and class identity, as mentioned.

Systems of practice are the actions created by normative structures. These include how individuals delegate household tasks and how much they participate in political and civic groups. Systems of Practice are therefore the actions that are shaped by normative structures. For individuals, these include household labor division, religious practices, and patterns of civil and political participation. Within organizations, they include modes of membership recruitment in associations and socialization, strategies, leadership styles, and forms of intra-organizational contact.

Social/Human capital. The concept of social capital is often associated with Robert Putnam.⁵¹ This author establishes a set of “horizontal associations” between people: “social capital consists of social networks (“networks of civic engagement”) and associated norms that have an effect on the productivity of the community. In migration studies, human capital is consequently seen as any

50 SOCIAL REMITTANCES REVISITED Peggy Levitt (Wellesley College and Harvard University) Deepak Lamba-Nieves (MIT and Center for the New Economy), 2010; Peggy Lewit, Social Remittances: Migration Driven Local-Level Forms of Cultural Diffusion Author(s): Nieves, 2010

51 Putnam, Robert D. 2001. “Social Capital: Measurement and Consequences.” Isuma: Canadian Journal of Policy Research 2(Spring 2001).

resources accumulated by the migrant during his/her life-course, including knowledge, practical skills, and various life styles.

Other descriptions of migrants' human capital focus on the:

1. economic capital, i.e. the personal income and other forms of financial assets mostly the remittances and the consumer goods they have bought for the family of origin;
2. social capital (social connections and memberships that provide access to other resources);
3. cultural capital, which further consists of:
 - (a) Incorporated capital (knowledge, skills, attitudes and mental schemes, which can be unique to each person] and
 - (b) Institutionalized capital (nationally conferred forms of socio-cultural capital such as Degrees and qualifications that he may obtain abroad); and
 - c) Symbolic capital (socio-economic and cultural capital when recognized as legitimate, thus leading to empowerment within the system of recognition. Migrants enjoy a status of prestige which is often shown in the way they dress and act, and the way they live.

Summing up, according to Lewit social remittances is a wide concept that encapsulates ideas, practices, mind-sets, world views, new values and attitudes, norms of behavior and social capital (knowledge, experience and expertise acquire). Diasporas consciously or unconsciously tend to transfer social remittances from host to home countries. As we will see in the following paragraphs, in some cases such social remittances may have a positive impact on the country of origin whilst in other the malpractices acquired abroad clearly produce unwanted effects.

Pathways through which Diasporas transfer social remittances

Intuitively, migrants can transfer their social capita -remittances, through letters, telephone calls, emails, internet chats or videos. These informal contacts enable the diaspora to transmit social values, attitudes and norms that they may acquire in the destination country. Naturally, they may be bad or good, as we will see. One of the informal pathways through which the Diasporas transmit their social remittance to the people back home takes place when individuals in the diaspora return home permanently or for holidays and family visits. The ideas and social values that returning diasporas introduce to the people in the homeland are frequently accepted because of the higher social status that the Diaspora carriers are accorded among the society. This is because of the wealth, knowledge and networks that the migrants may have acquired abroad which give them a prestige as well as power that comes from economic status and resources.

Social Remittances and their impact on communities of origin: Ideas and aspirations

Let's now take a more concrete look at how social remittances may impact the country of origin of migrants. Migrants and their families acquire a higher social status at home when they manage to establish themselves in the destination country, namely they have a regular job and

some degree of integration. Migrants tend to display their success by employing ostentatious consumption and bringing back artefacts, constructing new houses and acquiring new cars. In Italy, during the sixties and seventies of the past century migrants returning home from Germany, Switzerland the USA, or just visiting their families were easily recognizable for the cars they drove and their dresses. Very often their families try to copy consumption patterns that migrants experienced abroad. Such changing patterns of consumption have also an added cultural and symbolic value. Seasonal migration responds to the infinite motivations of human beings. It can go from earning money to ensure household food security to the Malian youths who seasonally migrate to the Ivory Coast to work in the Cocoa and Coffee plantations and, upon their return, buy Jakarta scooters which are seen as status symbols.

Migrants also bring back to their communities the ideas of comfort and lifestyles that they encountered abroad. Migrants' newly built houses not only try to enhance migrant households' standard of living; in many cases, they resemble houses from destination countries, such as with Alpine houses in the Albanian villages, and "Italian" houses in Romanian ones. In Manila there is an "Italian village" built by migrants' families. Migrants' clothes and consumption tend to emulate western lifestyles, their aspirations being influenced by their experiences abroad. These imported models of lifestyle and wealth tend to enhance investments in human capital through education and more health-conscious attitudes.⁵² Migration can also bring about notions of youth's growing adult and emancipating. Intuitively, women's role are affected. Finally, migration can involve the transfer of new political ideas (sometimes defined as political remittances) and change peoples' ideas of democracy and rule of law. Migration towards the Arab countries, for example, are more likely to result in the support for religious parties and religious ideologies. Social remittances also influence health outcomes (migrants' households are more likely to drink bottled water, keep animals out of living spaces, and recognize the importance of annual check-ups), and influence ideas about contraception and children's' education.⁵³

An example of how migrants may challenge local moral framework is that of group of Senegalese migrants living in France who funded entirely the construction of a high school in the village of *Diarama*, in the region of *Casamance*, in Southern Senegal. The director, nominated by the Government was rapidly suspected of important and recurring misappropriations of student's tuitions fees. Instead of consulting the council of sages, migrants decided to press charge at the police station against the manager, who was accused of corruption. This sort of behavior was considered unacceptable until that moment, especially in traditional *Casamance*.⁵⁴ Traditionally, the council of the sages of the village, gathered around the village chief would have been fully associated to any decision process. Clearly, this new behavior by the Senegalese Diaspora in France who had funded the school created an issue with most of the non-migrants villagers. "This case study constitutes a telling example of the complexity of social transfers: migrants do not only did step back from endemic corruptive practices. Above all, they distanced themselves from local hierarchies and rules." The fact is that being diaspora residents in Western countries, they are thereby exposed to different political dealings and practices.⁵⁵

⁵² Lewit, cit

⁵³ ibid

⁵⁴ ILKA VARI-LAVOISIER, The Circulation of Monies and Ideas between Paris, Dakar, and New York: The Impact of Remittances on Corruption CMD Working Paper Series 3 2014

⁵⁵ Ibid

The example of social norms regarding the role of women may also be useful in understanding social remittances. The increasing share of women in international migration flows and the growing role of women in generating resources for their households may fuel hopes that women are better remitters than men, and traditional unequal or patriarchal relations may change into more equalitarian ones. In cases where mostly men migrate, a common assumption is that migration has expanded women's power in households and communities, where women gain more autonomy and responsibility. Although in some cases they enhance individualistic attitudes and more equalitarian social norms, often prompting communities and individuals into development avenues, in some other cases it goes into the different direction. In other words, social remittances can be both positive and negative, depending on the point of view. The relationships, the forms of patriarchy and the destination country also matter. As opposed to migration to the Gulf countries, for example, migration from North African countries to Europe may result in changing patriarchal and new, more equalitarian family norms. An example of negative social norms acquired by migrants is the organization of youth gangs in Honduras, Salvador, Nicaragua, and Dominican Republic. In this case, the model of gangs organized in the USA, for example in Los Angeles, has been followed in Central America by the sons of migrants who either have gone back or had not followed their parents and has rapidly expanded.

A good example of Social Remittances and changing gender dynamics is the community of *Miraflores* particularly on many of the young women in the Dominican village of *Miraflores* during the 1990s. The study authored by Peggy Lewit⁵⁶ showed that "in more than 65 percent of the households who sent migrants to Boston the women completely changed their ideas about the kind of men they wanted to marry. They learned that since both men and women have to go out to work in town, the man helps out much more with the children and the housework when they return home at night. They observed that when married couples came back to visit, they seemed to make decisions together and that the husband seemed to treat his wife with more respect. In response to these social remittances, they demanded a different kind of partnership. They did not want to marry a man who had never migrated and who continued to treat women in the "old" way.⁵⁷

Similarly, it was observed that while in Pakistan most women do not go to the mosque to pray, in Boston they not only pray alongside men but they run the mosque alongside them as well. News of these changes travel back and can slowly have impacts on the local society. Fair to say, it might have opposite effects, with a tightening of social traditions. For example, as I was mentioning earlier on, in migrant's African households residing the Gulf countries, more restrictive attitudes towards the role of women may unfold as opposed to what it was in the origin country." In conclusion, the effects from social remittances can be both positive and negative, the latter including destruction of family ties, providing robust false images of western prosperity to the origin country, sending back malpractices like baby gangs. Failure in integration in the host country may trigger off terror acts all over the world.

⁵⁶ Peggy Lewit, Social remittances revisited, cit.

⁵⁷ Ibid

Irina Isaakyan & Anna Triandafyllidou well described, in 2016, six illuminative cases of Migrants as agents of social change. Below are short abstracts from their essays:

“Case 1: The return of the domestic worker

Nadia, a former schoolteacher from Ukraine (aged 52), is now a domestic worker in Italy and who literally lives between her two homes, is going to publish her own book (both in Italian and Ukrainian) about the life of Ukrainian migrants in Italy – but then acquire a social dimension as the book is promoted as a cultural exchange between the two countries and particularly for Ukrainians at home to find out more about the life of Ukrainians in Italy. The book as such leads to a repositioning of the author, restoring her from her downwards social mobility (from a teacher to a domestic worker) back to her intellectual position as a high-skill person. Thus, while saving to prepare her return to Ukraine, Nadia also develops her social remittance plan: upon return, she would like “to create a new cultural Centre for the promotion of European culture back home”.

Case 2: A well-integrated dressmaker

A former Ukrainian dressmaker, Lyuba, aged 60, who initially worked as a domestic worker in Italy, has started a clothing business in the Italian town where she lives. She created a network of Italian clients who dress only in her studio. At the moment, she wants to invest the money she has earned from this business in the creation of an association for the promotion of Ukrainian culture in Italy. Lyuba, who also underwent downwards professional mobility, regained her status not only by starting her own business but also by pursuing cultural activities at destination which promote her country of origin. Unlike Nadia, Lyuba does not intend to leave Italy. She therefore sees her social remittances to the local Italian society – her dress-making salon – as a voucher for a fuller Italian integration:

Case 3: A nostalgic cultural ambassador

The case of Latika, a Moroccan woman aged 50, stands between Nadia and Lyuba. Trained as a philologist in Arabic Literature but unable to have her Moroccan degrees recognized in Italy, she enrolled at a University course in the country but also found a job as project manager at an Italian NGO that deals with Moroccan migration issues. Through her professional contacts, she generates several cultural remittances such as for instance a partnership between an Italian University and her NGO organizing cultural-exchange trips between Italian and Moroccan University students and professors. Thus while Latika has managed to find a qualified job in Italy she further develops cultural remittances towards both the place of origin and the country of destination by taking advantage of the transcultural capital that she has accumulated: her good knowledge of both places and her networking in both. Resonating with Lyuba, Latika does not want to repatriate to her country of origin either. Yet through her social remittances, she seeks to affect social change at both origin and destination. Motivated primarily by her nostalgia, she wants to be a cultural ambassador who can change society back home without leaving the country of destination, which is a manifestation of successful integration.

Case 4: A multi-faceted entrepreneur

Cultural remittances may also be tightly interwoven with business activities and opportunities. While having his own hotel business in India for many years, Chinmay (an Indian man in his late thirties) came to Austria ten years ago as an entrepreneur. He opened a shop in Austria specializing in Ayurveda products. He had chosen this business because of its potential for generating social remittances: he wanted to disseminate elements of the Indian traditional culture in Europe. Through this business, he aims to educate European people “to give them knowledge about their own health”, as he says: My shop is now expanding as more and more Europeans from different countries are buying my products. I want not only to supply the Ayurveda products to my European customers but also to educate them on the appropriate consumption mode. Chinmay also continues to run, from distance and with the help of his local assistants, a hotel business in his Indian hometown, which is located by the ocean and therefore attract many visitors from all over the country. As part of this business, he wants to “disseminate the European spa-culture in India”.

Case 5: Community healers

Transnational migrants may often engage in voluntary activities of counselling and use their informally accumulated capital. For example, Gloria, a Filipino woman aged 61, has been actively involved in an NGO in the UK, which promotes counselling for abused women and children among migrants including temporary shelter, and training in healthy lifestyle skills and habits (such as healthy eating habits and life style but also basic anger management skills): typhoons. These activities have been made possible by financial transfers from her business in Spain, which she owns after the death of her husband. Stella is also involved in civic projects in Madrid where she teaches local women dress-making and furniture restoration skills – a professional activity that is based on the qualifications she has received both at origin and destination. Her social remittance portfolio is thus multi-faceted yet with a strong focus on civic engagement.

Case 6: Expatriate patriots

Drago, a Bosnian man in his late twenties, lives in Austria and frequently travels to his hometown in Serbia in order to speak about the genocide and the conflict resolution in his local – and ethnically mixed community. He travels because he wants to be the public Bosnian intellectual in Austria. He entered the UK as a student he put together his father’s savings and a student loan to start a legal consultancy and stay on after graduation. Since the beginning of the Russian-Ukrainian war, he and his friends started to fund-raise money for the Ukrainian army, with most of their earnings as part of these donations. Andrei and other Ukrainian informants organize online discussions and chat rooms with the receiving community back home in order to express their sympathy with what is going on in Ukraine and to propagate the western support.”

Policies for Diasporas as strategic actors and for the integration-inclusion in the country of residence

The questions to be asked in this area are numerous and are crucial for what is commonly described as integration or inclusion of the migrants in the society that are hosting them and of which many aspire to become citizens. The potential of social remittances for the inclusion in the destination country and positive impact in the origin is high. The first such question refers to how

to incorporate diaspora contributions into the development strategies of the home and the host country. Second, how to identify appropriate partners within the diasporas. Furthermore, how institutional frameworks and incentives can facilitate diaspora engagement for development in the home country. Finally, what resources are available within Diasporas that could contribute to development and how can these be maximized.

Challenges in the host country

In the countries where the African Diasporas reside they are multifarious. The first challenge is the political disinterest in the social capital of the African Diasporas as organized groups of individuals residing in the country. The political disinterest results from the non-existence of knowledge and information in the host country about the social capital that the Africans in the Diaspora may have. The second challenge is the downgrading of the social capital possessed by the Diaspora or de-skilling. This is a problem which is widespread in many different sectors but particularly the development sector and it has too often resulted in the impossibility for the skilled and qualified African Diasporas' members to find meaningful employment and in their progressive de-skilling. Neither their potential role in helping the countries of origin is recognized. The mainstream development agencies, in fact, do not seem interested in utilizing the knowledge of the local conditions at home, the expertise and experience that the Diaspora organizations have. The third challenge is the prevailing perception which sees the Diasporas solely as a source of financial remittances which are largely used for consumption purposes. It also denies the intellectual capital of the Diasporas as it fails to see them as human resources.

Challenges in the home countries

The challenges in the home countries too are complex and variable. A few examples may be cited here. The most critical challenge is mainly the poor governance and the lack of an enabling environment featuring such conditions as personal freedom, basic civil rights, democracy and the rule of law. "Well governed Africa will persuade a lot of us even to return home and contribute." Is what migrants often say. Another challenge is the unwillingness of the governing elites in some of the origin countries to reach out to and seek the assistance of skilled and professionals Africans in the diaspora for the development of national institutions.

Policy mechanisms in place in the host country

In the host country, it is an evident fact that present migration policies and the political debate are more about controlling and regulating the flows of migrants rather than pursuing development through the migrants themselves. Looking ahead, it would be better if each host country could draft a country policy strategy paper (bottom up) listening to the migrants' Diasporas living in their country instead of marginalizing them and producing those ghettos that nowadays have become sources of social unrest, discrimination, violence and religious conflicts. This could take the form of a Migration and Development Strategic Paper (MDSP) and should be a bottom-up drafted proposal, concretely informed by the expertise, experience and the long-distance development activities already engaged in by the migrants living in the host country as we will see in the chapter about co-development. Migrants should be in the driving seat regarding

migration and development projects initiated in the host countries. They should have ownership and they should be empowered through effective capacity building to exercise these ownership rights. This is because migration and development is their thing. It is part of their real-life experience.

Policy mechanisms in place in both the host and origin country: the Link between legal status and transnational activities

In the preceding paragraphs the lack of recognition of the role of migrants by the elites in the country of origin was mentioned. Often, there is a mistrust between Diasporas and the governments in their home countries. In other situations, for example Rwanda, the government is engaged in maintaining close and regular contacts with their Diasporas. The fact is that advances in transportation and communication technologies make it possible for migrants to live their lives simultaneously in destination and sending countries. In terms of political transnational activities, both host and origin countries should allow distance voting to ensure the exercise of dual citizenship and even running for and holding office while residing abroad. This would probably have a positive impact on fundraising or other support in the destination for candidates in the homeland.

The so called Socio-cultural transnational activities should not be neglected. Host countries should allow migrants' visits or "systematic communication at a distance" with family members and friends in the homeland, the organization of homeland oriented cultural activities abroad (e.g. the Rwanda days organized by the government and the embassies abroad) should be promoted as well as the participation in civic, recreational, or solidarity initiatives and in hometown associations (HTAs).

Unfortunately, the same technology that facilitates the flows of people, money, and ideas in the current globalized world has also undoubtedly led to increased state immigration control capacities. Governments in the destination countries have spent massive sums of money to increase surveillance along their southern borders as it is the case of the EU, as it will be seen in the final chapter on international action of this handbook. Governments have for example introduced biometric visas and identity documents and electronic document verification systems for immigrant workers. But the same control technology is provided in large quantities to the countries of Sub-Saharan Africa. The result is that the technology that has created the conditions for transnational activities has thus also created the possibility of increased control of those flows. A main point in this handbook, as we will see in the following chapters, is that an approach based only on control measures, the so called securitarian approach, basically postpones problems and does not eliminate reasons for migration. As we have seen, the complementary approach based on promoting development in the country of origin –address the root causes of migration- is too often used as an alibi to migration containment policies. In any case, it is a long term approach (before middle income countries reach the US\$ 10,000 level of per capita income at which migration starts decreasing) and in the short term it might have unwanted consequences i.e. increased migration that is nudged by more available income abroad. An approach based on

managing flows, promoting circular migration would seem more appropriate and it will be unfolded in the final chapters.

The problem is when the measures suggested in the preceding paragraphs aimed at favoring circular migration and positive social remittances are not taken or keep being postponed in the destination country because there is always an election in the near future and anti-immigration sentiments run high. The consequent lack of secure legal status and the lack of recognition of the development potential of social remittances can have a number of impacts. For example, keeping migrants in a legal limbo prevents migrants from participating in the formal labour market, relegating them to informal, precarious and low paid jobs. Not having the possibility of holding a bank account implies no access to credit and less remittances are sent through formal channels that may be costly and escape national accounts as we saw on the chapter on economic remittances. This insecurity makes migrants less likely to have the means to participate in transnational activities that may be of great help to their country of origin but may also impede them to have a more recognized position in the country of temporary or final residence and therefore prevents their inclusion in the society they live in.

Circular migration is a way to ensure a convinced citizenship in the country of residence. By easing visa and return problems, more frequent physical visits back home may allow migrants to build and renew the trust and emotional identification that underlie long distance social ties. Such visits may also allow migrants to gather first-hand information on the wellbeing of their families, the suitability of business opportunities and the overall socio-economic conditions of their country. In such a way, migrants may make informed decision on when, how much and how to send remittances, what for and to invest in collective development efforts. As mentioned earlier, issuing foreign workers identity cards, may help in financial inclusion of migrants.

On the contrary, caging non-mobile transnational activities as it has been happening before the COVID pandemic can only lead to a decrease in or elimination of short home visits, reduce affective ties and can short circuit the entire social infrastructure underlying remitting and investing. Deskilling occurs because of such obstacles as the difficulty to acquire legal status in the country of residence of migrants, to have academic qualifications recognized and to master the language of the receiving country. The length of stay can also impact the acquisition of skills and qualifications. Consequently, policies favoring the acquisition of a legal status and new skills in the host country can also be beneficial to home countries. It is important that host countries facilitate legalization and promote cooperation strategies regarding migration issues and bilateral protocols with the countries of origin, such as municipality's twinning schemes. The establishment of co-development transnational networks could enhance the transference of remittances. Migrants' potential role in the development of their country of residence as well as their integration in the host countries can be promoted through business networks, chambers of commerce, professional and scientific networks, Community Initiatives, migration and development associations, umbrella organizations, co-development initiatives, Diasporas networks. All these tools will be described in the following chapters.

In conclusion, the examples made above were intended to show how well functioning Diasporas and committed migrants have a great potential for both origin and destination

countries. A rational migration policy in both origin and destination countries should identify and address obstacles like, in addition to lowering transfer costs, alleviating bureaucratic burdens, simplifying procedures. A smart and far looking policy should allow dual citizenship, or ensuring the portability of pension rights and should focus on identifying investment projects, offering security for business transactions from destination and origin countries. Circular migration, if managed well, may also lead to an enrichment of the destination country alleviating demographic problems, attracting labour force when needed. These concepts will be developed further in the chapter on legal paths to migration.

Summary Chapter 3

Diasporas are expatriates based permanently abroad and nowadays they are often second generation nationals and people who acquire citizenship in their host country but nevertheless wish to continue to support their home country development.

Social remittances is a wide concept that encapsulates ideas, practices, mind-sets, world views, new values and attitudes, norms of behavior and social capital (knowledge, experience and expertise acquire). Diasporas consciously or unconsciously tend to transfer social remittances from host to home countries. Social remittances may have a positive impact on the country of origin whilst in other the malpractices acquired abroad clearly produce unwanted effects. Migrants can transfer their social remittances, through letters, telephone calls, emails, internet chats or videos. The ideas and social values that returning diasporas introduce to the people in the homeland are frequently accepted because of the higher social status that the Diasporas' carriers are accorded within the society. This is because of the wealth, knowledge and networks that the migrants may have acquired abroad which give them a prestige as well as power that comes from economic status and resources.

These imported models of lifestyle and wealth tend to enhance investments in human capital through education and more health-conscious attitudes. Migration can also bring about notions of youth's growing adult and emancipating. Migration can involve the transfer of new political ideas (sometimes defined as political remittances) and change peoples' ideas of democracy and rule of law. The effects from social remittances can be both positive and negative, the latter including destruction of family ties, providing robust false images of western prosperity to the origin country, sending back malpractices like baby gangs. Failure in integration in the host country may trigger off terroristic acts all over the world.

Political disinterest results from the non-existence of knowledge and information in the host country about the social capital that the Diaspora may have. Downgrading of the social capital possessed by the Diaspora or de-skilling is due to the impossibility for the skilled and qualified African Diasporas' members to find meaningful employment. Neither their potential role in helping the countries of origin is recognized since Diasporas are seen solely as a source of financial remittances. In the home countries, the challenge is the unwillingness of the governing elites in some of the home countries to reach out to and seek the assistance of skilled and professionals Africans in the diaspora for the development of national institutions.

Circular migration is also a way to ensure a convinced citizenship in the country of residence. By easing visa and return problems, more frequent physical visits by migrants back home may allow them to build and renew the trust and emotional identification, gather first-hand information on the wellbeing of their families, the suitability of business opportunities and the overall socio-economic conditions of their country. Instead, governments have introduced in Europe biometric visas and identity documents and electronic document verification systems for immigrant workers and the same control technology is provided in large quantities to the countries of Sub-Sahara Africa.

Key Terms

Diasporas

Social remittances:

- Ideas, practices, mind-sets, world views, new values and attitudes
- Norms of behavior
- Social capital (knowledge, experience and expertise acquire).

Positive and negative social remittances

Circular migration

Chapter 4 The Political economy of migration. Alternative views on migration

In Chapter 1, internationally available statistics about migration were provided. For example, in 2020 the number of international migrants worldwide has reached nearly 280 million, up from 221 million in 2010. The same year Europe was hosting the largest number of international migrants (82 million), followed by Northern America (59 million) and Northern Africa and Western Asia (49 million). The share of international migrants in the total world population has increased from 2.8 per cent in the year 2000 to 3.5 per cent in 2019 but has been practically stable since 1970 between 2.5 and 3.5 per cent. It is also to be recalled again that in terms of destination of international migrants, 35 per cent move from South to North, 37 per cent are South to South migrants and 28 per cent represent North to North and North to South migrants.

Are these numbers sufficient to justify fears of invasion in destination countries, are they manageable flows? Should migration be encouraged at certain conditions or just contained? These are the alternatives in the current debate as we will see throughout this handbook, together with in-between positions. In this chapter I examine these alternative views.

Migrants are not too many!⁵⁸

The corollary to this title is that we need migrants. Those who hold this view admit, though, that even if the numbers of people on the move are a small part of the world population still these figures matter. In fact, flows tend to be concentrated in space i.e. in a limited number of countries and time, particularly during certain seasons of the year when crossing maritime and ground borders is relatively easier. In Europe this is precisely the situation where substantial flows of migrants are reported by the media during the good season and they are concentrated in a limited number of countries. While admitting this “waves” and their impact on the public opinion, those who do not see migration as a threat also point out to the fact that Europeans migrating from one country to the other within Europe are more than Africans. In any case, the view that migrants are needed is based on demography, for example in Italy. In recent years, the Italian population decreased. In 2020, in Italy deceased people were more than 700,000, never so many since 1944 when World War II was ravaging the country, while births have been less than 400,000 with a decrease in the birth rate of 7.5 per cent.

Italy was the 7th most populated country in early 1800, it was the 10th in 1950 and will be the 33th in 2050. In early 20th century, Europe had 1/7 of world population and possessed 13% of the wealth. There are approximately 7.69 billion people living in the world. Today, Europe has 1/16th of world population and it holds 1/17th of global wealth. The demographic statistics also tell us that at the beginning of 2020, the total population of the European Union amounted to approximately 447.71 million inhabitants. In order to keep the demographic weight during the last decades, the EU had to increase by 4 its surface and by 5 the number of member states. Italy, for

⁵⁸ See Massimo Livi Bacci, *All'Italia servono persone, prima che braccia*, (Italy needs people rather than arms), Limes Luglio 2016

example, now has 12% of population in Europe but if we look at the population age, 10.5 per cent is less than 15 years old, while 13.7 per cent of its population is over 65 years old.⁵⁹ The country is ageing. In 2020, a marked decrease of migrants' inflow was observed, some 40,000 less than in the previous year. Italy is probably becoming less attractive to migrants, routes are more dangerous and difficult and COVID has increased travel restrictions worldwide.⁶⁰

Let's take a look at a few more demographic facts.⁶¹ Population is a stock, slowly modifying. In Europe, during the 1960s the average children per woman was 2.5. In the 1990s, the number of children per woman decreased to 1.25 with some exception, for example France where the number is 1.9 children per woman. Now the fertility rate is 1.5 children per woman in the EU.⁶² Demographers also tell us that longevity increases by 3 months per calendar year. As a result, in a country like Italy and in general in Western Europe, life expectancy is now 83. What will it be in the future, if COVID remains an accident and does not represent a new constant?

The view that in a country like Italy migrants are needed is supported by a number of estimations about future population trends, some of which might apply to many European countries.⁶³ During the 2011-2015 period, the net inflow of migrants in Italy was 175,000 per year. In 2019 less than 12,000. If the rates of the 2011-15 period were maintained, by 2050 the Italian population would still decrease by 3 million. The Italians over 65 age will increase by 50%.⁶⁴

Without immigration (in 2020 some 34,000 migrants entered Italy), the total Italian population will decrease by 8 million. According to the "We need them" view, population decrease plus ageing will have to attract more migrants. The issue of the ageing of the population is well present to policy makers in Europe. Until the COVID outbreak and hopefully again in the future, young people were moving within the continent. Those staying at home do not seem willing to have more children than their parents. In Eastern Europe this is felt as a particular problem to be addressed. The health ministry of Poland, which has one of the lowest birth rates in Europe, last year put out a short video praising rabbits for producing many offspring. It was not met with the favor it expected. It is no surprise that the hot debate in that country about abortion is clearly influenced also by the demographic factor. In Hungary, a TV spot described a woman giving birth in crude details and the message of the spot was around all the pain that most women have to endure when giving birth but the conclusion was that: it was worth! Apparently, this spot was scaring and was not met by enthusiastic cries either. A system of bonuses and support to young couples would probably work better, like for example in France (kinder gardens, financial support). In addition to the perceived ageing and decrease of the population, issues of ethnical and religious homogeneity also influence the debate and the position of the countries belonging to the so called *Visegrad* group within the EU, i.e. Poland, Hungary, the Slovak and Check Republics.

⁵⁹Livi Bacci, cit

⁶⁰ Fondazione ISMU, Ventiseiesimo Rapporto sulle Migrazioni 2020

⁶¹Jeffrey sach, the Age of Sustainable development, 2015

⁶² United Nations Population Division. World Population Prospects

⁶³ Massimo Livi bacci, cit.

⁶⁴ Ibid

Against this backdrop, which policies would be necessary to attract and manage migrants according to the “We need them” approach? Once again, statistics will help in describing this position:

- Foreign **workers** in Italy are approximately 2.5 million
- 1/9 in Italy is a foreign worker
- 1/3 of foreign workers are employed in generic, non-skilled activities, (this percentage is 1/12 among Italians)
- In such sectors as agriculture, building, tourism, restaurants the participation of foreign workers is essential. In the summer of 2020 in many European countries the scarcity of foreign labour due to mobility restrictions created serious problems during the harvesting weeks
- Foreign workers, caregivers, have a quasi-monopoly within families.⁶⁵

It is also to be recalled that, presently, parallel to immigration an increasing emigration of skilled Italians is taking place and therefore such emigration is impoverishing the country.

As a conclusion, the view that migrants are not too many is based on the fact that Italy is still relatively strong in labour intensive areas. Restaurants, elderly care, agriculture jobs are not going to be cancelled fast. In general, modern economies will still need generic jobs. Furthermore, the positive view on migrants is reinforced by the observation they have high savings propensity, they invest in their children, and they maintain ties with the origin countries which can be an asset for the destination countries in terms of trade, political and cultural partnerships. The European continent needs both qualified migration including students, and generic jobs. The conclusion is that what is needed is a number of selective migration policies, coordinated at the EU level but proactive policies are needed anyway, not inertia or simply reactive policies, as it happened following sudden crisis like the 2015 wave of people coming from Syria.

The conflicting view: it will not be migration that will help Italy (and Europe) to stop the demographic and possible economic decline

According to this position, not necessary held only by rightwing parties, but by other analysts,⁶⁶ the reality is much more dramatic. Not only we are not importing brains in Italy and in Europe, but we are losing them. The share of active population in Italy is 60% of the total whilst in Europe it is 68%. Women in general and women in maternity are easily expelled during crisis and through pre-retirement schemes. The important contention of this view is that migrants cannot be easily transformed into a resource. In situations of diminishing productivity, crisis, less investment on research, where tertiary job are less paid and more precarious and the public sector is shrinking, the system cannot absorb migrants. To transform boat people into business men/women is not easy, particularly in a capitalist system based on relation (cultural, networks), no easy credit possibilities. Some migrants make it mainly in opening restaurants, pizza huts, and ethnical shops. According to this view, migrants are in competition with Italians in heavy jobs in

⁶⁵ Livi Bacci, cit.

⁶⁶ For example, Germano Dottori, Limes July 2016

building industry and agriculture. This aspect will be discussed later on in this chapter. Furthermore, migrants may pose security issues, 30 per cent of inmates in Italy are foreigners.⁶⁷

In general, the difficulty to absorb migrants is heightened in times of crisis. The October 2020 Report of the Secretary-General on the implementation of Global Compact for Safe, Orderly and Regular Migration, which was adopted in December 2018 in Morocco, highlights the impact of COVID on migrant workers⁶⁸: “Looking forward, the global recession is expected to have a serious impact on migrant workers: unemployment, social exclusion, human development challenges, declining remittances and heightened discriminatory discourse and actions vilifying migrants are all real risks. Previous experience suggests that migrants are more deeply affected than nationals and have less social and financial capital to sustain extended periods of lockdown and unemployment. Migrants tend to be overrepresented in the most precarious sectors of employment, and the specific characteristics of a recession sparked by health concerns mean that the estimated 8.5 million migrant women in domestic work may be disproportionately affected. States often exclude migrants from social protection systems and economic stimulus measures. For migrant workers, dismissal may mean the loss of income, housing or migration status, early return or potentially becoming stranded [...] But equally, the pandemic has highlighted the value of migrant labour and shifted the conversation in some quarters from the dichotomy between skilled and unskilled work towards one focused on essential workers.”

Fulvio Attinà, Emeritus professor of Political Science and International Relations, Department of Political Science at the University of Catania and Former Chair of GLOPEM and of the Italian Association of Political Science, had already described in 2016 how in a crisis situation, welfare and integration expenditures become easy targets in the political debate. Hospitalization issues, housing, school maintenance and cultural integration issues and costs often have the headlines and the public opinion is polarized.

In his analysis, “since the migrant influx in Europe through the Mediterranean Sea routes started to grow, the European governments have not argued with their citizens but have rather acquiesced due to the plausibility of protests. Generally, citizens complained about ‘*too many immigrants*’. In many countries, the protesters cried out against the migrants as individuals assaulting their welfare and personal security and as well the cultural and social integrity of the country.

Opposition to immigrants is not unknown to the world. The most common explanation of the opposition is the rational motive, i.e. the citizens take into account the costs of the presence of the immigrants in their country. The immigrants alter the job market, overburden the national welfare system, bring troubles to the education system, and cause security problems like the growth of crime in the streets, the infiltration of organized crime networks, and the intrusion of terrorist groups. The collective refusal to share life with the ‘diverse’ and the ‘other’ is also an explanation of the anti-immigrant protest. This refusal is rooted in the social norms and innate culture of a people. The perception of irreconcilable differences of religion also plays a role in such explanation. Last, personality traits and prejudices against all foreigners or certain people and

⁶⁷ Germano Dottori, Limes, July 2016

⁶⁸ United Nations Global Compact for Safe, Orderly and Regular Migration, released on 26 October 2020 Report of the Secretary-General, 26 October 2020

nations are explanations for anti-immigration feelings at the individual level. At the same time, many people assess the threat perception of the immigrants to be exaggerated, and argue that benevolent reception, non-discriminatory behaviour, and integration facilities remove all the problems of reception.”⁶⁹

During the crisis days of COVID, these issues have actually been silenced but they can easily deflagrate in the future, particularly near election time. The conclusion is that a dialogue on integration of migrants is very difficult, with the notable exception of care givers since families' composition is changing and with more elderly people within them the employment of increasingly more care givers appears inevitable.

Another view: needed but not welcomed

Another important contribution to the above debate came from Emilio Reyneri, Emeritus Professor of labour sociology at the University of Torino and a former professor at the Department of Political Science of the University of Catania, who authored in 2016 an article the title of which, used to title this paragraph, well summarizes the dilemma.⁷⁰ The starting point of his analysis is that nowadays in the European Union the **elderly dependency ratio** (people aged 65 or more relative to those aged 15-64) has reached nearly 28% and is expected to climb to 55% in 2050 should there be no immigration. In other words, elderly people, whose age is 65 and over, will represent 55% of the population. Younger people, aged between 15 and 64, will be 45% of the total population.

As represented by professor Reyneri, the expected trend of the proportion of **elderly people relative to the labour force** will be even worse: from 40% to nearly 80%. This implies that in 2050 the EU will change **from four to two working-age** people for every person over 65, and from having nearly **three actually working people** for every person over 65 **to a bit more than one**. Furthermore, after 2030 the numbers of young and prime age people will likely shrink so much that even the size of the total population is expected to decline. From a diachronic point of view, Professor Reyneri observed that in the European countries the relation between unemployment and migratory inflows was negative. In past years, immigration increased when unemployment decreased and a demand for foreign labour emerged, whereas, when unemployment increased, inflows of immigrants declined sharply.

Another important point of his analysis, is that in the short term there is no increase in unemployment for native born. Generally speaking, immigrant workers do not compete with the native-born even when they have the same skills and qualifications. “Several factors combine to prevent real competition. First, many migrants have a poor command of the language and/or do not manage to get recognition of their qualifications (which is the legal limbo that was mentioned in the chapter on social remittances). Second, migrants served during past economic downturns to reduce the impact of crisis on native workers because typically they hold precarious jobs (fixed

⁶⁹ Fulvio Attinà, Migration Drivers, the EU External Migration Policy and Crisis Management ROMANIAN JOURNAL OF EUROPEAN AFFAIRS December 2016

⁷⁰ Needed, but not Welcomed: Immigrants in the European Labour Markets, Emilio Reyneri, published in: Europe, No man's land, ISPI 2018, edited by Maurizio Ambrosini

terms contracts in small and medium size enterprises SMEs). Third, migrant workers are also massively employed in industries which are sensitive to business cycle, for example construction which is fast affected by economic downturns. Migrants tend therefore to represent a buffer for natives who benefit from employment which is, relatively speaking, more stable. A number of consequences are therefore observed frequently: natives are pushed towards more complex jobs, and are generally better paid. Furthermore, immigrants are always more unemployed than natives and they are associated with more turnover and mobility within and outside EU countries.”⁷¹

Unemployment figures seem to support Professor Reyneri’s point. On the one hand, according to Eurostat, the unemployment rate for the total population aged 15-74 decreased between 2005 and 2019, which were times of substantive inflows of migrants, from 9.6 % to 6.7 %. Furthermore, twenty EU Member States recorded lower unemployment rate in 2019 compared with 2005. Nevertheless, some EU Member States recorded an increase of their unemployment rate between 2005 and 2019. The largest increases in percentage points can be found in Greece (7.3), Spain (4.9), Italy (2.3) and Cyprus (1.8).

In absolute numbers, Eurostat estimates that 15.933 million men and women were unemployed in November 2020 in the EU-27, of whom 13.609 million in the euro area (19 countries). Compared with October 2019, the number of persons unemployed in 2020 decreased by 222.000 in the EU and by 172 000 in the euro area. Obviously, these figures will have to be adjusted to when the impact of the COVID crisis is better known.

In his analysis, Professor Reyneri further argues that from the socio-political point of view and contrary to what is commonly believed, immigration does not put a strain on the welfare state. However, he acknowledges that it risks undermining social cohesion. In fact, it is true that because immigrants are more unemployed than natives and hold low-paid jobs they are also more likely than natives to get unemployment benefits and family subsidies. This is often quoted by opponents of migration. However, those subsidies are only a minor part of welfare spending in European countries. As a matter of fact, their net contribution to welfare (tax paid compared to pensions received) is more positive in new receiving countries (such as the southern European) and less positive or even negative in old receiver nations (Germany in particular). Said differently, in Italy there are fewer second and third generation immigrants, who can now benefit from pensions, as compared to such countries as Germany or France where many immigrants who entered the country in the 1950s and 1960s now live as retirees.

According to OECD, depending on the assumptions made and the methodology used, estimates of the fiscal impact of immigration vary, although in most countries it tends to be small in terms of GDP and is around zero on average across OECD countries. Immigrants tend to have a less favorable net fiscal position than the native-born, but this is almost exclusively driven by the fact that immigrant households contribute on average less in terms of taxes and social security contributions than the native-born and do not have a higher dependence on benefits.⁷²

⁷¹ Ibid

⁷² The fiscal impact of immigration in OECD countries, OECD 2013

Although in economic terms the impact of migration is not negative, in Italy for example, migrants provide more in financial terms than they receive from the state, the perception is different and migrants are considered as having an impact on the social welfare. This seems more visible in certain areas. They often receive cash transfers (there is a constant and heated debate on the pocket money given to each migrant in Italy), subsidies for their lodging in reception structures, housing and unemployment benefits. The fact is that, as Professor Reyneri says: “Social cohesion is no longer based on a sense of common belonging as it was after World War II in West and Eastern Europe.” Nowadays, ethnic diversity erodes social cohesion and it leads to a kind of “welfare chauvinism” which is the base for many electoral campaigns.

Finally, the analysis of Professor Reyneri also addresses the issue of “Selective” immigration policies whereby each European country so far has received the immigrant workers that its labour market requires. Said differently, economic migrants always meet a demand from the receiver labour market and they fill its peculiar shortages. In particular, the great demand for highly skilled labour explains why Ireland and the United Kingdom, for example, implemented an immigration policy targeted at favoring the entry of highly educated workers (e.g. nurses and doctors from English speaking former colonies) and seeking to close their doors to poorly educated migrants.

In contrast, only a great demand for low-skilled labour can explain the policy of “benign neglect” towards unauthorized immigration implemented by Italy and Spain, because migrants who enter through the “back door” are much more prone to take bad or low paid jobs. Remarkably, “only the policy by Ireland and the UK was called “selective” because the immigrant workers were explicitly selected according to needs for highly skilled labour. However, even the policy by Spain and Italy de facto implemented a selection process, although implicit, as it favored the immigration of low-skilled workers that were needed by the domestic labour market.”⁷³ I will parse these aspects more in detail in chapter 6 on circular migration and seasonal quotas.

Both these opposing policies, selective versus benign neglect, meet only short-term needs and can present serious contradictions in the long run. On the one hand, the selective immigration policy overlooks the fact that, for the demographic reasons indicated earlier, in the long run all European countries also need migrants who are willing to fill low-skilled jobs, which do not decrease and even grow in such sectors as personal services. On the other hand, a policy that fails to attract highly educated immigrants relinquishes the advantages that in the long run fresh high-level human capital can bring to its economic and social development.⁷⁴ In Chapter 12 on International Action and the way forward, schemes like the Blue Card designed not to lose the global competition to attract talents and mobility partnerships schemes will be discussed.

Immigration and integration need long run and fine-tuned policies whereas at present political leaders in most destination countries are merely worried by the impact and consequences of migration issues on the next elections. The fact is that there are elections almost every year in Europe and this is one of the reasons that lead to stalemates in the definition of a truly EU common policy on migration. In Chapter 12, the prospects of a European policy will be examined

⁷³ Needed, but not Welcomed: Immigrants in the European Labour Markets, Emilio Reyneri, cit.

⁷⁴ Ibid

at length. Here it suffices to mention some of the aspects of such policy. For example, it would be better to reduce the waiting period before refugees are allowed to work, to pursue integration measure (technical language course, vocational training) and basically accept the long term nature of migration. This is politically difficult because politicians are afraid of being considered soft when facing the rhetoric of migrants who take jobs from natives. Other aspects of a European policy will have to cover a strategy on high skill versus low skill policies immigrants, how to facilitate the entry of workers to fill shortages, both low and high skilled and for length. This implies a better approach to temporary permits for job search by age, education, and training. Bilateral agreements training will also be mentioned in Chapter 6 on circular migration and temporary seasonal migration, and in Chapter 12 on international action, together with ways and means to avoid unnecessary brain drain. In a sentence, the challenge in Europe will be to ensure a balance between the long term demographic and economic trends and the objectives of social cohesion and short term political concerns that were mentioned above.

Summary Chapter 4

The view that migrants are needed is based on demography. At the beginning of 2020, the total population of the European Union amounted to approximately 447.71 million inhabitants. In order to keep the demographic weight during the last decades, the EU had to increase by 4 its surface and by 5 the number of member states. Europe is ageing. During the 1960s, the average children per woman was 2.5. Now the fertility rate is 1.5 children per woman in the EU. According to the “We need them” view, population decrease plus ageing will have to attract more migrants. The positive view on migrants is reinforced by the observation they have high savings propensity, they invest on their children, and they maintain ties with the origin countries which can be an asset for the destination countries in terms of trade, and cultural partnerships. The European continent needs both qualified migration including students, and generic jobs. The conclusion is that what is needed is a number of selective migration policies, coordinated at the EU level but proactive policies are needed anyway, not inertia or simply reactive policies, as it happened following the sudden crisis like the 2015 wave of people coming from Syria.

According to the opposite view, in situations of diminishing productivity, crisis, less investment on research, where tertiary jobs are less paid and more precarious and the public sector is shrinking, the system cannot absorb migrants. To transform boat people into business men/women is not easy particularly in a capitalist system based on relation (cultural, networks), no easy credit possibilities. Some migrants make it particularly in opening restaurants, pizza huts, and ethnical shops. According to this view migrants are in competition with locals in heavy jobs (buildings), in agriculture. The difficulty to absorb migrants is heightened in times of crisis. The global recession is expected to have a serious impact on migrant workers: unemployment, social exclusion, human development challenges, declining remittances and heightened discriminatory discourse and actions vilifying migrants are all real risks. In a crisis situation, welfare and integration expenditures become easy targets in the political debate, hospitalization issues, housing, school maintenance and cultural integration issues and costs often have the headlines and the public opinion is polarized.

According to a third view, migrants are needed but not welcomed. In 2050 the EU will change **from four to two working-age** people for every person over 65, and from having nearly **three actually working people** for every person over 65 **to a bit more than one**. Furthermore, after 2030 the numbers of young and prime age people will likely shrink so much that even the size of the total population is expected to decline. Generally speaking, immigrant workers do not compete with the native-born even when they have the same skills and qualifications. Migrant workers are massively employed in industries which are sensitive to business cycle, for example construction which is fast affected by economic downturns. Migrants tend therefore to represent a buffer for natives who benefit from employment which is, relatively speaking, more stable. Contrary to what is commonly believed immigration does not put a strain on the welfare state. However, it risks undermining social cohesion. In fact, it is true that because immigrants are more unemployed than natives and hold low-paid jobs they are also more likely than natives to get unemployment benefits and family subsidies. This is often quoted by opponents of migration. However, those subsidies are only a minor part of welfare spending in European countries.

In the recent past, selective” immigration policies have been enacted since economic migrants always meet a demand from the receiver labour market and they fill its peculiar shortages, semi and skilled workers in some countries and low skilled in other ones. Both these opposing policies, selective versus benign neglect, meet only short-term needs and can present serious contradictions in the long run. On the one hand, the selective immigration policy overlooks the fact that in the long run all European countries also need migrants who are willing to fill low-skilled jobs, which do not decrease and even grow in such sectors as personal services. On the other hand, a policy that fails to attract highly educated immigrants relinquishes the advantages that in the long run fresh high-level human capital can bring to its economic and social development.

It would be better to reduce the waiting period before refugees are allowed to work, to pursue integration measure (technical language course, vocational training) and basically accept the long term nature of migration. This is politically difficult because politicians are afraid of being considered soft when facing the rhetoric of migrants who take jobs from natives. Other aspects of a European policy will have to cover a strategy on high skill versus low skill policies immigrants, how to facilitate the entry of workers to fill shortages, both low and high skilled and for length.

Key Terms

Demographic ageing Elderly dependency ratio Labour market
 Absorption capacity of Migrants Immigrant workers vs. native-born workers
 High and low skill workers Selective immigration policies (skilled workers)
 Benign neglect immigration policies (low skilled workers)

Chapter 5 Co-development

Migrants' role in development. Co-development and Its Models

The sheer amount of remittances worldwide raises the question about how to release and increase the potential of migrants as active development actors, how to harness the potential of economic and social remittances. In this endeavour, the issue is the lack of real incentives, credit and technical support for migrants willing to invest in economic activities. Said differently, how to address the so called loneliness of the migrant who wants to invest part of his remittances in his own country and which services should be provided to this end. The debate is, for example, whether migrants should have a special access to credit, with special banks established for them, using guarantee lines to be managed by migrants' specialized banks and funds. In other words, to use migrants as special actors in development, favouring them over other type of local entrepreneurs, not a minor question. Thus, which are the governments' policies at both ends of the migratory flows that may maximize the development potential of migrants' remittances and the skills acquired abroad?

When migrants willing to invest at home part of their remittances for productive purposes are interviewed, they invariably answer that they are alone, resenting the almost total lack of support. Intuitively, the distance of migrants from the country where their economic activities and investments should take place and the difficulties in visiting often their enterprise are major obstacles. This is the core of co-development and it involves concepts of circular and return migration. The issue of managing financial flows associating them with migration for development purposes is not new. In 1997, Sami Naïr, who was a French Inter-Ministerial Delegate for International Co-Development and Migration, defined circular migration as a "Proposal for integrating immigration and development in a way that migration fluxes will benefit both the country of origin and the country of destination."

Many attempts have been made in Europe, Africa, North and Latin America, to promote the contribution of Diasporas to the development of their countries of origin through financial remittances and their own know-how (social remittances) to guide their investments. In other words, the technical skills, values and networks of knowledge and contacts acquired abroad.⁷⁵ The most famous scheme is probably the *Très por Uno* Model in Mexico, by which for each dollar invested by migrants living in the United States into development and business projects in their home villages, the Federal, the State and the Local governments add a dollar each. The Mexico scheme aimed at encouraging associations of migrants in the USA to put together resources and send them home, where hometown associations would decide on the use, for example building village infrastructures, clinics, schools, purchasing ambulances, etc. Similarly, groups of migrants may decide to invest in business activities and the Local, State and Federal authorities may provide financial support. To have an idea of the potential multiplier impact of the program, the US\$ 40.6 billion that migrants sent home to Mexico in 2020 was equivalent to the combined entire budgets of the Mexican government's education, health, labor, welfare and culture departments. As a

⁷⁵ Social Remittances Revisited , Peggy Levit, cit

source of foreign income, remittances earn Mexico more money than oil exports or tourism and are exceeded only by manufacturing exports.⁷⁶

However, experience has shown that this scheme is efficient when the three types of authorities are politically homogeneous. On the contrary, if one political party is in power in one of these three levels but not in all, political conflicts, red carpet issues arise and make the model less efficient. Elsewhere, France has been pioneering and experimenting co-development programs in sub-Saharan Africa and so have been Spain and Italy.

Three Models of intervention promoted by development agencies: Free Market (Anglo-Saxon), Bancarization (Spanish), Financial and Technical Support (French-Italian)

Efforts have been made by observers to identify models to promote investment of remittances and co-development although it is more appropriate to talk about approaches. Three such approaches have been identified,⁷⁷ although, in practice, governments revert to a combination of the elements that they consider suitable. These approaches are:

The Free market (Anglo-Saxon approach): It is about the promotion of free market mechanisms in the transfer of remittances from destination to origin countries with a view to reducing their costs.

According to this approach, the main thing to do is avoiding dominant positions by one or two money transfer operators, for example Western Union, Money gram. Under this approach no operator should be allowed to impose exclusivity clauses to the banks that they use in the countries to obtain formal licences that will allow them to be involved in money transactions from abroad. Banking regulations have therefore to ensure that exclusivity clauses, as we have seen in Chapter 1, are not legal.

If monopolistic positions are banned, or mitigated, countries receiving financial remittances and the countries from where such moneys are sent should also ensure that there is sufficient market information on the prices that each operator charges to remittances transfers. Internet sites like *Send Money Home*, *EnvieArgent*, *Mandasoldiacasa*, are the major tools to this effect. They allow migrants to compare the cost of sending money to their families and competition among them has a positive impact on remittances costs.

Bancarization or Banking the unbanked migrants (Spanish approach):

According to this approach, tested by the Spanish development agency but also promoted actively by international organizations like IFAD and the World Bank, financial inclusion of migrants is key. Migrants should be helped in opening accounts in the country of residence, say Spain, in banks that possibly are in the same networks as banks in their country of origin, for example Niger. This would make the transfer of remittances not expensive (the cost of transfers between bank branches can be as low as one Euro) and flows could be included in the formal circuits at home, with benefits to the fiscal systems. As said before, although transfers through formal circuits (banks,

⁷⁶ Source : Mexico Central Bank

⁷⁷ Synthèse des résultats des enquêtes sur les envois de fonds des travailleurs migrants dans les pays de l'UEMOA, BCEAO, Mai 2013

money operators) are huge, USD 508 billion in 2020, the amount of remittances transfers through informal mediators through the Hawala and Hundi systems are estimated to be a multiple of that amount. De facto, such resources mostly circulate outside the national accounting system. The “bancarization”, or financial inclusion, is also intended to allow migrants’ households at home to be eligible for loans from banks and or micro-credit associations. In fact, by showing that there is a regular flow of remittances the family of the migrant or cooperatives composed by of migrants’ families at home may more easily obtain credit. Remittances can thus be used as collateral for loans. A number of banks in Africa and elsewhere propose additional benefits to migrants who open accounts in their establishments like health insurance, corps repatriation and house mortgage schemes.⁷⁸

Providing additional investment support services (French and Italian approach)

In addition to the above tools, including new generations of Send-money-home web sites, this approach aims at supporting financially and technically the investment of part of migrants’ remittances in:

1. Community projects, village water wells, clinics, agricultural machinery to be used by associations of migrants’ households, etc.
2. Productive investments by individual entrepreneurs or cooperatives

We can say that this approach aims at using all the tools described so far, albeit with different priorities. The main challenge is how to promote migrants’ investment in economic activities, modifying the well-known pattern of 80-90% of remittances being spent on consumption, i.e. housing, education, and health, in favour of productive investment which is normally 10% of what migrants send home. In other words, how to help more migrants to be successful entrepreneurs. Within this approach, training programs, rosters of willing migrants-entrepreneurs are established in the country of residence. In France, for example, Incub’Mali is a project incubator for young Malians who want to be entrepreneurs in the country of origin. Similar attempts are made in Italy and Spain. When their project proposals are accepted migrants receive training in management, accounting, and receive help in submitting funding proposals to credit institutions that operate with credit guarantee funds in their home countries, as it will be seen in the following paragraphs.

Development aid funds, in this approach, are used to top up migrants investments in a given economic activity. In co-development projects supported by development agencies, migrants provide 10 to 20% of the initial capital and the rest comes from bilateral or multilateral Aid. The corollary to all the above, is that countries receiving remittances should provide an environment that is conducive to the investment of remittances, and investment tout court, through adequate policies that would be based on temporary fiscal and custom exemptions (when migrants are importing goods for economic investment), credit incentives. One could also add, for example, land policies that would favour the investment of remittances in cash crop agricultural areas through long lease possibilities for Diasporas willing to invest in their home country. Land redistribution to migrants’ households may also be a useful tool to promote investment of

⁷⁸ As mentioned earlier, if a migrant passes away when abroad friends and families have to bear the costs of international transport which are very high

remittances but they need to be designed in such a way to avoid inequalities and conflicts between those who have financial resources to buy new land (the migrants) and those who don't. The role of the state is key also in this area.

Policies for Governments and Aid Agencies. Providing investment services to migrants and their families at home

As it will be seen in the final chapters, many observers keep voicing concerns about the fact development aid funds are increasingly used to contain migratory flows, to deter people from move whilst it might be more realistic to alter and manage such flows in manners that are beneficial to both origin and destination countries of migrants. Development aid funds could therefore be used also to provide support to migrants' investments.

Provision of support services to migrants

Generally speaking, in developing countries Economic Promotion Agencies, for example, need institutional strengthening and training. Too often, their role is confined to help potential investors with the administrative work related to starting a private business and providing tax advice. In theory, they are also supposed to help potential investors in receiving credit, through project preparation and analysis. However, the weakness of such agencies lies in the lack of provision of up to date sector studies and in the analysis of value chains where Diasporas could be prompted to invest part of the remittances that they send home. Project design support and cost benefit analysis are generally not provided. Therefore, it is necessary to provide training to the staff from economic promotion agencies, ministries, development projects, NGOs, producer organizations, chambers of agriculture, commerce and trade, investment funds, micro-credit associations, private consulting firms that are blossoming everywhere.

Access to Credit/Financial Inclusion

The institutional weakness of economic promotion agencies is mirrored by similar ones in the credit system. The establishment of Guarantee Funds and other credit schemes to help banks in providing credit specifically to migrants is currently debated within a context characterized by generalized lack of or insufficient guarantees for the banking systems, particularly in Sub-Saharan Africa. The possibility of providing guarantees (often through public funds) to those banks who lend money in context of underdevelopment is a key aspect of the success of the countries that managed to move up the ladder of economic and social development, moving from least developed to middle income status, for example.

In developing countries banks do not have sufficient economic and human resources to support credit activities. As it is the case for economic promotion agencies, few among credit institutions have a sector approach and analytical capacity regarding the markets they are operating in. It is easier for banks, not only in Africa as a matter of fact, to consider that the main risk factor in evaluating a request for credit is the duration of the investment and the business environment but not the risks related to a specific sector. It is for this reason that guarantee funds, almost regularly financially endowed with resources from external aid agencies, are mandated to intervene to help

banks in their investment funding work. The problem is that Guarantee Funds⁷⁹ either are in a position to provide technical assistance and tutoring to the banks to which they are supposed to provide guarantee credit lines. After approval of the credit line to the banks for a given investment, Guarantee Funds do not provide further support or monitoring. The investor and the bank which provided the credit to him are left alone. This is considered as a major cause of defaults in the guarantee sector. Traditionally, Aid funds have been used to promote investments in developing countries.

Migrants' banks

In recent years, a debate has emerged on whether it is appropriate to target more specifically migrants' investments and this establish migrants' banks. Establishing a new Bank of Migrants (possibly with the State having the big share) is a possibility that is being increasingly examined by governments in migration prone countries, where remittances are important. It is an area that I have assessed in my field work for the EU-ACP-IOM Action on migration in Sub-Saharan countries.⁸⁰ One of the problems is that establishing a bank for migrants would entail taking shares of the market from existing banks, it would carry high costs to identify from scratch new banking products without being present in the regions of the country that they should be servicing and, therefore, high recurrent costs before the bank is operational. It would also carry risks of creating a "cold money mentality"⁸¹ among clients, meaning that financial resources given to migrants, also with donors' support, might be considered as another form of aid or grant and do not necessarily need to be reimbursable. If there is no risk, there is no need to worry about reimbursing the loan, it is just a present! Instead, this has been my proposal to governments in migrants' countries, credit/guarantee lines could be entrusted with existing banks, based on their regional presence in the countries. Thus, such a policy would be taking benefit of the existing staff of such banks, whose professional capacities will have to be strengthened.

In all cases, whether a brand new bank for migrants is established or existing credit institutions are used, the credit provided through existing guarantee lines or by a Bank of Migrants will have to be followed up technically and financially throughout the life of projects, and the institutions proving the guarantees will have to provide technical manuals for their use by the banks using the guarantee lines. In my proposals to the governments, institutional strengthening programs should include a program for training through, for example, the "Rural Invest" type of training packages.⁸² Sector strategies need to be developed so that banks working also with migrants will be doing so within value chains (i.e. from raw material to end product) and within a context whereby larger companies, which are already clients of the banks, can be supported by small companies set up also by migrants. In other words, it is better to promote migrants' enterprises as sub-contractors

⁷⁹ A Guarantee Fund is often a government-owned fund offering advisory services and risk capital to companies wishing to do business in developing countries and emerging markets. Guarantee funds may also provide risk guarantee to banks which, in turn, finance private investments.

⁸⁰ Maurizio Malogioglio, Evaluation des mécanismes mis en place au Mali depuis 2011 sur comment réduire les coûts des transferts de fonds, 2016

Maurizio Malogioglio, Panorama des transferts de fonds dans les pays de la CEEAC (Cameroun, Gabon, Rwanda) 2019,

⁸¹ Lazare Hotom, FAO 2003

⁸² FAO: Advantages of *Rural-Invest*: Automated technical and financial calculations; Participatory and interactive approach involving all stakeholders in project development and analysis; Guidance through each step of the project life cycle; User-friendly software with comprehensive help features; and Analytical tools that facilitate quality review and approval

or suppliers of larger companies in a given market sector rather than establishing brand new companies without the necessary financial and human capital and company's size else the death rate of migrants' companies will be even very higher than existing ones.

What governments can do to promote an environment conducive to the investment of remittances: One stop shops for migrants

The question is debated whether the actions described above should be reserved only to migrants. Clearly, there is no need for a strong discrimination and local entrepreneurs should be allowed to benefit from investment support services. After all, migrants are not necessarily and always the best entrepreneurs due to their distance from home and it cannot be given for granted that a young man who has crossed the Mediterranean with funding from his family at large and from the village, is willing or will ever be able to be an entrepreneur. Nevertheless, it is not rare that after a few years of stay abroad he will think not only of helping his family with cash transfers but also by starting his own activity. This is the moment when **state policies have to make the national environment conducive to the investment of remittances. Credit provision policies, fiscal holidays and custom duties exemptions, need to be used.** An advanced stage will be when **One Stop Shops** are established. In other words, agencies where migrants receive all information and authorization to start their activities. Such agencies may public or semi-public and could partially finance themselves with fees recovered from their clients. A migrant can start in such a Shop all the paper work to rent communal land from the State, he can be addressed to the appropriate bank for the credit and guarantees, and he can obtain support in sector chain value analysis and cost benefit analysis.

In a review of remittances flows in the Economic Community of Central African States that I conducted for the ACP-EU-IOM Joint Action Unit,⁸³ amongst the individual investment support services that are to be provided to migrants, Rwanda and partly Cameroon scored high. In particular, Rwanda has established one of these one-stop shops for migrants. The Rwanda Development Board- RDB- is a respected government agency that includes all the national agencies, public - and even private, responsible for all stages of the investment process (registration, promotion, compliance with environmental regulations, land acquisition, credit, privatization etc.). The sector strategies for investment promotion that RDB provides include a set of clearly defined and rapidly applicable incentives (tax, customs exemptions, etc.) of benefit to the migrant investor. The RDB promotes regularly, through visits abroad and other contacts, the investment of its Diaspora (the Government prefers to call them communities of Rwandans abroad, to avoid any hint to exile status or lack of reconciliation after the civil war and genocide of 1994) in specific areas: building construction, agro-industry, tourism. As a result, it is very true that in Rwanda an entrepreneur can establish a company in 24 hours. I myself requested on a Saturday morning an on-line Visa to enter Rwanda. The following day, Sunday, I was contacted by a consular officer and later during the same day I received the visa.... It can be done!

Migrants' investment in agriculture can also be fostered. Around 40% of international remittances are sent to rural areas, reflecting the rural origins of a large share of migrants. A large share of migrants originate from rural areas where more than 75% of the world's poor and food insecure depend on agriculture and natural resource-based livelihoods.⁸⁴ Instead of investing in agriculture very often

⁸³ Maurizio Malogioglio, Panorama des transferts de fonds des migrants dans les pays de la CEEAC, June 2019

⁸⁴ Source FAO, IOM

migrants' families at home build houses and buy consumption goods. This is quite natural and legitimate. Nevertheless, it is a matter of governments' incentives and disincentives whether migrants return home to become entrepreneurs, or invest in agriculture or they simply prefer to invest in "luxury" urban houses (to be rented to expatriates who pay in foreign currencies as it often happens) and other urban amenities at home). Considering that most migrants' households are in rural food insecure areas, promoting investment of part of remittances in rural areas in farm and off farm activities is something that governments and development agencies need to seriously consider. Fiscal and credit incentives may be used together with guarantee lines that rural banks can have access to so that their loans to migrants who want to invest in agriculture are guaranteed by public and or private guarantee funds.

Box 2 The "Migration for Development in Africa" (MIDA) Pilot projects Italy –Ghana, Senegal

"Migration for Development in Africa" (MIDA) is a capacity-building programme, which helps to mobilize competencies acquired by African nationals abroad for the benefit of Africa's development. Based on its experience in the Return of Qualified African Nationals (RQAN), the International Organization for Migration- IOM- launched this programme to strengthen its capacity building efforts in assisting African countries to benefit from the investment they have made in their nationals. Many African nationals in the diaspora have applied their qualifications and skills in developed countries in Europe and North America. Through its mobility-based approach, MIDA aimed at helping African nationals to directly contribute to the development of their countries of origin. MIDA foresees a number of steps:

1. Identify migrants' communities in host countries (IOM make calls for proposals).
2. 70% of the proposals received are in agriculture and agricultural processing);
3. Set up migrants' cooperatives in the host country with the help (assistance in the business cycle) and financial support from of IOM and local governments (municipalities, regions, etc.), Ministry for Foreign Affairs;
4. Migrants remittances for at least 15.% of the working capital will be a pre-condition;
5. Regions , local governments provide technical support to the migrants' agricultural cooperatives or SMEs
6. Funding coming from local and central governments.

Based on the above criteria, the GhanaCoop fruit trading project, with a budget of some Euro 80,000, consisted in the purchase of exotic fruit and vegetables from Ghana to Italian and European markets based on Fair Trade principles. A Cooperative established in Ghana by families of Ghanaians living in Italy, (Modena) was able to purchase, to guarantee stable production, network with local cultivators, and improve quality. In addition, it was possible the Implementation of social projects on the territory, through a dedicated Fund. The volume of business went to over Euro 1 million!

In the WMIDA (Women Migration for Development in Africa) project, a cooperative of women from Senegal living in Italy (Forlì-Cesena) established the Yakkaar Association. The domain was agriculture in the Region of Dakar. The Total project budget was euro 84.000 and the Yakkaar cooperative's contribution was 15%. Other co-funding partners were the Emilia Romagna Region, Confesercenti. Thus, women producers' associations were set up in Senegal, working in the agro-processing sector and providing services to the consortium members for products conservation, packaging, export, commercialization, fair trade patent.

Summary Chapter 5

Co-development involves concepts of circular and return migration. Circular migration is “a proposal for integrating immigration and development in a way that migration fluxes will benefit both the country of origin and the country of destination”. Regarding co-development, **The Free market approach** is about the promotion of free market mechanisms in the transfer of remittances from destination to origin countries with a view to reducing their costs and avoiding dominant positions by one or two money transfer operators. In the **approach based on banking the unbanked**, migrants should be helped in opening accounts in the country of residence, in banks that possibly are in the same networks as banks in their country of origin. This would make the transfer of remittances within same or networked banks not expensive and flows could be included in the formal circuits at home, with benefits to the fiscal systems. Remittances can also be used as collateral for loans. **A third approach** aims at supporting financially and technically the investment of part of migrants’ remittances in Community projects (village water wells, clinics, agricultural machinery to be used by associations of migrants’ households) and productive investments by individual entrepreneurs or cooperatives.

The main challenge is how to promote migrants’ investment in economic activities, modifying the well-known pattern of 80-90% of remittances being spent on consumption, i.e. housing, education, and health, in favour of productive investment which is normally 10% of what migrants send home. In other words, how to help more migrants to be successful entrepreneurs. Development aid funds, in this approach, are used to top up migrants investments in a given economic activity. In projects supported by development agencies, migrants provide 10 to 20% of the initial capital and the rest comes from bilateral or multilateral Aid. Countries receiving remittances should provide an environment that is conducive to the investment of remittances, and investment tout court, through adequate policies that would be based on temporary fiscal and custom exemptions (when migrants are importing goods for economic investment), credit incentives, land policies.

In order to promote the investment of migrants’ remittances their transfer costs have to be further lowered by avoiding monopolies and favouring transparency in transfer contracts. The establishment of brand new banks for migrants must be carefully weighed against the possibility of using, as an alternative, existing banks and provide them with guarantee credit lines designed for Diasporas. The “loneliness” of potential investor migrants must be matched with the strengthening of economic promotion agencies, including the establishment of One Stop Shops for migrants. Throughout countries, training in sector analysis and project design must be provided to staff from semi-public economic promotion agencies, project and NGOs, private consulting companies, local authorities, cooperatives and farmers associations.

Key Terms

Circular migration	Co-development	Banking the un-banked (financial inclusion)
Investment support services	Investment environment	Government fiscal, custom, credit and land
redistribution policies	One-Stop shops	Guarantee funds Migrants’ banks

Chapter 6 Circular Migration, Seasonal Migration

In economics, circular migration or repeat migration is associated with the temporary and usually repetitive movement of a migrant worker between home and host areas, typically for the purpose of employment. It is an established pattern of population mobility, whether cross-country or rural-urban. In development studies, circular migration is defined as the fluid movement of people between countries, including temporary or permanent movement which, when it occurs voluntarily and is linked to labour needs of countries of origin and destination, can be beneficial to all involved. The European commission defines it as “a form of migration that is managed in a way allowing some degree of legal mobility back and forth between two countries-⁸⁵” Circular migration has the potential to benefit both origin and host country economies and the migration and development policy agendas. In certain approaches, it is about filling labour market gaps (temporary), while ensuring at the same time that migrants do indeed go back; in other words, maximizing the developmental impact of migration by ensuring that people, their human capital and their remittances/investments return to the countries of origin. It is important to ensure a combination of measures to combat irregular migration by strict enforcement of labour-immigration laws with well-designed co-development policies and programs/projects support to origin countries as it will be seen later on in this chapter.

In 2014, the European Commission introduced the Seasonal Workers Directive regarding the development of the legal paths of migration among the European member states.⁸⁶ The aim was to operate and design a system of seasonal worker programs that allows to recruit the needed skilled workers, avoiding exploitation and visa overstays. As matter of fact, more than 100,000 non-EU seasonal workers come to the EU each year to be employed in greenhouses throughout the continent, harvesting, picking apples in Poland, strawberries and cherries in Britain, grapes in France or olives, tomatoes and grapes in Italy, working in summer resorts in Spain or Portugal. When I quoted Professors Livi Bacci and Emilio Reyneri in the previous chapters, it was to underline that the EU still has a need for seasonal workers, especially in the agricultural, horticulture and tourism sectors. On average, a seasonal worker has a work permit from 5 to 9 months even though the Commission proposed the possibility to extend the residence permit up to 12 months, to accommodate winter seasonal workers.⁸⁷ Thus, it can be said that the new rules aimed at promoting non-EU workers’ movement between a third country and the extension of circular migration. This would be done either through a multi-season permit covering up to 3 consecutive years or by facilitating re-entry procedures.

Enhancing of low skilled migrants’ access is important and it is possible by increasing the effectiveness in the skills recognition programmes among all the EU countries including those

⁸⁵ (European Commission 2007).

⁸⁶ From the legal point of view the EU system is based on five tools: The Family Reunification Directive (2003/86/EC) ;The EU Blue Card Directive (2009/05/EC), Commission proposal for recast in June 2016;(COM(2016) 378 final);The Single Permit Directive (2011/98/EU) ;The Seasonal Workers Directive (2014/36/EU) ;The Intra-Corporate Transferees Directive (2014/66/EU) ;Students and Researchers Directive ((EU)2016/801 – recast)

⁸⁷ See Kate Hooper, 2020.

countries in which low skilled migrants are not ‘accepted because they implement a selective policy for receiving high skilled workers. The European Union approach to legal paths to immigration, as well as its external policy is influenced by the political attitudes and debate in each member state. Before addressing the policy issues regarding migration in the final chapters of this handbook, a cursory review of some existing legal channels for legal migration worldwide will help.

The Canada Model: The Seasonal Agricultural Workers Program” (SAWP) and Temporary Foreign Worker Program (TFWP)

The Seasonal Agricultural Workers Program” (SAWP)

One model that has received much attention in this regard is Canada’s “Seasonal Agricultural Workers Program” (SAWP). In existence for more than four decades, this program annually moved some 27,000 people from Mexico and the Caribbean into jobs on Canadian farms. According to SAWP, within eight months foreign workers are requested to go back to their countries of origin. The SAWP allows employers to select their workers on the basis of nationality and gender rather than work experience, skill-set or training. The SAWP and the TWP (The Temporary Workers Program, in other non-agricultural sectors), also allow employers (and governments) to circumscribe the profile of workers in other ways. A salient aspect is that Canada’s recruitment policies for low skill workers coming to work on farms give preference to individuals with dependent and, in addition, visa restrictions require them to leave their families behind. These two policies are principally designed to deter visa overstay or permanent settlement by choosing workers with more reasons to return home than to stay. Moreover, these programs benefit employers also in other ways, for example by reducing migrants’ social responsibilities in Canada and therefore increasing their willingness to accept overtime and weekend hours. However, the SAWP model may be ambiguous since it utilizes “nationality” as one of its selection criteria (often a euphemism for “race”).

In 1973, most seasonal immigrants were high-skill workers specialists, doctors. Low-skilled workers are now a much more important share of temporary foreign workforce. In 2006, the program expanded with fast-tracking procedures introduced for some locations. It was revised again in 2013, raising wages, charging employer fees, and removing the accelerated applications. SAWP has raised health concerns during the years, for example, because of poor ventilation systems in greenhouses, heavy lifting that workers are requested to make, combined with unsafe farm equipment, soil, insects and plants pesticides, nutrients and also unsafe transportation. As a matter of fact, similar concerns are frequently raised in many European countries as well. Not surprisingly, other concerns have come to the fore, like overt racism from townspeople, sometimes resulting in physical altercations, acute pay discrimination between migrant and non-migrant workforce, exclusion from basic human rights legislation such as Health and Safety Legislation and most aspects of the Employment Standards Act, and, last but not least, they are prohibited from collective bargaining and from joining unions. All these concerns should sound familiar and ring more than a bell in European ears.

The Temporary foreign worker program (TFWP) for non-agricultural workers

Unlike SAWP, employers through the TFW program, are responsible for full cost of airfare to and from Canada, but not for housing. There is no standard employment contract. Each employer enters an agreement with the worker, approved by The Department of Human Resources and Skills Development Canada (HRSDC), but the government has no role in regulating contents or compliance of those contracts. In this case too, challenges have been made concerning living conditions, working conditions, overall health, and social isolation and community integration.

The main criticism regarding both the SAWP and TFWP, however, has been the “Four-in, Four-out” legislation introduced in 2011. After four years of work in Canada, a foreign national in most cases cannot work in Canada again for four more years. This has led in recent years to thousands of expulsions, one of the largest mass deportation in Canadian history according to critical media and an estimated 70,000 low-wage migrant workers have faced the possibility of expulsion. The lack of a path to citizenship for migrant workers was tarnishing Canada’s image and for this reason it was removed in 2016.

The USA Braceros Programme

Once again, an interesting research was made by Clemens and Postel⁸⁸ in their seminal papers published in 2018 regarding possible programs based on annual foreign workers quotas that could allow a management of migratory flows. In their analysis, these authors are aware that lawful migration channels are often suggested as a tool to reduce unlawful migration, but often without much evidence on how they work. Massive demographic pressures for migration between Africa and Europe, they say, will continue to resemble past pressures between Mexico and United States and for this reason they suggest to use the lessons from the Braceros program for the European Union.

The Braceros program, according to the authors, provides evidence that in the past lawful channels for migration between Mexico and the United States have been able to suppress unlawful migration, but only when combined with robust enforcement efforts. Evidence from the US suggests that lawful channels could be a critical tool for Europe, alongside enforcement to suppress unlawful migration. Clemens and Postel described the Braceros program according to its three major phases.⁸⁹

The First phase, 1942–1953 (many visas, low enforcement), was characterized by a rising number of visas issuances alongside low enforcement at the borders between Mexico and the USA. Workers could not be rehired season after season because they had to be selected from existing “foreign workers pools” (like in Germany as we will see later on). A first consequence was the creation of black markets for foreign workers and the rising of both regular and irregular migration.

⁸⁸ Can Legal Channels Deter Migration? Clemens and Postel, 2018

⁸⁹ *ibid*

The second phase, 1954–1964, (many visas, tight control), saw ample visas concessions alongside tight enforcement through increased border patrols. Two legal channels for migration were foreseen: The first one allowed to hire named workers and the second one to renew or extend existing contract.

The first program was allowing employers to hire named individual workers whom they trusted from Mexico and the second was allowing them to renew/extend a worker's contract without the worker having to first return to Mexico. When these channels were opened in an environment of strict enforcement, employers shifted massively to hire workers through regular means and migrants had high incentive to move via regular channels. The result was an immediate and **near-total collapse in irregular migration**.

The third phase, 1965–2000 (few visa, low enforcement), was based on the concession of few visas but saw a very low enforcement, the number of border patrols decreased as well as control within the USA territory. What happened is that at the start of 1965, the US government unilaterally ended the Bracero Program. This meant that all low-skill US work visas to Mexicans for the next two decades were drastically reduced. Combined with demographic change on both sides of the border—the number of young workers was rapidly rising in Mexico and falling in the United States—this created enormous pressure for irregular migration. Enforcement effort rose only modestly. In fact, from the early 1970s to the mid-1990s, the number of unauthorized migrants apprehended rose by more than a factor of 10, while the number of line watch hours on the border only roughly doubled. The result was one of the largest waves of irregular labour migration the world has seen.

The Fourth phase, 2001–present (more visas and more controls), was characterized by rising issuance of visas alongside increased law enforcement activities. The USA authorities massively stepped up border enforcement, with efforts including a tripling of line watch hours. Since 2001 an unauthorized migrant's probability of apprehension during entry has almost doubled. The authorities also took steps to facilitate US employers' access to the H-2A (seasonal farm work) and H-2B (seasonal non-farm work) visas created for low-skill work in 1986, including a new fast-track processing option in 2001. Expansion in the use of the H-2 visas to hire Mexicans has directly coincided with a collapse in irregular migration pressure. The result has been the lowest incidence of irregular migration at the border in a half-century. This also due, as a matter of fact, to the fact that the Mexican economy has in recent years been able to provide more jobs. Present problems at the USA-Mexico borders are linked to large numbers of migrants moving from Central America towards the USA.

The conclusion that the authors draw are that new regular channels per se do not sharply alter the incentives of migrants and employers to avoid irregularity. In fact, new regular channels might simply add to overall migration. Greater regular migration could even, in principle, raise irregular migration by expanding the international networks of potential irregular migrants: in fact, some irregular migrants are assisted by family members who migrated previously and legally! Therefore, if past lessons are accepted, in order for lawful migration channels to effectively alter the incentives and ultimately suppress irregular flows, those lawful channels need to be coupled with enhanced immigration enforcement. Likewise, tight enforcement efforts have only been

broadly successful when coupled with expanded channels for regular migration. In a motto: **More visas but more law enforcement!**

Not everything is straightforward though. In California, the vast majority of the foreign agricultural workers are hired through contractors such as Foothill and its larger California rival, Fresh Harvest. Headquartered in the Central Valley, Fresh Harvest recruited about 4,800 workers in 2020, making it the largest private contractor of H-2A workers nationally, according to the Labor Department's Office of Foreign Labor Certification. The substantive shift to contracted seasonal guest workers has created tensions in fields between local hires and the visa holders, and produced an uptick in fines and settlements over allegations of wage abuse. Over the years, the Braceros program has been riddled with problems too, represented mainly by the fact that in reality no US agency is directly responsible for its management and problem solving and it often went out of control. So, presently the whole programme is in a kind of limbo.

Australia and New Zealand

These two countries have a long tradition of temporary working permits for the citizens of the Pacific islands coinciding normally with the agricultural seasons. After a six months work period the foreign workers have to go back to the country of origin but can return to New Zealand and Australia, and a trust relationship can be established with the farmer and their employees year after year. Criticisms have been raised more on the extremely law enforcement measures. In Australia, it is well known, illegal workers or entrants face even several years of detention in islands next the Australian coasts or very isolate areas.

France

Turning to Europe, since the 1990s France has signed a series of bilateral treaties with Francophone African countries, concerning immigration control measures, migrants' rights and including co-development mechanisms. France's "Assisted Return Program" is part of its co-development strategy. Among these treaties, the 2000 "Co-development Convention" with Senegal (the biggest Diaspora in France) aimed to harness skills and resources (including remittances) from Senegalese migrants in France in order to promote development (mainly in the agricultural/rural sector) in Senegal, to support the Senegalese students in France professional reintegration back to Senegal and to jointly manage migration flows. France has numerous bilateral agreements with its former colonies.

Germany

After World War II and the economic miracle promoted by the American Marshall Plan, Germany reached soon the almost full employment level in its economy. Foreign workers became therefore necessary to continue the process, to build infrastructures and generally be employed in the manufacturing sector. The Guest worker Program –Gastarbeiter- was based on several recruitment agreements that were concluding with labour exporting countries, for example with Italy (1955), Spain (1960), Greece (1960), Turkey (1961), Morocco (1963), Portugal (1964), Tunisia (1965) and Yugoslavia (1968). These agreements fixed the number of work permit per year (85,000

in the case of Italy) and contained provisions for mandatory language training. The employed workers were generally granted a 9 months-one-year work and residence permit. In addition, the government hoped to introduce a so-called "policy of rotation" aiming for an exchange of "consumed" workers with "unused" workers. The terms seasonal work and especially guest worker marked this period referring to mainly unskilled workers introduced into low-level jobs in the industrial and manufacturing sectors. A pool of workers was created but progressively such measures were loosened due to the difficulties in managing it, the intrinsic difficulty and cost to the employers to start training their staff every year. In spite of the evident need for foreign labour, Germany has always been very prudent in not launching signals that would unleash waves of migrations. One policy paper in 2009 stated that Germany is not an immigration country! As the Economy grew, Turks, Polish citizens became the predominant groups among economic immigrants. The legal framework in Germany generally prohibits the employment of Non-European citizens. Exceptions can be made if the industry demonstrates that there are no (qualified) domestic workers for vacant posts. If guest workers are temporarily employed as a seasonal worker for a period of less than 50 days, and no social insurance contributions have to be deducted. Even though average wage for seasonal labour has to be based on customary tariffs in the respective provinces, the minimum wage introduced in Germany in 2015 does not apply to seasonal workers in agriculture. Likewise, in such sectors as the care sector the existing minimum wage legislation are bypassed, for example in the case of the increasing numbers of nurses sent to private households as self-employed workers. Nevertheless, in recent years, the overall increase in the cost of seasonal work is a strong incentive to illegal employment. Recent positive changes include the Government of Germany passing of the Skilled Labour Immigration Act (2020), which expands the possibilities for qualified professionals to come to work in Germany.

Spain

During the 1990s, thanks to a buoying economy, Spain became an immigration destination for seasonal agricultural workers from North Africa and cyclical construction workers from Latin America. The agriculture sector is convenient for migrant workers, since jobs are considered low-skill and Spanish people very rarely accept offers in this sector, similarly to what was observed in Italy. A benign neglect policy took place until it was considered that the moment had come to regulate the flows. To this effect, bilateral immigrations agreements were concluded with Cape Verde, Colombia, Dominican Republic, Ecuador, Gambia, Guinea, Guinea Bissau, Mali, Mauritania, Morocco, Niger, Senegal, and Ukraine.

The selection process of workers involves representatives from the Ministry of Labour and Spanish, trade unions supervise the hiring, based on annual quotas while the decisions to hire belong to employers. Most seasonal workers come from Romania, Poland, Morocco, Bulgaria and Colombia, Ecuador, Guatemala. The temporary migrants obtain a work permit up to 9 months per year. Transportation from and back is to be provided by the employer. After their permit expires they have to go back to their country of origin and have to report their return to the Spanish consular office, which issued their visa within one month from their return. The following year the employers can do a nominative rehiring. These procedures have been established to make circular migration easier. However, criticism has been expressed by unions and migrants associations

regarding the eligibility age, which is left to the decision of employers and the fact that the access of migrants to the health system in Spain is limited. Another criticism regards the fact that skills are not utilized effectively (de-skilling), since job laws in Spain only allow low skilled employment. As it is the case in other country of destination of migrants, discussions are numerous about the harsh working conditions or unequal relationship between employers and employees. Other critical voices highlight that gender and other stereotypes play a role during selection process, for example, for strawberry picking the preferred gender is female. Spain has managed a number of labour programs in the recent past, in 2019 it developed a pilot labour migration programme with Senegal for the agricultural sector, alongside a pilot visa programme with Argentina.

Italy

More than Spain and perhaps closer to the situation of Greece, Italy is more exposed to migratory flows from Northern Africa and from the Balkan routes. However, before reviewing the Italian situation, it is worth mentioning that the three countries have some traits in common the substantive use of migrants in the agricultural sector. A report from the *Associazione Terra!* Released in February 2021 well describes it.⁹⁰ The report argues that the three countries have shared common agricultural transformations these last years: vertical agro-chains, ageing of farmers, scanty turn over and heavy use of foreign workforce. In Italy, 70 per cent of agro-food products are distributed by large commercial chains and supermarkets which impose harsh prices conditions to farmers. A bottle of tomato sauce sold at Euro 49 cents in the supermarket can let us only imagine how little is paid to the supplier of tomatoes. Among greenhouses and agricultural fields, and throughout Europe as a matter of fact, the exploitation of foreign workers is substantive. Since 1989 the number of Italians employed in agriculture has decreased by two thirds. Foreigners are often pray of criminal organizations, contracting cooperatives which are only front names for traffickers. They can be paid as little as 2 euro for a day of work.

In Spain, in the south-east region of *Murcia*, called the “Huerta de Europa” Europe’s vegetable garden, this process is called the “Uberization” of agricultural workers. Contractor agencies mandated to recruit temporary workers are used by large agricultural companies during peak farming seasons. In Murcia, in 2019, out of 490,000 contracts 366,000, i.e. 75 per cent were made by “Empresas de trabajo temporal.” The *Uberization* means the concentration of power and wealth in oligopolies. A few large companies, 6.5 per cent of agricultural farms obtains 42 per cent of the agricultural value in Spain.⁹¹ Low prices paid to farmers are reflected on low salaries paid to workers who live in hard conditions. The “*Contratación en origen*,” for example in some African and Latin American countries, that was described in the previous paragraph as a model, in reality sustain these malpractices. In Greece, the large use of *Vouchers*, temporary short term contracts, allows the hiring of workers who receive the pay at the end of the working period but the days actually worked and those actually paid rarely match.

The evolution of the migration legislation in Italy, clearly a front line country, is a very telling story of the increasing move of Europe towards the containment of migration approach that will be described in Part II of the handbook. It is therefore worth illustrating it more in detail. The contribution of Veronica Alongi provides useful insights on the legal as well as the political aspects, both internal (left-right debates) and international, for

⁹⁰ Associazione Terra: E(U)xploitation: Il caporalato, una questione meridionale: Italia, Spagna e Grecia, Febbraio 2021

⁹¹ Associazione Terra, cit

example the agreements with Mohammad Khadafy's Libya first and with his successors after the civil war. The full text is in Annex 6. Below are some abstracts.

The Italian admission system for working purposes. By Veronica Alongi

The first attempts to regulate and manage the entry and employment of foreign workers in Italy date back to 1986 and 1990, with the adoption of the first immigration laws. The 1986 Law, also known as "Foschi Law", introduced the possibility to regulate admission of foreigners for working purposes through governmental decrees and the preparation of shortage lists identifying existing labor needs in specific sectors and occupations.

The first organic provision, still dictated by emergency reasons, is represented by the so-called "Martelli Law" (No. 39 of February 28, 1990) opened the route to the establishment of annual entry quotas on the basis of existing labor market needs and at the same time creating mechanisms of control of irregular and clandestine immigration. On the one hand, planning was set up regarding the entry flows of economic migrants in the light of national needs, through the issuance of a special residence permit by the competent State Police station. On the other hand, the regularization of foreigners already present in the territory and some norms on the integration of the latter were envisaged. The discipline introduced by the Martelli law has revealed several critical points since the beginning, in particular as regards the duration of the procedure that was too slow and the historical context that coincided with the beginning of massive flows of applicants for international protection, coming mainly from Albania, Somalia and former Yugoslavia, which this law was struggling to regulate adequately. These first experiences were overall unsuccessful as the enforcement of the new norms proved to be excessively complex and largely ineffective.

In the second half of the 90s, the so-called "Turco-Napolitano law", of February 1998 was based on three main pillars: a) the struggle against undocumented migration through a variety of tools among which a reinforcement of internal and border controls, the establishment of detention centers, sanctions against undocumented migrants themselves, traffickers and employers and the cooperation with sending countries; b) the planning of new inflows for working purposes through the adoption of annual quotas of new entries on the basis of the estimated needs of the economy and the absorption capacity of local territories; c) the enhancement of integration process with the acknowledgement of civil and social rights on the basis of the principle of equality of treatment, and the attribution of important competences to local authorities in the field of integration policies. However, over time the problems of a very rigid legislation have come to the surface. In fact, the legal channels for arriving in Italy with a residence permit for work or study reasons have almost disappeared, while the only regularization channel for immigrants has become asylum, in addition to family reunification.

The increase in the frequency and number of landings of boats carrying clandestine immigrants allowed the new political majority led by resident Berlusconi to blame the 1998 Turco-Napolitano law for the ineffectiveness of control policies. One of the first acts adopted by the new government elected in the spring 2001 was a new law, also known as "Bossi-Fini. The new approach was inspired by a functionalist vision of immigration: immigrants were welcomed in Italy if it was

proven that they were useful for the national economy (e.g. the admission was granted only upon evidence of a job contract), that they do not compete with Italian workers (e.g. through the reintroduction of labor market tests) and that they remain in the country only as long as necessary (e.g. reduction of the duration of stay permits, linked to the duration of job contracts). The Bossi-Fini was also characterized by the exacerbation of removal procedures, with particular reference to the rule of immediate execution of expulsions with forced accompaniment to the border in case of irregular immigration, otherwise defined in a derogatory way as a “clandestine”. Overall, this legislation strengthened the precariousness and irregularity of the foreign population, although it became increasingly important from the point of view of production and contributions.

Emblematic at this regard has been the adoption and implementation of the regularization program opened up in 2002. The regularization should only target irregular migrant domestic and care workers (so called “colf” and “badanti” or caregivers), a category considered both extremely useful and harmless. However, the strong pressures coming from the centrist wing of the ruling majority and from employers’ organizations have ultimately defeated the veto opposed by Lega Nord, the only compromise being that of carrying out an employer-led regularization where only dependent workers could be regularized (excluding then self-employed and unemployed). The outcome of this regularization was the highest number of regularized immigrants ever: around 700,000 migrant workers were regularized between 2002 and 2004. It is exactly during this period that the crucial contribution of immigrants to the weak demographic growth became clearly observable: in fact, around 80% of the total population growth was related to the presence of foreigners.

Subsequently, the labor migration debate has been naturally affected by the impact of the global economic crisis on the Italian economy and labor market. The last migratory wave, which began in 2011 with the explosion of Arab springs in North Africa and the Middle East, called into question a certain system of control of the external borders of the European Union. The movement of people concerned the entire European continent with the massive reopening of Mediterranean and the Balkan routes. Recent arrivals in southern European countries put the European asylum system to the test by bringing out all its weaknesses. In 2017, the Gentiloni government relaunched the cooperation with Libya (in 2008 President Berlusconi and Kaddafi concluded an agreement to basically hold migrants in Libya in exchange for Italian funding of infrastructures, including surveillance and detention of migrants), a territorially fragmented country controlled by various armed militias, to which it is even difficult to recognize international subjectivity. From the outset, cooperation with Libya has been strongly condemned by the United Nations and the Council of Europe, which have called into question the violence, torture and abuse to which migrants and asylum seekers are subjected in detention centers and the connivance between state authorities and traffickers of human beings.

The Decreto Sicurezza of 2018, named after the Minister of the Interior Mr. Salvini, wanted to address the complex migration phenomenon from a predominantly, if not exclusively, security perspective, launching a precise message towards the public opinion. However, the foreseeable effect of the measures adopted were instead the increase in the number of people in conditions of irregularity and marginality, and the strengthening of an atmosphere of emergency around that

social phenomenon that is not at all extraordinary, which is immigration. In May 2020 the Conte II government determined, within the broader law (so-called "Decreto Rilancio"), a provision for the regularization of foreign persons. The current regularization is intended not only for illegal immigrants (i.e. those who did not have a residence permit on March 8, 2020), but also and above all for those who had a legally "weak" permit, that is characterized by temporariness and not convertible into work permit (permits for asylum request, for special protection, for humanitarian protection difficult to convert into work for minor assistance, for health reasons, for study, for religious reasons, for calamities, etc.). The audience of potential recipients, therefore, was abstractly wider than all previous regularizations and could have the effect of easing the rigidity of Italian immigration law.

However, something went wrong if, compared to the estimates of about 500/600,000 illegal immigrants, 207,542 applications were submitted, plus other 12,986 submitted directly by foreigners, for a total of 220,528. Once again, purely political compromises and a restrictive ministerial perspective prevailed, both being far from a rational and effective approach to the immigration issue and consideration of the right of the foreign person to live in the national community as a priority. It is too early for an overall assessment of the impact it will have on the fate of hundreds of thousands of people, but one aspect is immediately evident: even the extraordinary law enacted in the period of the COVID health emergency, instead of starting to change the approach to the migration issue, keeps considering foreign people with suspicion, placing an almost infinite variety of obstacles to the achievement of a certain and stable legal status, preventing their effective insertion into the communities in which they live, work, weave social relationships, form families, denying their right to an identity.

The quota system: the institutional framework

Quotas are meant to regulate the admission of third country nationals and their access to Italian labor market, by combining a purely quantitative selectivity with some elements of qualitative selectivity. The main responsibility for the determination of annual quotas of new inflows is given to the government (and in particular to the Ministry of Interior and the Ministry of Labor), which sets up the quota through a Prime Minister Decree (so-called "Decreto Flussi"). The Quotas Decree has to be produced at least once per year: even in the absence of the DMPP, the Government has the legitimacy to issue annual quotas decree, through simplified procedures. This has been the case since 2006 and some commentators stress how this tacit de facto reform leaves the government a more discretionary power to manage migratory flows since its planning decisions are not subject to any type of preliminary consultation with relevant stakeholders and the Parliament.

Overall, the quota system, supposedly managing the admission of foreign workers from abroad, has been largely used to regularize workers that were already present in the country with an irregular status. Economic migrants today improperly use the asylum channel also because the entrance channel for work is practically closed. The 2007 decreto flussi provided for 158,000 new permits for subordinate employment and 80,000 seasonal permits, while in 2017 it provided for only 17 thousand seasonal permits and none for subordinate work. In addition, the very principle underlying the regularity of entry into the country of the non-EU citizen worker (and then the

regularity of his stay) is criticized. Specifically, we are referring to the principle of the necessary (prior) ownership of an employment contract. In this sense, the decreto flussi represents a failure that is renewed from year to year, because the quota system assumes that the matching between demand and job offer, in relation to foreign workers, must take place when they are still abroad. Yet, this choice on which the quota system is based stands in radical contrast to a truth that is typical of the labor market: if we take into account that foreigners perform, in the vast majority of cases, poorly specialized tasks, the encounter between immigrant supply and demand for work must be direct and take place "in the field". It should therefore not be surprising if, given the difficulty of a transnational contact between foreign employer and lender when the job application concerns poorly specialized tasks, migrants violate or circumvent the law, entering Italy irregularly or illegally staying there looking for a job. Only by behaving in this way, in fact, are they able to find employment, often among those that only they are willing to do.

Italy, therefore, does not "open its doors" to migrants; if it does, this happens either because it is convenient (this is the case of highly qualified workers and seasonal workers) or because there are international ties from which there is no escape (family reunification, asylum). The urgent need for a change of course in migration policy cannot stem from the flow decrees but must deal with the absence of entry visas for job search, which alone would prevent entrusting the fate of people to the lottery of decrees flows, would release the aspiring foreign workers from the power assigned exclusively to the employer, placing them in a condition of parity with the Italian worker and finally, last but not least, a priority, they would remove foreign people from the inevitable trafficking of human beings.

Summary Chapter 6

Circular migration it is about filling labour market gaps (temporary), while ensuring at the same time that migrants do indeed go back; in other words, maximizing the developmental impact of migration by ensuring that people, their human capital and their remittances/investments return to the countries of origin. It is important to ensure a combination of measures to combat irregular migration by strict enforcement of labour-immigration laws with well-designed co-development policies and programs/projects support to origin countries. In 2014, the European Commission introduced the Seasonal Workers Directive regarding the development of the legal paths of migration among the European member states.⁹² The aim was to operate and design a system of seasonal worker programs that allows to recruit the needed skilled workers, avoiding exploitation and visa overstays. As matter of fact, more than 100,000 non-EU seasonal workers come to the EU each year to be employed in greenhouses throughout the continent

Various schemes exist worldwide, based on annual foreign workers quotas that could allow a management of migratory flows. The Canada Model: The Seasonal Agricultural Workers Program” (SAWP) and Temporary Foreign Worker Program (TFWP) allow employers to select their workers on the basis of nationality and gender rather than work experience, skill-set or training. The SAWP and the TWP (The Temporary Workers Program, in other non-agricultural sectors), also allow employers (and governments) to circumscribe the profile of workers in other ways. A salient aspect is that Canada’s recruitment policies for low skill workers coming to work on farms give preference to individuals with dependent and, in addition, visa restrictions require them to leave their families behind. These two policies are principally designed to deter visa overstay or permanent settlement by choosing workers with more reasons to return home than to stay.

In the USA, The Braceros program, according to the authors, provides evidence that in the past lawful channels for migration between Mexico and the United States have been able to suppress unlawful migration, but only when combined with robust enforcement efforts. Evidence from the US suggests that lawful channels could be a critical tool for Europe, alongside enforcement to suppress unlawful migration. In particular, new regular channels per se do not sharply alter the incentives of migrants and employers to avoid irregularity. In fact, new regular channels might simply add to overall migration. Greater regular migration could even, in principle, raise irregular migration by expanding the international networks of potential irregular migrants: in fact, some irregular migrants are assisted by family members who migrated previously and legally. Therefore, if past lessons are accepted, in order for lawful migration channels to effectively alter the incentives and ultimately suppress irregular flows, those lawful channels need to be coupled with enhanced immigration enforcement. Likewise, tight enforcement efforts have only been broadly successful when coupled with expanded channels for regular migration. Schemes based on temporary permits exist in France, Germany, Spain and (in principle) Italy whereby up to nine months working visas are provided to migrants who commit themselves to return home and

92 From the legal point of view the EU system is based on five tools: The Family Reunification Directive (2003/86/EC) ;The EU Blue Card Directive (2009/05/EC), Commission proposal for recast in June 2016;(COM(2016) 378 final);The Single Permit Directive (2011/98/EU) ;The Seasonal Workers Directive (2014/36/EU) ;The Intra-Corporate Transferees Directive (2014/66/EU) ;Students and Researchers Directive ((EU)2016/801 – recast)

apply for re-entry. These programs have various degrees of implementation difficulties, including exploitation and other malpractices.

Key Terms

Circular migration

Temporary foreign workers schemes

Seasonal quotas

Working permits

Workers' pools

Named hires

Chapter 7 Trafficking and smuggling

In 2016, Professor Attinà was writing: "The diffusion of human rights by international organizations and civil society groups is an incentive to migrate towards countries that protect human rights. The UN agencies and international organizations of human rights promote migration by their own and in partnership with non-governmental organizations. They also do their best to push the governments of potential destination countries to comply with the human right of migration in normal and especially in exceptional circumstances since the treaties were conceived mainly for coping with such circumstances. Last, also today smugglers and crime organizations, civil society associations, and ordinary citizens provide services to migrants and play incentives to migration. Smugglers assist migrants to bypass barriers for profit and often with little regard for the well-being of the migrant. Experts assess migrant smuggling as a complex service that is operated by different types of actors including single individuals and crime organizations. Governments blame smuggling organizations for being a major incentive to irregular migration. Experts, instead, blame restrictions and absence of legal channels for building the flourishing conditions of smuggling."⁹³ What has changed from the description provided that year? Not much one could say, migratory routes change but the same types of actors are tragically on stage nowadays.

What is Human Trafficking?

The first international instrument that addressed and described this practice, which is intuitively closely linked to migration, is the UN Convention against Transnational Organized Crime and specifically the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. It was adopted by the UN General Assembly on 15 November 2000, by resolution 55/25, and entered into force on 29 September 2003 with 147 signatories out of 190 Parties. Human Trafficking is defined in the Trafficking Protocol as:

"The recruitment, transport, transfer, harboring or receipt of a person by such means as threat or use of force or other forms of coercion, of abduction, of fraud or deception for the purpose of exploitation."

The definition on trafficking consists of three core elements:⁹⁴

- 1) The **action** of trafficking which means the recruitment, transportation, transfer, harboring or receipt of persons-
- 2) The **means** of trafficking which includes threat of or use of force, deception, coercion, abuse of power or position of vulnerability.
- 3) The **purpose** of trafficking which is always exploitation. In the words of the Trafficking Protocol, article 3 "exploitation shall include, at a minimum, the exploitation of the prostitution of others or

⁹³ Fulvio Attinà, Migration Drivers, the EU External Migration Policy and Crisis Management ROMANIAN JOURNAL OF EUROPEAN AFFAIRS December 2016

⁹⁴ The definitions below, the concepts and data illustrated throughout the chapter can be found in the website of the United Nations Office on Drugs and Crime (UNODC) and the International Organization for Migration-IOM, particularly the IOM data portal.

other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

Similarly, the EU approach, with the new Directive 2011/36/EU, mirrors and further develops this definition of trafficking as:

“The recruitment, transportation, transfer, harboring or receipt of persons, including exchange or transfer of control over that person, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

As defined by the UN, trafficking in human beings is a serious crime and a gross violation of human rights, which can be classified as a modern form of slavery. It occurs all over the world and affects almost every country as an origin, transit or destination country or sometimes a combination of all. The global scale of human trafficking is difficult to quantify, due to the hidden nature of the crime. Figures often may be based on conflicting definitions or compiled for different purposes, and are therefore seldom comparable. Trafficking in human beings is often linked with other forms of organized crime. According to the United Nations, it is considered the second source of illicit profits for organized criminals after those obtained from the drugs trade. The United Nations Office on Drugs and Crime (UNODC) indicates that traffickers exploit vulnerable people for financial gain, by tricking or forcing them into (mainly):

- prostitution / sexual exploitation (79% of cases)
- forced labour (18% of cases though increasing in some EU countries)
- Rest: to beg and removing and selling their organs.

But how and when does trafficking take place happen? Basically, there are three main ways: The first is Recruitment. Victims are recruited by acquaintances, relatives or criminal gangs, often with promises of well-paid jobs. The second way is by Transportation. Victims may be moved from remote rural areas to cities or from poorer to richer countries. Finally, the third modality is by Manipulation and Coercion. Traffickers control victims through deception and (the threat of) force by traffickers, called coyotes in Latin America, and also by “witches” exploiting superstitions and believes in black magic.

The root causes of trafficking in human beings lie in the vulnerability of the affected people, due to poverty, marginalization, economic exclusion, armed conflicts, social and gender inequality, discrimination against ethnic minorities and infringements of children's rights. Furthermore, since laws and policies in many countries are inadequate, the risk of getting caught is small. Another cause of trafficking is the demand in richer countries and in urban areas even within the countries of origin, especially for prostitution and cheap labour.

Difference between Human Trafficking and Smuggling

Four main differences between human trafficking and migrant smuggling are illustrated by UNODC and IOM.

Consent - migrant smuggling, while often undertaken in dangerous or degrading conditions, involves consent. Trafficking victims, on the other hand, have either never consented or if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive action of the traffickers.

Exploitation - migrant smuggling ends with the migrants' arrival at their destination, whereas trafficking involves the ongoing exploitation of the victim.

Transnationality - smuggling is always transnational, whereas trafficking may not be. Trafficking can occur regardless of whether victims are taken to another state or moved within a state's borders.

Source of profits - in smuggling cases profits are derived from the transportation or facilitation of the illegal entry or stay of a person into another country, while in trafficking cases profits are derived from exploitation.

The distinctions between smuggling and trafficking are often very subtle and sometimes they overlap. Identifying whether a case is one of human trafficking or migrant smuggling and related crimes can be very difficult for a number of reasons. First, some trafficked persons might start their journey by agreeing to be smuggled into a country illegally, but find themselves deceived, coerced or forced into an exploitative situation later in the process (by e.g. being forced to work for extraordinary low wages to pay for the transportation). In other situations, traffickers may present an 'opportunity' that sounds more like smuggling to potential victims. They could be asked to pay a fee in common with other people who are smuggled. However, the intention of the trafficker from the outset is the exploitation of the victim. The 'fee' was part of the fraud and deception and a way to make a bit more money.⁹⁵

Smuggling may be the planned intention at the outset but a 'too good to miss' opportunity to traffic people presents itself to the smugglers/traffickers at some point in the process. Criminals may both smuggle and traffic people, employing the same routes and methods of transporting them. The relationship between these two crimes is often oversimplified and misunderstood; both are allowed to prosper and opportunities to combat both are missed. It is important to understand that the work of migrant smugglers often results in benefit for human traffickers. Smuggled migrants may be victimized by traffickers and have no guarantee that those who smuggle them are not in fact traffickers. In short, smuggled migrants are particularly vulnerable to being trafficked - combating trafficking in persons requires that migrant smuggling be addressed as a priority.⁹⁶

Summing up on trafficking:

- Distinctions are often very subtle and sometimes they overlap
- It may start with an 'opportunity' that sounds more like smuggling to potential victims. (victims pay a fee in common with other people for the trip but end up in exploitation circuits)

⁹⁵ IOM, Trafficking in Persons, United Nations Office on Drugs and Crime (UNODC) Portal

⁹⁶ Ibid

- Risks are reduced for traffickers both in destination countries (limited chances of deportation or prosecution for prostitution or illegal immigration)
- and in their countries of origin (retaliation or re-victimization if they cooperate with authorities)
- Support and protection of victims critical in the fight against trafficking to increase willingness to cooperate with authorities and as a necessary means of rehabilitation.

The major Challenges Faced in the Battle Against Human Trafficking are well identified and require concerted international action which is not quite the case at present. First, all countries have not only to ratify and effectively implement the Conventions against Transnational Organized Crime and the Protocol by translating them into national legislations. In several countries of origin and transit of migrants and victims, trafficking in persons is not even a crime and judicial and police cooperation has no legal and operational ground. Accurate information is needed in order that a true picture of the phenomenon can be gauged and trafficking should be clearly given a high priority and focus by the international community, mobilizing the support of NGOs, IGOs, governments and the community at large. Advances are necessary in international law by providing, for the first time, a working definition of trafficking in persons and requires ratifying States to criminalize trafficking in persons' practices.

What Types of industries are involved with human trafficking?⁹⁷

- agriculture or horticulture
- construction, garments and textiles under sweatshop conditions
- catering and restaurants
- domestic work, entertainment and the sex industry

The scale of the problem⁹⁸

Regarding the scale of the problem, globally 2.45 million people are victims of which 1.2 million children according to UNICEF. Across international borders, 800,000 are victims of trafficking, with many more trafficked within their own countries.⁹⁹ Most trafficking is national or regional, though long-distance trafficking (between continents) is important. The EU is primarily a destination region for victims from across the world. Trafficking into the EU increased in recent years, particularly through and from Russia, Ukraine, and central/south-eastern Europe. Important to note, victims also recruited within EU countries and trafficked either internally or to other countries, inside or outside the EU. Before dwelling the various aspects of trafficking and possible solutions it is useful to recall a few more data and facts.

Types of border crossing by victims of trafficking

⁹⁷ The data and abstracts below come from the IOM database on migration, in particular the section on trafficking

⁹⁸ UN Office on Drugs and Crime Portal

⁹⁹ International Organization for Migration

Official data from samples among victims that IOM¹⁰⁰ assisted over the last ten years show that nearly 80% of international human trafficking journeys cross through official border control points, such as airports and land border control points. This indicates the crucial role that border agencies and service providers at border points can play to identify potential victims and refer them for protection and assistance. Female victims are more likely to be trafficked through an official border control point than male victims: among all the women in the sample, official border control points are used in 84% of cases, while the same figure for men is 73%.

Majority status

Children are less likely to be trafficked through official border control points: out of all the children in the IOM sample, official border control points are used in 56% of cases, against 80% for adults.¹⁰¹ Most victims are exploited at some point during their journey, regardless of whether they are trafficked through an official border control point or not. The remaining victims (about a third) may still be unaware that they are being trafficked. Once again, analysis shows that children are less likely to be trafficked through official border control points. Otherwise, the two age distributions are similar.

Exploitation en route and by sector of employment

Trafficking for forced labour is more likely to pass through official border control points than trafficking for sexual exploitation. Labour exploitation makes up 83% of official border control points crossings, but 64% of the crossings which do not go through an official border control points. The equivalent figures for sexual exploitation are respectively 15% and 22%. Victims exploited in the construction sector make up nearly half (43%) of all trafficking for forced labour through official border control points, against 35% for trafficking routes which do not pass through official border control points. Manufacturing is next, accounting for 21% of cases (7% for non-official), while agriculture make up 15% of cases (9% for non-official). Finally, domestic work accounts for 11% of all trafficking for forced labour through official border control points (8% for non-official).

Victims who are not trafficked through official border control points tend to be trafficked for a longer period of time: 25% of them are trafficked for more than two years, while the same figure for victims trafficked through official border control points is 19%.

Means of control: Official border points

A high number of victims are trafficked through official border control points using forged documents (9% of cases) or without having their own documents (23% of cases). Most victims are controlled through confiscation of earnings, psychological abuse, false promises, restrictions on freedom of movement, and excessive working hours. However, victims crossing official border control points are a lot more likely to be controlled through debt bondage, threats to themselves or others, restrictions on freedom of movement, and threats of action by law enforcement. Conversely, victims who are not trafficked through official border control points are more likely to be controlled through the confiscation or destruction of important documents.

¹⁰⁰ IOM Data Portal

¹⁰¹ *ibid*

Transport mode

As we will see in the following paragraphs, about a third of official border control points are crossed by bus, another third by train, and 20% by plane. In comparison, trafficking routes which do not pass through official border control points used car (28%), buses (26%) and trains (15%). Victims often travel in groups: nearly 80% of official border control points crossings are carried out with other victims. In 62% of cases, victims who travel with others through an official border control point are exploited at some point during their journey. When they travel in groups through official border control points, victims are more likely to be travelling by bus (39%) and by train (38%) than by plane (11%).

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The situation on the main routes for migrants to Europe. By Anel Ubina¹⁰²

By 2020, the EU has been able to significantly reduce the flow of illegal migrants (including asylum seekers from Syria) due to the closure of the Eastern Mediterranean and Western Balkan routes to Europe. According to IOM, in 2019, 110,669 people arrived in the EU by sea, while 1,283 people died, which is slightly less than in 2018 (116,273 arrived in the EU and 2,299 died). Since 2014, at least 19,164 people have been missing in the Mediterranean. In 2019, Frontex¹⁰³ assisted Member States in returning 15,850 people, slightly more than in 2018 (13,730). However, the overall annual rate of implementation of decisions on the return of migrants from EU countries remains low - only 40% of decisions are implemented. Against the background of a general decrease in the number of illegal entries into the EU in 2019, Frontex in January 2020 noted with satisfaction "modest progress" - an increase in the number of people returned from Greece to Turkey in accordance with the EU-Turkey deal in 2016. At the same time, Frontex noted a significant reduction (by 41%) in the number of arrivals in Italy through the Central Mediterranean Route, and by 58% in Spain through the Western Mediterranean Route (Frontex: Detections of illegal border-crossing, 2020).

In general, migration indicators on all routes returned to the pre-crisis level: in September 2019, there were 90% fewer arrivals in the EU than in September 2015. However, the situation is extremely unstable: in the first eight months of 2019, 70,800 attempts of illegal border crossing were stopped. Moreover, according to October 2019, 1,100 people have drowned or disappeared in the Mediterranean Sea.

The situation on the Eastern Mediterranean route for migrants remains particularly unstable: for the first time since the conclusion of the EU-Turkey deal, the number of arrivals on the

102 Anel Ubina, Debate in EU and EU MS on legal paths (Mobility Partnerships and Pilot Projects Statistics, research paper GLOPEM exam 2020

103 The European Border and Coast Guard Agency, also known as Frontex (from French: Frontières extérieures for "external borders"), is an agency of the European Union headquartered in Warsaw, Poland, tasked with border control of the European Schengen Area, in coordination with the border and coast guards of Schengen Area member states.

Greek islands is growing. From the beginning of 2019 to October, more than 47,500 entries were recorded in Greece, more by sea than by land, which is 29% higher than in 2018. As a result, the conditions for migrants in the Aegean Islands have worsened significantly. So, according to data from October 2019, more than 31,000 people lived in reception centers for migrants which are intended only for 8,000 people, despite the fact that 20 thousand migrants were sent to the mainland. The number of migrants returned to Turkey under the terms of the deal fell to the lowest level in 2016. Among people arriving in the Aegean Islands, there are mostly asylum seekers from Afghanistan (41% in 2019). In 2019, a particularly noticeable increase in migrant entry was observed in Cyprus, which today overtakes the rest of the Member States in the proportion of per capita arrivals of the country. Moreover, there was an increase in the migration inflow on the Western Balkan route after the number of migrants detained at the border halved in 2017–2018. In the last months of 2019 up to 900 people were coming to Bosnia and Herzegovina weekly. Despite the alarming trends, the situation in this region is much better than in 2015–2016.

On the Central Mediterranean route, the influx of illegal migrants remains small, with the exception of an increase in entries to Malta - 2,800 in 2019 according to October data, which is almost three times higher than the figures for 2018. Migrants from Tunisia and Libya who arrived in Italy in 2019 constitute about 8,000- three times less than a year ago. The Libyan coast guard continues to intercept and rescue migrants in sinking boats, although 7,000 people were saved in 2019, the number is significantly less than in 2018 – 15,000. Migration inflows also decreased on the Western Mediterranean / Atlantic route. If in 2018 the largest volume of migration to the EU fell in Spain (more than 58,525 people), a year later 47% fewer entries were recorded. The main role here was played by the tangible financial assistance of Morocco from the EU to protect the border and counteract illegal migration. However, Morocco remains in first place in terms of the number of migrants leaving for Spain, although there has recently been an influx from Algeria followed by Guinea, Mali and Côte d'Ivoire (IOM, 2020).

Route (country of arrival) / number of migrants per year	2017	2018	2019
Eastern Mediterranean Route (Greece)	20,844	33,536	66,166
Central Mediterranean Route (Italy)	102,942	24,815	14,500
Western Mediterranean Route (Spain)	15,811	58,525	24,759

The Political System of Trafficking and its Routes

An interesting analysis was made by Limes¹⁰⁴ regarding Niger, where the main question is who controls the controllers. In recent years over 150,000 people have passed through Nigeria, Cameroun, Congo, Mali, Senegal and Niger in particular. Agadez, in the central part of the country, has been the heart of all trafficking in Sahara. In the past, Agadez was the point of final depart for the Tuareg caravans which brought goods, cereals to the border of the Tenerè desert to be exchanged with salt in the oasis of Bilma and Dirkou which the author of this handbook visited in the past. Later on, the old salt routes were used for western tourism with Tuareg guides. More recently, between 2010 and 2015, the city of Agadez had developed a blossoming economy, becoming a hub for the trafficking of migrants, which replaced tourists as a source of income. International analysts observed that de facto joint ventures were taking place between traffickers and security forces in Niger. Migrants reached Agadez through big bus companies: like Sonet, Rimbo, 3Stv which are modern, competitive. They embark passengers thousand kilometers away in the neighboring countries, from the Gulf of Guinea. The migrants are lodged in the various ghettos that have flourished in Agadez, their papers confiscated. Agadez has therefore benefited from a real estate boom, incomes have surged, wages in transit areas for traffickers employees can be close to European standards.¹⁰⁵

The real problems for migrants start when they undertake their journey from Agadez towards the desert, this time with cars and trucks in poor state of maintenance, along routes where they have to go through systematic check points and pay 10 -15 Euros each time¹⁰⁶. The next lap involves the purchase of new tickets new ticket to engage the desert. Price may vary from moment to moment, from 70 to several hundreds of Euros. During these trips, traffickers smuggle not only human beings but also cigarettes, counterfeited medicinal drugs (amphetamine) and cocaine. During these journeys, as some journalists¹⁰⁷ have bravely reported, migrants run out of money. In the oasis of Bilma, Dirkou and Madama some “travel” agencies propose alternative routes which are risky, since Sahara is a no man’s land. Migrants become a good to be traded by merchants. When they run out of money they have to work for many months as slaves. Ransoms in the order of Euro 500-3,000 are requested and migrants have to revert to solidarity networks from home. For example, ransoms and additional money are paid to Libyan traffickers through, guess, Money Transfer Operators... Migrants who cannot benefit from social protection network become stranded, forgotten human beings who are often left to die in the Teneré desert. The pictures below give a visual description of these journeys.

¹⁰⁴ Thiefs and Guards Co-manage migration, Luca Raineri, Limes, Luglio 2016

¹⁰⁵ Ibid

¹⁰⁶ Ibid

¹⁰⁷ Fabrizio Gatti, a reporter from the Espresso Magazine, has made some of this trips with the migrants and reported what they have to endure during their infamous journeys.



The journey from the Gulf of Guinea



The journey from Agadez to the oasis of Bilma and Dirku and then through Libya....

Stranded Migrants



From the analysis and reports by researchers and organizations like IOM, UNHCR, NGOs, the contradictions of the European security approach become evident. It is not only the traffickers who have to be blamed for the hideous trade of human beings. Niger benefits from international solidarity to fight terrorism and receives military equipment, training to support repression and trafficking, since often armed groups in the Sahel are engaged in both type of activities. The bet in the European approach is to increase of the costs trafficking and illegal migration and to decrease demand of migration support services. The problem with this approach is that it is based on the assumption that there is a distinction between guards and thieves. Before 2015, the situation rapidly went out of control and trafficking became a new and very much demanded business. Traffickers even indulged in practices for the *fidelization* of clients asking for suggestions and recommendations.

Under European pressures, In 2015 Niger passed a bill which declared trafficking and smuggling of migrants illegal and started a number of measures to enforce it which have resulted in a substantive slowdown of the economy in Agadez and the incomes of all those involved, from owners of houses where migrants were hosted, to suppliers of food and owners of petty trade shops. A widespread criticism started to emerge together with resentment against a policy which was seen as a favor that the authorities of Niger were doing to the “whites”, the Europeans.¹⁰⁸ It is for this reason that a number of projects funded by the EU are carried by international organizations and NGOs, first to support migrants who do not want to undertake the crossing of the Ténéré desert because through information campaigns they realize the dangers they would face. Stranded migrants, i.e. people who have lost all their money during the journey from the Gulf of Guinea to Niger are also supported together with migrants who managed in recent years the trip from Libya back to Niger. Training and small funding is provided so that they may plan to go back to their countries without the stigma of failure. Support projects also are implemented to match, to a limited extent, the loss of income that the local economy has experienced since the 2015 bill which made smuggling and trafficking illegal.

¹⁰⁸ Raineri, cit

The graphic below describes the trafficking routes. In the Horn of Africa, Sudan is the transit country to Libya. Somali migrants attracted by smuggler with free passages to Sudan and then they have to pay the next laps to Libya or the Gulf countries and the risks are the same: ransoms to be paid, detention in private jails, slave labour. Other routes pass through Egypt and the Kenya-South Africa corridor.



The Political Economy of Smuggling

Once again, the analysis of Limes¹⁰⁹ is helpful also in the case of Libya. In a nutshell, before 2011 the Government of Libya was a provider of consumption goods which were highly subsidized with the huge oil revenues of the country. The population benefited from salaries which allowed decent ways of living. The cost of gasoline for individual consumption was few cents per liter and the quantity provided each year was three times of the total consumption in Libya.¹¹⁰ The rest was smuggled into neighboring countries and the profits were used to buy other goods (medicines, cigarettes, psycho-medicines, weapons) that re-fuelled smuggling. Analysts have come to the conclusion that the Libyan State actually promoted smuggling before the 2011 foreign intervention that led to the Muhammad Khadafy's overrun. The events that followed are known and are beyond the scope of this handbook. Just a few consequences on trafficking need to be highlighted. Since 2014 an internal conflict saw regional powers' participation. The country is fragmented physically and politically. Over 200,000 militia men have been recruited, many are still engaged in the trafficking of migrants. The profits that they made in the previous years with smuggling of oil and other goods are reinvested to buy cheap fast boats, or old fishing vessels. After 2011, increasingly more young Libyans entered the business.

Human trafficking and exploitation in times of crisis, mixed flows

¹⁰⁹ Mario Toaldo, Limes, Luglio 2016

¹¹⁰ ibid

The following paragraphs are abstracts from an IOM publication of 2015.¹¹¹

“In this area there are definitional difficulties due to lack of knowledge on the entity of the phenomenon and distinctions between trafficking and other forms of exploitation are blurred. Trafficking in Persons-TiP- typically is not considered as a direct consequence of a crisis be it a war or a natural disaster. This is a wrong assumption. At the onset of a crisis, existing criminal networks may become disrupted but may also adapt to the new situation by targeting new victims in new places, such as refugee and internally displaced persons (IDP) camps, transit points or within local populations hosting high numbers of mobile populations. A bitter reality is that response workers may create new demands (for example, for sexual services or cheap goods made through exploitative labour) therefore inducing a response of such business opportunities by trafficking networks. Traffickers may seek to take advantage of populations receiving humanitarian assistance and may increase their criminal activities. The reality is that independent of the type of crisis, Internally Displaced People and refugee camps as well as formal and informal holding sites for stranded migrants like those in Libya, Syria and Turkey are a rich source of new victims for traffickers and other criminal networks looking for a cheap or free workforce, sexual services and other exploitative activities.

Issues

A crosscutting one is that the humanitarian community that intervenes in case of conflicts and disasters often considers human trafficking as a concern for such development actors as UN, NGOs. Humanitarian operators focus on providing food, shelter and medicines, organizing refugees' camps but fail to take action at the out start of their intervention to minimize the danger of TiP. Nobody addresses from the out start the illicit activities that inevitably come after a crisis and when it is done it is only in the destination countries, at the end of the trip.

The answer to TiP practices often are not adequate particularly when migrants are not included in crisis preparedness plans and responses; migrants are less able to access humanitarian assistance, support and safe havens due to language and other barriers and they lack networks and support systems to help and provide for them. A crucial problem is that displaced people, migrants have lost they travel documents (also confiscated by their employers) or generally lack access to identity, residence and travel documents. As a result, they are subject to traditional, abusive local practices, namely in the region where they have found shelter. The end result is that their exposure and vulnerability to human trafficking that were mentioned at the start of this chapter are heightened in times of crisis.

[...] Trafficking in persons has been unfortunately observed in the context of armed conflict in Libya, Iraq, the Syrian Arab Republic, and Yemen. The same occurred after natural disasters like the Indian Ocean tsunami a few years ago, earthquake in Haiti, the Philippines, and Nepal. In settings like Eastern Africa and the onward North Africa migratory route complex flows have been observed. In the case of armed conflict in Libya, labour migrants, irregular migrants, asylum-seekers and refugees are most vulnerable to TiP, and thus traffickers expressly target these groups. In Iraq discrimination appears also based on ethnic (racial) and religious factors. The Iraqi scenario highlights the strong gender dimension of TiP in times of crisis, as girls and women are specifically targeted and there are clear links to sexual exploitation and sexual slavery. In the

¹¹¹ ADDRESSING HUMAN TRAFFICKING AND EXPLOITATION IN TIMES OF CRISIS, IOM 2015

Syrian Arab Republic, many families and individuals have adopted negative coping mechanisms such as forced early marriages and child labour, which often result in exploitation and trafficking.

[...] In the context of Disasters 2004 Indian Ocean Earthquake and Tsunami, (Haiti and the Philippines) the impact was on children (especially girls) and women. In Haiti, in 2010, some individuals, organizations and criminal networks took advantage of the chaos and of individuals' predisposition towards vulnerability. The April 2015 Nepal earthquake case showed that vulnerability has its root in pre-existing social fabric and crisis further fosters the reliance on negative coping mechanisms.

As mentioned earlier, mixed flows and complex migratory settings have been observed in the Horn of Africa towards North Africa or across the Gulf of Aden to Yemen, en route to the Gulf Countries, particularly since the Ethiopia–Eritrea war (1998– 2000). It is considered as one of the most dangerous routes to Europe. Trafficking is a low-risk and lucrative illicit activity in the region, particularly for the local Bedouin tribes along the migratory routes. The victims predominantly originate from Eritrea, Ethiopia, Somalia, and occasionally from Sudan.”

Summary Chapter 7

Human Trafficking is defined in the UN Convention against Transnational Organized Crime and specifically the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children as "the recruitment, transport, transfer, harboring or receipt of a person by such means as threat or use of force or other forms of coercion, of abduction, of fraud or deception for the purpose of exploitation."

Regarding the scale of the problem, globally 2.45 million people are victims of which 1.2 million children according to UNICEF. Across international borders, 800,000 are victims of trafficking, with many more trafficked within their own countries. By 2020, the EU has been able to significantly reduce the flow of illegal migrants (including asylum seekers from Syria) due to the closure of the Eastern Mediterranean and Western Balkan routes to Europe. According to IOM, in 2019, 110,669 people arrived in the EU by sea, while 1,283 people died, which is slightly less than in 2018 (116,273 arrived in the EU and 2,299 died). Since 2014, at least 19,164 people have been missing in the Mediterranean. In 2019, Frontex assisted Member States in returning 15,850 people, slightly more than in 2018 (13,730).

There are four main differences between human trafficking and migrant smuggling are illustrated by UNODC and IOM:

Consent - migrant smuggling, while often undertaken in dangerous or degrading conditions, involves consent. Trafficking victims, on the other hand, have either never consented or if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive action of the traffickers.

Exploitation - migrant smuggling ends with the migrants' arrival at their destination, whereas trafficking involves the ongoing exploitation of the victim.

Transnationality - smuggling is always transnational, whereas trafficking may not be. Trafficking can occur regardless of whether victims are taken to another state or moved within a state's borders.

Source of profits - in smuggling cases profits are derived from the transportation or facilitation of the illegal entry or stay of a person into another country, while in trafficking cases profits are derived from exploitation.

Summing up on the trafficking:

- Distinctions are often very subtle and sometimes they overlap
- It may start with an 'opportunity' that sounds more like smuggling to potential victims. (victims pay a fee in common with other people for the trip but end up in exploitation circuits)
- Risks are reduced for traffickers both in destination countries (limited chances of deportation or prosecution for prostitution or illegal immigration)
- and in their countries of origin (retaliation or re-victimization if they cooperate with authorities)

- Support and protection of victims critical in the fight against trafficking to increase willingness to cooperate with authorities and as a necessary means of rehabilitation.

Countries have not only to ratify and effectively implement the Conventions against Transnational Organized Crime and the Protocol by translating them into national legislations. In several countries of origin and transit of migrants and victims, trafficking in persons is not even a crime and judicial and police cooperation has no legal and operational ground. Accurate information is needed in order that a true picture of the phenomenon can be gauged and trafficking should be clearly given a high priority and focus by the international community, mobilizing the support of NGOs, IGOs, governments and the community at large. Advances are necessary in international law by providing, for the first time, a working definition of trafficking in persons and requires ratifying States to criminalize trafficking in persons' practices.

The main question is who controls the controllers. The contradictions of the European security approach become evident. It is not only the traffickers who have to be blamed for the hideous trade of human beings. Sahelian countries benefit from international solidarity to fight terrorism and receive military equipment, training to support repression and trafficking, since often armed groups in the Sahel are engaged in both type of activities. The bet in the European approach is to increase of the costs trafficking and illegal migration and to decrease demand of migration support services. The problem with this approach is that it is based on the assumption that there is a distinction between guards and thieves. Before 2016, the situation rapidly went out of control and trafficking become a new and very much demanded business. Traffickers even indulged in practices for the fidelization of clients asking for suggestions and recommendations.

Regarding mixed flows in complex settings, conflicts – combined with protracted displacement, few ways to legally emigrate to third countries, poor quality education and lack of livelihood opportunities – make asylum-seekers, refugees and irregular migrants vulnerable to trafficking. Moreover, organized criminal networks can be highly agile and adaptable and involve a chain of different actors; the fact that they work underground, coupled with the type of exploitation, makes evidence difficult to gather by such international organizations as UNHCR, IOM, UNICEF, non-governmental organizations. The confusion that typically surrounds a crisis response, often results in cases remaining hidden for quite some time, to victims' great detriment. When cases finally emerge, some have been exploited, abused and suffered violence for prolonged periods of time, already with devastating effects.

Key Terms

Definitions of Trafficking and Smuggling: Smuggling- consent; Trafficking -coercion

Recruitment

Transportation

Routes

Political alliances

Security forces

Joint ventures security forces-traffickers

Chapter 8 Migration in the Media

The way newspapers, magazine, TVs, and the new social media cover migration has a deep impact on migration policies and migration politics. Media can shape the political and cultural debate in countries where there is freedom of press and, in different manners, where such freedom does not exist or is limited. Media and public opinion perception of migration is gaining scholarly attention. The World Migration Report 2018, published by IOM dedicates Chapter 8 to media coverage of migration.¹¹² Those who are interested in this subject matter are strongly encouraged to read it. Chapter 8 of the IOM Report, in the very final section, indicated several implications and areas for future research:

The first area suggested was to look for further evidence on whether and how different types of messages and emotions shape public perceptions and policy activity on mobility both within and beyond the world of research. The second area was to make more research on the role of media in transit and origin countries, for example, research on migrants' own use of, and preferences for, different types of media. This is especially important for understanding how and to what extent information sources shape perceptions. By coincidence, also Chapter 8 of this Handbook deals with migration and the media. The first part of the chapter is based on a few abstracts from the IOM Report in order to recall salient findings and conclusions. They are reported almost verbatim for ease of reference. The second part draws on GLOPEM students' research papers on media coverage of migration in countries of origin. The idea was to illustrate contributions to filling the gap in the scholarship by analysing the case of sub-Saharan Africa, a macro-region of growing importance for migration particularly for the Mediterranean and European region.

Part one The World Migration Report 2018

Chapter 8 of the above report starts with four key questions:

- What do media around the world say about migration and migrants?
- What impacts does this coverage have on what members of the public, policymakers and migrants themselves think and do?
- How does the practice of journalism itself contribute to coverage?
- What implications arise from recent experiences of media and migration for future research and practice?

The report has a crosscutting question, namely:

“What makes migration – and, particularly, media coverage of the issue – so important now? One reason might be rising levels of anti-immigration rhetoric and recent gains by anti-immigration political parties in many countries. Across Europe, for example, some voters have moved away from mainstream parties towards “challenger parties” on the basis of their migration policies, especially those who are more politically right-wing. Negative, even hostile, coverage of migration has accompanied similar rises in anti-immigration parties and political rhetoric. Other

¹¹² World Migration Report 2018, IOM, Chapter 8, Media Reporting of Migrants and Migration, pp. 191-207

factors, including demographic change, actual or imagined socioeconomic impacts, and wider policies (such as economic austerity) are also likely to play some part.” In the chapter on the political economy of migration of this handbook, the various perceived impacts of migration on job competition, salaries and welfare that were recalled were precisely about such issues.

Regarding the immigration sentiment and the positive or negative media coverage about migration the 2018 IOM Report recognizes that:

“[...] much of the research evidence shows media associating bad news with migrants around the world. During 2013–2014, unfavorable print and online coverage of migration in six countries with very high human development levels (such as Australia, Canada, the Netherlands, Norway, Switzerland and the United Kingdom) was more than twice as visible as favorable content. This gap was particularly pronounced in Australia and the United Kingdom, while less so in Canada and Switzerland. Meanwhile, media content in sampled countries with lower levels of human development (such as Afghanistan, Bangladesh, Malaysia, Pakistan, Sri Lanka, Thailand and Viet Nam) also showed significantly more unfavorable content than favorable. Among these countries, Malaysian and Thai media were the most likely to have negative content. Furthermore, media in both sets of countries were most negative towards irregular migration.

[...] Framing migration implies competing issues, different approaches. Traditional media in the United States and Europe often cast migration as an issue of “law and order” or security. For example, this link became more visible in Italian media from the 1970s to the 1990s. British Media also have depicted immigrants as “illegal”, and asylum seekers and refugees as “bogus” or linked to terrorist threats. Recent research argues that economic aspects, which emphasize the costs and fiscal impacts of migrants in destination countries, are significant – equaling if not exceeding concern about crime.

[...] Another approach involves dividing migrants from the “native” population, portraying them as threats to national identity, culture or cohesiveness. The Latino Threat Narrative, documented in US media, portrays immigrants from Latin America as incapable of successful integration. Local media in Guangzhou, China, also tend to portray African immigrants as threats to public safety and “racial purity” – a narrative that spills into online domains, too. Meanwhile, media also increasingly link populist rhetoric against Islam with broader questions about culture and immigration, as seen in public debate in Norway related to the July 2011 white supremacist terror attacks in Utøya and Oslo. Media coverage can also remove migrants metaphorically from the population altogether through dehumanizing language. A notable example of this involves metaphors casting migration as a form of natural disaster (often a flood) or migrants as animals, especially insects (“swarms”). In contrast to narratives of threat, division and inhuman qualities, other studies demonstrate an explicitly humanitarian frame that “portrays immigrants as victims of an unfair system. Several cases demonstrate this way of covering immigration in Western European media, including those in Belgium, France and the Netherlands.”

Media coverage and public opinion about migration

This is a key area that the 2018 IOM report addresses as follows: “[...] The press”, we are reminded, “is stunningly successful in telling its readers what to think about.” The previous section showed how media coverage of migration varies around the world – and not just within traditional newspapers, but in other media, too. But what impacts do these various portrayals and

approaches have on what people think, on policy developments and on migrants themselves? One aspect of these perceptions involves how many migrants there are in the country. People regularly overestimate minority groups' actual numbers. This can occur because people perceive immigrants as threatening (and exaggerate that threat) or because they receive and use incorrect information. The media often promote these feelings and information, especially on symbolic issues such as immigration, where individuals may not have direct experience of all types of migration and refugee issues.

[...] In most countries, people who were given the accurate information were less likely to say that their country had too many immigrants, compared to those who were not given that information. This difference was particularly pronounced in Greece, Italy and the United Kingdom, but less so in France and the Russian Federation. Studies in Europe and the United States have revealed that people tend to be more opposed to migration when they think that their country hosts a large population of migrants. These perceptions, rather than the real size of the foreign-born population, are correlated with anti-immigrant views. Also, citizens who perceive migrants to be from different (and less privileged) groups than the host country also tend to be more negative about migration, as confirmed by studies in Finland, Spain and the United States. It is safe to say that media coverage plays an important role in providing information about the size and nature of migrant populations, which in turn seems likely to have an impact on public opinion.”

In the conclusion of Chapter 8, the IOM Migration World Report 2018 a number of key questions and issues are put forward:

“[...] in a world of media sources that are often allied with particular political and commercial interests do we really make our own decisions about issues, including migration? Or are we pushed towards agreeing with conclusions that we might otherwise not have chosen? In a complicated world, individuals cannot be expected to make new and informed political choices every time they are asked. Instead, sources such as media provide the raw materials that help readers use mental short-cuts to make sense of events that occur in a social and political world that extends far beyond any individual's ability to directly perceive it. As shown earlier, media organizations can promote negative perceptions about migrants and migration by using disaster metaphors or by emphasizing the costs or threats that migration might bring.”

The way how populist parties have used migratory issues was effectively depicted by Fulvio Attinà in 2018. “These parties blamed the mainstream political parties and the governments for the permissive immigration policies of the past decades that were worsening the already shattered economy and jeopardizing domestic security. The political leaders responded to the critics by claiming that the blowing number of migrants was mostly the outcome of the unforeseen combination of the poor economic conditions and the high demographic growth of the origin countries with the political uprisings and civil wars that were changing the Middle East and North Africa after the Arab Spring. The governments also reassured the citizens about the determination to dominate the problem through the existing capabilities and to halt the migrants at the border by the available control means. No policy-makers and political party leaders drew attention towards the nature of the flow that apparently was a mixed migration flow or towards the warnings of the experts that had already reached the institutional and public fora of the member states and the Union.”¹¹³

¹¹³ Fulvio Attinà, TACKLING THE MIGRANT WAVE: EU AS A SOURCE

Part two: Migration in the Sub-Saharan Media

Consistently with the one of the suggestions for further research made in the 2018 IOM Migration Report, at GLOPEM we dedicated a number of research papers on how migration is covered in on-line media in West and East Africa. Below are two contributions which synthesize existing research on this topic.

How migration is framed in different Sub-Saharan newspapers and how public opinion in West Africa, East Africa and Southern Africa. By Mads Rugaard Christensen¹¹⁴

The following paragraphs will analyze how migration is framed in different Sub-Saharan newspapers and how public opinion varies between different regions in Sub-Saharan Africa towards migration namely in West Africa, East Africa and Southern Africa. The theoretical framework of the analysis is based on agenda-setting and framing. The section of agenda-setting will compare media attention towards migration in African media with European media. The section of framing will analyze how migration is framed in different newspapers in each of the three regions. Two media have been selected from each region.

Agenda-setting

The concept of agenda-setting is defined by which political issues the media in a given country tend to stress as most important. The aim is to illustrate how much attention a given political issue gets in the media. The assumption is that media has an impact on which political issues the people of a given country find most important. If the media tend to pay attention towards migration in a given country, then the theoretical expectation is that the people of the specific country find migration important for the country as a political issue (Scheufele & Tewksbury, 2007: 11). In this paper the analysis will be based on a comparison of written articles about migration in Sub-Saharan Africa and written articles about migration in Europe in a specific amount of time.

Framing

The basis of the theory of framing is that political issues are complicated; political issues can be highlighted from more than one perspective. In other words, media have to choose a specific way to communicate political issues and a specific way to define political issues. Thus, framing tells people how specific political issues can be understood. The assumption of theoretical framework is that framing may affect people's opinions toward specific political issues (Scheufele & Tewksbury, 2007: 11-12). In the context of migration, a given media might either have a negative or a positive framing of migration. For instance, a negative frame would link migration to criminality while a positive frame would link migration to economic growth.

Agenda setting: comparison of written articles about migration in Africa and Europe

AND A MANAGER OF CRISIS, Revista Española de Derecho Internacional Sección ESTUDIOS Vol. 70/2, julio-diciembre 2018,

¹¹⁴ Mads Rugaard Christensen Migration in the Sub-Saharan countries' media, public opinion, GLOPEM 2020

Migration has been a salient political issue in European countries for some years. Especially after the high migration flows entering Europe during the summer of 2015. For Africa, the analysis includes written articles about migration in Uganda, Tanzania, Ethiopia, Ghana and Kenya, while for Europe, it includes written articles in Germany, Great Britain, France, Italy, Greece and Spain. For the African countries considered, a total of 175 articles were written about migration during the timeframe while 1.337 articles were written in the European countries during the same time. Thus, 1.162 more articles were written in the included European countries compared.¹¹⁵ Data during the June 2015 and 31st of May 2016 period indicate that migration is more salient in European media compared to African media. Given the theoretical expectations of agenda setting, the people of Sub-Saharan Africa pay less attention to migration as an important political issue compared to Europeans.

Public opinion regarding immigration in East Africa¹¹⁶

A poll asked a specific question: Should immigration be kept at its present level, increased or decreased?¹¹⁷ Forty-eight percent of the respondents answered either present level or increased level while 40 answered decreased level. In particular:

Present level 20 percent
Increased 28 percent
Decreased 40 percent
Don't know 13 percent
Source: IOM

Thus, the data show that the population of East Africa as a whole seem to be split in their attitude towards immigration since half of the population have a positive or neutral attitude while the other half have a negative attitude. Thus, it could be expected that East African media also varies in their framing of migration.¹¹⁸

Focusing now on media coverage, in East Africa it was chosen to investigate articles in The East African and Business Daily.

The East African

The East African newspaper has a regional focus and it is published by the biggest media house in East Africa (Nation media House). It covers a broad part of the East African population. Thus, according to theory of framing, The East African might have an impact on the East African population's attitude towards migration (Markert & Hansen, 2019: 14). No negative frames of migration were found. On the other hand, the headlines were stating: A borderless future beckons; it will be driven by collaboration (Olingo, 2019), Borderless continent, that is where the future lies (Kituyi, 2019), Brain drain? Just give them incentives to stay (Owino & Kemobi, 2019).

¹¹⁵ Source: Journalism in a global context, September 2019

¹¹⁶ Ethiopia, Kenya, Uganda, Eritrea

¹¹⁷ IOM

¹¹⁸ Ibid

The two articles by Olingo and Kituyi mentioned above stress that migration is beneficial on both individual and state level. They highlight that migrants learn useful skills by moving abroad and they at the same time contribute to economic growth in country of destination and country of origin. The article by Kemobi stresses that brain drain as a result of migration is seen as a problem for some East African countries. On the other hand, the author also emphasizes that it is the state's responsibility to give educated citizens incentives to stay in the country and he also stresses that brain drain cannot only be categorized as a loss for the country of origin since the country of origin receives money from remittances from people going abroad. In total, The East African seems to frame migration in a positive way during 2019.

Business Daily

Business Daily is a daily published business newspaper in Kenya. This newspaper has both a national, regional and an international focus. During 2019, I generally found positive frames of migration in Business Daily. An article with the headline Boost cultural ties to tap diaspora (Waithaka, 2019) stresses that Kenya should improve cultural ties to other countries as to make it easier for Kenyans to migrate to other countries since migrating Kenyans make economic growth in both their new country and in Kenya (remittances) while they stay abroad. The article: Africa's leaders challenged to open borders, spur growth (Olingo, 2019) highlights that African countries should open their borders for migrants as a way to improve the economy in African countries. In general, the articles indicate that Business Daily has a positive framing of migration as a way to improve the economy of African countries. Overall, both newspapers have a positive frame of migration. The findings do not confirm the expectations since half of the East African population had a negative attitude towards migration. In this regard it might be expected that other East African newspapers frame migration in a negative direction.

Public opinion towards immigration in West Africa:¹¹⁹

Public opinion in this region is rather positive towards immigration in West Africa. Overall, fifty percent of the respondents share a positive attitude towards immigration while 25 percent have a negative attitude. The question "Should immigration be kept at its present level, increased or decreased?" received the following answers:

Present level 27 percent
Increased 33 percent
Decreased 25 percent
Don't know 15 percent
Source: IOM

Therefore, it seems plausible that West African media in general has a positive frame of migration.

Framing in West Africa

¹¹⁹ Benin, Burkina Faso, Cape Verde, Gambia, Ghana, Guinea, Guinea-Bissau, Ivory Coast, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo.

Two newspapers in English were chosen for West Africa, the Nigerian *The Punch*, and the Ghanaian, *Daily Graphic*. Both newspapers are national and they cover both the national, regional and international level.

The Punch

Many articles during 2019 are concerned about illegal immigration in *The Punch*. The article “how bad leadership fuels irregular migration (Peter, 2019)” frames irregular immigration as a negative phenomenon at state level and for irregular migrants and stresses that irregular immigration is a consequence of bad leadership in Nigeria which has resulted in poverty and thereby irregular immigration from Nigeria. The article on Implications of irregular migration (Okoli, 2019) states the dangers of irregular migration from Africa to Europe at the individual level by highlighting the physical and mental costs of the journey. On the other hand, Nigeria can make a lot of foreign exchange through migration (Alagbe, 2019) is an article framing migration as linked to economic growth. The article encourages the Nigerian state to educate Nigerian citizens in skills that has a demand abroad. In all, in 2019 the *Punch* framed migration in terms of consequences of irregular migration at the individual level but also in terms of the positive economic impact of legal migration.

The Daily Graphic

Like *The Punch*, many articles in *The Daily Graphic* about migration are concerned about irregular migration. The article Irregular migration, trafficking and smuggling of migrants: A dilemma for states (Dickson & Spio, 2019) highlights that irregular migration cannot be solved from state level but has to be solved by international cooperation. Curbing irregular migration; Role of Migration Management Bureau (Baxey, 2019) highlights some suggestions in preventing irregular migration. The article put special emphasis on education as a way to decrease the number of irregular migrants. Thus, the *Daily Graphic* has not framed the phenomenon of migration either positive or negative but it has stressed the danger for irregular migrants. Overall, the chosen West African newspapers share a humanitarian frame of migration since they highlight the dangers of irregular migration at the individual level. Thus, they don’t frame migration as either negative or positive.

Public opinion in Southern Africa:¹²⁰

The people of Southern Africa generally have a negative attitude towards immigration. Forty two percent has a neutral or positive attitude while fifty six percent of the population has a negative attitude toward immigration. In the light of this data, it might be expected that newspapers in Southern Africa frames migration in a negative way. The standard question, Should immigration be kept at its present level, increased or decreased? Received the following answers:

Present level 27 percent
Increased 15 percent
Decreased 56 percent
Don’t know 1 percent

¹²⁰ Southern Africa includes Angola, Botswana, Swaziland, Lesotho, Malawi, Namibia, South Africa, Zambia and Zimbabwe.

Framing in Southern Africa

Framing of migration was analyzed in the Sunday Times and Daily Sun. Both newspapers are among the largest media in the region. The Sunday Times is published in South Africa and distributed in South Africa, Botswana, Lesotho and Swaziland while Daily Sun is published and distributed in South Africa.

The Sunday Times

The general concern during 2019 in Sunday Times regarding migration was the increasing violence against foreigners in South Africa. Xenophobic attacks: ANC's top brass wants answers (Umraw, 2019) stresses that African National Congress (ANC) wanted South African government to take action to stop the increasing violence against foreigners in South Africa. Police must infiltrate communities to prevent xenophobic attacks, says Nigerian president Buhari (Hunter, 2019) highlights that the Nigerian and South African state leaders had a meeting as to take measures against the violence against Nigerian migrants living in South Africa. In all, the Sunday Times doesn't frame migration as either positive or negative as such. Mostly, it is concerned about the rising violence against foreigners in the South African community.

The Daily Sun

During 2019, articles in Daily Sun concerning migration generally emphasized the high number of illegal migrants. Migration can't be free for all (Nzimande, 2019) stresses that South Africa has problems regarding unemployment and South Africa at the same time has a high number of illegal migrants which worsening the situation. High number of undocumented immigrants untenable (Gerber, 2019) is an article stating the problems concerning illegal migrants in South Africa. On the other hand, the article also stresses that the chairperson of Portfolio Committee on Home Affairs, Bongani Bongo, said that it should be easier to get legal access to South Africa. Thus, the article is not framing migration in a negative way. To conclude, Daily Sun frames migration in terms of problems regarding a high number of illegal migrants in South Africa which is categorized as a negative frame of migration.

Overall, the Southern African newspapers that have been chosen were concerned about the rising violence against foreigners in the region. None of the newspapers framed migration as either bad or negative. The problem of increased violence against foreigners in South Africa and the rather negative attitude towards immigration as shown in table 1.3 might be linked.

Conclusion

In this paper I have compared the number of written articles about migration in Sub-Saharan Africa and Europe. The findings showed that migration gets highly more attention in European media compared to Sub-Sahara African media. Also, I have analyzed the public opinion sentiment towards migration and media's frame of migration in East Africa, West Africa and South Africa. A number of conclusions can be drawn: First, the public opinion's analysis showed that the sentiment towards immigration is rather positive in West Africa, it is neutral in East Africa and negative in Southern Africa. Second, the findings of framing of migration in Sub-Saharan African newspaper show that the East African newspapers tend to highlight only the positive sides of

migration. Thus, they stress the link between migration and economic growth, innovation etc. The West African newspapers framed migration in rather humanitarian way as they wrote articles stating the dangers of irregular migration at the individual level. The Southern African newspapers were concerned about the rising violence against foreigners in South Africa. Thus, the two Southern African newspapers did not frame migration either negative or positive but they were concerned about violence in the South African community.

Reading Migration through the lenses of local media and public opinion: To leave or not to leave Sub-Saharan Africa. By Giuseppe Cannata

While in the last decades a great deal of scholarly research has been produced on the media coverage of legal and irregular migrants in the destination countries and how it impacted on public discourses and policies, far less attention has been devoted to media representation of migrants and migration in the countries of origin and transit. Indeed, the sub-Saharan states examined in this paper are among the main countries of origin of international migrants from Africa and, at the same time, destination countries for intra-continental migration.

Migration Trends in Sub-Saharan Africa

According to the United Nations Population Division (UNPD) sub-Saharan Africa is a macro-region including 46 countries below the Sahara desert except Somalia, Sudan and Djibouti, although they belong geographically to this region (see Figure 1). The four regions outlined in Figure 1 (Western, Central, Eastern and Southern Africa) are based on both geographical and political criteria and are particularly relevant for the analysis of migration trends in sub-Saharan Africa.

According to UNPD (2019) World Population Prospects, sub-Saharan Africa population will double by 2050, exceeding the threshold of two billion. The high-rate increase of population interact with multiple interdependent processes and issues, such as general poverty, widespread unemployment, conflict-induced displacement and, more recently, environmental degradation producing a new patterns of migration both from and within sub-Saharan Africa (degli Uberti et al. 2015). The relevance of migration for the overall balances of the region is apparent when looking at net migration rates, which in the period 2010-2019 reached the negative average 3.5 million international migrants per year. In order to draw further considerations on the nature of this negative net migration rate, it is useful to unpack sub-regional trends. Indeed, while Western and Eastern Africa share a stable negative trend between 2000 and 2020¹²¹, it is worth to note that Southern Africa presents a largely positive net

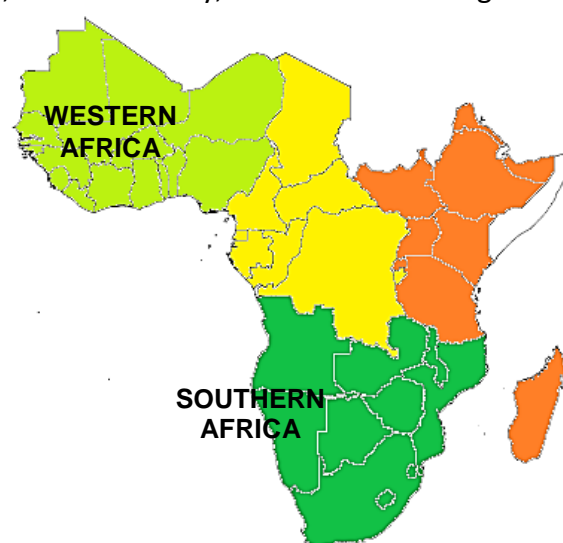


FIGURE 1. SUB-SAHARAN AFRICA ACCORDING TO UNPD (2019b).

¹²¹ Despite focusing on five-year time intervals, data displayed in Table up to 2019.

migration rate, highlighting the relevance of the so-called South-South migration (see Figure 2).

While South-North migration is probably the most studied phenomenon, a large share of international migration consists of intra-regional movements. Indeed, contrary to the mainstream depiction of European media and politicians, but also scholarship, there is nothing like an incoming wave of poverty-driven African migration towards Europe. Actually, the countries having comparatively higher levels of development, such as Western African states, tend to have the highest intensity of South-North migration, while migration from the poorest ones is mainly intra-regional and directed to neighbouring countries (Flahaux and De Haas 2016). According to UNPD (2019b), 88.9% of international migrants arriving in sub-Saharan countries originated from the same region, while around 70% of sub-Saharan African migration is intra-continental (MIF 2019). The regions with the highest level of intra-regional migration are Western and Middle Africa, which is facilitated by visa-free movement within the member states of regional organisations, such as ECOWAS¹²², as well as strong networks among the cross-national ethnic groups (IOM 2017).

Labour mobility constitutes the vast majority of intraregional migration, both temporary and permanent, but still a non-negligible share of immigrants is made up of displaced people due to conflicts and natural disasters, such as the 2.3 million displaced people due to the South Sudan conflict. Indeed, according to the United Nations High Commissioner on Refugees, sub-Saharan Africa hosts more than 26 % of the world's refugee population, with three main hosting countries being Uganda (1,116,653), Sudan (1,078,287) Ethiopia (903,226)¹²³. This brief overview of the main issues and migration trends in sub-Saharan Africa provides a general framework for the following analysis of media representations and public opinion attitudes towards migration, while at the same time serving as a disclaimer for the complexity of such an issue.

Public Attitudes and Competing Narratives of Migration

While migration plays a major role in social dynamics and have a wide media coverage within sub-Saharan countries, it is rather difficult to define a general attitude towards migration. Given the extreme variety of ethnic groups and languages to which sub-Saharan Africa is home and the tradition-based social system, along with the different ways in which sub-Saharan countries are affected by migration, a global analysis of media and public opinion perceptions of the issue is prohibitively expensive but might still be attempted in the future. Therefore, in order to trace the contours of what can be approximated to a general attitude towards migration, the present section relies on two main sources, based on sub-regional and national level analysis. On the one hand, it draws on opinion polls and surveys conducted by Afrobarometer, the largest pan-African research network on public attitudes in Africa; on the other hand, it relies on second-hand data from studies conducted at sub-regional level, which however are not representative of the whole spectrum of attitudes towards migration in sub-Saharan Africa.

While scholarly research on migration perceptions focuses on the “side of arrivals”, thus paying attention to destination countries’ perception of migrants and media discourses on

¹²² Economic Community of Western Africa States

¹²³ United Nations High Commissioner for Refugees. 2018. *Refugee Population Statistics Database* [Retrieved on 20 June 2020 from <https://www.unhcr.org/refugee-statistics/>]

immigration, when dealing with the sub-Saharan macro-region a distinction should be made between the framing of emigration and of immigration, both present in almost all the sub-Saharan countries. In a recent survey published by Afrobarometer (Appiah-Nyamekye Sanny and Rocca 2019) conducted across 34 African countries, more than one-third of the interviewees (37%) were considering emigration to another country, this percentage being far more higher for sub-Saharan countries youth population, such as in the cases of Sierra Leone (78%), Liberia (70%) and Nigeria (57%). What emerges from Afrobarometer surveys is that youth population of sub-Saharan countries often perceives emigration as a positive opportunity. The situation is quite different for immigration, in particular with regard to refugees and asylum seekers. In general, the population of hosting countries in sub-Saharan Africa demonstrated positive and generous attitudes, but tensions among hosting communities and displaced people, commonly due to the lack of appropriate resources have been leading to negative stereotyping in the public discourse (UNHCR 2019).

The situation is slightly different when analysing media representation. In the first place, there is a limited coverage about migration in sub-Saharan African press and “reports are often not sufficiently comprehensive or struggle to relay the voices of migrants”, influencing the public debate on migration management (Schragl 2015). In the second place, censorship. Government control, both direct and indirect, heavily constrain the way in which media, particularly online newspapers cover migration-related issues. In analysing media coverage of migration in Gambia, which in some aspects is a paradigmatic case, Jaiteh (2015) highlights how the Gambian government imposed restrictions to independent media by imposing an obligatory bonds which is held as a guarantee in case of legal actions against the media. In such a context, the Gambian diaspora played a role in reporting on the Gambians’ illegal journeys to Europe, by setting up foreign-based overseas media network and online newspapers, which are time by time blocked by the government. Nevertheless, the digital divide affecting several sub-Saharan countries, where the share of population with internet access in their home is close to zero, further constrains the online circulation of media reports on effective migration routes and conditions (Mahler et al. 2019).

Although the media scenarios and the degree to which migration-issues are addressed in the press vary a lot between national contexts, at the sub-regional level some common traits can be identified. For instance, the region-based analysis conducted by Noske-Turner et al. (2019) traces these main tendencies in Western and Southern African media. In the case Western African press, particularly the analysis of a sample of articles from Niger, Mali and Burkina Faso, the focus is on the migrants’ journey as well as on their attempt to settle and integrate in destination countries. The frequent use of terms such as “trafficking” (traffic) and “smuggler” (passeur) and the attention to the legal status of migrants suggest a stereotypical representation of migrants’ sufferings during their journeys and a detached narration of their stories. Differently, the analysis of Southern African media coverage of migration, relying on Zimbabwe and South African cases, suggest a more deep depiction of migration. In the context of Zimbabwe press, articles give more room to migrant voices, with interviews trying to highlight the human dimension. Consistently the stories analysed focus on peoples rather than on legal status to describe migrants (Noske-Turner et al. 2019, 25).

In order to provide a deeper insight on media and public opinion perception of migration in sub-Saharan Africa, the two following sections are devoted to two case studies, which represent

paradigmatic cases with respect to perception of immigration (Uganda) and of large-scale emigration (Eritrea). Needless to say, these two cases do not aim at representing the general trend in sub-Saharan Africa, rather they are useful to highlight the framing of peculiar issues in context-specific media environment, such as that of refugees.

Uganda: A Refugee Paradise?

The case of Uganda is particularly interesting for analysing the media representation of migrants since it is the sub-Saharan country with the largest refugee population, amounting to about 1.4 million in late May 2020.¹²⁴ In the last five years, the net migration rate of Uganda reached the peak of four per 1,000 population, the highest in sub-Saharan Africa (see Table 4). The influx of refugees has been the main driver for this huge transformation in Uganda demography. This peculiar situation is mainly due to the past conflicts in neighbouring countries and regions, such as in South Sudan and Somalia (see Table 5), which represent the two main country of origin for refugees, arrived to Uganda. The passing of the 2006 Refugee Act and of 2010 Refugee Regulations, allowed refugees in Uganda to integrate within host communities, having access to the same public services as nationals (UNDP 2017). In recent years, such a progressive and open refugee policy received the praise of international organization and media and a wide press coverage at national level. They have freedom of movement and are free to pursue livelihood opportunities, including access to the labour market and to establish businesses.

In order to analyze media representation of migration in the country, a sample of articles published in 2019 on the two largest English-language Ugandan newspapers has been analyzed (NewVision and Daily Monitor, see Table 6). The selection of the articles is based on the results obtained by inserting the two keywords “refugees” (R) and “migrants/migration” (M) in search instruments of the newspaper websites and selecting the first articles sorted by “relevance” (see Table 6). Articles about refugees show a positive attitude towards the government policies, reporting data (NV R1; NV R5) and positive integration experiences (NV R2; NV R4) that celebrate the success of Uganda as a refugees host country. Even in the article concerning a political debate about the issue (NV R3), in which are reported the critics by the Deputy Speaker Jacob Oulanayah, complaining that Ugandan open-door policy to refugees was to the detriment of citizens, the author seems not to take sides. Similar positive-oriented framing of refugees influx and government policies were founded in Daily Monitor articles (DM R1; DM R2). A rather negative framing of refugees is present, on the contrary, in the third article (DM R3), which reports clashes between Sud-Sudanese refugees and Ugandans, denouncing the former.

With regard to the second keyword(s), many of the articles resulting from the research concerned migration in other parts of the world (the Mediterranean in particular), as if it was a more distant issue from that of refugees for the Ugandan public. The sample of articles selected, show a generally positive attitude towards Ugandans emigration, presenting its benefits as well as potential negative effects of as well as potential negative effects of “brain drain” (NV M1; NV M2). When it comes to government policy about “illegal migrants”, New vision appears to be slightly critical of

¹²⁴ UNHCR. *Uganda Comprehensive Refugees Response Portal* [Retrieved on 25 June 2020 from <https://data2.unhcr.org/en/country/uga>]

more tough positions (NV M4). Eventually, a last article focuses on Ugandan workers in Jordan, which are reported to complain about various abuses (NV M3), but also in this case the line of the newspaper is quite moderate, avoiding emotional defenses of Ugandan workers in favor of mere news reporting. The other newspaper analyzed, on the contrary, seems far more concerned about Ugandan migrant workers. Indeed two of the most relevant articles (DM M1; DM M3), regard labour exports to Middle East, the third narrating with a positive attitude Ugandan emigration (DM M2). The first article putting under a slightly negative light the government refusal to limit it and the second reporting the death, in unclear conditions, of a Ugandan worker in Oman.

While the main newspaper demonstrate a generally positive framing of refugees, although they did not give any prominence to the lives of the refugees as well as of migrants, less institutional media, such as the English-format tabloid Red Pepper, which has a large audience in Uganda, manifest instead a rather critical attitude toward progressive government policies. Red Pepper for instance often conveys stereotyped representation of migrants and refugees in a sensationalistic style, often associating refugees with violence and even terrorism.

On the side of the public opinion, there is popular support for integration of refugees in Uganda and citizens are generally in favour of refugees having freedom of movement, the right to work, and access to public services. Most Ugandans are amenable to an even higher degree of integration, particularly for refugees who have been in the country for protracted periods, or who were born there (IRC 2018). Media representation consolidate this framework, even though some counter-discourses on less institutional media are present, challenging both government policies and refugees integration.

NewVision (NV)	Date	Code
Uganda's long history of hosting refugees	28/03/ 2019	NV R1
Financial inclusion for urban refugees	26/06/2019	NV R2
Oulanyah punches holes in refugee policy	24/07/2019	NV R3
Building harmony in a refugee-hosting community	22/08/2019	NV R4
Refugee population in Uganda sees 48% rise	12/10/2019	NV R5
Brain drain hits Uganda	23/07/2019	NV M1
Why settling abroad should be encouraged	22/03/2019	NV M2
Govt to deport illegal migrants	07/11/2019	NV M3
Mukwaya visits Jordan to assess working conditions of Ugandans	10/10/2019	NV M4
Daily Monitor (DM)		
Government launches healthcare plan for refugees	29/01/2019	DM R1
There is need for more support to Uganda's refugee response	07/02/2019	DM R2
One dead, 12 injured as South Sudan refugees clash with Ugandans in Adjumani	12/12/2019	DM R3
Government rejects ban on labour export	19/07/2019	DM M1
Puzzling 'mass migration' of Ugandans to India	27/07/2019	DM M2
Another Ugandan woman dies in Oman, body stuck in mortuary for three months	14/10/2019	DM M3

TABLE 6. ARTICLES SELECTED FOR THE ANALYSIS OF UGANDA CASE.

LOOKING FOR A BETTER FUTURE: MEDIA COVERAGE OF THE ERITREAN EXODUS

The second study case treated in this paper is on Eritrea. While Uganda can be considered as a paradigmatic case of positive inflow of migrants and refugees, Eritrea is well known for its long lasting negative migration rate (see Table 7). In the recent years, Eritrea has become the largest producer of refugees worldwide, in comparison to its population's size. The considerable outflow of refugees from Eritrea, described by international organisations and press as the "Eritrean exodus", is rather puzzling given the absence of armed conflict in the country. Though having a population of barely 3.5 million people, Eritrea is the ninth largest country of origin refugees, amounting to 507,300 in late 2018 (UNHCR 2019). This exodus is generally attributed to the protracted crises that affected the country, resulting in long-term social disruption, economic deprivation. Moreover the country is under the rule of People's Front for Democracy and Justice (PFDJ), the single party which de facto control and mobilize the population, tightly constraining political, civil and even religious liberties of Eritreans, with only four officially recognised religious groups, being all the others banned (Connell 2016).

When it comes to public debate and press coverage, however, there is little room for explanations of this phenomenon, due to the lack of a free public sphere and the absence of independent media.¹²⁵ According to Reporters without Borders¹²⁶, there is only one independent (and, of course, foreign-based) radio station freely reporting news, namely, but with a limited signal reach.

Notwithstanding, two competing narratives can be identified in Eritrean reporting on migration. The official accounts of state-controlled media use to frame illegal migration and trafficking of human beings as the main problem for Eritrea. For instance, the Ministry of Information-run *Shabait*, with its motto "serving the truth" dominating the webpage, often reports about the "organized human trafficking and the instrumentalisation of migration for sinister political ends"¹²⁷ (echoing conspiracy theories, in which from time to time Ethiopia and Sudan play the role of the offender. Other times, the reasons for the "the ongoing crises in the region, marked by increasing instability, conflagration, and emigration" are considered as the result of "fundamental flaws within the international community's approach and policies-"¹²⁸ Another major concern for Eritrean press is the link between mass youth emigration and the so-called "national service" a system of mandatory conscription, which involves a large part of last-year students who "became soldiers at various remote locations where they perform military tasks or provide labour for developing the country's infrastructure" (Belloni 2020). According to EastAFRO, which is part of the ERI-TV media network, the reason for disproportionate migration of Eritrean youth "lies in misguided policies of certain powers to wean the youth from the National Service and thereby degrade Eritrea's defence capabilities."¹²⁹ Whenever government-sponsored media address

¹²⁵ Freedomhouse ranks Eritrea as a "not free" country attributing only 2/100 points in its ranking [<https://freedomhouse.org/country/eritrea/freedom-world/2019>].

¹²⁶ Reporters without Borders. Eritrea [Retrieved on 30 July 2020 from <https://rsf.org/en/eritrea>].

¹²⁷ Sewra, Metkel. 12 December 2018. "Safe, Orderly and Regular Migration: A Global Approach to a Global Phenomenon." *Shabait* [Retrieved from <http://www.shabait.com/categoryblog/27584-safe-orderly-and-regular-migration-a-global-approach-to-a-global-phenomenon->].

¹²⁸ Amahazion, Fikrejesus. 7 October 2016. "Examining International Sanctions: The Case of Eritrea." *Shabait* [Retrieved from <http://www.shabait.com/categoryblog/22696-examining-international-sanctions-the-case-of-eritrea>].

¹²⁹ Eritrean Ministry of Foreign Affairs. 3 June 2020. Eritrea's Response to the Report of the Special Rapporteur. *EastAFRO* [Retrieved from <http://www.eastafo.com/2020/06/04/eritreas-response-to-the-report-of-the-special-rapporteur/>].

migration, the prevailing narrative frames the mass emigration of citizens as the result of some sort of “external powers”, aiming at triggering a regime-change in the country.

The only rival narrative (except that of international organisations and foreign media) was developed by foreign-based Eritrean online newspapers. Diaspora communities and individual users online on blogs, instead, have constructed a counter-discourse to that of the Asmara government. Awate.com is one of the main Eritrean foreign-based media, unambiguously condemns the rule of Eritrean President Isaias Afewerki as an “arrogant, tyrannical, belligerent and cruel” regime, describing it as the sentiment of most Eritreans¹³⁰. Emigration is framed here as a way to “break free from the shackles of tyranny by fleeing the country”, while those “who cannot afford the financial and social costs of illegal migration remain in the country”, some of which succumbing to regime’s diktats¹³¹. Nevertheless, even if online press could in principle offer an access to free information Eritrea has one lowest internet penetration rate in sub-Saharan Africa (less than 2%), and public access, such as in Internet cafés, is closely controlled, thus strongly limiting the circulation of the abovementioned counter-discourses.

¹³⁰ Zerai, Yohannes. 18 November 2018. “Eritrea: Cries of a Nation on the Brink of Evanescence.” *Awate* [Retrieved from <http://awate.com/eritrea-cries-nation-brink-evanescence/>].

¹³¹ Zerai, Yohannes. 4 June 2018. “Eritrea’s Socio-politically Disjointed Generational Succession.” *Awate* [Retrieved from <http://awate.com/eritreas-socio-politically-disjointed-generational-succession/>].

Summary Chapter 8

The sub-Saharan states examined are among the main countries of origin of international migrants and, at the same time, destination countries for intra-continental migration. Sub-Saharan Africa hosts more than 26 % of the world's refugee population, with three main hosting countries being Uganda (1,116,653), Sudan (1,078,287) Ethiopia (903,226). Given the extreme variety of ethnic groups and languages to which sub-Saharan Africa is home and the tradition-based social system it is rather difficult to define a general attitude towards migration. Surveys across 34 African countries show that more than one-third of the interviewees (37%) were considering emigration to another country, this percentage being far more higher for sub-Saharan countries youth population, such as in the cases of Sierra Leone (78%), Liberia (70%) and Nigeria (57%). Youth population of sub-Saharan countries often perceives emigration as a positive opportunity.

The situation is slightly different when analysing media representation. In the first place, there is a limited coverage about migration in sub-Saharan African press and "reports are often not sufficiently comprehensive or struggle to relay the voices of migrants", influencing the public debate on migration management. In the second place, censorship. Governments' control, both direct and indirect, heavily constrain the way in which media, particularly online newspapers cover migration-related issues. The digital divide affecting several sub-Saharan countries, where the share of population with internet access in their home is close to zero, further constrains the online circulation of media reports on effective migration routes and conditions. In the case Western African press, particularly the analysis of a sample of articles from Niger, Mali and Burkina Faso, the focus is on the migrants' journey as well as on their attempt to settle and integrate in destination countries. The frequent use of terms such as "trafficking" (traffic) and "smuggler" (passeur) and the attention to the legal status of migrants suggest a stereotypical representation of migrants' sufferings during their journeys and a detached narration of their stories. Differently, the analysis of Southern African media coverage of migration, relying on Zimbabwe and South African cases, suggest a more deep depiction of migration. In the context of Zimbabwe press, articles give more room to migrant voices, with interviews trying to highlight the human dimension. Consistently the stories analysed focus on peoples rather than on legal status to describe migrants.

Overall, the public opinion's analysis showed that the sentiment towards immigration is rather positive in West Africa, it is neutral in East Africa and negative in Southern Africa. Second, the findings of framing of migration in Sub-Saharan African newspaper show that the East African newspapers tend to highlight only the positive sides of migration. Thus, they stress the link between migration and economic growth, innovation etc. The West African newspapers framed migration in rather humanitarian way as they wrote articles stating the dangers of irregular migration at the individual level. The Southern African newspapers were concerned about the rising violence against foreigners in South Africa. Thus, the two Southern African newspapers did not frame migration either negative or positive but they were concerned about violence in the South African community.

Key terms:

Framing migration Sub-Saharan Africa Media Perceptions online newspapers and migration Trafficking" (traffic) and "smuggler" (passeur) West Africa, East Africa, Southern Africa

Chapter 9 Visa and Readmission –Facts and Issues

Closely related to the previous chapters on circular migration, seasonal schemes and migration in the media and public perceptions, is the highly sensitive topic of visa policies and the even more sensitive issue of readmissions and returns of unauthorized people living in the EU. Migrants with an uncertain legal status who might be willing to go back and forth their country of origin are also part of the issue. Before delving into the legal and operational aspects, a look at statistics is necessary. In the Compact on Migration and Asylum proposed by the European Commission to the EU member states in September 2020, that will be discussed in detail in Chapter 12, the situation is summarized as follows:

- 20.9 million non-EU nationals were legally resident in EU Member States in 2019, equivalent to some 4.7% of the EU total population.
- EU Member States issued around 3.0 million first residence permits to non-EU nationals in 2019, including around 1.8 million for a duration of at least 12 months.
- 1.82 million Illegal border crossings were recorded at the EU external border at the peak of the refugee crisis in 2015. By 2019 this had decreased to 142 000.
- The number of asylum applications peaked at 1.28 million in 2015 and was 698 000 in 2019.
- On average, every year around 370,000 applications for international protection are rejected but only around a third of these persons are returned home.
- The EU hosted some 2.6 million refugees at the end of 2019, equivalent to 0.6% of the EU population.

Irregular migration, stocks and public opinion perceptions

Overall, irregular border crossings to EU member states have dramatically decreased since the juggernaut of the 1.82 million illegal external border crossings in 2015. During 2020, around 90, 150 refugees and migrants had crossed the Mediterranean into the EU according to UNHCR data updated on 7 December 2020.

According to a Pew Research Centre research of 2019,¹³² in 2017 authorized immigrant outnumbered unauthorized immigrants in Europe. Possibly as many as 4.8 million unauthorized people lived in Europe in 2017. Instead, authorized migrants were between 19.6 and 20.5 million, i.e. 80 to 84% of the total immigrant population.

Overall, unauthorized immigrants¹³³ in 2017 accounted for less than 1% of Europe's total population of more than 500 million people living in the 28 European Union member states, including the United Kingdom, and four European Free Trade Association (EFTA) countries (Iceland, Liechtenstein, Norway and Switzerland). In numbers, among the roughly 24 million

¹³² The Pew Research Center, Global Attitudes and trends, November 2019

¹³³ Unauthorized immigrants in the Pew report are people living without a residency permit in their country of residence who are not citizens of any European Union or European Free Trade Association (EFTA) country. Most unauthorized immigrants entered an EU-EFTA country without authorization, overstayed a visa, failed to leave after being ordered to do so or have had their deportation temporarily stayed.

noncitizens of EU-EFTA countries living in Europe, less than one-fifth were unauthorized immigrants in 2017. The Pew Centre's research also shows that:

"Recent rise in Europe's long-standing unauthorized immigrant population from nations outside of EU-EFTA countries is largely due to a surge of asylum seekers who mostly arrived in 2015, when more than 1.3 million people applied for asylum in EU-EFTA countries. Many from that wave have been approved to remain in Europe. Many others, however, have had their applications rejected. Some have appealed those denials. Still others whose applications were rejected or withdrawn continue to live in Europe."¹³⁴

Asylum seekers

According to Pew, Asylum seekers in Europe who are still awaiting a decision on their application accounted for nearly a quarter (20% to 24%) of Europe's unauthorized immigrant population in 2017. Although asylum seekers waiting for a decision have a temporary legal standing, their future in Europe is uncertain. Most entered their country of residence without permission, and the majority of applicants are now seeing their applications rejected. Consequently, many have been or could be subject to deportation orders in the future.

As it can be seen in the table below,¹³⁵ in Germany unauthorized immigrants were around 1.2 million while authorized migrants were around 4.2 million. In Italy, 300 to 400,000 unauthorized immigrants compared to 3.6 million legal immigrants."

Authorized immigrants outnumbered unauthorized immigrants in Europe in 2017			
<i>Estimates of people living in Europe without EU or EFTA citizenship by country of residence, 2017</i>			
	Unauthorized immigrants (thousands)	Authorized immigrants (thousands)	% Unauthorized of non-EU-EFTA immigrants
Germany	1,000 to 1,200	4,200 to 4,400	19 to 21
UK	800 to 1,200	1,200 to 1,600	36 to 50
Italy	500 to 700	3,300 to 3,600	12 to 17
France	300 to 400	2,700 to 2,800	10 to 11
Other	1,200 to 1,400	8,000 to 8,300	13 to 15
Europe	3,900 to 4,800	19,600 to 20,500	16 to 20

Note: Estimates are of unauthorized and authorized immigrants living in all European Union countries (28, including the UK) and four European Free Trade Association countries (Iceland, Liechtenstein, Norway and Switzerland) combined. All numbers are rounded; see Methodology for rounding rules. The total number of unauthorized immigrants includes asylum seekers waiting for a decision on their case. Low and high estimates indicate the range of estimates based on different assumptions.

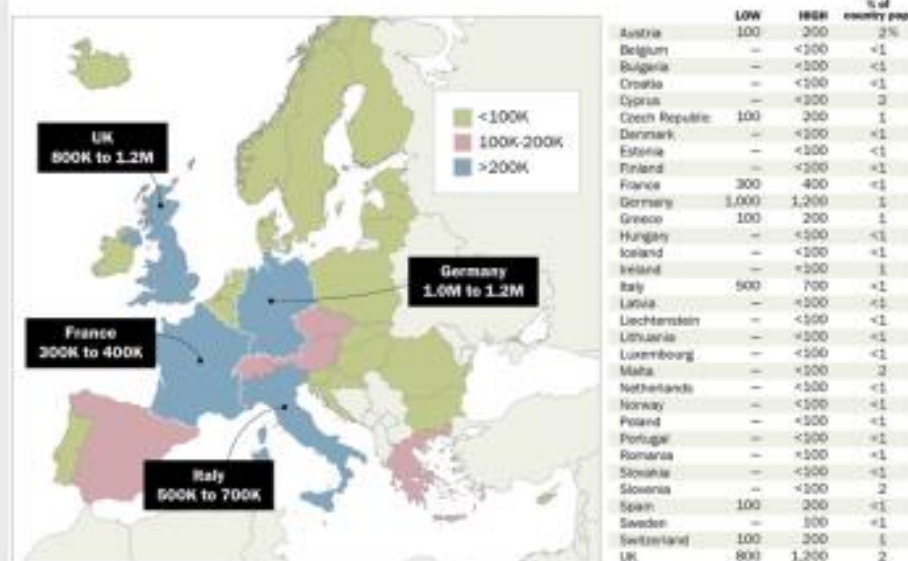
The next table further shows that more than two thirds of the unauthorized migrants lived in Germany, the UK, Italy and France and it is no coincidence that the political debate in these countries the political debate is heated in these countries where high degree of polarization on migration issues is observed.

¹³⁴ The Pew Research Center, Global Attitudes and trends, November 2019

¹³⁵ Ibid

More than two-thirds of Europe's unauthorized immigrants in 2017 lived in Germany, the UK, Italy and France

Estimated number of unauthorized immigrants in thousands by country of residence, 2017



Note: All numbers are rounded; see Methodology for rounding rules. The total number of unauthorized immigrants includes asylum seekers waiting for a decision on their case. "Low" and "High" show the range of estimates for the unauthorized immigrant population. "—" shown for "Low" estimate means below 100,000. Percentages of total population are rounded, based on midpoint estimates.
Sources: Pew Research Center estimates based on Eurostat and European labor force survey data.
"Europe's Unauthorized Immigrant Population Peaks in 2018, Then Levels Off"

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In this particular connection, another 2018 multi-nation survey from the Pew Center¹³⁶ found that public opinion majorities in several European countries, particularly in the above mentioned four countries, support the deportation of immigrants living in their countries illegally. On the other hand, when asked about refugees fleeing war and violence, the 2018 survey also found that majorities across Europe support taking them in, even when they are people who have often entered Europe without any type of permission and now claim asylum.

Readmission and return policies by the European Union and its member states

Against the above back drop and before illustrating the historical evolution of readmission and return policies by the European Union and its member states, it is important to recall the principles and concepts that international law has fixed over the years and the political debate that their application has stimulated. With reference to EU regulations there are four main documents that have to be considered and can be found in the site of the Migration and Home Affairs Directorate General of the European Commission, together with the large number of related legislation and documents:

- Common EU rules on return (Return Directive)
- Communication on Enhancing cooperation on return and readmission as part of a fair, effective and comprehensive EU migration policy
- Communication on EU Return Policy COM 2014(199)

¹³⁶ Pew, cit

- Asylum Procedures Directive

As we will see, the legal and procedural steps are so complex that it should be no surprise that they represent a bone of contention and a source of infinite disputes between and within the concerned parties, namely the EU, individual member states, non-EU states and explain the slow progress in almost any area. After the review of the main principles and operational and legal issues, we will see more in detail, in Chapter 10, the instruments and agreements for the cooperation of the EU with third countries that unfolded over the decades.

Legal issues¹³⁷

First, the principle of non-refoulement (push-back). Under international human rights law, the principle of non-refoulement guarantees that no one should be re-turned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm. This principle applies to all migrants at all times, irrespective of migration status.¹³⁸

Some international instruments mention the **individual right to leave any country and return to one's country of origin**. The most important one is the Universal Declaration of Human Rights of 1948 which, in Article 13 (2), states that "Everyone has the right to leave any country, including his own, and to return to his country."

Another important principle refers to the **Admission and Readmission** of a state's own nationals. By admitting its own national, a State responds to an individual claim to meet the human right to return to his/her own country. In case of readmission the will of the person is lacking and a State instead is facing an international right of another State to expel a non-national. The right to expel non-nationals can be effective only if there is another State which is obliged to accept the expelled person.

Within the EU policies and its legal framework, a **Readmission Agreement** is an "agreement setting out reciprocal obligations on the Contracting Parties." By the term **Return**, the reference is to a more general process of a third-national going back, whether in voluntary compliance with an obligation to return or enforced, to:

- his or her country of origin, or;
- a country of transit in accordance with Commission's or bilateral Readmission Agreements or other arrangements, or;
- another third country, to which the third-country national concerned voluntarily decides to return and in which he or she will be accepted

The legal basis for concluding Readmission Agreements is Article 79(3) of the Treaty on the Functioning of the European Union (TFEU) of 2007, amended in 2011.¹³⁹ They are negotiated with the partner country on the basis of a negotiating mandate granted by the European Council to the

¹³⁷ Based on the above EU and UN documents

¹³⁸ UNHCR, 2018

¹³⁹ The Treaty on the Functioning of the European Union (TFEU) is one of two treaties forming the constitutional basis of the European Union (EU), the other being the Treaty on European Union (TEU); also referred to as the *Treaty of Maastricht*.

European Commission. The agreements are then concluded after the European Parliament has given its consent. Once they come into force, their effectiveness can vary significantly from country to country. The competence in concluding Readmission Agreements is a shared one between the EU and its member states, meaning in general terms that member states can conclude bilateral Readmission Agreements with third countries which have not already signed any agreement of this type with the EU and, therefore, the European Commission has not been granted a mandate to negotiate such agreements.

The Return Directive of 2008¹⁴⁰ presently under review by various EU institutions, has a number of pillars, namely there must be:

- A fair and transparent procedure for decisions on the return of irregular migrants;
- An obligation on EU member states to either return irregular migrants or to grant them legal status. Therefore, migrants should not be maintained in a “legal limbo”;
- The promotion of the principle of voluntary departure is encouraged by establishing a general rule that a “period for voluntary departure” should normally be granted;
- There must be adequate provision for persons residing illegally of a minimum set of basic rights pending their removal;
- Very important, there must be a limit on the use of coercive measures in connection with the removal of persons, and ensuring that such measures are not excessive or disproportionate;
- An important principle is that of an **entry ban** valid throughout the EU for migrants returned by an EU member; it means that for a number of years a deported illegal immigrant cannot re-enter the EU.
- Coercive measures can be used only in line with national and international standards and may be used only when strictly necessary on returnees who refuse or resist removal, or in response to an immediate and serious risk of the returnee escaping, causing injury to herself/himself or to a third party, or causing damage to property.

Said differently, during the process of return-readmission of unauthorized immigrants there must be respect for fundamental rights, fair and efficient procedures and a reduction of cases in which migrants are left without clear legal status. In theory, there must be the primacy of voluntary departure and promotion of reintegration and fostering of alternatives to detention. It is intuitive that these are all problematic areas of implementation.

Types of readmission agreements: Bilateral and multilateral (RAs), Main elements, Obligations, Returns

Types

There are two main types of Readmission Agreements: bilateral and multilateral. RAs can also be systemized regarding the persons subject to readmission and can therefore be divided into two groups: agreements which concern only nationals of the contracting States, and those which include also foreign nationals and stateless persons.

¹⁴⁰ European Commission, Return and Readmissions Agreements, https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy/return-readmission_en

As we will see, RAs are an important aspect of the negotiation of the new Multiannual Financial Framework 2020-27 for cooperation between the European Union and the Africa, Caribbean and Pacific states, whereby the EU and ACP states are busy bartering readmission agreements and development aid. Multilateral Readmission Agreements are usually less detailed than bilateral ones because all necessary details are often specified in bilateral Implementing Protocols. This leaves large room for negotiation and interpretation by individual states. Notably, both the EU and ACP member states are aware that the negotiating power increases when each bloc negotiates as a group. The fact is, however, that in each group there are diverging agendas and political sensitivities and this explains the difficulty and delays in the negotiations as we will see later on.

Main elements

The main elements of Readmission Agreements and Implementing Protocols normally define the reciprocal obligations of the contracting States, the personal scope of regulations (country nationals/third country nationals, exceptions, etc.); an important section of the agreement refers to the conditions for the readmission of persons who fall under the Readmission Agreement (i.e. deadlines, acceptable documents and evidences, regulations regarding the accelerated procedure, re-readmission and transit, etc.). In the implementation of RAs, a decision to move forward rapidly is affected by the above conditions and the importance given to each single document. The RAs also contain provisions on the time limits for applying for readmission and for the response to the request for readmission; issues related to protection of human rights; rules governing escort; responsible and/or competent authorities (institutional setting); provisions on data protection; border crossing points for the transfer of readmitted persons; rules for transit through the territory of the contracting states and financial provisions. The number and type of conditions listed above clearly tell us that each one of them can be used to stop return processes and negotiations among states. Annex 4 provides more details on the legal nature of return and visa agreements

Obligations of readmission agreements and implementing protocols

Intuitively, effective readmission agreements are based not only on the obligations for the parties but predominantly on the degree of willingness of the parties to comply. The most important obligations of the requesting State under RAs include to prove that there are grounds for readmission, therefore that the person cannot be granted a refugee status. The burden of proof is put on the Requesting Party. In fact, the requesting country has to submit the formal application for readmission along with all necessary supporting documents or evidences to the relevant authorities of the requested State and has to transfer the person to the competent authorities of the requested State. The supposed country of origin (the requested State) should accept to hold interviews on the territory of the requesting State which means sending consular officers and cooperate on integration of returnees. Experience has shown that the latter is a bitter area of discussions. Cooperation between countries of origin and destination in the field of dissemination of information on possibilities and conditions for legal migration is also of great importance. Finally, cooperation between state and non-state agents in the sphere of voluntary return with non-governmental and international organizations is also crucial, and IOM return

assistance programs, funded by the European Commission, are part of the coordinated international approach.

The organization of returns

Forced returns should be carried out as last resort, while the priority should be given to voluntary returns (organized independently by a returnee, arranged by the sending State or within the framework of Assistance to Voluntary Return programs). Returnees should be provided with necessary assistance throughout the whole (forced or voluntary) return process. Prior to the removal, a returnee must be duly informed about the return procedure. In the RAs, there is an indication in the text of the special units within relevant national authorities which are responsible for organizing forced and, possibly, voluntary-assisted returns. The RAs should also provide for training for escort teams. This is important since when it comes to the use of coercive measures (e.g. handcuffs, physical force as the last resort), the states agree that they can be used only in case it is strictly necessary on returnees who refuse or resist removal, or to ensure safety, protect life and physical integrity of escort members, a returnee or other persons, or in response to causing damage to property. They should be applied in accordance with international standards, proportionally to the danger. While respecting the dignity of the returnee, the safety of other passengers. Moreover, in any case the forced return operation should be fully documented and monitored. Recent events at the border between Italy and Slovenia have been described by media as people coming from Afghanistan, Pakistan, fleeing war and persecution have been pushed back to Slovenia who in turn handled them to Croatia where they have been enduring inhuman treatment. An Italian Court declared in January 2021 pushbacks from Italy to Slovenia as unconstitutional.

The ACP-EU cooperation on Readmission: concerns by the parties, visa overstay, amnesties

The revision of the Readmission clause in Article 13 of the Cotonou Agreement which disciplines political and economic cooperation between the European Union and the Africa, Caribbean and Pacific states –ACP- that is presently under negotiation, stipulates that:

“each Member State of the European Union shall accept the return of and readmission of any of its nationals who are illegally present on the territory of an ACP State, at that State’s request and without further formalities; each of the ACP States shall accept the return of and readmission of any of its nationals who are illegally present on the territory of a Member State of the European Union, at that Member State’s request and without further formalities. The Member States and the ACP States will provide their nationals with appropriate identity documents for such purposes.”

In this formulation, readmission is the **act by a state of accepting the re-entry of an individual** who has been found **irregularly entering into, being present in or residing in another state**. Readmission agreements usually are intended by the EU to facilitate forced return, i.e. the return of a migrant who is not willing to leave the host state’s territory voluntarily. As we have seen, under international customary law, **every state has the obligation to readmit its own**

nationals. Usually, states do not outright reject readmitting their nationals but they can obstruct or delay the process by refusing to issue documents or identify their nationals or just by being slow during the process.

EU concerns on readmission cooperation with the ACP¹⁴¹

It is important to have clear in mind the concerns that the various actors express when RAs, and the revision of Article 13 of the Cotonou Agreement are negotiated. Regarding the EU, its member states feel that the Africa, Caribbean and Pacific States which are member of the Cotonou Agreement are holding back on readmission and would like to see a higher level of agreement and cooperation from them. In particular, the European countries of destination of migrants are seeking legal commitments from the ACP side. They insist on the direct applicability of the readmission clause in Article 13 of the Cotonou Treaty which regulates cooperation between the EU and the ACP states and also refer to international customary law on the issue. As they describe it, a number of ACP countries are dragging their feet on cooperation on readmission because they do not respond or at least delay responding to requests for identifying their nationals and issuing travel documents.

Among the EU member states and even within the national political debate, several positions exist about cooperation with the ACP on readmissions. Many do not want to be seen to be giving additional development cooperation in return for the ACP to act in accordance with the readmission clause which is, as they say, an obligation under international law. They also argue that they cannot allow more legal migration as some ACP representatives call for, if ACP countries do not show good will first, and unless it is clear to them that forced return is an option on the table.

ACP Concerns on readmission of their nationals living in Europe¹⁴²

The ACP member states have a large number of grievances about the EC approach to readmissions and returns. The ACP member states' point of view is that readmission cannot be addressed in isolation and is only one piece in a large chain of migration processes. While they express willingness to cooperate on readmission but de facto resist to acknowledge the obligation under international law, they note that the EU often forgets about what happens to the irregular migrant upon returning if there are not sufficient means for reintegration. The ACP negotiating position on readmission of their nationals back home is that any concession should be met with concessions on visa facilitation on the EU side. It is therefore proposed that the EU review EU asylum procedures in return for concessions. The ACP countries also point out a number of deficits in the EU's migration management, which could be aggravated through a stricter enforcement of the readmission sentiment prevailing nowadays in the EU, especially if migrants are "dumped" in the capital and do not have enough means to return to their place of origin. Quite often migrants fear to do so for lack of respect which meets them upon return, which might for example force them to become beggars or thieves in the capital.

¹⁴¹ www.ecdpm.org/bn33 ACP-EU cooperation on readmission: Where to go from here

¹⁴² Ibid

The recent accelerated procedure in the asylum procedures Directives of the Commission, which are progressively translated into national legislations, actually encourage early rejection of asylum-seekers. ACP states call for the EU to enforce the non refoulement¹⁴³safeguards more strictly. According to critical voices, the European readmission policy does not distinguish between aliens who are in an unlawful situation whose legal position should nevertheless be protected, and those who are not. The 2013 agreement with Turkey, for example, requires the Turkish authorities to take back not only their own nationals but also illegal aliens who have transited through their territory. The latter will then be sent back to their country of origin. This is a highly conflictive provision given that the majority of foreigners who transit through Turkey are Afghan, Syrian or Iraqi asylum seekers fleeing from persecution in their country of origin.

Moreover, they contend that forced return procedures are often degrading and unnecessary force is used. In terms of promoting voluntary returns, the ACP states propose that the social rights of irregular migrants, namely pensions accrued while working in the destination country, should be made portable. Furthermore, no good enough incentives for voluntary return exist and reintegration programs are underfinanced. Below are some example of financial packages that European member states foresee for assisted-voluntary returns.

Financial Assistance during Initial Stage of Return

- Austria (£ 370)
- Belgium 250
- Czech Republic 500/300
- Germany 300/700
- Latvia 400
- Lithuania 405
- Netherlands 500
- Poland 85/200
- Portugal 50
- Spain 1500/5000 per project
- Austria (£ 3500 per person in kind)
- Belgium 700 per adult, 350 minor
- Czech Republic (since 2008 limited to rejected asylum applicants who meet vulnerability criteria)
- France 7000
- Lithuania 1500
- Netherlands 175 per adult
- Poland 100 / 2000 depending on IOM project
- Portugal 1100
- Ireland 900 per person 1650 per household
- Sweden 3250 per adult 2250 minor
- UK 3630 assisted return package

¹⁴³ In international law the principle of non refoulement guarantees that no one should be re- turned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm

The attrition war

There are many other obstacles among the EU member states regarding Assisted Return and Reintegration programs. In addition to limited public funding there is a lack of political will by all concerned. In several immigration countries, rumors of an amnesty (for example during the 2020 agricultural season in Italy) may push many migrants not to request return packages. In some EU countries there is confusion due to several stakeholders/actors in the field, each having their own set of conditions for participation in Assisted Returns. Another reason for the lack of participation by migrants to voluntary return is the fear that pension contributions in the host country will not be recovered and the fear of not being able to return to the EU since there would be an entry ban if a return package is provided to a migrant.¹⁴⁴

As we will see when examining a number of EU-ACP agreements, in the ACP States a major difficulty in concluding RAs with the EU concerns the requirement for non-EU countries to readmit not only their own nationals, but also people who have transited through their territory. Non-EU countries argue that they cannot be held responsible for the citizens of other countries and are therefore not obliged to readmit them. The result of this mistrust is a lack of cooperation between European member states and the countries requested to accept returns. It may also happen that the situation in the country of origin is particularly dangerous which leads to fear of being detained upon return and therefore potential returnees make appeals to European Courts of Justice. Another reason explaining while ACP countries resist any legal obligation to take back their migrants is the lack of reintegration prospects in the country of origin and the fact that migration, as we have seen in Chapter I, is a coping strategy with poverty and environment. Countries like Mali, Senegal, clearly state in their policies and laws that migration is an important part of their poverty reduction strategies. The ACP states and their public opinions contend that what was supposed to be an improvement, managing migration, is due to the public sentiment in Europe, turning to sole repression. In other words, combating the causes of migration should have rather meant struggling against poverty. The main goal for the states of the European Union, according to the ACP states, is to deport illegal foreigners in exchange for economic and development support agreements. Furthermore, readmission agreements are based on an unfair negotiation, according to the ACP states, since the European Union puts a huge pressure on the “third countries” to reach its goal. As we can see from the above examples, too often we witness a dialogue of the deaf and an attrition warfare where both parties try to wear down the enemy. The next chapters will describe this *war* from various angles.

¹⁴⁴ The European Visa code Entry Bans Visa is an example of such fears. A traveler *overstaying Schengen visa* system may not be allowed back into Schengen countries for 1 to 3 year and receive a fine up to euro 7,000

Summary Chapter 9

Readmission is the act by a state of accepting the re-entry of an individual who has been found irregularly entering into, being present in or residing in another state. Readmission agreements usually are intended by the EU to facilitate forced return, i.e. the return of a migrant who is not willing to leave the host state's territory voluntarily. Every state has the obligation to readmit its own nationals. Usually, states do not outright reject readmitting their nationals but they can obstruct or delay the process by refusing to issue documents or identify their nationals or just by being slow during the process. The competence in concluding Readmission Agreements is a shared one between the EU and its member states, meaning in general terms that member states can conclude bilateral Readmission Agreements with third countries which have not already signed any agreement of this type with the EU and, therefore, the European Commission has not been granted a mandate to negotiate such agreements.

The supposed country of origin (the requested State) should accept to hold interviews on the territory of the requesting State which means sending consular officers and cooperate on integration of returnees. Forced returns should be carried out as last resort, while the priority should be given to voluntary returns (organized independently by a returnee, arranged by the sending State or within the framework of Assistance to Voluntary Return programs). Returnees should be provided with necessary assistance throughout the whole (forced or voluntary) return process.

The European countries of destination of migrants are seeking legal commitments from the ACP side. They insist on the direct applicability of the readmission clause in Article 13 of the Cotonou Treaty which regulates cooperation between the EU and the ACP states and also refer to international customary law on the issue. As they describe it, a number of ACP countries are dragging their feet on cooperation on readmission because they do not respond or at least delay responding to requests for identifying their nationals and issuing travel documents. The ACP member states' point of view is that readmission cannot be addressed in isolation and is only one piece in a large chain of migration processes. While they express willingness to cooperate on readmission but de facto resist to acknowledge the obligation under international law, they note that the EU often forgets about what happens to the irregular migrant upon returning if there are not sufficient means for reintegration. The ACP negotiating position on readmission of their nationals back home is that any concession should be met with concessions on visa facilitation on the EU side.

ACP states call for the EU to enforce the non refoulement¹⁴⁵ safeguards more strictly. According to their critical voices, the European readmission policy does not distinguish between aliens who are in an unlawful situation whose legal position should nevertheless be protected, and those who are not. In terms of promoting voluntary returns, the ACP states propose that the social rights of irregular migrants, namely pensions accrued while working in the destination country,

¹⁴⁵ In international law the principle of non refoulement guarantees that no one should be re- turned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm

should be made portable. Furthermore, no good enough incentives for voluntary return exist and reintegration programs are underfinanced.

Key Terms

Bilateral and multilateral (RAs)

Fair and transparent procedure

Basic rights pending removal

Entry ban

Minimum safeguards for detainees

legal limbo

voluntary departure

coercive measures

Removal

Detention

proportionality

Non-refoulement

Part 2: The Building of Europe's Vallum or the "Fencing of Europe"

Chapter 10 The long tale of EU-ACP Agreements: From the Yaoundé to the Cotonou Conventions: The evolution of the European Union approach to migration¹⁴⁶

In the previous chapter I tried to provide an overview of the juridical and political issues as well as the concerns of the various parts on the issue of readmissions of third country nationals from the EU to the origin country. A review will be provided here of the evolution of the international agreements and the operational tools that have been designed over the decades regarding cooperation between the EU and third parties, with a focus on migration. The historical reconstruction of the process will lead to the present. The possible turning point is the EC Commission Communication of September 2020 proposing to its member states a New Compact on Migration and Asylum that that will be discussed in detail in chapter 12.

The Yaoundé and the four Lomé Conventions 1963-2000.¹⁴⁷ By Giuseppe Cannata

When the first steps towards a structured cooperation between the European Economic Community-EEC- and eighteen former Belgian, Italian colonies and the so-called *Françafrique*¹⁴⁸ were made, many of the current members of the Africa Caribbean and Pacific-ACP- group were still formally colonies. The Yaoundé Convention, which was signed in 1963, stemmed therefore from the context of the 1960s modernisation theories, which largely relied on the neoclassical economic paradigm of aid-fuelled development of “less developed countries” (Furia 2015). Based on these assumptions, the ECC established a system of reciprocal trade preferences between the EU and the eighteen signatory countries, collectively known as Associated African States and Madagascar (AASM). Moreover, it promoted direct financial assistance to the AASM through the **European Development Fund (EDF)**, which was conceived as an extra-budgetary fund with its own financial rules and run by an ad hoc committee, and loans from the European Investment Bank (EIB), amounting to USD 828 million in 1974 (Twitchett 1974: 52).

A relevant shift in the scope of relations between the EEC and former European colonies took place when the United Kingdom (UK) accessed the Community in 1973, taking along the vestiges of the British Empire. The first Lomé Convention (Lomé I), which came into force in April 1976, was designed to provide a new framework of cooperation between the then European Economic Community (EEC) and developing ACP countries, in particular former British, Dutch, Belgian and French colonies.¹⁴⁹ The convention was renegotiated and renewed three times. The seamless passage from colonialism to partnership, was often interpreted as a projection of an “imperial

¹⁴⁶ The title of Chapter 10 is taken from the contribution by Giuseppe Cannata, prepared in July 2020 for the exams on Migration and Development at GLOPEM.

¹⁴⁷ Giuseppe Cannata, Framing Migration in the ACP-EU Comprehensive Partnership: looking towards Post -202 Cotonou Agreement; Research paper, GLOPEM exams 2020

¹⁴⁸ The term was used in used for the first time in the 1950s by the Ivorian President, Félix Houphouët-Boigny, to designate the former French colonies with which France maintained close political and economic links. Later on it assumed a negative connotation, highlighting the neo-colonial nature of French cooperation with its former colonies.

¹⁴⁹ Cannata, cit

power Europe” over ACP countries, based on a logic of strategic manipulation and on structural asymmetry and dependence (Sepos 2013). However, the spirit of solidarity and cooperation that permeated ACP countries, the so-called “spirit of the Lomé” persuaded them to get over neo-colonialism criticisms for the greater good of cooperation (Langan 2017).¹⁵⁰

Until the 1970s, migration was mainly intra-European, involving guest worker schemes or at most settlers returning from former colonies to motherlands (Van Mol and Helga de Valk 2016). Only when in the late 1970s migration flows from non-European countries rapidly increased, it became a matter of concern for the EEC. Indeed, the issue was addressed explicitly for the first time in the annex VII to Lomé III Convention of 1984, where it was said that:

“The ACP States will take the necessary measures to discourage irregular immigration of their nationals into the Community. [The EEC] may provide them, at their request, with the technical assistance necessary to formulate and implement their national policies on the migration of their nationals.”

It is worth to note that the paragraph was framed only in the terms of addressing “irregular migration”, but no mention was made about improving paths and opportunities for legal migration.

The Cotonou Agreement 2000-2020

The Cotonou Agreement replaced the Lomé Convention in 2000, establishing a new framework for ACP-EU relations. The main innovation of the new agreement relies on the comprehensive approach it developed, shifting away from the focus on economic issues and promoting an all-encompassing dialogue, in which the political dimension, the development cooperation and trade partnership were conceived as interdependent and equally important (Hangen-Riad 2004). The second major introduction, particularly relevant for the purpose of this contribution, was the formalisation of a dialogue on migration, enshrined in article 13 of Cotonou Agreement, projecting the issues of ACP-EU mobility into a new dimension.¹⁵¹ Article 13 provided a general framework for the bilateral negotiation of readmission agreements between the EU and each ACP countries. It came into existence in 2000 and was not revised in 2005 (see Annex 2 for text). “ The Cotonou Agreement overall framing of migration relies on a twofold approach: on the one hand the protection of migrants’ rights and legal migration and, on the other, readmissions and prevention and control of “illegal migration”, the latter being prominent. In other terms, the Cotonou Agreement brought to the fore the development-migration nexus, but still focusing on the impact of development on migration and on tackling illegal migration, while largely ignoring the other way round: the potential role of migration for development (Devisscher 2011).”

The 2000s: The EU’s Global Approach to Migration (GAM)

While the overall structure of the Cotonou Agreement remained almost unchanged since its signing in 2000, the evolution of EU-ACP cooperation in the field of migration underwent relevant changes in the last two decades.

¹⁵⁰ Cannata ibid

¹⁵¹ Cannata ibid

On the one hand, we need to mention the European Commission's (EC) **Communication on Migration and Development** and the EU's **Global Approach to Migration (GAM)**, both issued in 2005, which put forward a novel approach, trying to reframe migration in terms of its role for development. These two key documents brought to the fore such concepts as circular migration, social remittances and involvement of diaspora communities, as benchmarks for EU negotiations of the revised Cotonou Agreement of 2010.

On the other hand, ACP countries issued the Declaration on Asylum, Migration and Mobility in 2006, highlighting the need to address the root causes of migration through development promotion, and the **Brussels Resolution on Migration and Development in 2008**, calling for assistance in managing intra-ACP migration and re-launching the issue of facilitating legal ACP-EU migration. These key documents provided a new framework for migration in ACP-EU relations, but while in principle both the parties were prone to promote a joint management of sustainable development and migration, **the 2010 revision of Cotonou Agreements left article 13 untouched, despite its contested focus on illegal migration and its lacunas on the abovementioned issues**. The main fault line that brought modifications to article 13 to a stalemate was that of **readmission of illegal migrants**. The proposal of the Union was centred on a self-executing system for readmission of illegal migrants, which would have been binding for all ACP countries, which was perceived by these latter as essentially disadvantageous (Carbone 2013).¹⁵²

The Mobility Partnerships (MP), first introduced in 2006 in the light of the GAM, was the concrete instrument to implement EU readmission policy.¹⁵³ The only MP concluded with an ACP country was that signed by Cape Verde in 2008, followed by other agreements that will be described later on.

The Global Approach to Migration and Mobility (GAMM)¹⁵⁴

In 2011, the EU introduced the term Mobility into the 2006 GAM's framework, adopting the **Global Approach to Migration and Mobility (GAMM)** towards joint management and cooperation on mutually agreed objectives. As mentioned earlier, the latest revision of Cotonou Agreement, in 2010, ended up in a stalemate on article 13. Nevertheless, some of the issues raised during negotiations converged in the Joint Declaration on Migration and Development, endorsed by the ACP-EU Council in June 2010, which committed the parties to:

[...] strengthen and deepen their dialogue and cooperation in the area of migration, building on the following three pillars of a comprehensive and balanced approach to migration:

1. Migration and Development, including issues relating to diasporas, brain drain and remittances;

¹⁵² Cannata ibid

¹⁵³ ibid

¹⁵⁴ The objectives of GAMM are: organizing legal migration and fostering well managed-mobility; preventing and combatting irregular migration and eradicating trafficking of human beings; maximizing the development impact of migration and mobility; promoting international protection and enhancing the external dimension of asylum. [https://www.consilium.europa.eu/media/21841/political_decl_en.pdf].

2. Legal migration including admission, mobility and movement of skills and services; and
3. Illegal migration, including smuggling and trafficking of human beings and border management, as well as readmission

Although a second revision of the Cotonou Agreement was scheduled for 2015, the ACP group and the EC agreed to postpone it to 2020, since there were no immediate issues to be addressed. Nevertheless, a fundamental international meeting between European and African Heads of State and Government took place in 2015, paving the way for negotiation of post-2020 ACP-EU partnership. The Valletta summit, held in November 2015, officially recognised migration as a shared responsibility of countries of origin, transit and destination¹⁵⁵ and approved an Action Plan for 2016.

After long negotiation, delaying the approval of a negotiating mandate, the Council finally reached a common position in June 2018 (Council 2018). With regard to migration, the 86-page negotiating mandate reflects EU's long-lasting approach, aligning the eradication of the root causes of migration and the necessity to improve readmission policies and border control, but is clearly affected by the disputes arose during its drafting.¹⁵⁶

The above contribution by Giuseppe Cannata examined the long tale of negotiations between the EU and the ACP states on cooperation, with a focus on migration. In the paragraphs that follow, we will see how the diverging interests between the EU and the ACP and within both groups have riddled with obstacles the negotiations for the revision of the Cotonou Agreement.

Diverging interests of the parties involved. By Maads Christensen.¹⁵⁷

Diverging interests within the EU

Since 2000 when the Cotonou agreement was signed, the context of migration has changed. Migration has become a salient political issue within European states especially because of the high number of migrants entering Europe in 2015. Therefore, scepticism towards migration within European states has increased. Article 13 highlights legal migration and the requirement of both EU member states and ACP countries to readmit illegal migrants. In 2017, the European Commission submitted a version of this article to the European Parliament and the European Council. The proposal contained many of the existing paragraphs with emphasis on eradication of root causes of migration and improvement of readmission policies and border control. The Parliament accepted the proposal while the Council rejected it due to opposition from Hungary. Hungary wanted the proposal to strengthen policies on readmission with special emphasis on automatic obligations for the ACP countries to readmit illegal migrants (Ouassif, 2020). Not only Hungary has been sceptical about the chapter of migration, but Poland and Italy too raised their concerns and wanted a stricter readmission policy between the EU and African countries. In other

¹⁵⁵ *Political Declaration* of the Valletta Summit on Migration, 11-12 November 2015 [https://www.consilium.europa.eu/media/21841/political_decl_en.pdf].

¹⁵⁶ Cannata cit

¹⁵⁷ Mads Rugaard Christensen, *The Negotiation of the EU Comprehensive Partnership: The process, issues- Post Conou negotiations*, Research Paper for the exam on Migration and Development, GLOPEM 2020

words, divergent interests within the EU towards migration and changed circumstances since 2000 have slowed the negotiation process on the EU side.

Divergent interests between the EU and ACP countries

First of all, the ACP countries have different levels of migrants going to Europe. In particular, the Caribbean and Pacific countries have lower levels of migration to Europe than African countries (Ouassif, 2020). Therefore, the parties agreed to make an umbrella version where all countries adopt some general principles of the agreement while the countries will be divided into three regions (the Caribbean, Africa and the Pacific) to take into account the special settings of each region (Carbone, 483). When the official negotiations of a post Cotonou agreement started in September 2018, a few changes of Article 13 occurred in the EU proposal. For instance, it proposed “legal obligation to readmission” while the existing Article 13 refers to “accept readmission”. The ACP countries agreed, instead, that the article should refer to “voluntary readmission” of irregular migrants (Ouassif, 2020), while some ACP countries have indicated that they simply don’t want article 13 to be included in the post Cotonou agreement (Schmieg, 2019: 3). In this regard it is clear that the EU member states want a harder migration policy and that they want a shared responsibility between the EU and ACP countries on irregular migration while the ACP countries want a softer policy (Ouassif, 2020).

The African Union and the ACP Group

The above negotiations are complex because other actors play a role for example, the African Union (AU). The AU negotiates on behalf of all 54 African countries while the ACP secretariat negotiates on behalf of 48 African countries. In 2007, the EU and the AU signed the Joint Africa-EU Strategy (JAES) which overlaps with the Cotonou agreement in some areas. The aim of the JAES is to strengthen the political dialogue on migration, security, environment etc. between African countries and the EU (Schefer, 2019: 20). From the perspective of the AU, it would make sense to merge the framework of the JAES and the Cotonou agreement as a way to strengthen the EU-AU partnership and to make a united framework on migration between African countries and the EU (Schmieg, 2019: 2).

In May 2018, the ACP group adopted the mandate to negotiate on behalf of ACP countries while the AU on March 2018 indicated to start a new cooperation framework with the EU with an emphasis on Union-to-Union partnership. These two events show that the ACP group and the AU have different views on cooperation between the EU and ACP countries.

The Cotonou agreement recognizes that parts of the agreement in Africa work more efficient when they stress regional integration. Therefore, a revision of the Cotonou agreement made in 2010 allowed the AU to take part in Cotonou cooperation. The AU started taking an active role in the post Cotonou negotiations in June 2018 when the EU Council agreed to include the JAES framework in the post Cotonou negotiations as a way involve also the North African countries (ibid. 484). In general, the AU and the ACP Secretariat have different attitudes towards who is the right negotiator for African countries at the global scene. The ACP group stress that they have made great progress in the ACP-EU partnership and that the Cotonou agreement has contributed to development of ACP states. At the other side, the AU stress that they are the only legitimate negotiator for Africa at the global scene and at the same time the AU criticizes the ACP-EU partnership as a donor-recipient relation which has not made any difference in the regional

development of African countries. Consistently with this view, members of the AU have indicated that the partnership between the ACP group and the EU is fragmenting Africa and decreasing the pace of regional integration.

As a way to promote regional integration in Africa and at the same time hinder a donor-recipient relation between African countries and the EU, the AU prefers the framework of JAES to be used in the post Cotonou negotiations (ibid.: 488). Regarding the relationship between the EU and the AU in the post Cotonou negotiations, members within the ACP Secretariat have different opinions: some members of the ACP group want the AU to take part in the negotiations while other members are skeptical towards the AU's supranational ambitions. The ACP Secretariat has the negotiating mandate in the post Cotonou negotiations but the divergent interests between the ACP Secretariat and the AU have complicated the negotiations and slowed the process.

Multiple agreements between the EU and African countries

The difficulties represented by the diverging interest of all concerned parties are made worse by the fact that the EU has many different frameworks for cooperation with African countries. Besides the Cotonou agreement, African countries and the EU also have a Trade, Development and Cooperation agreement signed in 2004, the Strategic Partnership signed in 2007 and the Joint Africa-EU strategy (JAES) signed in 2007 while many North African countries have bilateral agreements with the EU (Carbone, 482). Also at the regional level, the EU and African countries have many agreements on areas covered too by the Cotonou agreement. One could argue that the high number of different frameworks between African countries and the EU is complicating the negotiations since the agreements might overlap and thereby have different implications on migration for a post Cotonou migration policy. Another important obstacle is the fact that North African countries are not a part of the ACP countries. Much of the South-North migration goes through countries like Egypt, Morocco and Tunisia and these countries don't take part in the post Cotonou negotiations since they already have bilateral agreements with the EU and Egypt, for example, have no interests in putting these agreements at risk (Schmieg, 2019: 2).

The EU foreign policy on migration in practice: Mobility Partnerships, Readmission and Return Agreements and Comprehensive Partnership Agreements.

The above two contributions by Giuseppe Cannata and Mads Rugaard Christensen illustrated the evolution of the agreements and negotiations between the EU and third parties, as well as the difficulties. It is now time to continue the analysis by taking a look at the implementation tools of the EU migration policies.

The paragraphs that follow describe the evolution of the EC approach to migration introducing to the concepts of "Securitization" of migration and the concept of "Fortress Europe" that will be discussed at length in Chapter 12.

As we have seen earlier, The Global Approach to Migration and Mobility (GAMM,¹⁵⁸) established in 2011, was an evolution from the Global Approach to Migration of 2005 towards joint

¹⁵⁸ The objectives of GAMM are: organizing legal migration and fostering well managed-mobility; preventing and combatting irregular migration and eradicating trafficking of human beings; maximizing the development impact of

management and cooperation on mutually agreed objectives. The GAMM is based on a spectrum of instruments which may be political (bilateral and regional policy dialogues and action plans), legal (visa facilitation and readmission agreements), operational support, capacity building, as well as a wide range of programs and projects. Within GAMM, the main bilateral cooperation frameworks are the **Mobility Partnerships (MP)**, the **Readmission Agreements (RAs)** and the **Common Agenda for Migration and Mobility (CAMM)**, the latter being less formal and binding than MPs and RAs which are tailor made agreements. More recently, the **Comprehensive Partnership Agreements** have been designed to approach relationships with non-European partners in a structured and holistic manner. In most if not all partnership agreements, the focus has been on cooperation to tackle migrant smuggling and human trafficking, to support the reintegration of returned migrants, all these instruments being accompanied by economic support programs at the project and macro level and visa liberalization procedures.

The Mobility Partnerships Agreements (Tunisia, Morocco, Cape Verde)

A number of Mobility Partnerships and Readmission Agreements have been signed by the EU and several ACP and Asian governments since the establishment of GAM in 2006 and GAMM in 2011. They have four main objectives, namely better organizing legal migration and mobility, fighting against irregular migration and trafficking of human beings; migration and development; asylum and international protection.

In order to regulate mobility, the partnerships should provide for the institution of legal pathways and easier procedures of access, giving more information about the advantages of the legal migration and supporting the administrative capacity of the partner countries' authorities. Regarding illegal migration, the approach used is securitization that means more controls at the frontiers, increasing the risks of illegal migration and the readmission of those residing in the EU illegally¹⁵⁹.

The Mobility Partnerships with African countries that we are going to review next are Morocco, Tunisia and Cape Verde while negotiations with Mali have proved to be difficult. An agreement has also been concluded with Georgia. In general, the agreements are based on a combination of positive and negative incentives to be integrated into EU development and trade policies, to reward countries willing to cooperate effectively to manage migration. The so called externalization of EU migration policies that will be discussed later on have the not denied aim of transforming Maghreb into a buffer zone ready to reduce migratory pressures on the southern border of Europe. Below are some salient aspects of the Mobility Partnerships with Tunisia, Morocco and Cape Verde, highlighted by GLOPEM student's research papers in 2019.

The Mobility Partnership with Tunisia

In this mobility partnership, the ultimate goal is to limit as much as possible the irregular migration flows through the conclusion of readmission agreements, the tightening of border controls and implementation of national legislation on illegal migration. A second objective is to

migration and mobility; promoting international protection and enhancing the external dimension of asylum.

[https://www.consilium.europa.eu/media/21841/political_decl_en.pdf].

¹⁵⁹ Tardis M., "European Union Partnerships with African Countries on Migration: A Common Issue with Conflicting Interests", *Notes de l'Ifri*, Ifri, March 2018.

promote legal emigration in the form of circular migration, temporary migration and migration of skilled workers through a liberalization of visa concessions from European member states. Finally, the declared objective is to encourage the elimination of the causes of migration through policies to promote development in the country of origin. On the negotiating table, the EU has put the provision of aid (over 1.2 billion), of macro-financial assistance (over 800 million), loans (over 1.5 billion from the European Investment Bank), for a total of about 3.5 billion euro destined for Tunisia between 2011 and 2017 and the status of privileged partner.¹⁶⁰

I could add that the recent surge in the export from Tunisia of olive oil into Europe Union, which has provoked protests among the Italian producers, is largely an outcome of these negotiations. Interesting to note, the Italian government, conscious of the present economic crisis in Tunisia, leading to increased migratory flows, has not really voiced fierce protests within the European institutions. Instead, Italy has been insisting on repatriating procedures of Tunisia nationals. In fact, after a sharp decline in arrivals from Tunisia to Italy, reduced to a few hundred between 2012 and 2017, a revival of arrivals through the Tunisian route in 2018-20 has become an issue in the Italian political debate.

Unlike Morocco or Libya, for example, repatriations to Tunisia should be carried out more efficiently, since the people involved are not nationals from third countries transiting in the country. However, the numbers of what is actually the only successful repatriation process from Italy, for example, are small, 70-80 persons per month. The fact is that each forced repatriation operation is costly and complex (about 7 security and support staff per migrant returned) and incentives for the Tunisian authorities are small due to the present economic crisis of the country. Currently, remittances of Tunisian migrants abroad amount to more than 2 billion dollars, or 5% of the national GDP. For this reason, an important part of the aid package to Tunisia relates to projects to ensure management of remittances and their investment in economic activities.

Lucia Pasquale took a glance at the Tunisia agreement. Regarding Visa issuances¹⁶¹ "According to Eurostat data, in 2017 Tunisians had been issued 6,437 residence permits for educational purposes, out of 531,921 permits in all the 28 member states of the EU; in the same year 4,468 permits were issued for remunerated activities out of 1,009,543 permits totally issued in the EU-28. The numbers are even more modest if we look at the data of Blue Cards issued in 2017, which were just 491 out of 24, 310. On the other hand, EU and Tunisia had not concluded the negotiations under the EU Readmission Agreements (EURAs), nevertheless, in 2017, according to Eurostat, almost 3,000 Tunisians were returned to a third-country and 2,060 returned to Tunisia under other kind of readmission agreements. In 2018, moreover, Eurostat registered about 300 voluntary returns of Tunisians and 1,565 forced returns.

In terms of conclusions and lessons to be drawn, the EU Tunisia Mobility Partnership has raised concerns among civil society actors, especially because of the "externalization of borders" and negotiations in view of a readmission agreement. In fact, many migrants were readmitted to Tunisia from Italy without any regard of the international agreements, particularly the principle of non-refoulement. Although the Partnership aims at 'promoting mobility', it has few concrete opportunities for mobility and access to the territory of the EU (it offers facilitations only for short-

¹⁶⁰ The EU-Tunisia High Dialogue , The Post-Arab Spring Scenario Lucia Pasquale, GLOPEM 2019

¹⁶¹ Lucia pasquale, The EU-Tunisia High Dialogue. The Post-Arab Spring Scenario, research paper, GLOPEM exam 2019

term visas for the most privileged and/or qualified people). Furthermore, criticism is expressed at the lack of reference to family reunification issues, despite the importance given to the family in both the Countries.¹⁶²

The Mobility Partnership with Morocco. By Laura Lanzafame¹⁶³

“Moroccans living abroad are almost 3.5 million, of which 87% are in European countries. France (more than 30%) and Spain (25%) are the main destination countries. Recently, in addition to being traditionally a country of emigration, Morocco has become not only a transit country but also a destination for immigration. This is due to the fact that since the early 2000s, more and more people arrived to Morocco on their way to the Spanish coasts but border restrictions by Spain and a growing economy entailed increasing settlement in Morocco by transit migrants. Immigrants residing in Morocco were less than 50,000 during the nineties. Today, they have doubled to more than 100,000. Irregular migrants in the Moroccan territory are between 30, 000 and 40,000, mainly coming from Cameroon, Mali, Nigeria, Senegal and Ivory Coast. In 2017 Morocco received more than 7 billion dollars in remittances from abroad, corresponding to more than 7% of national GDP.
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The “Mobility Partnership” stipulated between the European Union and Morocco on 7 June 2013 can be considered as an attempt on behalf of the EU to integrate the country into the models and practices of its migration management. Morocco has resisted the pressure from the European Union to sign a readmission agreement for some considerable time. The acceptance of a largely uneven Mobility Partnership in 2013 came at a crucial time in its political history. Back then, in fact, the country has been deeply affected by the Arab Spring, that had swept the MENA region since late 2010 and early 2011. Still, shortly after the end of the political uprisings, when Morocco subsequently entered into a phase of unprecedented political instability and vulnerability, Brussels offered extensive financial support for democratic transition, but also exerted exceptional diplomatic pressure on Rabat’s government to sign a Mobility Partnership. Tested with some success - from the EU’s perspective - with its eastern neighbors, the Mobility Partnership incorporates cooperation on migration control and readmission, while offering in return some visa facilitation for business people, researchers, and students.

Regarding readmissions, the agreement between Brussels and Rabat establishes the two partners’ cooperation on border management - preventing unwanted migration to Europe - and obliges the Moroccan government to “readmit” its nationals irregularly residing in the European territory. Most importantly, however, the Mobility Partnership also covers third country nationals (TCN) who have entered EU member states through Moroccan exit points. This particular clause of the Mobility Partnership has been rather problematic, as Morocco has explicitly expressed its strong opposition to readmit TCN in its territory. In fact, whereas, on the one hand, Rabat has shown the will to readmit its own citizens - which it is also bound to do by international law - on the other, it has strongly refused to collaborate on the readmission of TCN - in view of its financial and political costs - instead. As a matter of fact, collaboration in this area does not entail any benefits for the government of Rabat. On the contrary, it could run counter to their domestic and

¹⁶² Claudia Nicolosi, research paper on Tunisia-Eu-mobility-partnership, research paper GLOPEM exam, 2019

¹⁶³ Laura Lanzafame, Migration and Mobility: Cooperation between the European Union and Morocco, research paper GLOPEM, exams 2019

¹⁶⁴ World Bank

external interests. For domestic audiences the rejection of the agreement rests on arguments of fairness. It is legitimately seen as an inequitable responsibility division between the EU and Morocco. Regarding the foreign policy considerations, the country aims to rekindle its economic and political ties with sub-Saharan African countries. Due to its growing role as a destination country for migrants from sub-Saharan countries, Morocco cannot afford to cooperate on the deportation of citizens of African countries on Europe's behalf.

Within the framework of the Mobility Partnership with Morocco of 2013, an agreement on visa facilitation was also negotiated. Visas are central to the European Union's system of policing borders and controlling international human mobility. However, visas are not only used as a key tool to control migration and mobility, but they are also employed as incentives to obtain better cooperation on border control from third countries. Yet, obtaining visas to enter the European Union remains challenging for citizens from Morocco. As a matter of fact, the process of visa application seems to be cumbersome, lengthy and costly. Challenges when submitting visa applications include relatively high financial costs, long waiting periods, and an exhausting list of required documents. Finally, the agreements can be qualified as "elitist" since they continue to target categories that have already easy access to the European Union, including business people, researchers, and students. On the other hand, the "less privileged" groups of the Moroccan society, including the unemployed, continue to have limited opportunities for temporary travel to the EU. This leads one to wonder on whether the incentives proposed by the European Union do really facilitate the issuing of visa, as they are supposed to reduce paperwork and waiting periods. At the moment, their impact remain largely unclear.

Finally, regarding border surveillance and control, the cooperation with Morocco in this area is often cited as a "model" for Europe's other external borders. There is close operational cooperation between the Moroccan and Spanish authorities, with wide use of high-tech surveillance for the interception of irregular migrants. The European Border and Coast Guard Agency supports Spain in controlling its external borders through maritime joint operations along its southern coasts: Joint Operations "Indalo" and "Minerva", and in the Atlantic, Joint Operation Hera. Yet, even though the Spanish-Moroccan borders consist of multiple fences and high-tech surveillance - and despite the close links between the Moroccan and Spanish authorities - they cannot be depicted as "closed" to irregular migration.

As a matter of fact, in 2018, a substantial increase of arrivals was recorded on the Western Mediterranean route, with about 56,644 irregular arrivals. Consequently, Morocco has become the first country of departure for migrants from Africa, as Spain became, simultaneously, the most important gateway to Europe during the same year. Furthermore, Moroccans were the largest single nationality arriving in Spain in 2018 - a fifth of the total crossings - followed by nationals of West African countries - Guinea, Mali, Côte d'Ivoire, and the Gambia - as well as Algeria. In addition, the smuggling of people and goods continues, as an increasing number of migrants may find themselves stuck in Morocco, in miserable conditions; frequently vulnerable to abuse and exploitation.

In this context, in late 2018, Brussels approved EUR 140 million in support in border management and surveillance. The Rabat government, on his behalf, has already been working to strengthen control of its border and has prevented a large number of departures. Nevertheless, the high number of arrivals to Spain are expected to raise in 2019⁴. Besides, since Spain has become the main point of entry for irregular crossing, the EU has agreed on financing the

implementation of EUR 36 million in emergency assistance to help the country on its southern border. Nevertheless, the Spanish-Moroccan model of border surveillance and control comes at a considerable human cost for migrants, creating a situation of vulnerability, insecurity and human rights violation.

In conclusion, the recent migration trends in the Western Mediterranean indicate that, even if Morocco, operating at the edges of the EU, does everything it can and fully collaborates with the European migration policy, these actions will not be enough to stem irregular migration to the northern shores of the Mediterranean without the adoption of a new approach to security, economic and social conditions in the countries of departure and transit. As a matter of fact, the Mobility Partnership should be rearranged to ensure a fairer, equitable division of migrants between the European Union and Morocco, and to accelerate the paperwork and waiting periods, so to facilitate the issuing of visas. Finally, also the less privileged group of the Moroccan society should have more opportunity for temporary travels in the EU.”

The Mobility Partnership with Cape Verde. By Giorgia Pennisi¹⁶⁵

“Cape Verde was chosen as a Pilot Mobility Partnerships due to its small size and population, its strategic and geographical location, as well as it is not a big threat for migration flows, and it is cultural close to the EU because of its post-colonial ties with Portugal. Cape Verde is one of the very few countries in the world where more of its people live outside the country than inside. Indeed the number of Cape Verdeans living abroad – mainly in the United States and Europe¹⁶⁶ - is estimated to be the double of the number of domestic residents.

Despite its history as an emigration country, Cape Verde has become increasingly a country of immigration and transit. The UN DESA estimates that there were 14.400 international immigrants in 2010 and 15.300 thousand in 2017. The archipelago is a particular attractive destination for migrants from other West African countries, either as a transit country for those who want to reach Europe, or as a country of destination. This is due to the fact that Cape Verde is the relatively most developed country in ECOWAS (in 2008 it graduated from a least developed to lower-middle income country), and is also a country where the perception is that democracy and civil liberties are best protected (CIA World Factbook 2011; UNDP Human Development Report 2011). The Mobility Partnership stipulated with Cape Verde contains 31 Projects, grouped into 6 categories of action. They are: ‘Monitoring and awareness of migration flows’. The second is ‘Employment, management and facilitation of legal migration and integration’ with the aim to foster employment opportunities in Cape Verde and abroad, and promote the integration of Cape Verdean migrants in the host countries. In particular, in 2009, Portugal proposed the establishment of the so-called CAMPO (Centro de Apoio ao Migrante no País de Origem), in order to promote legal mobility between the EU and Cape Verde. The center provides information, support, and pre-departure orientation for migrants who want to migrate to Europe, and reintegration orientation for migrants returning¹⁶⁷.

¹⁶⁵ Giorgia Pennisi, EU-AFRICA BILATERAL DIALOGUES, Mobility Partnerships with Cape Verde

¹⁶⁶ Specifically, in the middle of the twentieth century, emigration to Europe started to go up. The most important destination was Portugal, followed by the Netherlands due to the successful shipping industry that attracted many Cape Verdean men to emigrate and, at the same time, Cape Verdean women moved to France and Italy for finding domestic works.

¹⁶⁷ <https://www.africa-eu-partnership.org/en/success-stories/campo-better-circulation-skills-between-cape-verde-and-eu>

An initiative worth mentioning concerns the ‘Mobility and short-stay visas’ with the objective to facilitate mobility among Cape Verde and EU. In this regard, Portugal proposed to establish - in Praia - a Common Visa Application Centre. It has been operational since 2010, and it releases (more easily) short-term Schengen visas for Belgium, Austria, Finland, Slovenia, Luxembourg, Portugal, and the Czech Republic¹⁶⁸. Another initiative addresses the ‘Links between migration and development, Diasporas, money transfers’. The aim is to encourage the Cape Verdean diaspora to contribute to the development of their origin country, by transferring money and skills, and by facilitating circular and return migration in order to reduce the effects of the Brain Drain. Portugal proposed the implementation of the so-called DIAS de Cabo Verde project.

The ‘Asylum and immigration’ initiative has the purpose to assist and support Cape Verde to establish an asylum system which meets international standards. And lastly, another initiative refers to the ‘Cooperation on border management, identity and travel documents, and the fight against illegal migration and trafficking in human beings’ by increasing police cooperation between Cape Verde and Europol, but also by increasing maritime securitization and by strengthening the capacities of the Cape Verdean authorities. In addition, since human trafficking was not specifically criminalized by the Cape Verdean Penal Code, and in 2015 a new Penal Code was adopted in order to address this issue, supported by the Council¹⁶⁹. As it can be appreciated from the above, the Mobility Partnership Agreement with Cape Verde includes several policies in order to support and foster the local administration to develop their immigration policies and legal frameworks, by influencing the implementation of national strategies.”

Recent developments: The European Union’s Migration Partnership Framework and the Comprehensive Partnership Agreements. By Kristina Mikhailova

“In 2016, the European Union’s Migration Partnership Framework- MPF was established. This partnership had to be implemented first in five pilot countries in Africa: Niger, Nigeria, Senegal, Mali and Ethiopia while negotiations have started with some Asian countries, Bangladesh, Pakistan, and Afghanistan.¹⁷⁰

These countries were identified at the outset because they are both origin and transit countries of migrants and because they appeared open to such partnership. Nevertheless, the results have been ambiguous and have not met expectations, which is why the MPF was recently stepped up with countries in West and North Africa. Cooperation has also begun with some Asian countries, Bangladesh and Pakistan, Afghanistan. Initially, the partnerships were set by documents that established clear commitments from each pilot country in Africa. This set of commitments were recognized as ineffective and now the MPF is described as a “political framework for continued and operational cooperation, combining the instruments, tools and leverages available to the EU and Member States to deliver clear targets and joint commitments” (EC 2016). These comprehensive

¹⁶⁸ Instead, for getting visas for other EU MSs, Cape Verdean nationals will still need to approach the relevant embassy or consulate.

¹⁶⁹ Decreto-legislativo n.º 4/2015 (Altera o Código Penal, aprovado pelo Decreto-legislativo n.º 4/2003, de 18 de novembro) BO I Série n.º 69 11 de Novembro de 2015.

¹⁷⁰ 13 of the 16 priority countries are in Africa, namely Ethiopia, Eritrea, Mali, Niger, Nigeria, Senegal, Somalia, Sudan, Ghana, Côte d’Ivoire, Algeria, Morocco and Tunisia

partnerships involve a mix of political, aid and security engagement by the EU and member states, adapted to each country context and are based on a quite wide package of initiatives, summits, forums, action plans and agreements. For example, the Khartoum Process, the 2015 European Agenda on Migration, the Valletta summit and the Valletta Action Plan, the EU Trust Fund for Africa, the Common Agenda on Migration and etc., which led it to controversial aspects and results, as it can be seen further in the following paragraphs.

Within the Partnership Framework, numerous activities have taken place: high-level political dialogue by both the EU and MS; placement of dedicated European migration liaison officers within EU delegations; substantial funding and programming on migration; increased security support through existing Common Security and Defense Policy (CSDP) missions and operations; strengthened EU agency involvement in partner countries (such as the European Border and Coast Guard Agency, EUROPOL); the development of innovative IT (information technology) solutions for migration management.

A first critical remark is that the interests of African countries are mentioned only in general terms. Even inside the European Union, the framework is considered under different national perspectives. First of all, member states have different interests on migration from Africa, shaped in large part by their historical ties and bilateral relations with African countries and the size of the Diaspora populations that they host in their national territory. Other member states, like the Mediterranean ones, feel they are more exposed to migratory flows. These potentially conflicting member states' interests and agendas shape their approach to the MPF. For example, countries particularly affected by migration, such as Italy and Greece, are keen on the use of positive and negative incentives. Others, such as Ireland are more skeptical.

The MPF and the bilateral Comprehensive Partnership Agreements are explicitly founded on a conditional approach. It promises benefits from the EU across a whole range of areas – primarily development cooperation, but also research, trade, education and other areas in return for cooperation on the EU's migration goals, as well as threatening negative incentives in response to non-cooperation. The MPF is unequivocal in making reduced migration a central goal of development aid and in using development aid as both a carrot and stick to ensure cooperation. This approach has raised concerns by observers in the sense that the MPF approach to migration is undermining the EU's human rights principles. As an evident argument of it, the experts argue that the strong focus on tightening borders and preventing people from moving inevitably implies that migrants and refugees with genuine claims for protection cannot reach it safety.

The EU Trust Fund for Africa-EUTF- has allowed an accelerated and flexible decision-making on projects targeting migration policy and management, and on addressing the root causes of migration". A total of 169 contracts had been signed for over 1.2 billion euro across the three EUTF regions (Sahel and Lake Chad, Horn of Africa, North Africa). However, while the EUTF has been quick to allocate money, implementation turned out to be much slower. In the area of returns and readmissions, which has such high priority within MPF, the EU has not been able to advance its goals or obtain any significant cooperation from partner countries. In this area the EU seriously

miscalculated the extent of its leverage and underestimated the political sensitivity and resistance to returns in partner countries.

Within the Migration Partnership Framework with the five pilot countries, Niger, Nigeria, Mali, Senegal and Ethiopia, cooperation with Niger is considered emblematic. Indeed, it is considered as one of the most successful migration partnerships by the EU point of view. The partnership with Niger has involved substantial high-level political engagement by the EU and member states with visits by high rank politician, for example the German Chancellor and ministers from various countries. Cooperation initiatives have focused on strengthened border management, combatting smuggling, assistance to and voluntary return of stranded migrants, creation of alternative economic opportunities for communities on transit routes, support for the protection and reintegration of returnees, support to national migration strategies and plans, and security support.

The success claimed is due to a number of factors. First, as a country of transit Niger does not face the same political sensitivities over returns. Second, Niger as an extremely poor country with limited options for internal investment - and the extra resources for migration projects provide a stronger incentive in Niger than in some other partner-countries.

With reference to the collaboration with Nigeria, the EU signed in 2015 a Common Agenda on Migration and Mobility. The dialogue and political engagement with Nigeria on migration was stepped up significantly since the launch of the MPF. The Nigeria partnership lays a strong focus on combatting trafficking, while the EU Trust Fund for Africa-EUTF provides funding for projects to address resilience, return, reintegration and anti-radicalization, as well as humanitarian support. Nigeria is among the most important countries of origin for migration to Europe and the EU has a strong interest in strengthening cooperation on returns. However, in Nigeria the EU's ambitions to obtain cooperation on returns through positive development incentives were misplaced. Nigeria is rather keen to see more legal migration opportunities into Europe and is frustrated that this has not been part of partnership framework agenda.

The partnership with Mali has a strong focus on security. This includes projects to support the redeployment of Malian internal security forces and to reinforce border control in central Mali, and 9 EUTF projects with an emphasis on security and job creation. However, the return rate for irregular Malian migrants in the EU remains very low and the Malian government generally does not provide the necessary documents to take people back. Mali has been resisting the EU pressures for cooperation on return and reintegration and this has become a highly sensitive political issue in the country. Concerning the collaboration on migration with Senegal, the EU has strongly emphasized returns under the Partnership Framework. In terms of aid, there have been significant funds from the EUTF, with 9 projects for a total of more than EUR 181 million adopted. But limited results were achieved in terms of returns and readmissions, and that was the reason that the EU has made it clear that further cooperation on border management and other areas will be "on the basis of results achieved."

The most controversial and unsatisfactory results were achieved during the partnership with Ethiopia. Ethiopia is an important destination and transit country for migrants and refugees since this country hosts over 850,000 refugees from neighboring countries, mainly from Eritrea, Somalia and South Sudan. The local government sees it as a potential threat to stability. Ethiopia's policy framework on migration and refugee issues is currently in a state of flux. As a result, migrants are forced to take irregular routes, thereby increasing their vulnerability. Ethiopian officials stress that the main challenge for the country is to create jobs for its rapidly growing youth population, many of whom currently seek to migrate in search of opportunities. Ethiopia was chosen as a pilot country for the MPF but the interests of the EU and Ethiopia have not been aligned. From the Ethiopian side, officials repeatedly stress that they had expected stronger support in the areas of job creation, addressing root causes and legal migration, and that EU collaboration in these areas has been slow and less than expected or in the case of legal migration, non-existent. Meanwhile, there is deep frustration among EU institutions and member states that Ethiopia has not delivered on returns and the issue of return and readmission has come to dominate the Ethiopia MPF, blocking progress on cooperation.

Summary Chapter 10

Until the 1970s, migration was mainly intra-European, involving guest worker schemes or at most settlers returning from former colonies to motherlands. In the late 1970s migration flows from non-European countries rapidly increased, and they became a matter of concern for the EEC. In the Lomé III Convention of 1984, it was said that: The ACP States will take the necessary measures to discourage irregular immigration of their nationals into the Community. [The EEC] may provide them, at their request, with the technical assistance necessary to formulate and implement their national policies on the migration of their nationals.

The Cotonou Agreement of 2000 brought to the fore the development-migration nexus, albeit still focusing on the impact of development on migration and on tackling illegal migration, while largely ignoring the other way round: the potential role of migration for development. The 2010 revision of Cotonou Agreements left article 13 untouched, despite its contested focus on illegal migration and its lacunas. The Mobility Partnerships (MP), first introduced in 2006 in the light of the GAM, was the concrete instrument to implement EU readmission policy. In 2011, the EU introduced the term Mobility into the 2006 GAM's framework, adopting the Global Approach to Migration and Mobility (GAMM) towards joint management and cooperation on mutually agreed objectives. The GAMM is based on a spectrum of instruments: the Mobility Partnerships (MP), the Readmission Agreements (RAs) and the Common Agenda for Migration and Mobility (CAMM), the latter being less formal and binding than MPs and RAs which are tailor made agreements. More recently, the Comprehensive Partnership Agreements.

The critical issues in the renewal of the Cotonou Convention depend on the diverging interests of all parties involved. Some EU countries want to strengthen policies on readmission with special emphasis on automatic obligations for the ACP countries to readmit illegal migrants. The ACP countries have different levels of migrants going to Europe. In particular, the Caribbean and Pacific countries have lower levels of migration to Europe than African. Basically, for the ACP countries article 13 should refer to "voluntary readmission" of irregular migrants while some other ACP countries have indicated that they simply don't want article 13 to be included in the post Cotonou agreement. The ACP group and the Africa Union have different views on cooperation between the EU and ACP countries. The ACP group stress that they have made great progress in the ACP-EU partnership and that the Cotonou agreement has contributed to development of ACP states.

At the other side, the AU stress that they are the only legitimate negotiator for Africa at the global scene and at the same time the AU criticizes the ACP-EU partnership as a donor-recipient relation which has not made any difference in the regional development of African countries. Besides the Cotonou agreement, African countries and the EU also have a high number of different frameworks between African countries and the EU which are complicating the negotiations since the agreements might overlap and thereby have different implications on migration for a post Cotonou migration policy. Furthermore, North African countries are not a part of the ACP countries. Much of the South-North migration goes through countries like Egypt, Morocco and Tunisia and these countries don't take part in the post Cotonou negotiations since they already have bilateral agreements with the EU and Egypt, for example, have no interests in putting these agreements at risk.

Overall, the EU's priorities are more about the border controls and readmissions, and although the various agreements include incentives in the areas of visas, economic and trade support, most of the implementation decisions depend on national policy priorities. EU member states are reluctant to offer incentives in areas of their competences since migration is most often regarded as security matter, therefore under the exclusive competence of the state. Most member states seem to prefer to support return programs, development aid instead of protection programs but, in reality, when it comes to approve financing, for example in the next multiannual financial framework 2020-27, control and security programs have the lion's share. The stalemate comes from the fact that on the contrary, the interest of the African countries would be mainly the creation of more legal channels of migration through Europe since as we have seen in previous chapters remittances have an important impact on the gross national income of countries of origin and represent not only a way of financing consumption but also much needed investment. The main criticism from ACP states is that all these partnerships rather than a burden sharing, based on principles of solidarity, represent a burden-shifting, putting responsibility to another country to regulate the migratory flows.

Key Terms

Returns	Readmissions	Non-refoulement	Use of force
Transparent processes	legal limbos		

Below are two summary boxes regarding the evolution of EU-ACP relationships

EU-ACP Conventions and instruments for cooperation with Third Parties

- 1963 The Yaoundé Convention
- April 1976 The first Lomé Convention (Lomé I)
- 2000-2020 The Cotonou Agreement
- 2005 The EC Commission's Communication on Migration and Development and the EU's Global Approach to Migration (GAM)
- 2006- ACP countries' Declaration on Asylum, Migration and Mobility (root causes of migration through development promotion)
- 2006 The Mobility Partnerships (MP), introduced in the light of the **Global Approach to Migration (GAM)**, was the concrete instrument to implement EU readmission policy (self-executing, binding for ACP)
- 2007 the EU and the AU signed the Joint Africa-EU Strategy (JAES)
- 2008 The Brussels Resolution on Migration and Development in 2008 (calling for assistance in managing intra-ACP migration and re-launching the issue of facilitating legal ACP-EU migration)
- 2010 revision of Cotonou Agreements left article 13 untouched, (contested focus on illegal migration and readmissions), Africa Union also takes part
- 2011 The **Global Approach to Migration and Mobility (GAMM)**
- Second revision of the Cotonou Agreement scheduled for 2015, ACP group and the EC agreed to postpone it to 2020
- 2015 The Valletta summit recognised migration as a shared responsibility of countries of origin, transit and destination¹⁷¹ and approved an Action Plan for 2016.
- 2016 the European Union's Migration Partnership Framework- MPF
- June 2018 EC Council common on negotiating mandate for long-lasting approach: eradication of the root causes of migration and improve readmission policies and border control.

The Global Approach to Migration and Mobility (GAMM): The main instruments

- Mobility Partnerships (MP)
- Readmission Agreements (RAs)
- Visa Agreements
- The Common Agenda for Migration and Mobility –CAMM- (being less formal and binding than MPs and RAs which are tailor made agreements)
- The Comprehensive Partnership Agreements

¹⁷¹ *Political Declaration* of the Valletta Summit on Migration, 11-12 November 2015
[\[https://www.consilium.europa.eu/media/21841/political_decl_en.pdf\]](https://www.consilium.europa.eu/media/21841/political_decl_en.pdf).

Chapter 11 International Action: UN Global Compacts, the externalization of the EU migration policy, and the unfolding of the concept of Fortress Europe

In Chapter 10 a description was made, with a number of contributions from GLOPEM students, of the long tale of the relationships between the European Union and third countries since decolonization, in particular the Africa, Caribbean and Pacific States. Within the ACP group, the focus was on relations between Europe and Africa because of the impact of the latter into the Mediterranean and European geopolitics.

This chapter will focus first on international action on migration, namely the two United Nations Compacts on Migration and on Refugees respectively, adopted in 2018. In particular, I will recall the salient aspects of the Compact on Migration, and scholars' view on its (pre)- soft law nature and the level of implementation to date of the Compact on safe and orderly migration. The chapter will then offer a scholarly categorization of the EU approaches to migration. In particular, the concepts of liquid versus solid borders and the evolution towards an increasingly more "securitarian" approach to migration in the EU and worldwide, will be illustrated. This conceptualization will pave the way to the analysis, in Chapter 12, of the recent proposal by the European Commission of a Compact on Migration and Asylum. I will examine whether it represents a change in paradigm, what new thinking is reflected into the proposal and, obviously, the fire-line of criticisms that typically accompanies any major policy decision made by the European institutions. Something that in any case should reassure all about the increasing openness to democratic control of the European construction.

The United Nations Global Compact for Safe, Orderly and Regular migration and The Global Compact on Refugees

Until 2018, there was no specialized comprehensive legal regime concerning migrants nor an agreed framework for addressing large flows of migrants. Developed through a process of intergovernmental negotiation, The Global Compact for Safe, Orderly and Regular migration was adopted by an intergovernmental conference in Marrakesh in December 2018 under the aegis of the United Nations. During the same event, The Global Compact on Refugees, was adopted. The Compact on Refugees has the aim to support a more comprehensive and predictable response to large-scale movements of refugees – including in protracted situations – by building upon the comprehensive refugee response framework and the wider international protection regime.¹⁷² A description of the Refugee Compact is provided in Annex 3. The issue of refugees will also be touched upon when reviewing the European Compact recently proposed.

The Global Compact for Safe, Orderly and Regular migration has a wider scope than the text on refugees. It has four major elements. The first consists in the affirmation of the sovereignty of States over their migration policies.¹⁷³ The second element is the heart of the document, which consists of 23 objectives that offer a fairly comprehensive approach to international cooperation

¹⁷² IOM 2020

¹⁷³ *Ibid.*

on migration.¹⁷⁴ In other words, the adoption and implementation of the Compact on Migration would help achieve:

- Enhanced international migration governance;
- New and expanded channels for safe and regular migration;
- Promotion of respect for the human rights of migrants;
- Protection of migrants in transit and;
- Protection of migrants in countries in crisis.

The third element of the Global Compact for Migration deals specifically with implementation.¹⁷⁵ In particular, to support the efforts that Member States will make to implement the 23 objectives, a “capacity-building mechanism” is foreseen, consisting of a knowledge platform, a connection hub and a start-up fund project. Importantly, in this section, States pledge to work on implementation with other stakeholders, including migrants, civil society, the private sector, trade unions, local authorities and others. Finally, the fourth element of the Global Compact for Migration relates to follow-up and review. Progress on implementation of the Compact’s will be examined every four years in the General Assembly (starting in 2022), in an “International Migration Review Forum”, which will replace the “High-level Dialogue on International Migration and Development”.¹⁷⁶

During the UN General Assembly in New York, in December 2018, 165 member states adopted the Global Compact for Safe, Orderly and Regular Migration, which had been agreed upon earlier the same month, at the meeting in Marrakech, Morocco. It was a large majority but five nations voted against it — the United States, Hungary, the Czech Republic, Poland and Israel. Among the twelve abstaining countries are EU members Austria, Bulgaria, Italy, Latvia and Romania. Slovakia did not vote. Until recently, 152 states have formally ratified the Compact.

Is the “Global Compact for Safe, Orderly and Regular Migration binding?”

A thorough and interesting analysis was made in an article authored by Anne Peters¹⁷⁷ whereby she answers flawlessly, in my opinion, to a number of questions, namely whether the refusal to sign the UN Compact by a group of states is relevant in terms of international law. Furthermore, she parses the juridical quality of the Compact, which legal consequences it has have. The complete text of her article can be found in Annex 3. In her analysis, in terms of contents she argues that some of the principles “mainly correspond to the interests of states of origin (such as promoting transfer of remittances, objective 20), while other principles basically satisfy the interests of receiving states (such as facilitating return and readmission (objective 21)).”

¹⁷⁴ *Ibid.*

¹⁷⁵ *Ibid.*

¹⁷⁶ *Ibid.*

¹⁷⁷ Anne Peters, Blog of the European Journal of International Law, November 21, 2018

In substance, the Compact partly repeats international law as it stands or refers to existing instruments (see notably preamble para. 2), partly contains platitudes, and partly contains novel ideas.

In Peters' analysis, "A quite strong statement which has created scepticism and negative reactions by destination countries is in para. 21: "We commit to adapt options and pathways for regular migration". This sentence, she reckons, "has been chastised by some observers. It has also been criticized that the Compact views migration predominantly under the economic aspect, bracketing resulting cultural problems. Finally, the responsibilities of the states of origin to improve living conditions so as to forestall the desire or need for migration are not mentioned in the Compact; neither is overpopulation."

Regarding the withdrawals of a number of states, the reasons adduced are that the Compact would oblige states to admit migrants, it would be a pull-factor for migration, would contravene domestic migration policies, and violate the states' sovereignty. In her objection to such reasoning, Anne Peters strongly argues that "these excuses for standing aside seem pre-textual. The Compact does not contain any language obliging participating states to admit migrants. Quite to the contrary, one of the Compact's objectives is "to cooperate in facilitating a safe and dignified return and readmission" of migrants. The states of origin "commit to ensure that our nationals are duly received and readmitted" (objective 21, para. 37)."

Most importantly, the Compact cannot dictate any migration policy, because it is legally non-binding. "The Migration Compact is no International Treaty. The bindingness depends on the intentions of the participating states. ...Almost everything points towards a legally non-binding text... More frequently, the title Compact has been chosen for non-binding texts. The best-known is the UN Global Compact on transnational corporations which is a platform for transnational corporations for adopting human rights policies, combating corruption and so on. The ILO also adopted a "Jobs Pact" in the context of the world financial crisis in 2008 which was non-binding and whose non-legal quality was not controversial. ...The only factor that would allow for an understanding as a legal commitment is the repetition of the formula "We commit to" However, all factors point against legal commitments. The most important factor is the text itself. Paras 7 and 15 explicitly say that "this Global Compact presents a non-legally binding, cooperative framework."

Incidentally, Peters highlights an aspect which will be important for us when considering the EU proposed Compact on Migration and Asylum, namely the negotiating history of the UN Compact. "The EU always made clear that it did not want a binding document. And further ingredients of an international treaty are also missing. There is no provision on ratification or implementation in domestic law. All this speaks against a binding treaty. The text is what is usually dubbed "soft law", in the grey zone between law and non-law, between law and politics. This means that on the one hand, the Compact will not generate legally binding obligations but that it is on the other hand, not legally irrelevant. ... The legal functions of the Migration Compact might be gathered under the

labels “pre-law”-functions, “para-law”-functions, and “law-plus”-functions. A text such as the Compact can be “pre-law”, a forerunner of hard law, paving the way for a formal treaty.”

On the subject of the potential effectiveness of the Migration Compact Peters emphasizes that even “Hard law can only rarely be enforced by courts (international or domestic ones). Famous more or less well-functioning institutions did not and do not have a formal international legal status. For example, the GATT 1947 was a treaty that had never entered into force but which was nevertheless “provisionally” applied until 1994.

Many international treaties possess only soft documentation mechanisms such as reporting, discussion groups, and so on. The follow-up and review mechanism of the Migration Compact is not so far away from those. The Compact’s part on implementation mentions three strategies or instruments: a capacity-building mechanism and “network” (para. 45) and biannual reporting of the Secretary-General (para. 46). The follow-up and review consists in an “International Migration Review Forum” (para. 49) which shall meet every four years starting in 2022, and which shall culminate in a “Progress declaration” (para. 49 lit e). The Compact emphasises that review is a “state-led” process but with the inclusion of “all relevant stakeholders” (para. 49).“

The crucial question is why some governments have refused to adhere to the Compact and why do they seem to take even soft law seriously, as a security threat? Peter’s conclusions are quite drastic: “If governments were acting in good faith, their scrupulousness could be taken as a gesture of principled willingness to comply with the “commitments” embodied in the Compact. But another explanation for the sudden reluctance is simply that they seized an opportunity to appeal to partners and publics in their countries who are hostile towards migrants. Therefore, general conclusions about the strategic value of such texts cannot be drawn.”

So far the brilliant analysis by Anne Peters. Should there be need for confirmation of her arguments, at the final negotiations for the Compact, Hungary brought its Foreign Minister (and the national TV). On that occasion he made colourful statements, coincidentally in the context of local national elections. As another example, Italy, which had participated positively to the negotiations in the previous years, did not attend the Intergovernmental Conference in Marrakech, where the Compact was adopted, in December 2018. A video posted a few days earlier by one of the far right opposition leaders, which received much attention in the media, was portraying the Compact as a legally binding document that would trigger off an invasion of immigrants, changing the ethnical composition of the Italian society and the religious customs. The video from the opposition leader had a powerful impact on the two coalition parties that were actually at the government at that time. They simply feared of being damaged among their electoral constituency, where anti-immigration sentiment runs high.

Implementation of the UN Global Compact to date

Two years after the adoption of the UN Global Compact, the Report of the Secretary-General,¹⁷⁸ issued in November 2020 with inputs received from 54 Member States, two intergovernmental organizations, 16 United Nations entities, vividly shows that in reality there is not much to be reported in terms of positive developments. One reason being the above mentioned resistance from several important actors who have not adhered to it. The second reason is that, as the report acknowledges, the COVID-19 pandemic has disrupted efforts to implement the Global Compact in some areas while accelerating implementation in others. Below are the salient parts of the Report.

Going through the text, only few examples of implementation measures can be reported. Some countries have chosen to progressively incorporate Global Compact objectives into new legislation, policies and practice. Thus, the Global Compact becomes a guide, which will lead to convergence with, and the realization of, its commitments and actions. For example, since the adoption of the Global Compact, the Government of Canada has undertaken a new National Strategy to Combat Human Trafficking, reflecting several of the Compact's objectives. Other countries have established new mechanisms to promote coordination to implement the Global Compact, through interministerial Mechanism, i.e. Sri Lanka, and Bangladesh. The Government of Portugal identified 97 actions based on the 23 objectives of the Compact as part of a national implementation plan. In Greece, a mapping exercise to identify gaps in national policies was made. It all sounds very limited in terms of outcomes.

In many countries, the reports reckons, "reactions to the pandemic have intensified practices that compromise the rights, well-being and dignity of migrants. Early in the pandemic, borders shut around the world. While this has had an impact on many people, migrants have been particularly affected, underscoring the importance of consular protection, support and assistance. Some governments have worked to bring home their overseas citizens, while others have focused on extending visas to avoid unintended irregularity among their resident migrants. Yet in many other countries, migrants are unable to access such support and are stranded: borders are closed and bilateral and regional arrangements are absent or suspended. The need for greater cooperation across borders including the integration of public health concerns into rights-based border governance, has become urgent says the report. There are rising concerns in all regions about forced returns without due process, including the return of unaccompanied and separated children and returns to countries that lack adequate health infrastructure, thereby exposing returnees to greater risk of contracting COVID-19, as well as numerous instances of violence, stigma and discrimination against returnees."

The report quite correctly highlights risks and dangers of the present situation. "One of the risks of the pandemic is that the financial contributions of migrants decrease under the competing pressures of declining migrant income and increasing needs of family members at home. The International Labour Organization (ILO) and IOM have highlighted the need to prepare for large-scale returns of migrants and their sustainable reintegration (objective 21) and many in the United

178 Global Compact for Safe, Orderly and Regular Migration, Report of the Secretary General, A/75/542

Nations system have emphasized the importance of making social protection measures available and accessible to all migrant workers and their families, regardless of status.

Optimistically, the report says that there are indications that the Global Compact has had a ripple effect in terms of formal and informal cooperation. For example, 14 Member States have so far committed to become “champions” of the Global Compact. These States will work with the United Nations Network on Migration in promoting best practices, peer exchange and the further implementation of the objectives of the Global Compact. Some governments are cooperating on improving statistics.” Also on the positive side, inputs provided by states to the report suggest that migration is increasingly a consideration in development programming. Several countries have integrated both the Global Compact and the Sustainable Development Goals into their national migration policies and other guiding documents, including Denmark, Iraq, Ireland, Kyrgyzstan and Mauritania. The Government of Sweden views the Global Compact as an extension of the 2030 Agenda.

COVID-19 has sharpened the reality of casualties and the vulnerability of migrants. IOM has estimated the global number of migrants whose intended movements were impacted during the first months of the crisis – including those who were stranded – to be approximately 2.7 million. Some countries are collaborating on the issues of identification documents for migrants, Canada and Denmark, while a few countries have invested in improving the reintegration of returning migrants. Azerbaijan has developed an electronic readmission case management system to better support those who return.

Some progress has been detected on Facilitating regular migration and decent work and enhancing the positive development effects of human mobility. Governments are constantly adjusting their immigration systems. Recent positive changes include the Government of Germany passing the Skilled Labour Immigration Act (2020), which expands the possibilities for qualified professionals to come to work in Germany. While Spain has managed a number of labour programmes in the past, it developed a pilot labour migration programme with Senegal for the agricultural sector in 2019, alongside a pilot visa programme with Argentina. WHO has facilitated a bilateral agreement for the training of Sudanese health workers to work in Saudi Arabia.

The facilitation of regular migration, states the report, has to be matched by the quality of the migration experience of migrants themselves. Several countries have focused on improving recruitment practices and reducing abuse by employers. The Government of Canada introduced changes to its Temporary Foreign Worker Programme in 2019 to allow workers to leave an abusive employment situation and seek alternative work without jeopardizing their immigration status. Supported by ILO and the World Bank, many countries are conducting surveys to monitor recruitment fees and related costs. The Government of Portugal has moved to provide all migrants with social security numbers, regardless of legal status, allowing them to access essential social support. Documentation can also facilitate mobility: with secure status, migrants are more willing to return home for short periods. Some other countries have strengthened the documentation of their own nationals. Quite discouraged, the Report concludes that “the key challenge facing States as the pandemic continues to impact on lives and livelihoods will be to shore up positive policy

developments and mitigate economic and social impacts, while recovering better by ensuring respect for the human rights of migrants.”

An increasingly more “securitarian” approach to migration in the EU and worldwide

In the course of the last ten chapters I have tried to analyze how the different facets of migration can lead to consider it as a threat or an opportunity depending on the observation point, the political sensitivities and the instrumentalisation that is made of it. It is time now to illustrate the process by which migration has unfolded in the political discourse as a threat. In 2019, Irene Schöffberger authored an interesting Discussion Paper for the Deutsches Institut für Entwicklungspolitik which helps in describing in a structured manner the EU approach to migration.¹⁷⁹ In her own words, “Two major trends have characterized related EU negotiation processes: on the one hand **migration-security narrative** frames have strengthened **national-oriented and solid borders-oriented approaches** (and vice versa), and, on the other one, **migration-development narrative** frames have strengthened **transnational-oriented and liquid borders-oriented approaches** (and vice versa).”

Irene Schöffberger’s analysis is based on an **inside** overview of recent EU policy negotiations regarding the engagement with third states and an overview of the negotiations **outside** the EU, on narrative frames on migration, development and security. In other words, how European member states and institutions have negotiated the relation between EU borders and ACP mobility between 1999 and the beginning of 2019.

According to Schöffberger, since the Schengen treaty of 1999, member states needed first of all to define whether the Union’s borders were to be:

- a) “solid” and based on fixed geographic borders,
- b) “liquid” and allow for trans boundary movements or
- c) a mixture of the two approaches

Secondly, it had to be defined whether non-EU citizens who had already entered the area should enjoy the same free movement rights of the EU citizens, that is, if they should enjoy solid or liquid internal EU borders. These are also called secondary movements within the EU. The divergences on migration between EU member states resides, according to Schöffberger, on three main points. The first one is that European states have experienced different levels of immigration, depending on geographical positions, economic performance and their colonial pasts. The other reason explaining divergences among European states is that they have different needs in terms of immigration due to different labour markets and demographic situations.

Finally, they have different histories, immigration histories, different processes of state formation and colonial pasts. She recognizes that “divergences have grown in the last 15 years, with a growing distrust in EU transnational approaches by parts of the population due to different ways of dealing with such issues as unemployment, economic crisis. Political actors supporting solid borders have increasingly affirmed them in supranational EU political arenas such as the

¹⁷⁹ Irene Schöffberger, Migration: solid nations and liquid transnationalism? The EU’s struggle to find a shared course on African migration 1999-2019

European Parliament and in the Council one can add. “.... Two main dichotomies have emerged: a) asylum vs. non-asylum migration, and b) regular vs. irregular migration. In both dichotomies only the first category of approaching migration foresees liquid borders whereas the second category is linked to solid borders.”

Regarding the external dimension in EU migration policy negotiations, in the initial years the EU approach included both border control measures and measures supporting migrants as actors for transnational development. With time, divisions on internal migration management favored a stronger focus on solid borders and on considering migration as a threat. As it was seen in chapter 9, the EU started using a stick and carrot approach, using both “positive and negative incentives. The Negotiations on narrative frames and migration policies between 1999 and 2019 are described by Schöffberger¹⁸⁰ in four main phases:

“In **Phase I, 1999-2004**, the first attempts were made to define an EU migration policy. The Tampere Council first established an external dimension of EU migration policy opposed to the Schengen Treaty of 1985. The focus was on protecting EU borders and prevent irregular migration with the support of all external policies, including through **development conditionality**.

Phase II, 2005-2014, saw growing divergences between EU states and an increasing willingness to cooperate with African states on migration, development and security. During this period, **security-oriented** narrative frames progressively gained prominence over **development-oriented frames**.” It will be recalled that the GAMM 2011 as it was highlighted in Chapter 10 added the word Mobility to Global Approach to Migration however, it considered migration as an opportunity for development only in three cases, namely skilled migration, South-South migration and environmental migration mostly in the South. The implication was that for non-skilled migration -solid border approaches would be applied, including through aid conditionality.

Phase III, 2015-16, saw a stronger role for African states in implementing an EU approach to migration policy. However, development was increasingly conceptualized in terms of security. In the 2015 Valletta Political Declaration and Action Plan, migration was seen as resulting from development failures in countries of origin and a threat both to state security. Therefore, two lines of action were identified, first address the “root causes” of migration through development aid and, second, improving EU-Africa cooperation through positive and negative incentives and aid conditionality.”

Phase IV, 2017-present is clearly characterized by “growing divergences on **the internal dimension**. This bears the consequence that hybrid migration-development-security narrative frames have shifted further towards security- and solid border approaches. Throughout Europe, we have assisted to the rise in **nationalism** in member states and in the European Council, aligning with **solid border** claims and proposing to address security through EU transnational structures, focusing on security approaches.”

¹⁸⁰ Schöffberger, cit

However, this last statement by Schöfberger needs a qualification. Member states and the Council still seem very reluctant to give up their competencies in respect of the European Parliament. The divergence mentioned above will most likely be vivid when the negotiation on the reform of the Dublin System of asylum will be discussed, following the proposal on a new European Compact on Migration and Asylum.

In reality, notes Schöfberger, measures aiming at curbing migration through development aid have seem to have lost momentum, also due to increasing policy awareness of the “**migration hump**” that was discussed in Chapter 1.

The security approach has therefore led to the de facto suspension of the application of the state of first entry principle in the name of national security in Greece and Italy, while border controls have been reintroduced in Germany, France, Austria, Sweden and Denmark. In the last 18 months, we have witnessed a temporary suspension of the Schengen Agreement and it is well known that one of the key factor in the decisions of UK voters to leave the EU was the perception that migration was an invasion. Along the lines of Irene Schöfberger’s narrative,¹⁸¹ the right to liquid borders has become increasingly selective, favoring mostly high-skilled migrants and humanitarian resettlement (currently chosen through member state selection missions in Niger). We will see how deeply this thinking is shaped into the proposed new Compact. Another consequence was that even before the COVID 19 pandemics outbreak, debates on integration as well as on the assimilation of the rights of migrants with those of EU citizens have almost disappeared.

In summary, from **1999** (Tampere Council Conclusions) until **2011**, when the Global Approach to Migration and Mobility was established, the two trends liquid versus solid borders, were equally present. Since **2011**, and increasingly after the **2015** European Agenda on Migration, national-oriented approaches have gained prominence, following increasing levels of divergence inside the EU member states. Security-oriented approaches have increased migrant selectivity to the detriment of low skilled African migrants and their home communities. Labor conditions of low-skilled EU workers have worsened because of the wage dumping linked to irregular migration. It can therefore be said that mixed solid-liquid border approaches are reflecting further inequalities.

Before Schöfberger’s analysis, a more factual reconstruction of the above processes had already been proposed by Fulvio Attinà. In his article on how the EU managed the migrants’ waves since 2011,¹⁸² he argued that efforts have gone through different stages and little change and the attitude of the governments towards cohesion in the execution of the common management actions, instead, went through ups and downs and has been generally overwhelmed by fragmentation and division. In his article, Attinà distinguished the Five Phases of the EU management of the migratory crisis:

¹⁸¹ Schöfberger, cit

¹⁸² Fulvio Attinà, TACKLING THE MIGRANT WAVE: EU AS A SOURCE

AND A MANAGER OF CRISIS, Revista Española de Derecho Internacional Sección ESTUDIOS Vol. 70/2, julio-diciembre 2018,

2011 – September 2013: the conventional response phase

The outbreak of the Arab Spring in the North African countries removed the existing obstacles to the flows of people that chose to escape hard conditions of living in Africa and Central-Western Asia by travelling through North Africa and crossing the Mediterranean to reach Europe. The European political leaders and the EU institutions did not accept that they had to face a mass migration wave in which forced migrants took over irregular economic migrants. They responded to the increasing mixed migration by restating conventional border control as the means to contain the entry of irregular economic migrants, and by reasserting the duty of the Member States governments to comply with the rules of halting, identifying, and returning to the home country the migrants lacking regular visa.

October 2013 – October 2014: the Mare Nostrum phase.

A different scenario started from the Italian government decision to prioritize emergency rescue in consonance to humanitarian law and the international law of the sea in responding to the risk and distress of the migrants crossing the Mediterranean aboard precarious boats. Therefore, the Italian government launched the Mare Nostrum operation to carry out Search and Rescue (SAR) tasks in

October 2015 – January 2017: the Fencing-the-EU phase.

In summer 2015, the massive arrival of migrants and mostly of Syrian refugees through Turkey and the Balkans, known as the Eastern Mediterranean route, convinced the EU governments to go back to the conventional border control. The Council President, Donald Tusk, invited the migrants not to “dream” about Europe. The Commission spoke loudly on the appropriateness of the GAMM-outlined external migration policy, and reproached the governments for the feeble support to that common policy. To get Europe rid of refugees and migrants, the EU institutions and governments called on the governments of the transit and origin countries to block people at their borders, and promised granting funds and technical assistance to raise their capabilities of border control. On March 2016, the EU governments signed the (in)famous accord with Turkey, also known as the EU-Turkey deal, that gave huge EU and MS funding to the Turkish government in exchange for blocking the departure to Greece and sending back to Turkey the irregular migrants and Syrian refugees. On next October and December, the EU signed a migration compact and a partnership agreement respectively with the Lebanon and Jordan government. Later, similar engagements have been made with the Afghanistan and African governments.

February 2017 on: the Stop-and-return phase.

Besides almost ending immigration through the East Mediterranean route, the main return of the EU-Turkey deal was the growth in number of migrants leaving to Italy from Libya. The EU leaders urged Italy again to tighten border control and raise the number of the return of irregular migrants to the origin country. In turn, the EU was ready to expand financial and technical support to Italy for border control, hotspots, and anti-immigration actions. The Italian government agreed to tighten border control, expand the execution of return decrees, and,

most important, cut down smuggling by giving financial and technical assistance to the Libyan coast guard and by imposing a code of conduct on the NGO-operated SAR missions after taking into account the failure of the CSDP operation against the smuggling organizations. EU on turn added funding and technical assistance to Libya for totally ending the departure of migrants, a goal not yet achieved as of today (June 2018)."

Attinà's article was published in 2018 but his reconstruction unfortunately seems appropriate to describe the present situation and will be useful when examining the proposed EU Compact on Migration and Asylum. In conclusion, he says, "The making of the common management has been a long and contentious process. The decisions of the European Council have met with the feeble and sometimes distorted implementation by the national governments, and the de facto rejection by the *Visegrad* governments. At the end of the process, all the governments have met on the tightening of the border control measures and the practice of signing migration partnership agreements with the origin and transit countries. These are indeed the pillars of the GAMM policy for promoting well-managed economic migration."¹⁸³

Impact of the security response to the complex drivers of migration

Many critical voices have emerged regarding the consequences of the evolution towards a solid border approach illustrated earlier on. In Chapter 8 on trafficking, some of these consequences had been anticipated. Let's now take a closer look at them also in terms of future consequences.

If one considers the statistics on arrivals in Europe in the last two years, the new approach can claim 'success' reductions in migrant numbers. According to UNHCR data updated on 7 December 2020,¹⁸⁴ overall irregular border crossings to EU member states have dramatically decreased since Europe detected 1.82 million illegal external border crossings in 2015. During 2020, in fact, 90,150 refugees and migrants had crossed the Mediterranean into the EU. The wider costs of the policy are largely ignored, says UNHCR. As we will see more in detail in Chapter 12, Aid is now mainly channeled toward funding border control equipment and capacity building in the countries of origin, i.e. supporting their security forces. The impact of this securitarian approach on further instability has to be studied in the years to come but as for now, for example, it can be observed that in the Sahelian countries, worsening agricultural conditions, the economic crises and the migration containment measures internationally sponsored, are now pushing more and more youths to join jihadist groups. In the medium term, this could create further instability and flows towards North Africa. As a matter of fact, countries like France are considering stepping back from their present military involvement in Mali, and surrounding countries, with some limited European contingents, (Italy, Germany) and intelligence support from the USA. This involvement is increasingly been depicted in France as a new Viet Nam, a lost war. The limits of the securitarian approach are made evident by these difficulties. By deterring legal migration and making irregular

¹⁸³ Fulvio Attinà, TACKLING THE MIGRANT WAVE: EU AS A SOURCE AND A MANAGER OF CRISIS, cit

¹⁸⁴ UNHCR press releases

migration more dangerous and costly more people turn themselves to either guerrilla or civil strife which, in turn, may lead to further waves of migration on the future. A complete vicious circle!

The present approach distributes costs and risks in a politically advantageous way for certain actors. Until the new Compact was proposed, the EU institutions saw the so-called migration 'crisis' instrumentalized by far-right groups which before the 2019 European Parliament elections seemed to pose a threat to the existence of the Union. Saferworld,¹⁸⁵ a European think tank, has highlighted the problem that embracing a security agenda may only encourage such parties and groups. Among the unwanted effects, politically driven and short-term security policies sideline efforts to address instability. Repression, border security measures lead to changes in smuggling routes, the professionalization of smugglers and increase a sense of emergency both in the origin and destination countries. Politically driven, short-term security policies sideline efforts to address instability, repression, vicious circles as it may happen in the Sahelian countries.¹⁸⁶ Moreover, in the words of Saferworld, "the economic benefits of externalized border security benefits the 'partner states' security apparatuses, the security and defense sector in Europe which provide the surveillance equipment and training to countries in Sub-Saharan African countries of origin of migratory flows."

"The consequences of the security approach to migration are under our eyes: abuse, extortion and inhumane conditions for migrants that have been documented in EU-supported 'buffer' states. Chaos at border crossings and entry points into Europe creates a policy panic and sense of crisis. More important, in the longer term, neglects benefits of migration, reinforces flawed and punitive systems, human suffering and pervasive predatory and abusive behavior and sustains the long-term risk of instability and conflict on Europe's borders."¹⁸⁷

The recommendations by Saferworld and other think-tanks and NGOs are to fully assess the systemic costs of European initiatives to address migration and who benefits from them and to ensure full transparency of policies, funding and programs. Moreover, it is important to use rights and protection criteria to assess progress when evaluating EU policies and programs, rather than numbers of migrants and include the views of migrants and civil society in countries of intervention, public debates. Similar criticisms have been expressed, as we will see later on, with reference to the proposed New EU Compact on Migration and Asylum. I can anticipate here the remarks by Loren. B. Landau: "the Pact's current proposals complement significant investments in census offices, NGOs and university research centers, which will generate information on African migration like never before. [...] This is knowledge with a purpose – to regulate, to promote sedentarising interventions and to naturalize the desire to stay fixed in place and out of global time. Indeed, to naturalize these efforts, the EU is sponsoring dozens of programs aimed at localizing Africans' future imagination: through education and advocacy African youth are instructed that migration is a betrayal of nation and family. The MIRROR project (Migration-Related Risks caused by misconceptions of Opportunities and Requirements) aims to identify and 'correct' African views about Europe's potential. These campaigns are set to continue as tools such

¹⁸⁵ Partners in crime? The impacts of Europe's outsourced migration controls on peace, stability and rights

¹⁸⁶ *ibid*

¹⁸⁷ IOM (2020). *World Migration Report*, Geneva.

as strategic communication will be further deployed, and providing information on legal migration opportunities and explaining the risks of irregular migration, as well as countering disinformation. For those who still wish to move, an assemblage of surveillance and violence will keep them in place.

[...] To do this, the EU is working with partners to strengthen its surveillance of Africans, their behavior and their moral adherence. New research centers are part of this strategy as are high tech solutions and information systems. One of these, ROBORDER, is an almost nine million euro effort to develop ‘a fully functional autonomous border surveillance system with unmanned mobile robots including aerial, water surface, underwater and ground vehicles, capable of functioning both as standalone and in swarms, which will incorporate multimodal sensors as part of an interoperable network.’ This and similar efforts are essential to its chronoscopic project.”¹⁸⁸

¹⁸⁸ Contribution by Loren B. Landau to the European Forum on Migration, ASILE, September 2020

Summary Chapter 11

The Global Compact for Safe, Orderly and Regular migration was adopted by an intergovernmental conference in Marrakesh in December 2018 under the aegis of the United Nations. During the same event, The Global Compact on Refugees, was adopted. Five nations voted against it — the United States, Hungary, the Czech Republic, Poland and Israel. Among the twelve abstaining countries are EU members Austria, Bulgaria, Italy, Latvia and Romania. Slovakia did not vote. Until recently, 152 states have formally ratified the Compact. The Compact corresponds to the interests of states of origin (such as promoting transfer of remittances, objective 20), while other principles basically satisfy the interests of receiving states (such as facilitating return and readmission (objective 21). The Compact partly repeats international law as it stands or refers to existing instruments. It is legally non-binding and it is no International Treaty. The only factor that would allow for an understanding as a legal commitment is the repetition of the formula “We commit to” However there is no provision on ratification or implementation in domestic law. The text is what is usually dubbed “soft law”, in the grey zone between law and non-law, between law and politics. The objections that the Compact would oblige states to admit migrants, it would be a pull-factor for migration, would contravene domestic migration policies, and violate the states’ sovereignty are pre-textual. The Compact does not contain any language obliging participating states to admit migrants. An explanation for the sudden reluctance is simply that they seized an opportunity to appeal to partners and publics in their countries who are hostile towards migrants.

Two years after the adoption of the UN Global Compact, the Report of the Secretary-General,¹⁸⁹ issued in November 2020 shows that in reality there is not much to be reported in terms of positive developments. One reason being the above mentioned resistance from several important actors who have not adhered to it. The second reason is that, as the report acknowledges, the COVID-19 pandemic has disrupted efforts to implement the Global Compact in some areas while accelerating implementation in others. During the negotiations, the EU always made clear that it did not want a binding document.

Since the Schengen treaty of 1999, member states needed first of all to define whether the Union’s borders were to be:

- a) “solid” and based on fixed geographic borders,
- b) “liquid” and allow for trans boundary movements or
- c) a mixture of the two approaches

Two major trends have characterized related EU negotiation processes: on the one hand **migration-security narrative** frames have strengthened **national-oriented and solid borders-oriented approaches** (and vice versa), and, on the other one, **migration-development narrative** frames have strengthened **transnational-oriented and liquid borders-oriented approaches** (and vice versa). Divergences have grown in the last 15 years, with a growing distrust in EU transnational approaches by parts of the population due to different ways of dealing with such

189 Global Compact for Safe, Orderly and Regular Migration, Report of the Secretary General, A/75/542

issues as unemployment, economic crisis. EU member states have different histories, immigration histories, different processes of state formation and colonial pasts. Political actors supporting solid borders have increasingly affirmed them in supranational EU political arenas such as the European Parliament and in the Council. Two main dichotomies have emerged: a) asylum vs. non-asylum migration, and b) regular vs. irregular migration. In both dichotomies only the first category of approaching migration foresees liquid borders whereas the second category is linked to solid borders.”

From **1999** (Tampere Council Conclusions) until **2011**, when the Global Approach to Migration and Mobility was established, the two trends liquid versus solid borders, were equally present. Since **2011**, and increasingly after the **2015** European Agenda on Migration, national-oriented approaches have gained prominence, following increasing levels of divergence inside the EU member states. Security-oriented approaches have increased migrant selectivity to the detriment of low skilled African migrants and their home communities. Labor conditions of low-skilled EU workers have worsened because of the wage dumping linked to irregular migration. It can therefore be said that mixed solid-liquid border approaches are reflecting further inequalities.

The security approach has therefore led to the de facto suspension of the application of the state of first entry principle in the name of national security. Another consequence was that even before the COVID 19 pandemics outbreak, debates on integration as well as on the assimilation of the rights of migrants with those of EU citizens have almost disappeared.

Efforts have gone through different stages and little change and the attitude of the governments towards cohesion in the execution of the common management actions, instead, went through ups and downs and has been generally overwhelmed by fragmentation and division. At the end of the process, all the governments have met on the tightening of the border control measures and the practice of signing migration partnership agreements with the origin and transit countries.

Many critical voices have emerged regarding the consequences of the evolution towards a solid border approach. The new approach can claim ‘success’ reductions in migrant numbers. The impact of this securitarian approach on further instability has to be studied. In the Sahelian countries, worsening agricultural conditions, the economic crises and the migration containment measures internationally sponsored, are now pushing more and more youths to join jihadist groups. In the medium term, this could create further instability and flows towards North Africa.

Key Terms

Global Compact on safe and orderly migration	Global Compact on refugees	Soft law
Grey zone between law and non-law	between law and politics	
Non-binding	No international treaty	No ratification
Solid borders, fixed geographic borders	Liquid borders- Trans boundary movements	
mixture		
Security-oriented approaches	Migrant selectivity to the detriment of low	
skilled migrants	Border surveillance systems	unmanned mobile
robots		

Chapter 12 The Building of the European Vallum or Fortress Europe: The EU Compact on Migration and Asylum

Having reviewed the existing international instruments on migration governance, we can now turn our attention to Europe. The Pact on Migration and Asylum proposed by the European Commission on 23 September 2020 has received mixed reactions. On the one hand, some newspapers and observers, including the author of this handbook, seem to have detected new thinking, albeit recognizing very problematic aspects like the reform of the Dublin Treaty on asylum and the prevailing migration containment approach. On the other, most if not all scholars have taken a very negative view. For ease of reference, Chapter 12 is organized to provide verbatim abstracts of the salient sections of the EU New Compact Migration and Asylum and, at the end of each section, illustrate criticisms from scholars and observers.

At the out start, it is worth noting that in the New EU Pact the 2018 UN Global Compact for Safe, Orderly and Regular Migration is not mentioned—, neither are its principles on safe and dignified returns respecting the rights of returnees, in line with international and regional laws and norms. This lack can be explained by the EU caution which was evident during the talks at the UN on the Global Compact since 2016. The European leaders had initially looked upon this initiative with skepticism, wary of being forced into commitments to open up to waves of migrants and some, as we saw, pulled themselves out shortly before the December 2018 signature in Marrakech. Let's start by taking a look at the official text of the EU Compact. The document has at the forefront an indication of the main principles:

1. robust and fair management of external borders, including identity, health and security checks;
2. fair and efficient asylum rules, streamlining procedures on asylum and return;
3. a new solidarity mechanism for situations of search and rescue, pressure and crisis;
4. stronger foresight, crisis preparedness and response;
5. an effective return policy and an EU-coordinated approach to returns;
6. comprehensive governance at EU level for better management and implementation of asylum and migration policies;
7. mutually beneficial partnerships with key third countries of origin and transit;
8. developing sustainable legal pathways for those in need of protection and to attract talent to the EU; and
9. supporting effective integration policies.

Notably and very tellingly about what seem to be the real political concerns, after the list of principles the text begins with the issue of arrivals as if to send precise signals to the EU member states and reassure the national public opinions.

Section 2. COMMON EUROPEAN FRAMEWORK FOR MIGRATION AND ASYLUM MANAGEMENT

Section 2.1 refers to: New procedures to establish status swiftly on arrival, says:

“The first step should be a **pre-entry screening** applicable to all third-country nationals who cross the external border without authorization. This screening will include identification, health and security checks, fingerprinting and registration in the Eurodac database.The rules on the

asylum and return **border procedures** would come together in a single legislative instrument. Whilst asylum applications made at the EU's external borders must be assessed as part of EU asylum procedures, **they do not constitute an automatic right to enter the EU**. ... In addition, it should be possible to relocate applicants during the border procedure, allowing for procedures to be continued in another Member State."

Section 2.2 refers to: A common framework for solidarity and responsibility sharing:

"[...]This includes a new **solidarity mechanism** to embed fairness into the EU asylum system, reflecting the different challenges created by different geographical locations. ... Member States will have the flexibility to decide whether and to what extent to share their effort between persons to be relocated and those to whom return sponsorship would apply. Regarding Assessment, the Commission sets out **what other Member States need to do** to help the Member State under pressure/at risk:

- Accept on their own territory some **asylum seekers relocated** from the Member State in difficulty (destination country receives EU funding)
- Take **responsibility for returning** to their countries of origin some persons with no right to remain in the EU
- Take other **operational** measures to help

As one can see already, the language is very keen on reassuring member states about their sovereignty. Nevertheless, some binding measures are introduced and they will be the subject of difficult negotiations between the Commission and member states. So far, migration as well as foreign policy, security and defense policies are not part of the European common policies. The EU institutions have no competency about them.

Therefore, Section 2.2 continues by stating that:

"Once the assessment by the Commission is complete, **other Member States contribute** towards their fair share (calculated through: 50% based on GDP and 50% through population.)¹⁹⁰ [...] **Each member state can choose** whether to accept relocated migrants or to sponsor returns. They also have the option of contributing to **other supportive measures**. If needed, correction may take place, namely, If the pledges received fall **more than 30%** short of the total number of relocations or sponsored returns necessary, then Member States that didn't pledge are requested to cover at least half of their 'fair share' (in relocations or return sponsorship).

They can always choose between covering relocations and sponsoring returns. The Commission adopts implementing acts to confirm contributions and make them **legally binding**. The Commission will draw up a pool of projected solidarity measures, consisting mainly of relocations, indicated by Member States per year, based on the Commission's short-term projections for anticipated disembarkations on all routes as well as vulnerable groups projected to need relocation... With **national strategies** integrating asylum and return policies at national level, a **European strategy** would guide and support the Member States. Another important step will be the future monitoring of the asylum systems included in the latest compromise on the proposal for a new **European Union Agency for Asylum**."

190 MIGRATION , New Pact on Migration and Asylum , September 2020 PDF ISBN 978-92-76-22155-5 doi:10.2775/008578 NA-02-20-734-EN-N

Needless to say, this reform of the Dublin System will receive much attention from the leaders and their public opinion and will give place to much heated discussion. Let's now turn to what seems the focus of the EU approach in recent years, what is evidently a concern considered politically sensitive: Returns.

Section 2.5, of the proposed EU Compact, titled: An effective and common EU system for returns, says:

"EU migration rules can be credible only if those who do not have the right to stay in the EU are effectively returned. Currently, only about a third of people ordered to return from Member States actually leave. This erodes citizens' trust in the whole system of asylum and migration management and acts as an incentive for irregular migration. It also exposes those staying illegally to precarious conditions and exploitation by criminal networks.

[...]A common EU system for returns is needed which combines stronger structures inside the EU with more effective cooperation with third countries on return and readmission. It should be developed building on the recast of the Return Directive and effective operational support including through Frontex....

[...] It would help prevent and reduce absconding and unauthorized movements, with common criteria to assess each case and the possibility to use detention for public order and security concerns. It would boost assisted voluntary return programmes... Work on return is often hampered by scarce financial and human resources in Member States. Embedding return in national strategies under the common framework should result in better planning, resourcing and infrastructure for return and readmission operations.

[...] Frontex is to become the operational arm of EU return policy, with the appointment of a dedicated Deputy Executive Director, supported by a new High Level Network for Return within a forthcoming Strategy on voluntary return and reintegration. This strategy will set out new approaches to the design, promotion and implementation of assisted voluntary return and reintegration schemes"

The subsequent Section 2.6 of the EU Compact, called A new common asylum and migration database, addresses a topic which is not minor in the EU approach both within Europe and in the third countries where the so called externalization of border policies is pursued. The text in fact says:

"These changes should now be complemented to allow an **upgraded database** to count individual applicants (rather than applications), to help apply new provisions on shifting responsibility within the EU, to facilitate relocation, and to ensure better monitoring of returnees. The new system would help create the necessary link between asylum and return procedures and provide additional support to national authorities dealing with asylum applicants whose application has already been rejected in another Member State."

Review of Criticism on Section 2 on Border management, asylum and return

The Forum on the new EU Pact on Migration and Asylum¹⁹¹ has produced, since September 2020, the most critical analysis. In their contribution, Tsion Tadesse Abebe, and Aimée-Noël Mbiyozo¹⁹² note that overall irregular border crossings to EU member states have dramatically decreased since Europe detected 1.82 million illegal external border crossings, in 2015. However, in 2020, only 90,150 refugees and migrants had crossed the Mediterranean into the EU. The two authors insist that although irregular arrivals have decreased, EU institutions and Member States have increased their focus on returning migrants. Within the EU, where migration is deeply divisive among Member States, enforcing returns is one of the few unifying topics.¹⁹³

The two authors also draw the attention to the fact that “Africans make up a small minority of asylum claims in the EU per year. Their claims are far exceeded by those of other nationals including Syrians, Afghans, Iraqis, Pakistanis, Turks, Iranians and more recently Venezuelans and Colombians. In 2019, only 9,655 returnees – six percent of total returns – were sub-Saharan African nationals.” Indeed, as we have seen in the chapters 10 and 11, despite these low numbers in recent years the EU and its Member States have tried to compel African states to accept and facilitate returns and readmissions through various legal and political instruments. It is true, as the authors underline, that: “under the EC’s 2016 New Partnership Framework, 13 of the 16 priority countries are in Africa, namely Ethiopia, Eritrea, Mali, Niger, Nigeria, Senegal, Somalia, Sudan, Ghana, Côte d’Ivoire, Algeria, Morocco and Tunisia. “Another fact recalled by the two authors is that: “Contrary to the narrative that portrays African migration flowing principally to the EU, far more Africans are using the Eastern Routes to get to the Middle East and Gulf via Yemen. In 2019 alone, 138 000 Africans used the treacherous Eastern Route; between 2006 and 2016, over 800 000 African migrants and refugees crossed to Yemen.”

Abebe and Mbiyozo¹⁹⁴ also spell out a dramatic truth: “Accepting returns is politically difficult for many African countries. Cooperating with EU members on forced returns can hurt the legitimacy of governments. This resistance by African governments is driven by the urge to avoid being branded as facilitators of deportation of their own citizens. In December 2016, Mali was offered USD 160 million to cooperate on migrant returns, but it withdrew from the deal due to a public outcry.” I myself was in Bamako those days and can testify that when the first Malians, less than a hundred, arrived they were greeted at the airport by TV crews and journalists. Although there were numerous cases of voluntary-financially assisted returns, the whole operation conveyed a sense of failure for those people, and of the beginning of a mass deportation. In Chapter 1 I have pinpointed how the Government of Mali, in its Migration strategy of 2012 indicates migrants’ remittances as a manna from heaven¹⁹⁵ and that “migration is part of the development and poverty reduction strategies of the Malian state.” It is no surprise, then, that as a result of public protest the government said that the return Agreement with the EU was only a

¹⁹¹ The Global Compact on Refugees and the EU’s New Pact on Migration and Asylum: The ripples of responsibility-sharing, Forum on the new EU Pact on Migration and Asylum in light of the UN GCR,23 September 2020

¹⁹² Tsion Tadesse Abebe, Senior Researcher; and Aimée-Noël Mbiyozo, Senior Researcher, Migration Programme, Institute for Security Studies (ISS), 11 December 2020

¹⁹³ *ibid*

¹⁹⁴ *ibid*

¹⁹⁵ Eight per cent of the GDP. In 2018, Africa received USD 46 billion in remittances, mostly from migrants in the EU and North America USD 50 million in Official Development Assistance (ODA) and USD 32 billion in Foreign Direct Investment (FDI). Remittances often serve as the most dependable source of income to many African societies.

Pourparler and tore it apart. Finally, the two authors also mention the example of Gambia where, after the Government signed a similar informal arrangement in May 2018, media images of deportees in handcuffs and shackles arriving in the Gambia from Germany at a time of massive youth unemployment resulted in mass protest. The government eventually stopped cooperating on returns to offset potential damage to their constitutional role as protectors of their citizens and subsequently hurt public trust in them.¹⁹⁶

Along the same lines, in his contribution to the above mentioned Forum on the new EU Pact on Migration and Asylum in light of the UN GCR Lewis Turner concludes that:

“The main concepts in this discourse are root causes (especially for forced migration); return and readmission; and legal pathways. The Pact uses the language of partnership and multilateralism, including funding instruments, to achieve externalization. While the Commission acknowledges that the EU and third countries have different interests, it states that comprehensive, balanced and tailor-made partnerships can deliver mutual benefits (page 17 of the Pact). While this could be read as a truly multilateral approach, other passages in the Commission proposals show that the Commission, as before, proposes to use its assumed superior position of political and economic power – the so-called issue-linkage and conditionality (also known as carrots and sticks) (page 17) [...]. This inequality is evident from a visualization of the Passport Index showing in white the nationalities which need an entry visa (for less than 100 countries) and in black those needing a visa (more than 100 countries). The introduction of carrier sanctions means that visa requirements are enforced within the black countries on the map.”¹⁹⁷

On the subject of Community Sponsorship in section 2.2, through funding, capacity building and knowledge-sharing, in cooperation with civil society and with the aim of developing a European model of community sponsorship,” Nikolas Feith Tan¹⁹⁸ acknowledges that “The promise of technical assistance from the EU to member states is not new. Indeed, the European Asylum Support Office (EASO) has already been involved in a pilot project promoting community sponsorship in interested EU member states. Nevertheless, the inherent flexibility of the concept may leave it open to co-option where, for example, governments use community sponsorship to replace resettlement, or discriminate by protecting only particular religious groups.

In other words, “community sponsorship should not replace resettlement. However, pragmatic considerations may require that initial community sponsorship models take place within existing resettlement quotas. ...The principle of non-discrimination flowing from international human rights and refugee law should guide state practice on community sponsorship. Learning from previous practice in Eastern Europe, future community sponsorship models should avoid discrimination in the selection of refugees for sponsorship.” This is what happens in certain Eastern European countries where migrants or refugees from Ukraine or Baltic States are seen acceptable whereas migrants from Africa are not.

¹⁹⁶ Tsion Tadesse Abebe, and Aimée-Noël Mbiyozo in the: The Global Compact on Refugees and the EU’s New Pact on Migration and Asylum: The ripples of responsibility-sharing, Forum on the new EU Pact on Migration and Asylum in light of the UN GCR,23 September 2020

¹⁹⁷ Ibid

¹⁹⁸ Ibid

The conclusion by Lewis Turner¹⁹⁹ is that “[...] The EU appears to see migration ‘crises’ or migratory ‘pressure’ that could lead to another ‘crisis’ around every corner. In particular, the so-called migration crisis of 2015-2016 looms large over the new policy arrangements. It clearly and explicitly shapes the background thinking to the pact, which aims to reinforce **Fortress Europe** against similar numbers of people arriving ‘irregularly’ in the future.”²⁰⁰

Sections 3. - 4. EXTERNAL BORDERS

These sections complete the Commission approach to external borders.

Section 3, A ROBUST CRISIS PREPAREDNESS AND RESPONSE SYSTEM, refers to the new Migration Preparedness and Crisis Blueprint that will be issued to help move from a reactive mode to one based on readiness and anticipation. In Section 4.1 Stepping up the effectiveness of EU external borders, the **European Integrated Border Management**, it is stated that:

“It is implemented by the European Border and Coast Guard, composed of the Member States’ border and coastguard authorities and Frontex. It is designed to prevent fragmentation and ensure coherence between different EU policies.”

Section 4.2 Reaching full interoperability of IT systems, indicates that Interoperability will connect all European systems for borders, migration, security and justice, and will ensure that all these systems ‘talk’ to each other, that no check gets missed because of disconnected information, and that national authorities have the complete, reliable and accurate information needed. It will bring a major boost to the fight against identity fraud. These new and upgraded information systems are **operational and fully interoperable by the end of 2023**. Trust in the Schengen area will be further reinforced by **making the visa procedure fully digitalized by 2025**, with a digital visa and the ability to submit visa applications online.

Finally, under section 4.3, “A common European approach to search and rescue, “The new Asylum and Migration Management Regulation will cater for help through relocation following disembarkations after search and rescue operations. This should help to ensure the continuity of support and to avoid the need for ad hoc solutions.”

Within This strategy,

- Frontex should provide increased operational and technical support within EU competence, as well as deployment of maritime assets to Member States, to improve their capabilities and thus contribute to saving lives at sea.
- Cooperation and coordination among Member States needs to be significantly stepped up, particularly in view of the search and rescue activities that have developed over the past years with the regular involvement of private actors.
- The Commission is also providing Guidance on the effective implementation of EU rules on definition and prevention of the facilitation of unauthorized entry, transit and residence, and how to prevent the criminalization of humanitarian actors.

¹⁹⁹ Ibid

²⁰⁰ Ibid

- The EU will strengthen cooperation with countries of origin and transit to prevent dangerous journeys and irregular crossings, including through tailor-made Counter Migrant Smuggling Partnerships with third countries

Criticism of Sections 3 to 4 on External Borders

Regarding Frontex's fundamental rights responsibilities, Marco Stefan and Roberto Cortinovis reckon that:

"Along the years, Frontex has acquired an increasingly relevant role in supporting national authorities in the management of EU's external borders. In Greece, Frontex is currently involved in almost every aspect of border management, as testified by the EU Action Plan to support Greece in managing its external borders with Turkey of March 2020. The agency's involvement puts border and return operations in Greece under a formal EU "umbrella". This has important fundamental rights implications: as an EU agency acting within the scope of EU law, Frontex has a positive obligation to prevent abuses and secure respect of EU primary and secondary law acquis."²⁰¹

Furthermore, according to the authors, "In spite of the fundamental rights responsibilities established in its recently amended founding regulation, Frontex has repeatedly refused to admit (let alone investigate) occurrence of pushbacks (refoulements) in Greece. The agency claimed instead that Greek authorities should be considered as solely responsible for any violation, because alleged episodes are happening outside the operational area covered by the Agency's operations. This claim is based on a minimalist interpretation of Frontex human rights responsibilities, which does not reflect the substantial role the agency plays in Greece. Such position has become increasingly untenable considering mounting evidence of the direct involvement of Frontex-coordinated vessels in pushback operations in the Aegean Sea. Evidence of Frontex-deployed officers' involvement in pushbacks has been collected also in the Evros region."²⁰²

Finally, Marco Stefan and Roberto Cortinovis conclude that:

"Ongoing discussions concerning the scope and functions of the monitoring mechanism envisaged by the Pact should take seriously the alarming reports of fundamental rights violations coming from the Greek-Turkish borders (as well as from other areas of EU external borders). Pushbacks are simply incompatible with a fundamental rights and rule of law-based approach to migration and asylum in Europe. They also stand at odds with the commitment to uphold the normative foundations of the international refugee protection regime included in the UN Global Compact on Refugees. An express commitment towards safe and dignified return of third country nationals has also been undertaken in the UN Global Compact on Migration, where reference is made to the importance of respecting the prohibition of collective expulsions – in particular by guaranteeing an individual assessment and the exhaustion of legal remedies against return decisions – as well to the need to uphold the independence of monitoring mechanisms to ensure

²⁰¹ Contribution by Marco Stefan and Roberto Cortinovis (CEPS) Forum on the new EU Pact on Migration and Asylum in light of the UN GCR, cit

²⁰² Ibid

accountability of return operations.²⁰³ As mentioned earlier, the EU Compact on Migration and Asylum makes no reference to the UN Global Compact on Safe and Orderly Migration.

To conclude with the criticism on section 2, 3 and 4 on border management, asylum and return, Lewis Turner is drastic:

“The pact is full of worrying signs from the perspective of asylum seekers’ and refugees’ rights. It discusses the need for a “swift return procedure” and “reinforced external borders,” and it plans to “build on the hotspot approach,” which has led to “fundamental rights challenges” where it has been implemented.”²⁰⁴ One could add that an upgraded Eurodac is intended to help tracking unauthorized movements, tackle irregular migration and improve return. The Interoperability envisaged in the pact will have to connect all European systems for borders, migration, security and justice, and will ensure that all these systems ‘talk’ to each other, that no check gets missed because of disconnected information, and that national authorities have the complete, reliable and accurate information needed.

Section 5. REINFORCING THE FIGHT AGAINST MIGRANT SMUGGLING

In 2012, the strategy approved by the EU Council was based on identifying, protecting and assisting victims of trafficking, stepping up the prevention of trafficking in human beings by understanding and reducing demand, promoting the engagement with the private sector and a EU-wide awareness raising activities and prevention programmes. The foundation of this strategy was an increased prosecution of traffickers. This implies the establishment of national multi-disciplinary law and order units, proactive financial investigation, increasing cross-border police and judicial cooperation. It is well known that cooperation on terrorism is still slowed by an insufficient sharing of information among judicial and security EU forces. .

Against this background, Section 5 of the EU Compact, on reinforcing the fight against migrant smuggling indicates that:

“The new 2021-2025 EU Action Plan against migrant smuggling will focus on combatting criminal networks, and in line with the EU’s Security Union Strategy, it will boost cooperation and support the work of law enforcement to tackle migrant smuggling, often also linked to trafficking in human beings. The Action Plan will build on the work of Europol and its European Migrant Smuggling Centre, Frontex, Eurojust and the EU Agency for Law Enforcement Training. New measures and strengthened inter-agency cooperation will address challenges in the areas of financial investigations, asset recovery and document fraud, and new phenomena such as digital smuggling.”

According to section 5, the new EU Action Plan against migrant smuggling, that will be put forward in the future should:

²⁰³ *ibid*

²⁰⁴ The Global Compact on Refugees and the EU’s New Pact on Migration and Asylum: The ripples of responsibility-sharing, Forum on the new EU Pact on Migration and Asylum in light of the UN GCR, 23 September 2020

“Stimulate cooperation between the EU and third countries, through targeted counter migrant smuggling partnerships, as part of broader partnerships with key third countries. This will include support to countries of origin and transit in capacity-building both in terms of law enforcement frameworks and operational capacity, encouraging effective action by police and judicial authorities. The EU will also improve information exchange with third countries and action on the ground, through support to common operations and joint investigative teams, as well as information campaigns on the risks of irregular migration and on legal alternatives.

EU agencies should also work more intensively with partner countries. Europol will strengthen cooperation with the Western Balkans and the Commission and Europol will work towards similar agreements with Turkey and others in the neighbourhood. The Commission will also include this in its cooperation with the African Union (AU).”

Finally, Section 5 mentions that “Common Security and Defence Policy operations and missions will continue making an important contribution, where the fight against irregular migration or migrant smuggling is part of their mandates. Complementing existing missions, such as EUCAP Sahel Niger and EUBAM Libya, Operation EUNAVFOR MED IRINI is now under way in the Central Mediterranean and helps to disrupt smuggling networks. Immigration Liaison Officers provide a valuable connection in the fight against irregular migration and migrant smuggling. The full implementation of the Regulation on the European network of immigration liaison officers will further consolidate this network and enhance the fight against smuggling.”

Criticism of Section 5 on the fight against migrants smuggling

A first critique made by observers is that, as we have also seen in the starting paragraphs of this chapter and in previous chapters, the security approach to migration finds its main implementation in the provision of surveillance equipment, training, logistical support to the security forces that too often use them for internal political purpose.²⁰⁵ In Europe, an upgraded Eurodac would help to track unauthorized movements, tackle irregular migration and improve return. Nevertheless, the vague statement of intentions in section 5 on smuggling, shows some new thinking. For example, it is said that the Commission will bring clarity to the issue of criminalisation for private actors through guidance on the implementation of the counter-smuggling rules, and make clear that carrying out the legal obligation to rescue people in distress at sea cannot be criminalised.

On the issue of finding employment in the EU without the required legal status, which is one of the drivers for smuggling to the EU “the Commission will assess how to strengthen the effectiveness of the Employers Sanctions Directive and evaluate the need for further action. The Commission will also work with the European Labour Authority to coordinate the efforts of the national authorities and ensure the efficient implementation of the Directive, which is indispensable to deter irregular migration by ensuring effective prohibition of the employment of irregularly staying third-country nationals.”

²⁰⁵ For example by Marco Stefan and Roberto Cortinovis (CEPS) Forum on the new EU Pact on Migration and Asylum in light of the UN GCR, cit

As a comment to the above, whilst the mention of the European Labour Authority sounds like an intention to deal with labour migration at the European level, it could not be more evident that in this area national action and legislation is still predominant and it is to be expected that different national sensitivities will reflect into different approaches.

As we have seen so far, the first 5 sections of the EU proposed Compact on Migration and Asylum focuses on what critical voices call may call the building of Fortress Europe. We can now turn our attention to how the Compact envisages cooperation with third parties. Since the focus of this handbook is on the economic migration, the text of sections 6 to 7 deserve special attention.

Section 6. WORKING WITH OUR INTERNATIONAL PARTNERS

This and the following sections seem an indication of new thinking in the official language of an EU Commission's proposal to the EU member states. We therefore need to see whether good intentions on the one hand and recognition of partners' sensitiveness on the other are matched by operational instruments and financial allocations. Let's take a look at the official language first.

Section 6 of the EU Compact states that:

"The prerequisite in addressing this is cooperation with our partners, first and foremost based on bilateral engagement, combined with regional and multilateral commitment. Migration is central to the EU's overall relationships with key partner countries of origin and transit. Both the EU and its partners have their own interests and tools to act. Comprehensive, balanced and tailor-made partnerships, can deliver mutual benefits, in the economy, sustainable development, education and skills, stability and security, and relations with Diasporas."

Section 6.1 Maximizing the impact of our international partnerships, deals with the comprehensive partnerships agreements that have been the object of various chapters of this handbook. It is therefore useful to recall the exact text of the new Compact:

"In comprehensive partnerships, **migration should be built in as a core issue, based on an assessment of the interests of the EU and partner countries**. It is important to address the complex challenges of migration and its root causes. Different policies such as development cooperation, security, visa, trade, agriculture, investment and employment, energy, environment and climate change, and education, should not be dealt with in isolation. They are best handled as part of a tailor-made approach, at the core of a real **mutually beneficial partnership**. It is also important to bear in mind that migration issues such as border management or more effective implementation of return and readmission can be politically sensitive for partners. The full involvement of Member States in the EU migration partnerships, including through the pooling of funds and expertise via the various EU Trust Funds, is key to success."

Section 6.3, Building economic opportunity and addressing root causes of irregular migration, introduces us to a topic that will be discussed in the final sections of the Handbook, namely what to do in the future. As it is recalled in the text:

“The EU is the world’s largest provider of development assistance. This will continue to be a key feature in EU engagement with countries, including on migration issues. ...Experience of recent years has shown that the flexibility of instruments such as Trust Funds is key to rapid delivery when required, compared to funding predetermined for specific countries or programmes. Many other policies can be harnessed to help build stability and prosperity in partner countries efforts. Trade and investment policies already contribute to addressing root causes by creating jobs and perspectives for millions of workers and farmers worldwide. Boosting investment through vehicles such as the External Investment Plan can make a significant contribution to economic development, growth and employment. Better exploiting the potential of remittances can also help economic development. Cooperation in education, skills and research, as well as in policies such as digital, energy or transport, also helps to deepen economic development.”

Section 6.4 Partnerships to strengthen migration governance and management

This section deals with the bone of contention of the present stalemate in the Post Cotonou negotiations between the ACP and the EU, that were described earlier on

The text states that:

“Supporting the EU’s partners in developing effective **migration governance and management** capacity will be a key element in the mutually beneficial partnerships the EU seeks to develop. The EU can support capacity building in line with partners’ needs. This will help partner countries manage irregular migration, forced displacement and combat migrant smuggling networks. Tools such as strategic communication will be further deployed, providing information on legal migration opportunities and explaining the risks of irregular migration, as well as countering disinformation. In addition, depending on the contexts and situations, the EU can assist partner countries in strengthening capacities for border management, including by reinforcing their search and rescue capacities at sea or on land, through well-functioning asylum and reception systems, or by facilitating voluntary returns to third countries or the integration of migrants.

Finally, “[...] Support may also be targeted at maximizing the positive impact of migration and reducing the negative consequences for partner countries, for example by reducing the transfer costs of remittances, reducing “brain drain”, or facilitating circular migration.”

Section 6.5 Fostering cooperation on readmission and reintegration

The approach illustrated in the language of this section of the EU Compact is, as we have seen already, one of the main bones of contention between the EU and its ACP partners. It would appear to confirm the much criticized “stick and carrot” approach. In fact, according to the text:

“Based on information provided by Member States, the Commission will assess at least once a year **the level of cooperation of third countries on readmission, and report to the Council**. Any Member State can also notify the Commission if it is confronted with substantial and persistent practical problems in the cooperation with a third country on readmission, triggering an

ad hoc assessment. Following an assessment, the Commission can propose to apply restrictive measures or in case of good cooperation, propose favorable visa measures.

[...] Visa policy can also be used to curb **unfounded asylum applications** from visa-free countries, keeping in mind that almost a quarter of asylum applications received by Member States were lodged by applicants who can enter the Schengen+ area visa-free. More cooperation and exchange of information would help to detect visa abuse. **Suspension Mechanism** provides for the systematic assessment of visa-free countries against criteria including irregular migration risks and abusive asylum applications. This can ultimately result in the removal of third countries from the visa-free list. An important component of the future **Voluntary Return and Reintegration Strategy** will consist in setting out new approaches in third countries and include better linkages with other development initiatives and national strategies, to build third countries' capacity and ownership.

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6.6 Developing legal pathways to Europe

Last but by any means not least, this section reflects truly new thinking in as much as the concept of legal pathways is strongly stated in an EU Commission proposal to the EU member states. It is worth recalling in detail the text:

"While Member States retain the right to determine volumes of admission for people coming from third countries to seek work, the EU's common migration policy needs to reflect the integration of the EU economy and the interdependence of Member States' labour markets. This is why EU policies need to foster a level playing field between national labour markets as migration destinations. They should also help Member States use their membership of the EU as an asset in attracting talent.

[...] The EU will also support Member States wishing to establish **community or private sponsorship** schemes through funding, capacity building and knowledge-sharing, in cooperation with civil society, with the aim of developing a European model of community sponsorship, which can lead to better integration outcomes in the longer term.

[...] The EU also works with its partner countries on legal pathways to Europe as part of migration partnerships, opening the way for cooperation on schemes to match people, skills and labour market needs through legal migration. At the same time, developing legal pathways should contribute to the reduction of irregular migration, which often leads to undeclared work and labour exploitation in the EU.

[...] The EU has a strong track record in labour mobility schemes. Legal migration pilot projects have shown that by providing targeted support, the EU can help Member States

implement schemes that meet the needs of employers. Eight Member States are currently involved in six such projects with Egypt, Morocco, Tunisia, Nigeria and Senegal. Key themes include mobility for ICT experts, opportunities for study and traineeships in Europe, and boosting the capacity of third countries to manage migration and support reintegration. This would be in line with the **Global Skills Partnerships**, bilateral agreements through which a country of destination gets directly involved in creating human capital among potential migrants in the country of origin prior to migration. “

In this last connection, the Global Skills Partnerships that will be analyzed in more details in the next chapter is part of the new thinking that the EU Commission is adding to its communications to member states.

Finally, Section 6.6 states that: “The Commission will therefore launch *Talent Partnerships* in the form of an enhanced commitment to support legal migration and mobility with key partners. They should be launched first in the EU’s Neighborhood, the Western Balkans, and in Africa, with a view to expanding to other regions. These will provide a comprehensive EU policy framework as well as funding support for cooperation with third countries, to better match labour and skills needs in the EU, as well as being part of the EU’s toolbox for engaging partner countries strategically on migration. Strong engagement of Member States will be essential, as will involvement of the private sector and the social partners, and ownership from partner countries. The Commission will organize a high-level conference with Member States and key EU stakeholders to launch the Talent Partnerships.

[...] The Talent Partnerships should be inclusive, building strong cooperation between concerned institutions (such as Ministries of Labour and Education, employers and social partners, education and training providers, and diaspora associations). The Commission will stimulate this cooperation through dedicated outreach and build a network of involved enterprises. EU funding streams in the area of external relations, home affairs, research, and education (Erasmus+) could all contribute. The Partnerships would combine direct support for mobility schemes for work or training with capacity building in areas such as labour market or skills intelligence, vocational education and training, integration of returning migrants, and diaspora mobilization.”

Criticism of section 6, Working with international partners

Section 6, as we have seen, summarizes the EU approach to cooperation with partners on migration in the years to come. It is the section that has attracted most severe objections from scholars. According to Sergio Carrera, who pinpoints the dangers of the EU Strategy in the Sahel, “The focus on readmission means that EU Migration Partnerships can be better understood as Insecurity Partnerships. Such an EU-centric approach contradicts the UN GCR objective for development assistance to ensure a true “spirit of partnership, the primacy of country leadership and ownership.”²⁰⁶

Similar critical remarks are made by Lewis Turner on legal channels. “Directly linked to negotiations on readmission, the EU has said over the past 15 years that it is open to discussing legal pathways for migration. The two are to be incorporated into Mobility Partnerships and

206SERGIO CARRERA WHOSE PACT?THE COGNITIVE DIMENSIONS OF THE NEW EUPACT ON MIGRATION AND ASYLUM

Common Agendas between the EU and third countries.... However, in reality it turns out that these instruments promote the externalization of European migration policy. Legal pathways fail to become a reality. The most blatant example of this was the implementation of the EU-Turkey deal of March 2016. While Turkey by and large abided by its obligations to prevent the movement of refugees towards Europe, talks of visa-free travel to Europe for Turkish nationals predictably got stuck in a way that, from the Turkish perspective, was a matter of European obstruction. In the Pact, passages on legal migration mention extremely limited resettlement of refugees and high skilled migration, and in addition remain nebulous and unspecific. Legal migration as an alternative to irregular migration is not part of the discussion. “The severe criticism expressed in the previous paragraphs is epitomized in Turner’s final remarks.

“An important element of EU policy is to try to influence the interests of third countries through issue linkage and conditionality: the EU will finance things in third countries, give other advantages, or to the contrary take punitive measures (including limiting the issuance of visas, or removing a country from the list of visa-free countries, pages 21-22 of the Pact), depending on whether the third country implements European external migration policies. This sometimes works, but comes at a price: that of supporting problematic regimes.

In order to implement European external migration policies, third country governments need to repress domestic opposition to those policies. And if the EU has brokered a migration agreement with the government of a third country, it has an interest in preventing regime change even if it is democratic, if the new government risks being more critical of European migration policy. Supporting problematic regimes is not merely an ethical issue. It also undermines a basic assumption of European external migration policies: the idea that open and democratic societies in third countries will be attractive to their citizenry and will lead to less irregular migration.”²⁰⁷

Section 7. ATTRACTING SKILLS AND TALENT TO THE EU

Finally, Sections 7 and 8 of the proposed Compact refers to attracting new talents to the EU and to integration issues respectively. The text shows indeed new thinking that is not politically given for granted or acknowledged in many if not all EU member states, namely the concerns about demography. The language is clear:

“Europe has an ageing and shrinking population. The structural pressure this is expected to create on the labour market is complemented by specific skills shortages in different localities and sectors such as health, medical care, and agriculture. The contribution of legally staying migrants to reducing skills gaps and increasing the dynamism of the EU labour market was recognized in the recently updated Skills Agenda for Europe.

Section 7 continues by saying:

“[...] Activating and up skilling the domestic workforce is necessary but not sufficient to address all existing and forecasted labour and skills shortages. This is already happening: in 2018, Member States issued over 775,000 first residence permits to third country nationals for employment purposes. Workers from third countries are filling key shortages in a number of occupations across Member States, including in occupations that were key to the COVID-19 response. In a joint statement with the Commission, the European Social and Economic Partners

²⁰⁷ Lewis Turner, Cit.

have highlighted the potential of migrant workers to contribute to the green and digital transitions by providing the European labour market with the skills it needs.

[...] Nevertheless, the EU is currently losing the global race for talent. While Member States are responsible for deciding on the number of persons they admit for labour purposes, an improved framework at EU level would put Member States and businesses in the best possible position to attract the talents they need.

[...] In addition, it is important to complete the unfinished work of reforming the EU Blue Card Directive, to attract highly skilled talent. This requires more inclusive admission conditions, improved rights, swift and flexible procedures, improved possibilities to move and work in different Member States, and a level playing field between national and EU systems. The international mobility of students and researchers can increase the pool of expertise available to European universities and research institutions, boosting our efforts to manage the transition towards a green and digital economy. Full implementation of the recently revised Directive on Students and Researchers is essential.

.....The Commission will also address the main shortcomings in three new sets of measures namely: a revision of the **Directive on long-term residents**, a review and simplification of the **Single Permit Directive**, further explore an **EU Talent Pool** for third-country skilled workers which could operate as an EU-wide platform for international recruitment, through which skilled third-country nationals could express their interest in migrating to the EU, and could be identified by EU migration authorities and employers based on their needs.”

Criticism of Section 7

On the positive side, one can clearly mention the evident concern in the language of the Commission about the fact that Europe has not had a clear policy regarding legal channels for migration and it is acknowledged that global geopolitical competition is also about attracting skills and talents. It is for this reason that the intention is to address the low efficiency of the system of attracting qualified specialists through “blue cards”, which is due to the lack of coordination of actions and insufficient competence of employees of relevant regional departments who make decisions based on the local situation, while not having the necessary information about the needs of the labour market in their country. The challenge will be to have a common text, with guidelines for all the EU member states that can include the various instruments that are listed in the box below.

Key EU directives promoting legal circular migration
Family Reunification Directive (2003/86/EC)
EU Blue Card Directive (2009/05/EC), Commission proposal for recast in June 2016 (COM(2016) 378 final)
Single Permit Directive (2011/98/EU)
Seasonal Workers Directive (2014/36/EU)
Intra-Corporate Transferees Directive (2014/66/EU)
Students and Researchers Directive ((EU)2016/801 – recast)
Mobility Partnership

Overall, section 7 on Talent Partnerships' as well as the community and private sponsorships indicated in the previous sections of the EU Compact are criticized by some scholars on the ground that "While all these instruments are officially presented in the context of 'mobility', some of these constitute examples of a 'contained mobility approach'. These combine containment aspects, e.g. non-admission and non-arrival policies, with others on mobility that present selective, discriminatory and restrictive features."²⁰⁸

Section 8. SUPPORTING INTEGRATION FOR MORE INCLUSIVE SOCIETIES

In this section, the Compact acknowledges that:

"[...] despite numerous success stories, too many migrants and households with migrant backgrounds still face challenges in terms of unemployment, lack of educational or training opportunities and limited social interaction. For example, in 2019, there was still a significant shortfall in the employment prospects of non-EU nationals – at around 60% of 20-64 year olds, compared to around 74% for host-country nationals. This creates concern amongst citizens on the pace and depth of integration – and a legitimate public policy reason to make this work." For this reason, the Commission will adopt an Action Plan on integration and inclusion for 2021-2024."

The text of this short section of the Compact further acknowledges the fact that:

"Ensuring migrants fully benefit from the European Pillar of Social Rights will be a key objective. It will recognize that people with a migrant background (e.g. foreign born or second generation migrants) often face similar integration challenges to third-country nationals. The actions will include direct support to those active 'on the ground' and cover the full range of measures needed to accompany migrants and their families along the path to successful integration and social inclusion."

Criticism on section 8

It is quite evident that this is an area where internal-national politics will ensure the pace of any progress, or development in integration matters. In the chapters on social remittances, the political economy of migration and legal channels, the way migration issues may influence the social fabric of destination countries, solidarity among European member states and institutions were illustrated. It was also recalled that some historical development like Brexit were influenced by migration issues, the perceptions and political parties' calculations. Section 8 of the EU Compact on Migration and Asylum thus appears at the moment as wishful thinking, a blank page that needs to be written, but the very fact that the issues of demography, global challenges, the need to address integration are clearly albeit timidly mentioned is certainly to be ascribed to positive and new thinking in the EU debate.

²⁰⁸ Sergio Carrera, Cit

Final conclusions of the analysis of the proposed EU Compact on Migration and Asylum: From Crisis to Containment

As we have seen, the criticisms expressed at the end of each section of the text invariably point out to the fact that with the new Pact the EU would keep re-orienting migration policies to bundle returns to development funding, within the rhetoric of addressing the ‘root causes’ of migration. In fact, the pact calls openly for revamping partnership with third countries in line with the EU’s policy of externalizing the cost and responsibility of managing its external borders. In addition to development assistance, other policy issues such as trade concessions, education, agriculture, and visa facilitation for third-country nationals would be linked to those countries’ willingness to cooperate on migration management. The pact suggests the possibility of “restrictive visa measures” to third countries unwilling to be cooperative.

Loren Landau and Iriann Freemantle express this view even more vividly when they say that “In 2015, a moral panic engulfed Europe. Long uneasy with African migration across the Mediterranean, the European Union (EU) and its member states responded with unprecedented levels of peacetime defensive action. In the subsequent years, panic engendered a sophisticated, multilateral apparatus to suppress African mobility. The New Pact on Migration and Asylum represents the next stage in its evolution...From crisis to containment.”²⁰⁹

As we will see in the final part of this chapter, the financial allocations in the Multiannual Framework 2021-2027 seem to confirm the views of the two authors above who are even more drastic when they add that “...In political terms, the proposed Pact seems to confirm the priorities expressed openly by the more anti-immigrant member states such as Hungary, Poland, and Slovakia. In fact, the pact allows members to opt out from participating in the relocation of asylum seekers and refugees by offering them the possibility to provide instead administrative and financial support to other member states.”

The objections to the EU Pact on Migration and Asylum, which is labelled by opponents as an attempt to build a Fortress Europe, where migrants and refugees are to be kept out of the continent at all costs, are certainly grounded. However, it is fair to say that the criticisms expressed fail to reckon the political difficulties within the EU and the difficult path that the European Commission has followed to arrive to the proposed Pact. The negotiations with member states, if and when the COVID 19 pandemic is brought into acceptable control, will be riddled with such obstacles and difficulties. The fact is that although some member states have been more explicit than others in advocating a Fortress Europe, the perception of migration as a threat, however, is part of the political discourse throughout the continent. Several European leaders, not necessarily those from the far right side of the political spectrum, regularly make statements addressed to their public opinion whereby refugees are to be welcome and deserve assistance and they are our brothers, whilst there is no room for economic migrants who, as we know, represent the vast majority of the migratory flows. In January 2021 the Social Democrat Prime Minister of Denmark, in an attempt of neutralizing far wing parties’ rhetoric and their increasing electoral support stated the vision of her government based on a Zero Target of requests of spontaneous asylum seekers, on the ground of protecting the social cohesion of the country. The Immigration

²⁰⁹ Loren Landau and Iriann Freemantle, contribution to the Forum on the Global Compact on Refugees and the EU’s New Pact on Migration and Asylum: The ripples of responsibility-sharing, Forum on the new EU Pact on Migration and Asylum in light of the UN GCR, 7 December 2020

Minister Mattias Tesfaye, of Ethiopian descent, indicated that this would allow a more positive discussion on an annual quotas of refugees. See? They talk of refugees, not economic migrants. Both politicians mentioned their support to the idea of establishing refugees' hotspots in Northern Africa and the Middle East where requests for international protection would be processed. An idea, as we have seen, that has not been supported so far by the concerned countries in those regions.

Overall, the criticisms illustrated in the previous sections do not acknowledge the fact that migration is a political divisive issue, where important segments of the electoral bodies in member states have perceptions and concerns that are exacerbated by political parties. The proposal by the Commission has therefore to be considered within this framework and it would only be fair to admit that it still does contain new thinking. For example, the concept of Skills Partnerships, the recognition that past beliefs in the rhetoric of addressing the root causes of migration (i.e. underdevelopment) need to be reconsidered are now voiced officially in the text of the new Compact. Finally and quite remarkably, the most severe criticisms that I reported with reference to each section of the EU Compact have been expressed in the ASILE Forum, a project funded by the European Commission that assesses the European Commission's Pact on Migration and Asylum in light of the UN Global Compact on Refugees and EU law. It is as if the Commission itself, engaged in a role play, demands to the research that it finances to criticize aspect of the Commission's proposals that are more timid or are clearly influenced by those EU member states that have a very restrictive approach to migration and openly pursue the goal of Fortress Europe.

The next EU Compact on Migration and Asylum under financial scrutiny

I will revert to the new thinking of the EU Compact in Chapter 13 but prior to that we need to complete the review of the EU Compact with an analysis of the financial provisions of the Post Cotonou Agreements that has not yet been concluded.

The approaches and policies envisaged in the EU Pact seem to be mirrored by the resources allocations in the next Multiannual Financial Framework-MFF- related to the new Cotonou Agreement. As we will see, the allocations hardly match the rhetoric of a holistic approach to migration within the 10% target for migration-related actions proposed in the Neighborhood, Development and International Cooperation Instrument. In this connection, a GLOPEM analysis on the 2020-27 MFF may be of help in judging whether there is a mismatch between good intentions (legal pathways, skills agreements etc.) and resources allocation.

Migration in the next EU Financial Development Framework. By Andrea Nobile

The Multiannual Financial Framework

The Multiannual Financial Framework (MFF) is the EU's long-term financial planning tool and its main objective is to ensure the orderly development of expenditure in line with EU priorities and within the limits of Union's resources. All EU expenditure is broken down into large categories or "headings", and for each of them the MFF specifies in detail the maximum annual amount of resources that the EU can commit, taking into account that the commitments do not necessarily involve payments in the same financial year. This financial instrument has considerable strength and importance not only because it determines EU spending as a whole and in the various sectors, but

also because its long-term approach to funding should contribute to making European policies more incisive and effective. As regards duration, the recent multiannual financial frameworks usually covered a seven-year period, and it is the European Commission which, before the expiry of the current one, formulates a proposal for a new MFF regulation. This proposal serves as a basis for negotiations in the Council which will have to reach a unanimous agreement; approval from the European Parliament will then be required to conclude the decision-making process.

The MFF 2014-2020

The current Multiannual Financial Framework was adopted by the Council on 2 December 2013, and implemented from 1 January 2014. It allowed the EU to spend up to € 1087.1 billion in commitments and € 1023.9 billion euros in payments. In the current MFF covering the years 2014/2020, the internal dimension of asylum, immigration and external borders policies is a component of its smaller heading (security and citizenship or heading 3).

THE EU BUDGET 2014 - 2020

EU budget 2014-2020

In billion euro and in percentage, current prices

Economic, social and territorial cohesion EUR 371.4

- Research and innovation
- Information and communications technology
- Small and medium-sized enterprises
- Low-carbon economy
- Climate change and risk
- Environment and resource efficiency
- Transport and energy
- Employment
- Social inclusion
- Vocational training



Sustainable growth: natural resources EUR 420

- Agriculture
- Rural development
- Fisheries
- Environment and others



Competitiveness for growth and jobs EUR 142.1

- Education
- Energy
- Industry and small and medium-sized enterprises
- Networks and technology
- Research and innovation
- Transport



Global Europe EUR 66.3

- Development and international cooperation
- Humanitarian aid
- Neighbourhood and enlargement
- Foreign policy instruments

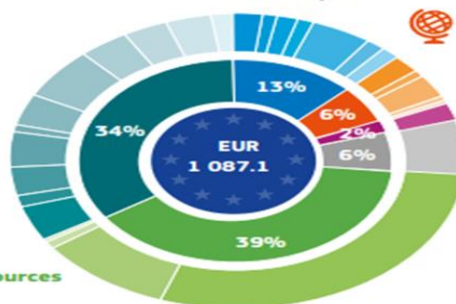


Security and citizenship EUR 17.7

- Migration and home affairs
- Health and food safety
- Culture
- Justice



Administration EUR 69.6



Note: Commitments; adjusted for 2018.

Source: European Commission, Reflection Paper on the future of EU finances, 2017.

From a budgetary point of view, the constant pressure on the "security and citizenship" heading, caused by the refugee crisis (and fears of terrorism), showed that the allocations and the margin available under heading 3 were decidedly insufficient to meet the necessary needs (A. D'Alfonso, 2014). For this reason, the EU has had to make extensive use of the provisions on the flexibility of the MFF, with additional resources that have increased the initial 2014/2020 appropriations of various instruments, with significant increases for the Asylum, Migration and Integration Fund (AMIF), the European border and coast guard agency (Frontex) and the European asylum support office (EASO). Although the influx of asylum seekers then decreased by about 40% in 2017, it remained well above the numbers for the 2008/2012 period, and this suggests that these flows will remain significant in the coming years.

MFF 2021-2027

In formulating the proposal for the new 2021/2027 budget, the European Commission was clearly influenced by the profound migration crisis that began in 2015. The areas of intervention relating to asylum, migration and borders have been more focused (A. D'Alfonso, 2019) and, among the many priorities, there is that of ensuring adequate levels of flexible resources for the external dimension of migration policy.

Over the next few months, the MFF 2021/2027 envisaged by the Commission, which includes commitments for 1,134.5 billion euros (2018 prices) and a 27-state EU, will be the subject of long and hard-fought negotiations by individual states. The quantities of money, the possible allocation for migration, as well as the governance and coordination provisions will be sensitive elements in these negotiations. As for the expected shortage of EU resources due to the United Kingdom's exit from the Union (Brexit), the intention is to finance new priorities partly through cuts to existing instruments and partly by mobilizing new resources. In discussions relating to the next long-term EU budget, suggestions were made to create a financial instrument or a flow of funds specifically allocated to tackle migration and more closely combine the internal and external dimensions (*ibidem*).

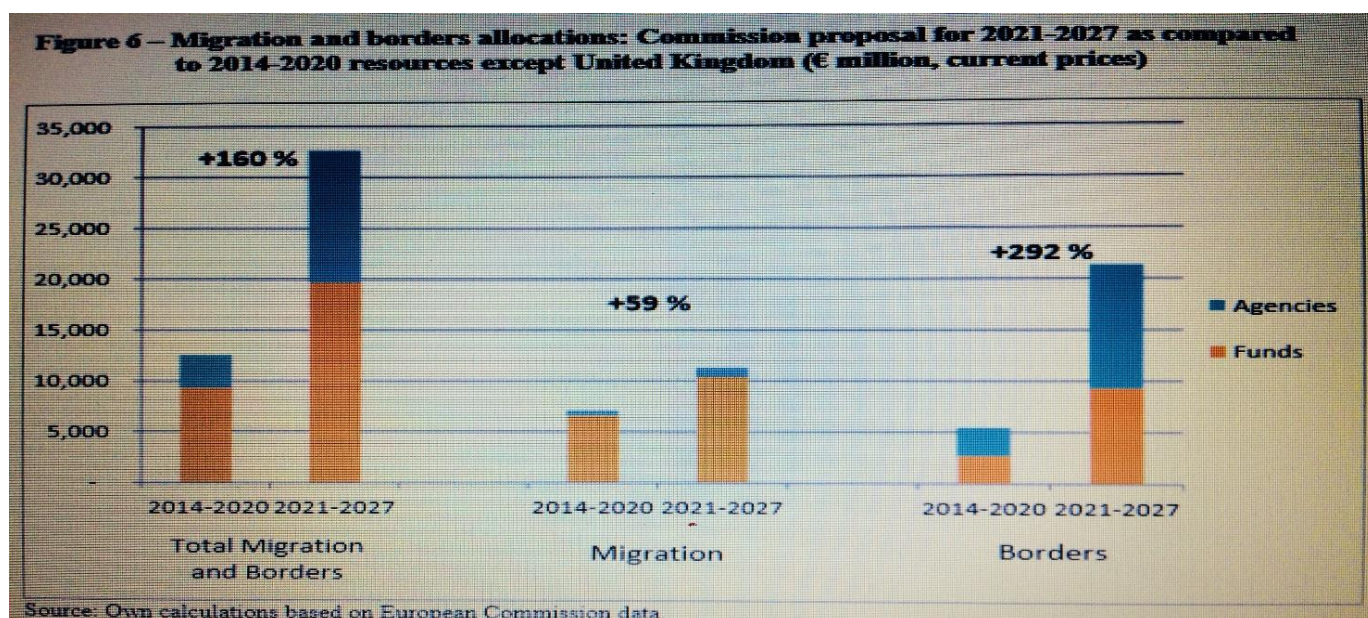
The key resources for migration fall into three different categories:

- Heading IV on migration and border management, which includes proposals for the Asylum and Migration Fund and the Integrated Border Management Fund;
- Heading V on security and defense, which includes the proposal for the internal security fund;
- Heading VI of the neighborhood and the world, which implies in particular the new neighborhood, development and international cooperation instrument (NDICI) in which migration, as an external dimension, is integrated.

The European Commission's proposal to establish a specific heading for "migration and border management" is a confirmation of the growing importance that these policies have acquired at EU level in recent years. It is still a limited but clearly growing chapter, with a significant increase compared to the previous budget (Hoper, 2018). In fact, the total amount proposed for heading IV on migration and border management is 34.9 billion euros, compared to 13 billion for the period 2014/2020. This is a response to "greater migration, mobility and security challenges, with more flexible funding tools to deal with unexpected migration events and border protection" (European Commission 2018). Specifically, the new heading IV would include both the decentralized EU agencies active in the political sectors, and those successors of the current funding programs and will be called Asylum and migration fund (AMF) and Integrated border management fund (IBFM). The allocations for these spending categories would be 2.6 times higher (+ 160%) than the QPF without the UK.



The increase is certainly important, but the way these 34.9 billion euros are allocated is a real revolution (Villa, 2018). Analyzing the sectors individually, both are expected to grow, but the increase is proportionally more significant for border management (+ 292%) rather than for asylum and migration (+ 59%). Basically, in the Commission proposal, heading IV would allocate 61% of its resources to border management and only 32% to migration, leaving the rest as a margin for unforeseen events. It should be noted that 56% of the resources in the field of external border control would be allocated to decentralized agencies, which reflects the Commission's intention to further strengthen the European Border and Coast Guard Agency and to develop a permanent body of 10,000 border guards by 2027. In contrast, in the field of migration, the new AMF funding program would get 92% of the appropriations and the remaining 8% would finance decentralized agencies. Analysis of the data suggests that border management, and in particular the European Border and Coast Guard, are clearly the winners of this proposal, with the greatest implementation of funding.



The uncontrolled migration flows have also brought to light the fragility in the management of the EU's external borders. One of the most important operational measures proposed in the European Agenda for Migration is the adoption of a new "hotspot approach" system for managing the massive influx of migrants. This system was conceived as an immediate response to a serious

migration crisis and had to be implemented in changing and very difficult circumstances. The "hotspot" was defined as "an area on the EU's external border affected by disproportionate migratory pressure." Most migrants enter the EU at these hotspots and, according to the Commission, this is where the EU needs to provide operational assistance to ensure that incoming migrants are properly registered and directed to the relevant national procedures for follow up. The funds and support for the establishment and operation of hotspots come from many different sources, including: the EU, EU agencies, national authorities, international organizations and NGOs. EU funds including support for the hotspot system are made available through their respective allocations from the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF).

In the next MFF 2021-2027, the European Commission therefore intends to address future challenges and problems related to the phenomenon of migration by adopting dedicated tools to try to achieve the right balance between strategy and long-term flexibility, as well as consistency and complementarity:

- The Asylum and migration fund (AMF) which should contribute to the efficient management of migration flows, with specific objectives such as strengthening the Common European Asylum System (CEAS), supporting legal migration to the member states, the fight against irregular migration and the effectiveness of return and readmission to third countries;
- The Integrated border management fund (IBMF) instrument for borders and visa should on the one hand support effective border management, and on the other contribute to the common visa policy;
- The Internal Security Fund (ISF), as part of heading V, to refine police and judicial cooperation against the exploitation of illegal immigration, crime and human trafficking.

The proposal under discussion says a lot about what the idea of the migration phenomenon is and how the European Union plans to tackle it. In this regard, there are numerous criticisms. Tsourdi (2017), analyzing the latest developments in the field of CEAS, states that the principle of solidarity remains guided by the emergency and that a fair sharing of responsibilities is not structurally integrated into the system contrary to what is required by Article 80 of the Treaty on the functioning of the European Union (TFEU). He then criticizes the fact that public spending on asylum, migration and borders is unevenly distributed across the EU. Furthermore, the geographical position and the Dublin rule that attribute the responsibility for asylum applications mainly to the first country of entry into the EU are factors that can play a role in this imbalance. Considering that both AMF and IBMF should stimulate global European migration and asylum policy, the European Economic and Social Committee (EESC) regrets the absence of any mention of regular migration channels to the EU and qualifies the removal of the word Integration from the AMF name as a concern. Most economic actions for the inclusion of new arrivals, however, are moved to the larger chapter of cohesion. The previous AMIF regulation required that at least 20% of the funds be allocated to asylum and another 20% to integration, the new proposed AMF does not present these obligations for reasons of flexibility and efficiency. This "creates the risk that EU funding will be implemented based on the political priorities of individual Member States rather than on the

Union's priorities (Westerby, 2018). Another note concerns regular migration which is not taken into consideration (Villa, 2018). While it is the responsibility of the States, it is significant that no relevant proposals or funds are made in the new MFF.

Finally, the AMF offers the possibility for third countries to be directly beneficiaries of the national programs of the EU member states (Westerby, 2018). For some EU Member States, the possibility of providing incentives to third countries to accept and reintegrate returnees, in addition to resource infrastructure and other measures to combat irregular migration, seems particularly important. However, given that partner countries with which EU Member States have migration-related interests include those with human rights precedents, the actions funded by the AMF in this area will have to be consistent with external actions and objectives to basis of EU foreign policy. To ensure this cohesion, it is extremely important to clarify the management and transparency provisions.

Trust Funds and the external dimension

Since 2015, the EU's approach to the external action dimension of migration policy has been geared towards seeking a greater level of cooperation with third countries of origin and transit than the objective of reducing irregular flows. To respond to different needs, the EU budget has therefore been complemented by a series of new instruments and institutions, some of which are located outside the EU budget and not governed by the same rules. Adopted in the European Agenda for Migration, the Trust Fund is today the operational arm with which the European Union is trying to promote a new system of agreements with the aim of obtaining greater collaboration by local governments in controlling migration flows through the financing of development programs (both in the countries of origin and transit) and through the strengthening of the police force along all the states affected by the routes that lead to Europe. This extension of the financial architecture has allowed the Union to mobilize additional funding, but has added an additional level of complexity to the EU's finances. In this context, both the European Emergency Trust Fund for Africa and the Refugee Fund in Turkey are considered.

The EUTF was presented by the European Union to the Valletta summit on migration in November 2015, in the presence of the heads of state and government of the countries of the European Union and the main African countries involved in migration flows. Born with the aim of tackling "the root causes of irregular immigration and the displacement of people in Africa by promoting economic opportunities and strengthening security", the Trust Fund (4.8 billion) has become a key instrument of European policy in Africa. The 24 African beneficiary countries, that is three more than when the fund was launched, are 13 in the Sahel and Lake Chad region, nine in the Horn of Africa, and five in North Africa.

The Refugee Fund in Turkey, on the other hand, is an integral part of the so-called EU-Turkey Declaration of March 2016. On the one hand, the agreement provides for greater collaboration of the Turkish authorities in fighting migrant smuggling and a return program for migrants irregular in Turkey, on the other, the resettlement of a part of the Syrian asylum seekers in the European Union and an initial economic support of 3 billion for 2016-2017 for refugees in Turkey and the Turkish

local communities that welcomed them. On 29 June 2018, EU Member States reached an agreement on how to finance an additional € 3 billion earmarked for the EU Facility for Refugees in Turkey in order to support Syrian refugees. The feeling is that the European States want to continue pursuing their short-term interests, focusing on the containment of flows and returns (or, even better, on voluntary returns) and that the Trust fund is the most functional for this purpose.

As a digression but complementary to the exhaustive illustration of the MFF made by Andrea Nobile, let me add a few remarks on a side topic:

The ACP-EU Migration Action

Should there be need for confirmation of the trends described so far, what has happened to another EU operational tool is exemplary. Below is an abstract from the contribution of Giuseppe Cannata to Chapter 10.²¹⁰

The EU established in 2014, under the Cotonou Agreement, the ACP-EU Migration Action, for implementation by the International Organization for Migration, as a concrete instrument to provide support in the areas of Remittances, Visa, Readmission and Trafficking in Human Beings-THB-. The working mechanism of the ACP-EU Migration Action was based on the provision of technical assistance to the requests of ACP governments, regional organisation and even non-state actors based in an ACP country. It became operational in January 2015 and was funded by the 11th EDF -2014-2020 (which allocated EUR 30,506 billion for EU cooperation with third countries), while its practical implementation was delegated to the International Organization for Migration (IOM).

Between 2014 and 2019, the Migration Action delivered 62 technical assistance interventions and funded 15 projects run by non-state actors. These interventions range from capacity-building, to support in legislation reviews, from policy analysis to broader studies and data collection. Though being implemented in all ACP countries, a large part of the activities carried out under ACP-EU Migration Action more than a half are focused on the African region, given its strategic importance for migration flows towards Europe. Nevertheless, the number of intervention in the different areas of strategic interest varied a lot, reproducing the overall mechanisms of ACP-EU cooperation/confrontation in the field of migration. As shown by Table 1, the main area of intervention was that of Trafficking in Human Beings-THB- and smuggling of migrants, which a main concern of the EU is. The way in which the ACP-EU Migration Action addressed THB and smuggling of migrants is based on the diverse levels of development of the issue in the ACP macro regions, being more oriented towards data collection in the Pacific countries, while focusing on capacity building and training of migration officials and authority in Western and Southern Africa (IOM 2019, 102).

On the contrary, cooperation on readmissions was limited to four interventions, two in the Caribbean, aiming at the review of existing legislation, and two in Africa, based mainly on capacity-building, one of which with Cape Verde, which was already signatory to the Mobility Partnership in

²¹⁰ Giuseppe Cannata, Framing migration in the ACP-EU Comprehensive Partnership: Looking Towards the Post-2020 Cotonou Agreement

2008 (IOM 2019, 130). The limited number and scope of interventions in the domain of readmissions reflects the contested nature of this issue and the lack of interest on behalf of ACP countries. In both the two other areas of strategic interest, remittances²¹¹ and visas, the ACP-EU Migration Action intervened with a great deal of policy analyses aiming at improving the capacity and performance of local government and authorities, in some cases also focusing on supporting legislation reviews, for example of the national or regional visa systems.

Technical assistance intervention under ACP-EU Migration Action (2014-2019)

Areas of Strategic Interest	Visa	Remittances	Readmissions	THB and Smuggling of Migrants
Legislation Review	4	3	2	3
Policy Analysis	9	8		2
Regional Partnerships ²¹²	3			
Capacity-Building		2	2	11
Studies		5		7
	16	18	4	23

Table 1. Elaboration on data from IOM (2019).

Based on the above considerations and on the new focus on border management and containment it is no surprise, therefore, that when the Action project expired in 2019 it was not renewed.

Conclusion

Reverting to the contribution by Andrea Nobile, “the signal that comes from this draft budget is clear: the European fortress setting does not change. Moreover, it could not be otherwise, given all the times in which member states have rejected the Commission's solidarity proposals, such as the last one on relocations (Villa, 2018). In fact, the fear is that behind a politically correct expression, such as improving flow management, there is only the will to reduce arrivals on European soil. And that these figures become, from now on, the only yardstick of any political choice (Hoper, 2018). Indeed, the Jacques Delors Institute believes that the budget proposals reflect the current emphasis on border management rather than asylum and integration. The Scottish Center on European Relations further notes that the different political needs and interests of the Member States regarding migration make joint action difficult. However, it believes that the EU's approach should instead be less defensive and more strategic, in order to increase the effectiveness of the response to long-term irregular migration. Some scholars suggest that for the next MFF, 2021/2027, the funding allocation keys should reflect the most recent migration data. Furthermore, it is very important to take into account that migration models could change during the next Multiannual Financial Framework and therefore it would be wrong to set a fixed key for the entire duration, rather it is more adherent to reality the adoption of a formula that updates the keys every year.”

²¹¹ Since 2016 the author of this handbook implemented field reviews of remittances' flows and related issues in Mali, Cameroun, Gabon and Rwanda and in members of the Economic Community of Central African States-ECCAS.

²¹² The term refers to support an establishment of policy frameworks and standard operating procedures for regional cooperation.

Summary Chapter 12

Europe's growing focus is on Returns. Still, overall irregular border crossings to EU member states have dramatically decreased since Europe detected 1.82 million illegal external border crossings, in 2015. Africans make up a small minority of asylum claims in the EU per year. Their claims are far exceeded by those of other nationals including Syrians, Afghans, Iraqis, Pakistanis, Turks, Iranians and more recently Venezuelans and Colombians. Far more Africans are using the Eastern Routes to get to the Middle East and Gulf via Yemen. In 2019 alone, 138 000 Africans used the treacherous Eastern Route; between 2006 and 2016, over 800 000 African migrants and refugees crossed to Yemen. Accepting returns is politically difficult for many African countries. Cooperating with EU members on forced returns can hurt the legitimacy of governments.

The pact is full of worrying signs from the perspective of asylum seekers' and refugees' rights. It discusses the need for a "swift return procedure" and "reinforced external borders," and it plans to "build on the hotspot approach," which has led to "fundamental rights challenges" where it has been implemented."²¹³ An upgraded Eurodac is intended to help tracking unauthorized movements, tackle irregular migration and improve return. There is new thinking. For example, on the issue of finding employment in the EU without the required legal status, which is one of the drivers for smuggling to the EU, the Commission will work with the European Labour Authority to coordinate the efforts of the national authorities and ensure the efficient implementation of the Directive, which is indispensable to deter irregular migration by ensuring effective prohibition of the employment of irregularly staying third-country nationals. Furthermore, the Commission recognizes that the rhetoric of addressing the root causes of migration needs to be qualified with new research on the relation between income and migration flows. Legal migration paths and mobility partnerships schemes are also part of this new thinking.

The criticisms expressed invariably point out to the fact that with the new Pact the EU would keep re-orienting migration policies to bundle returns to development funding, within the rhetoric of addressing the "root causes" of migration. In addition to development assistance, other policy issues such as trade concessions, education, agriculture, and visa facilitation for third-country nationals would be linked to those countries' willingness to cooperate on migration management. The pact suggests the possibility of "restrictive visa measures" to third countries unwilling to be cooperative. The New Pact on Migration and Asylum represents the next stage in the evolution from crisis to containment. However, the criticisms expressed fails to reckon the political difficulties within the EU and the difficult path that the EU Commission has followed to arrive to the proposed Pact. The negotiations with member states, if and when the COVID 19 pandemics is brought into relatively speaking acceptable control, will be riddled with such obstacles and difficulties. The fact is that although some member states have been more explicit than others in advocating a Fortress Europe, the perception of migration as a threat, however, is part of the political discourse throughout the continent. Several European leaders, not necessarily those from the far right side of the political spectrum, regularly make statements addressed to their public

²¹³ The Global Compact on Refugees and the EU's New Pact on Migration and Asylum: The ripples of responsibility-sharing, Forum on the new EU Pact on Migration and Asylum in light of the UN GCR,23 September 2020

opinion whereby refugees are to be welcome and deserve assistance, they are our brothers, whilst there is no room for economic migrants that, as we know, represent the vast majority of the migratory flows.

The approaches and policies envisaged in the EU Pact seem to be mirrored by the resources allocations in the next Multiannual Financial Framework-MFF- related to the new Cotonou Agreement. The allocations hardly match the rhetoric of a holistic approach to migration within the 10% target for migration-related actions proposed in the Neighborhood, Development and International Cooperation Instrument.

The key resources for migration fall into three different categories:

- Heading IV on migration and border management, which includes proposals for the Asylum and Migration Fund and the Integrated Border Management Fund;
- Heading V on security and defense, which includes the proposal for the internal security fund;
- Heading VI of the neighborhood and the world, which implies in particular the new neighborhood, development and international cooperation instrument (NDICI) in which migration, as an external dimension, is integrated.

The total amount proposed for heading IV on migration and border management is 34.9 billion euros, compared to 13 billion for the period 2014/2020. Heading IV would allocate 61% of its resources to border management and only 32% to migration, leaving the rest as a margin for unforeseen events. 56% of the resources in the field of external border control would be allocated to decentralized agencies, (European Border and Coast Guard Agency and to develop a permanent body of 10,000 border guards). Border management, and in particular the European Border and Coast Guard, are clearly the winners of this proposal, with the greatest implementation of funding.

The EUTF (4.8 billion) with the aim of tackling "the root causes of irregular immigration and the displacement of people in Africa by promoting economic opportunities and strengthening security", has become a key instrument of European policy in Africa. Of the 24 African beneficiary countries, that is three more than when the fund was launched, are 13 in the Sahel and Lake Chad region, nine in the Horn of Africa, and five in North Africa. Regarding the Refugee Fund in Turkey of 29 June 2018, EU Member States reached an agreement on how to finance an additional € 3 billion earmarked for the EU Facility for Refugees in Turkey in order to support Syrian refugees. The feeling is that the European States want to continue pursuing their short-term interests, focusing on the containment of flows and returns (or, even better, on voluntary returns) and that the Trust fund is the most functional for this purpose.

Key Terms

Returns	Swift return procedure	Reinforced external borders
Eurodac	Root causes' of migration	Externalization Visa
Containment of migration	Fortress Europe	Multiannual Financial Framework 2020-2027
Neighborhood, Development and International Cooperation Instrument		

Migration and border management
Management Fund

Migration Fund and the Integrated Border
EU trust Fund on Africa Refugee Fund in Turkey

Chapter 13 New thinking, skills matching programs and the need to refocus aid

As I said in my *critique* to the criticism made by observers on the proposed EU Compact, it should be acknowledged that new ideas were put officially by the Commission in September 2020 on the negotiating table with member states. Take for example the issue of skills matching programme. Tsion Tadesse Abebe, and Aimée-Noël Mbiyozo in their critical contribution cited in Chapter 12,²¹⁴ mentioned that “expanding immigration and humanitarian pathways has shown to successfully slow irregular migration when combined with strong enforcement measures, but the EU has moved away from these proposals.” The reference was to such programs as the Braceros, between Mexico and the USA that was illustrated in Chapter 6. Still, it is fair to acknowledge that in the proposed EU Pact, Section 6.6, legal pathways, the Commission recalls the EU track record in labour mobility schemes, namely projects with Egypt, Morocco, Tunisia, Nigeria and Senegal. These sections of the EU pact are also referring to boosting the capacity of third countries to manage migration and support reintegration in line for example with the Global Skills Partnerships. This is new thinking which is being introduced in the political debate in Europe although not a new topic for practitioners and the Commission’s technical offices. The time is therefore ripe to take a look of such schemes.

In recent years, Clemens and Gough have published research that have influenced in a significant manner the debate on a number of crucial issues related to migration and development. First, they recalled such programs as the Braceros and suggested that they be considered for Europe²¹⁵. Clemens and Postel have also investigated the relationships between economic development and migration and between development aid and economic and social development.²¹⁶ In connection with the adoption of the UN Global Compact on Orderly and Safe Migration, between 2015 and 2018 Clemens and Gough also authored articles and publications for a Global Skills Partnership.²¹⁷ Notably, their findings have clearly influenced both the proposals from the Commission and the critical voices. In the text of the proposed Compact on Migration and Asylum, for example, the Skills Mobility Partnerships are mentioned.

Mismatch in priority occupations in the EU

Before illustrating the Skills partnership proposed by Clemens and Gough as well other such schemes, it may be of help defining the concept of skills mismatch in priority occupations (MPOs). As defined in the new European Skills Agenda of 2016, MPOs are those for which a critical shortage, or surplus, has important implications for the national economy (including strategic sectors) and for education and training. Across the EU, MPOs for which there are skill shortages are a mix of regulated and non-regulated professional and associate professional occupations at higher skill levels. The top five mismatch priority jobs are ICT professionals, medical doctors, science, technology, engineering and mathematics (STEM) professionals, nurses and midwives, and teachers. MPOs at intermediate and low skill level with shortages, we can find cooks, welders and truck drivers. Surplus MPOs in the EU include building and related trade workers, laborers in

²¹⁴ Tsion Tadesse Abebe, Senior Researcher; and Aimée-Noël Mbiyozo, Senior Researcher, Migration Programme, Institute for Security Studies (ISS), 11 December 2020

²¹⁵ Can Regular Migration Channels Reduce Irregular Migration? Lessons for Europe from the United States, Michael Clemens and Kate Gough, February 2018

²¹⁶ Ibid

²¹⁷ See for example: Global Skill Partnerships: A Proposal for Technical Training in a Mobile World, 2017

mining, construction, manufacturing and transport, plant and machine operators, elementary occupations, secretaries and keyboard operators and social and religious professionals.²¹⁸

The two boxes below give an indication of jobs in demand in Europe and jobs in surplus in Europe²¹⁹

Jobs in Demand in Europe
categories

- Cooks
- Plumbers
- medical doctors
- Molders
- Truck drivers
- Skilled workers in metal industry
- Nurses
- Software development
- Mechanics (agriculture & industry vehicles)
- Cleaning

Jobs in surplus in Europe
categories

- Employees
- Shop attendants
- Marketing
- Bank employees
- Sociologists
- Children care
- Hairdressers
- Journalists
- Tellers, cashiers
- packaging
- Great lack of cooks in 16 European employment centers

²¹⁸ https://skillspanorama.cedefop.europa.eu/en/analytical_highlights/italy-mismatch-priority-occupations (08.05.2020)

²¹⁹ *ibid*

The case of surpluses, shortages, mismatch occupations and bottleneck vacancies is a very individual issue, depending on the country. For example, Europe's ageing population causes shortage for healthcare professionals and teachers. This may be due to several reasons, for example, countries are unable to educate and sustain the health workforce that would improve people's chances of survival and their well-being. Unfortunately, this has been dramatically felt during the pandemic of COVID19. Other reasons include unattractive working conditions such as stressful working environments and negative real wage growth, discouraging young people from work from seeking jobs in this sector. Below is a description according to ISCO.²²⁰

Top 20 bottleneck vacancies at ISCO 4-digit level European level

Rank	Specific Occupation	Number of countries reporting bottleneck vacancy
1	Cooks	17
2	Metal working machine tool setters and operators	9
3	Shop sales assistants	6
4	Nursing professionals	10
5	Heavy truck and lorry drivers	8
6	Welders and flamecutters	10
7	Mechanical engineers	9
8	Software developers	9
9	Specialist medical practitioners	10
10	Carpenters and joiners	11
11	Commercial sales representatives	6
12	Electrical engineers	8
13	Waiters	7
14	Civil engineers	6
15	Systems analysts	7
16	Primary school teachers	6
17	Plumbers and pipe fitters	8
18	Accountants	7
19	Building and related electricians	6
20	Health care assistants	3

Some companies, such as Microsoft and Fujitsu, have created thousands of jobs in some of the countries which have particularly dire unemployment rates, creating a beacon of hope. However, some industries such as information technology, face a deficit of qualified workers in the local unemployed work force, and have to hire workers from abroad instead of helping decrease the local unemployment rates. This skills mismatch has no quick solution, as workers require time for retraining to fill the openings in the growing science-, technology-, or engineering-based jobs, and too few students choose degrees that would help them obtain these positions.

²²⁰ International Standard Classification of Occupations (ILO)

You will recall that in Chapter 4, on the Political economy of migration, alternative views were presented, namely those who consider migrants necessary and those who cast serious doubts on the absorption capacity of European economies except for caregivers. Chapter 4 also addressed the issue of “Selective” immigration policies whereby each European country so far has received the immigrant workers that its labour market requires and to fill peculiar shortages. In particular, the great demand for highly skilled labour explains why such countries as Ireland and the United Kingdom implemented an immigration policy targeted at favoring the entry of highly educated workers (nurses and doctors from English speaking former colonies) and seeking to close their doors to poorly educated migrants.

In contrast, due to a great demand for low-skilled labour Italy and Spain have had a policy of “benign neglect” towards unauthorized immigration. This because migrants who enter through the “back door” are much more prone to take bad or low paid jobs. The policy by Ireland and the UK is normally called “selective” because the immigrant workers were explicitly selected according to needs for highly skilled labour. However, even the policy by Spain and Italy de facto implemented a selection process in favor of cheap low skilled workers, although these types of workers are employed in farming activities throughout Europe.

Both these opposing policies, selective versus benign neglect, meet only short-term needs and can present serious contradictions in the long run. On the one hand, the selective immigration policy overlooks the fact that, for the demographic reasons indicated earlier, in the long run all European countries also need migrants who are willing to fill low-skilled jobs, which do not decrease and even grow in such sectors as personal services. On the other hand, a policy that fails to attract highly educated immigrants relinquishes the advantages that in the long run fresh high-level human capital can bring to its economic and social development.²²¹ In Chapter 12 we have also seen that the proposed EU Compact on Migration and Asylum tries to reckon the need for selective immigration policies and not to lose the global competition to attract skills

Against the above backdrop, the issue to be addressed is whether migration policies can address present and future mismatches in the European labour market through ad hoc schemes. The issue is serious and needs extensive research and policies in the years to come. Let’s turn now to schemes that can address such issues.

Skills Mobility Partnerships

Traditional approaches to skilled migration tend to benefit labour markets and employers in destination countries, with risks of brain drain in developing countries and as we have seen in the chapter on circular migration, with migrants in low-skilled occupations at risk of deskilling, and working under exploitative conditions. Researchers and policymakers have been looking for all-party-benefiting alternatives. Skills Mobility Partnerships (SMPs) are rooted in Sustainable Development Goal 4, 8 and 10 and expressly called for in Objective 18 of the Global Compact for Migration and in the proposed EU Compact on Migration and Asylum (section 6). SMPs should help destination countries meet skill shortages and labour market needs, improve migrant’s skills

²²¹ Emilio Reyneri, Needed but not wanted, cit

sets, and their career prospects, and not least contribute to country of origins' development through remittances, capacity building and skills transfer.²²²

IOM together with the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the International Organization of Employers and the International Trade Union Confederation, has instituted the Global Skills Partnership for Migration (GSPM). In their common definition, SMPs are typically bilateral or multilateral agreements concluded between States.²²³ Although they may vary in form, modality and level of stakeholder involvement, they all place skills development at the heart of their efforts. All SMPs need to possess the following five components: a formalized State cooperation, multi-stakeholder involvement, training, skills recognition and migration/mobility.

Based on the UN's institutional frameworks and guided by the principle of migrants' well-being, IOM has identified eight essential prerequisites which must be met to make Skills Mobility Partnerships operational and sustainable: Long- and mid-term planning, Multi-stakeholder approach and policy coherence; Data for evidence-based policy; Local development and job creation, Skills classification and recognition at national level and beyond; Address the social aspects of employment and mobility, Incorporate migration considerations; Cost reduction and sharing. An example is the partnership between Morocco and Belgium to address the prevailing shortage of skills in their respective ICT sectors. Another example is the European Commission's 2018 legal migration pilot project with four African countries (Egypt, Morocco, Nigeria and Tunisia) and five EU countries (Belgium, France, Germany, Lithuania and Spain) participating in this pilot project that focuses on expanding legal employment possibilities for African migrants through cooperation. GLOPEM 2021 students will also focus on these examples.

A Global Skills Compact

In 2015 and in subsequent years, well before the UN Compact on Safe and Orderly Migration of 2018, Michael Clemens launched the idea of a Global Skill Partnerships²²⁴ whereby the focus was on health workers, nurses. In this proposal, the country of origin provides the training and gets financial support from the future destination country including for the training of people who do not intend to migrate, thereby increasing its own human capital. It is worth taking a detailed look at this proposal which is about bilateral public-private partnership to link skill creation and skill mobility in a mutually beneficial and equitably way. Below are some abstract from his publication.

"In this proposal, countries of migrant origin and destination agree ex ante on who will bear the costs of training skilled migrants, and allow a small portion of the large economic gains from skill mobility to foster skill creation in origin countries. The starting point is that there are very large gaps in the price of nursing services between migrant-origin countries and destination countries. Nursing services may be worth 5–8 times as much, say, in Western Europe as in parts of North Africa. For example, the gap in prices-wages for nursing in Moldova is euro 200 while in Germany it is euro 2,800. The second opportunity lies in the fact that the cost of nurse training at

²²²From IOM, ILO, Skills Compacts, 2018

²²³ Ibid

²²⁴ Michael Clemens, Global Skill Partnerships: a proposal for technical training in a mobile world, 2015

the migrant's origin country is a small fraction of the cost at the destination. It may cost at least 5–8 times to train a skilled health worker in Western Europe as it costs in North Africa, something like Euro 18,000 compared to over 100,000. Skilled migration can thus create enormous economic value. Global Skill Partnerships should share that value in a way that origins, destinations, and migrants can agree to.”

In the example made by Clemens there may be two types of nursing shortage or imbalances:

“First: Many low-income countries lack the nurses to provide basic coverage to their populations. While Western European countries typically have around 10 nurses per 1,000 population, their neighbours across the Mediterranean have far fewer. There are 3.3 nurses per 1,000 population in Tunisia, 2.0 in Algeria, and 0.9 in Morocco (WHO 2014). Just in these three North African countries, it would take tens of thousands of additional nurses to universally reach basic staffing levels recommended by the World Health Organization, and hundreds of thousands to meet Western European staffing levels. Similarly, Verboom et al. (2006) estimate that by 2025, India will confront a shortage of 740,000 nurses, while the shortage in sub-Saharan Africa will be well over 1 million.

Second: Imbalances in labour health market in developed countries. In Europe as well as in North America the demand is much higher than trained staff available. For example, according to WHO there is an estimated Shortages over a million in USA, 600,000 EU, 100,000 Canada, and Australia. The responses may be to provide funding to private institutions for training but population age and decrease entails, as we have seen in previous chapters, a decreasing tax base and increasing costs in health and this has led to medical tourism in Europe. It has also been observed that in recent years trained doctors and nurses from English speaking Africa and health staff from the Balkans have come to work in Europe. In the USA, 7% registered nurses and 25% of physicians have been trained abroad and Germany, Japan are attracting health staff too. Employment-based migration is controversial everywhere and the so called nurse migration, carries a number of risks. The first one, intuitively, is brain drain. The second is that this type of migration depletes public coffers in the countries that migrants leave. In other words, the training costs that the country has borne during the years is lost. It clearly entails an issue of Justice when tens of thousands of dollars in public subsidies are lost each time a registered nurse emigrates from Kenya or Malawi.”²²⁵

In this area, there is therefore a stalemate, whereby rich countries pressure to raise skilled migration in response to local shortages and demographic forces but at the same time there is pressure to limit skilled migration because of development impacts in the country of origin. In the EU proposed Compact on Migration and Asylum, the skilled migration schemes, if they are really implemented, would certainly carry such risks. In the reasoning of Clemens and Postel,²²⁶ there are four possible approaches to limit the development impact of nurse migration.

²²⁵ A Tool to Implement the Global Compact for Migration: Ten Key Steps for Building Global Skill Partnerships, Michael A. Clemens and Kate Gough 2018

²²⁶ *ibid*

“One would be limiting migration, in other words legally preventing migrants from working, and making the work of international recruiters of skilled workers unethical or even criminal. The problem with this approach is that blocking skilled migration may not address skill shortages in both origin and destination countries. Moreover, bans on recruitment would run against the United Nations Universal Declaration of Human Rights of 1948 which ensures the unqualified right to leave any country in any moment.

The second approach to limit brain drain could be to offer compensation payments after migration cash from destination countries or migrating workers. Regarding this approach Clemens and Postel identified the problems to be overcome. “Compensation are difficult to calculate given that many skilled workers provide substantial service prior to migration. African-trained physicians in the United States and Canada typically practiced in their home country for over seven years, on average, before departure (Clemens 2011). It is unclear that the cost of basic education should be included, as Mills et al. (2011) suggest it should be, since most origin countries consider basic education a right that is not contingent on subsequent movement. Destination countries’ priorities for human capital subsidies in origin countries might differ from origin countries’ own priorities, making compensation payments politically vulnerable (Clemens 2009). And aid flows are substantially fungible (e.g. Pack and Pack 2009), so even aid earmarked for human capital creation may not cause more human capital to be created.”

A third approach to the problem would be to undertake domestic efficiency measures. In developed countries by empowering qualified lower-level health workers to do more for patients. In low-income countries, there are likewise many ways to improve the effectiveness of skilled workers who choose not to migrate. In the health sector this can imply meaningful incentives to provide primary care in slums and rural areas; focusing training efforts on prevention and basic primary care rather than higher-level tertiary care; giving providers the medicines and tools they need to practice effectively; and dismantling domestic barriers to independent practice by well-trained nurses.

Finally, a fourth approach to brain drain could be to oblige return migration. Brazil, China and others pay for students’ limited study stay abroad, in exchange for a commitment of service in the home country, for a few years. The problem is that most probably only small fractions of migrants take up the offer unless there are big incentives like in Taiwan of guaranteed high pay jobs upon returns. Overall, these are long term problems. Skill shortages in many destination countries are long-term, the demographic transition will not soon reverse course in Germany and Japan.”²²⁷

Therefore, a new approach would be needed, linking skill creation to skill mobility rationale. In the words of Clemens and Gough²²⁸: “The heart of a Global Skill Partnership is a pre-migration agreement between two countries. The governments and any private-sector partners agree on who at the destination will help finance migrants’ training, what portion of training will

²²⁷ Ibid

²²⁸ Ibid

occur at the origin and to what standard, who will offer employment at the destination under what conditions, and how the benefits of skilled migration will support training for non-migrants. The agreement shapes the financing for training skilled migrants in such a way that it creates, rather than depletes, human capital in the origin country. At the same time it meets the needs of the destination country while opening opportunities for migrants.”²²⁹

The Skills partnerships at work

In the example of health workers, there would be a Two-track technical school for nurses, or for maritime workers or other jobs.

1. The “Away” track would be to train students who are willing to work abroad, in a developed country, permanently or temporarily
2. The “Home” track would be for students to be trained to work in related jobs inside the country of training

Training for ‘away’ students could be financed either by destination-country employers or governments, or by graduates’ future earnings through a form of migration-contingent student loan or some mix of these.

Skills compacts may therefore represent engines of skill creation at the origin and destination. In the examples made by the two authors quoted above, “monthly wages of professional nurses are approximately Euro 400-500 in Morocco and Tunisia. Foreign-trained nurses can start at US\$2,500–3,000 per month and soon progress to \$4,000 in Germany and France. This means that the mobility of nursing services from North Africa to Europe creates enormous economic value, like all movements of goods and services across an arbitrage opportunity. At the same time, the cost of nurse training in North Africa is a small fraction of the cost in Europe. A full three-year course of training in professional nursing can be had in the largest urban centres of Morocco and Tunisia for less than US\$14,000 total. In smaller cities the cost can be considerably less. The full cost of training a professional nurse in Germany or the United Kingdom falls in the range is US\$80,000–US\$100,000.” Savings made in the training of nurses in the low costs countries may be used to cover the cost of both the “Away” and “Home” training tracks.”

The positive aspects of Two Track students’ training would be numerous. Training for migrants would cost origin-country taxpayers little or nothing. Subsidizing the creation of professionals in the home country (the ‘home’ track), would reduce fears of ‘brain drain’. Why would students choose the domestic track? For a range of professional reasons. Contrary to what is commonly believed, even in very low-income countries, many health professionals do not wish to migrate. Surveys²³⁰ made among nurses, doctors, and pharmacists in Cameroon, Ghana, Senegal, South Africa, Uganda, and Zimbabwe showed that 51% of respondents have no intention of emigrating. One third of Tunisians and Egyptians have no intention of emigrating, as well as about two fifths of Albanians and two thirds of Moldovans. Large numbers of skilled workers in general, and health workers in particular, are interested in training and working in their countries of origin.

²²⁹ A. Clemens and Kate Gough, cit.

²³⁰ Clemens and Gough, cit

“Bilateral public-private partnership would be needed to link skill creation and skill mobility in a mutually beneficial and equitably way to design elements and lessons from related initiatives. Contracts should be spelling out the obligations of each party, there should be reliable payment systems, secure records, and a mutually-agreed division of the financial burden of training subsidies. Many private-sector programs mechanisms for overseas employers can finance pre-migration skill acquisition before the new hires. Training customization and quality control (systems for testing foreign-trained health professionals’ skills,) are necessary and the issue of recognition of foreign diplomas by EU member states needs to be addressed.”

The German Ministry for Economic Affairs financed pre-migration German-language training and nursing skills training for 100 Vietnamese young people in Vietnam, followed by an abbreviated two-year apprenticeship in geriatric nursing in Germany. The German pilot “Triple-Win Project, by GTZ²³¹, helps employers recruit qualified health workers from Serbia, Bosnia, the Philippines, and Tunisia. It includes professional training, language training, and integration assistance.

²³¹ The German Aid implement agency

Pilot Projects: The case of Germany. By Anel Ubina

“Triple Win” is a pilot project conducted by GIZ in conjunction with the Federal Labor Agency (Bundesagentur für Arbeit). Its goal is to attract experts from countries outside the European Union to Germany that are experiencing a general economic decline. While Germany lacks the average medical staff, there are more well-trained specialists than vacancies in other countries. Since 2013, the project has been training staff in clinics, hospitals and nursing homes in Germany. The name denotes three areas that benefit from this: firstly, specialists for whom new professional prospects are opening up. Secondly, medical institutions in Germany, which are receiving skilled labor. Thirdly, unemployment of nurses is declining in the countries of origin. The project is launched for candidates from four countries: Serbia, Bosnia and Herzegovina, the Philippines and Tunisia. About 2,000 junior and secondary paramedics were already attached to institutions in Germany as part of the Triple Win. 1300 people are currently preparing in their countries for life in Germany (GIZ, 2020). Triple Win only works with countries where there is an overabundance of well-trained nurses. Sonia Luciano of GIZ emphasizes: “We rely on the World Health Organization's code of conduct for the involvement of health workers. This ensures that there is no “brain drain” so that mediation in Germany does not have a shortage of orderlies in the countries of origin”. GIZ selects suitable candidates and place them in medical institutions in Germany.

A prerequisite is the passage of a three-year vocational training in patient care. In their countries of origin, women and men are prepared to work in Germany through language and integration courses. They are supported on visa issues, as well as during the familiarization on a new workplace. Participation in the project is free of charge and voluntary for the workers, given that the conditions for access to the labour market are met. Employers pay EUR 4,000 per recruited nurse plus travel expenses and, if necessary, expenses for having the qualifications recognized. Since the launch of the program, more than 160 healthcare organizations have taken advantage of the service. In over 70 percent of cases, the internship placement led to full-time employment. According to Federal Statistical Office these statistics, the number of annual applications for the recognition of credentials in the care sector has increased from approximately 1,500 in 2012 to around 11,500 in 2018. Overall, 36,400 international professional qualifications had been recognized by German authorities in 2018 with 28.5 percent of them being nurses. The number of international nurses in Germany nearly doubled from 5,600 in 2016 to 10,350 in 2018 (Federal Statistical Office, 2020). As it has been mentioned above the qualification of nurses from Bosnia and Herzegovina, Serbia, and the Philippines are the most frequently recognized. Starting from 2014 between 1000 and 2000 care workers started to come from Albania. Despite a number of apparent advantages of the project, there is a negative flipside. So, the main obstacle is that this kind of recruitment can lead to the exclusion of undesirable forms of migration.”

The example of nursing training is valid for other sectors, for example Shipping, Construction companies. In 2007, the Australia Pacific Technical College (APTC) was designed to offer Australia-recognized training qualifications for electricians, chefs, hospitality workers, and other skilled tradespersons. Employers are directly involved from the beginning and there is a network of five technical training campuses in the developing Pacific Island states of Vanuatu, Samoa, Fiji, Papua New Guinea, and the Solomon Islands.

The challenges to skills partnerships lie in the effective conclusion of bilateral agreements, ensuring workers’ protection and preserving the integrity of the ‘home’ track. Among other challenges: SMPs often suffer the effects of short-term policy vision and planning; employers tend to consider immediate needs and are not always ready to invest in future skills; sometimes the developmental impact of SMPs on the country of origin are relatively low; employers tend to consider immediate needs and are not always ready to invest in future skills; some SMPs are unsuccessful due to a lack of social considerations such as incorporating migrant’s aspirations;

Migration aspects such as existing migratory corridors and routes are often overlooked, making migrants reluctant to take advantage of SMP mobility schemes.

The need to refocus Aid

At the end of this Chapter 13 on new thinking and of this handbook, some attention needs to be given to the question about what is next. What could be done? What role for development aid?²³² In Chapter 1 the concept of migration hump and increased levels of migration going along with increased available households' income was explained. It was recalled that the issue was that today's rhetoric in Europe, among many politicians, is: "let's help them at home" or address the root causes of migration, i.e. poverty. The question was asked whether those proposing this approach, often used to justify measures to simply contrast economic migrants' arrivals in Europe, are aware that by helping poor countries to become middle income countries it will take a long time before migratory flows start decreasing, when economic development proceeds. In other words, my question was: are the "let's help them at home" supporters aware that migrants' flows will initially increase until they reach the US\$10,000 income level in the far future? Until now, they clearly are not.

It will be recalled that Clemens and Postel indicated that even if Aid has an impact, on **economic growth**, migration would start decreasing when the level of PPP\$10,000 is reached in the year **2198**. If the growth rate tripled, this process would still take until the year **2067**. Yet, to raise growth at least by 1 percentage point per year in the average recipient would require 10% of GDP in the foreign aid received: a much higher amount than the currently contemplated. Clemens and Postel also indicated that regression analysis in 167 countries has shown that migration from middle-income countries is usually much higher than from poor countries: in particular, middle income countries (US\$8,000-10,000 per capita income) have three times more migrants than countries earning \$2,000 or less. This suggests, in their analysis, that **economic development in low-income countries typically raises migration rather than deter it.**²³³

Nowadays, the seminal work of Clemens and Postel²³⁴ has influenced, for example, EU thinking in the Compact but it does not seem to have cast a doubt in the mind of those who say: "refugees are fine, we will welcome them (sic!) but economic migrants will be helped at home, in their country of origin." Several statements in this sense have been made by such various European leaders some of which went as far to say that: "refugees are my brothers but the others have to stay home." This type of reasoning simply does not reckon the fact that the numbers economic migrants are much higher than refugees. The problem will be economic migrants. Nevertheless, it is encouraging to see that the New Compact on Migration and Asylum proposed by the European Commission in September 2020 seems to recognize, albeit timidly and in a cursory manner, that things are not so straightforward when talking about root causes of migration.

²³² Can Development Assistance Deter Emigration? Michael A. Clemens and Hannah M. Postel, February 2018
Michael A. Clemens and Kate Gough

²³³ Clemens and Postel, can Aid deter Migration, cit

²³⁴ See also Michael A. Clemens, Center for Global Development and IZA; Hannah M. Postel, Princeton University, *Detering Emigration with Foreign Aid: An Overview of Evidence from Low-Income Countries*, CGD Policy Paper 119 February 2018.

Thus, what about Aid and cooperation with origin countries?

Following the 2015 migrant's crisis which was wreaking havoc in several European countries, development agencies received the mandate to deter migration from poor countries. In this regard, the European Union Trust Fund for Africa (EUTF for Africa) was established, as we have seen in Chapter 11, as a cornerstone of the European response to the recent influx of asylum-seekers from Africa and the Middle East. The underlying idea of the Trust Fund is to provide funding to facilitate return migration flows and build 'migration management' capacity in origin countries. In particular, the Fund focuses on four key policy areas: employment creation (specifically for women and youth); basic local-level service provision; migration management; and governance, especially as regards conflict prevention and including border management. Projects to address the root causes are not the main part of the funding and their impact is to be seen...

The fact is that migration-relevant aid seeks to achieve long-term economic growth, increased youth employment, conflict reduction, and improved human rights but it is debated whether official development aid has really promoted development. Some authors argue that not only Aid is not really determining economic development but it is part of the problem since it creates dependency from external financial and technical flows, thus governments are not pressured to make necessary reforms, for example in the fiscal-revenue system, by expanding the tax base to finance infrastructures. These are reforms that are not popular and by relying on external aid funds they are simply postponed by unwilling leaders. Quite often, red carpet issues, malpractices occur in the management of aid funds that in any case seldom reach the grassroots level. Dambisa Mojo, a Zambia economist, argues that it would be better for governments to responsibly rely on commercial borrowing so that they know that these funds have to be reimbursed and cannot be wasted.²³⁵ Thus, the question is: what is next?

The Seven Pillars of Wisdom in Managing Migration

Having arrived almost at the end of this handbook, the conclusions by Professor Attinà in his article published in 2018 seem still valid and offer a good recapitulation.²³⁶

"First, blocking the migrant entry does not address the causes of the pressure of migrants at the borders. Second, all-out restriction on immigration for the sake of blocking irregular migration does not fit to the need of low skill workers that affect important sectors of the European economies like the construction and extraction, the agriculture and fishery, and the care, cleaning and catering sector. Third, the all-out restriction of immigration violates the European principles of open society and inclusive democracy, and has negative influence on the civil values of the European citizens. Additionally, it damages the reputation of the EU and the MSs as defenders of humanitarian values, human rights and international law, and as partners of the international organizations and non-governmental organizations involved in migration management. Fourth, cooperation with countries of origin and transit for blocking migration is

²³⁵ Dead Aid: Why Aid Is Not Working and How There Is a Better Way for Africa (2009),

²³⁶ Fulvio Attinà, TACKLING THE MIGRANT WAVE: EU AS A SOURCE

AND A MANAGER OF CRISIS, Revista Española de Derecho Internacional Sección ESTUDIOS Vol. 70/2, julio-diciembre 2018

useful to a small extent since non-compliance by the governments of these countries is encouraged by the benefits these governments draw from allowing migration. Fifth, cooperation with the countries of last departure has an impact on the reputation of the EU and the MSs since it exposes them to the accusation of human rights violation in complicity with the partner governments that do not care about the rights of the migrants who are not their citizens. Sixth, the migration compact funds have a short-term humanitarian effect but a small or no effect at all on the development and take-off of the economy of the receiving country since these funds do not affect the structures of the world market and do not hit the existing economic, trade, and financial regimes that preserve the stratification of the national economies as the sixty-year long history of the aid to development demonstrates.”

Against this *realistic* backdrop, below are the implications that I myself want to put forward, based on the concepts and leading scholars’ findings illustrated in the course of the 13 chapters of this handbook. Paraphrasing the autobiographical account of the experiences of T. E. Lawrence, as a liaison officer with rebel forces during the Arab Revolt against the Ottoman Turks of 1916 to 1918, I like to call them half-jokingly “The Seven Pillars of Wisdom in Migration Management.” The endeavor should be to make migration an opportunity for both origin and destination countries of migrants and link it a positive concept of transnationalism.

First. Aid cannot deter migration at best, and the effectiveness of aid in promoting development is debated. In any case, should it be sufficient to do so it would take a long time before the migration hump of per capita income of US\$ 10,000 is reached by middle income countries when migration starts decreasing is reached.

Second. Therefore, it would be better to try to alter migration flows. Some 800 million new workers will enter the job market in Africa 2030 although only a much smaller part will be directed towards overseas migration and the largest part will move within regions in Africa.

Third. The idea is that migration related aid would not be a substitute for more traditional aid, for example for less developed countries where aid still plays a crucial role in ensuring basic infrastructures and service, but complement it.

Fourth. In this connection, Aid could be used to complement and amplify the impact of remittances as a stimulus to local economies as we have seen in the chapter on co-development. Aid funds could be used for programmes to top up remittances sent by migrants (for example the Tres por Uno scheme in Mexico).

Fifth. Aid programmes should support governments’ policies aimed at making the national environment conducive to the investment of remittances, namely provision of special credit to migrants, fiscal holidays and custom duties exemptions.

Sixth. An advanced stage will be when One Stop Shops are established. Agencies where migrants receive all information and authorization to start their activities. A migrant can start in such a Shop all the paper work to rent communal land from the State, he can be addressed to the appropriate bank for the credit and guarantees, and he can obtain support in sector chain value analysis and cost benefit analysis. These shops should includes all the national agencies, public - and even

private, responsible for all stages of the investment process (registration, promotion, compliance with environmental regulations, land acquisition, credit, privatization etc.). The shops would conduct sector strategies for investment promotion include a set of clearly defined and rapidly applicable incentives (tax, customs exemptions, etc.) of benefit to the migrant investor. Such agencies may public or semi-public and could partially finance themselves with fees recovered from their clients. Aid funds could be used to support financially and technically these efforts which should be owned and implemented by governments and not executed by external entities.

Seventh. Promote legal paths, quotas and circular migration. Development Aid funding could be used to support the legal paths for seasonal migration and supporting longer term migration mobility partnerships schemes described in the previous paragraphs. It would be better to establish safe, lawful and mutually beneficial channels for lower-skill labor mobility. In this connection, Aid funds could be used to pay for the costs (to identify systems to monitor and enforce labor recruitment laws and agencies to monitor returns and prevent overstays).

Circular migration should be promoted. Seasonal migrants, who have temporary permits, for example up to 9 months as it was the case for the migration from Italy to Germany and Switzerland in the 60s, and in Spain nowadays, could be employed in the low skilled jobs for which there is a need in the European economy and in areas where mismatches exist. Regarding the fear of seasonal migrants' overstays, it can be objected that by coming back home regularly and registering themselves at the consular office of the countries from where they just returned they would acquire the right to go back to work in Europe. As to the cost of annual travel for seasonal migrants, simply it is not an issue. As we have seen when talking about drivers of migration and the New Economics of Labour Migration-NELM-, migration is a family decision and resources are put together to this end. Besides, it is much cheaper to buy a two way ticket from Mali to Europe at about 400 Euro (Air companies would certainly grasp the business opportunities) rather than enduring the cost and dangers of illegal migration.

The above seven pillars are in reality processes that need to be managed within annual quotas attributed to origin countries, to be negotiated by the EU institutions within the cooperation aid packages. In such a case, perhaps, the attrition war between ACP states and the EU could be eased. The trade-off between more liberal seasonal EU visa policies and acceptance by the governments of the origin countries (and by their public opinion) of readmissions of nationals who are outside the agreed quotas could be easier.

In conclusion, the above proposals are perhaps wishful thinking, at least in the immediate future. As we have seen, the proposed EU 2021-2027 development cooperation budget cuts short this debate. Aid is now mainly channelled toward funding border control equipment and capacity building in the countries of origin, i.e. supporting their security forces. Nevertheless, the proposed EU Compact on Migration and Asylum timidly mentions the importance of legal channels but quotas are not explicitly indicated. The challenge is to nudge the EU institutions and member states to make sure that more attention and support is devoted to them and go beyond migration containment. It is to be expected that in the near future the EU member states will probably be enmeshed mostly in the reform of the Dublin System which foresees that the first country of entry has to process asylum requests. Typically, we will see that, during the negotiations on *solidarity*,

i.e. the automatic mechanisms for reallocation of asylum seekers foreseen in the proposed Compact, on the one side will probably stand the more exposed countries, Italy, Greece, Spain, Cyprus, Bulgaria, Malta. On the other side, the Northern and Central European countries. It remains to be seen whether the concepts of labour mobility partnerships (beyond the pilot projects already experienced), new focus of development aid and legal channels that are indeed mentioned in the EU Compact will remain lip services paid to new development thinking while EU member states' attention focuses on issues of national sovereignty and perceived security and, ultimately, containment of migration.

Migration and Theories of International Relations

One final lens that I would like to propose at the end of this handbook is provided by theories of international relations. The need for a coordinated approach in migration matters has emerged from the UN Compact on 2018 on Migration and Refugees and from the September 2020 proposal by the EU Commission on the Compact on Migration and Asylum. In a very stimulating paper, Lars Thomann, who was a colleague of mine at FAO until 2016, made an analysis of the Theories of International Relations and Environmental migration that can be applied to migration issues in general and in particular to international negotiations on this issues. Laura Lanzafame summarized them.²³⁷

“Thomann argues that international relations scholars have long discussed the effects of international institutions and international collaboration on state preferences and behaviour. The three main schools of thought that he quotes – realism, institutionalism and constructivism – hold different interpretations of how and why new issues, such as (climate) migration, emerge on the international agenda, and which role and function international organizations have to this effect. Let's take a cursory look at them.

The **Realism Theory**. It is a power-based approach to international relations, stating that all nations are working to increase their own power, and those countries that manage to hold power most efficiently will lead and prosper, as they can easily eclipse the achievements of less powerful nations. The theory further states that a nation's foremost interest should be self-preservation and that continually gaining power should always be a social, economic, and political imperative. According to realists, international regimes and organizations reflect the overall distribution of power and capabilities in the international system and do not influence the behaviour and preferences of sovereign states. International organizations, in fact, are not independent from state power but rather reflect the interests and preferences of the most powerful actors. Therefore an item will be on the agenda of international organizations when the leading powers consider it useful to be discussed in an international arena where they are confident to influence the outcomes in a manner positive to them.

²³⁷ Laura Lanzafame summarized the paper by Lars Thomann, *Environmental Migration: A Concept between Complexes and Complexities*, in *Organizational Perspectives on Environmental Migration*, edited by K. Rosenow-Williams and F. Gemenne, Abington, UK, Routledge, 2015.

Furthermore, international organizations lack teeth in enforcement and regulatory powers because states are not willing to give up core governance functions. And indeed, in the field of migration most international organizations are mainly engaged in soft governance functions such as information sharing, studies, workshops, and capacity building, and to a much lesser extent in the deliberation and adoption of new forms and regulations. Thus, environmental migration will play a prominent role on the agenda of international organizations, if the topic converges with the interests and preferences of the most powerful states, who will also decide on the institutional location where to discuss and negotiate the issue. Nevertheless, given the scarcity of deep and broad agreements on international migration (and climate change)²³⁸, realists doubt that a regulatory framework on environmental migration will be adopted.

Liberal institutionalism, is an interest-based theory that asserts the importance of international institutions as arenas of joint problem-solving of collective action problems. International organizations serve a functional need of states to provide global public goods in an increasingly interdependent world. In contrast to realist accounts, institutionalism argues that power alone is not decisive, but that rules, norms and institutions affect the behaviour of states. In other words, followers of liberal institutionalism believe in the functional need for coordination in jointly solving collective action problems. Institutions are not necessarily understood as organizations with buildings, administrations or budget; they rather refer to customs and practices aimed at achieving common goals. From an institutional perspective, climate change and migration surely represent collective action problems in which costs and benefits of cooperation are unequally distributed. Furthermore, international collaboration on the two topics is shallow, fragmented and dispersed over different institutions. For what it concerns environmental migration, institutionalists believe that governing such a complex and hybrid issue which lies between the migration and climate change regimes is an enormous challenge. Environmental migration, in fact, lends itself to an institutionalized solution in which states seek to find common rules and regulations within an international organization or regime for solving this particular collective action problem.

Thus, following an institutionalist view it is most likely that environmental migration will be dealt in different institutional locations between the migration and climate change regime complexes, for instance the UNHCR, IOM or the ILO among others. An important characteristic of the theory is that in international organizations the objective to reach consensus leads to solutions based on the lowest common denominator or compromise that often are not effective in addressing the issues. Too often, within the EU the unanimity rule in the decision of the Council (the intergovernmental method) waters down decisions that would need a more assertive position. Matters are often postponed. Recently, for example during the approval of the Next Generation EU Fund, this approach has been “tempered” by the leadership that more influential powers within the Union decided to exert, particularly during the German Presidency of the Union. On that occasion both realism and institutional theories may help explaining the outcomes. In the area of migration it will be interesting to observe how both may explain the outcomes of the negotiations on the Compact on Migration and Asylum proposed by the Commission to the member states of the EU.

²³⁸ See Chapter 2 by Laura Lanzafame

Constructivism. Finally, in the theories selected by Thomann, Constructivism is a knowledge-based theory that stresses the evolution of norms, discourses, identity, knowledge and values, and emphasizes the role of non-state actors, scientific (epistemic) communities and civil society. Constructivists consider international norms as inter-subjective conceptions of appropriate behavior that shape international cooperation. Besides, they also argue that states are not the most important actors in international relations, but that international institutions and other non-state actors are valuable in influencing behavior through lobbying and acts of persuasion. Then the new concepts will produce a cascade on more stringent norms in international and national norms setting arenas. With regard to (environmental) migration we find a situation in which several norm entrepreneurs hold different views and preferences on the concept of migration, its content, purpose and objectives. This is why the most likely scenario from a constructivist perspective is that norm entrepreneurs engage in less institutionalized forums to deliberate the concept further until it eventually emerges into a soft law instrument. The proposed EU compact will provide a good example of this in the years to come.

Final remarks and some apologies

Initially, in preparing this student's handbook it was not my intention to draw conclusions on migration and on appropriate action. Rather, the idea was to provide an illustration of a key issues and of the various lenses that may be used to parse them, economics, sociology, anthropology, political science-international relations, and international law. In the end, however, I could not escape from actually putting together a number of proposals. Whatever short term effects the future debate on the EU Migration Compact will have, it will not terminate the global and long term efforts to govern migration, because the need for global regulation – to be preceded and prepared by open and trans-national deliberations- will not go away. Those who have endured the reading of the 13 chapters of this handbook might be left with a sense of helplessness, their feelings might swing from a “cynical-realistic” vision to a more idealistic view of these matters. I would like to leave GLOPEM students with the take away message that a constructivist approach is certainly a decent starting approach paving the way for a positive *cascade* of norms.

Summary Chapter 13

Against the backdrop of labor needs and job mismatches in Europe, the issue to be addressed is whether migration policies can address present and future mismatches in the European labour market through ad hoc schemes. Skill Mobility partnerships are typically bilateral or multilateral agreements concluded between States. They include long- and mid-term planning, multi-stakeholder approach and policy coherence, data for evidence-based policy; local development and job creation, skills classification and recognition at national level and beyond; address the social aspects of employment and mobility, incorporate migration considerations, cost reduction and sharing. In the proposal of skills partnerships countries of migrant origin and destination agree ex ante on who will bear the costs of training skilled migrants, and allow a small portion of the large economic gains from skill mobility to foster skill creation in origin countries. In the example of health workers (but also shipping and construction industries), there would be a Two-track technical school for nurses, or for maritime workers or other jobs.

- The “Away” track would be to train students who are willing to work abroad, in a developed country, permanently or temporarily
- The “Home” track would be for students to be trained to work in related jobs inside the country of training

In terms of refocusing development aid a number of conclusions and suggestions can be made. Aid cannot deter migration at best, and in any case it would take a long time before the migration hump of per capita income of US\$ 10,000 is reached. It would be better to try to alter migration flows. It would therefore be better to establish safe, lawful and mutually beneficial channels for lower-skill labor mobility. Aid funds could be used to pay for the costs (identify, systems to monitor and enforce labor recruitment laws, and agencies to monitor returns and prevent overstays). Migration related aid would not be a substitute for more traditional aid for less developed countries to ensure basic infrastructures and service, but complement it.

Aid could be used to complement and amplify the impact of remittances as a stimulus to local economies as we have seen in the chapter on co-development. Aid funds could be used for programmes to top up remittances sent by migrants (for example the Tres Por Uno scheme in Mexico). Aid programmes should support governments’ policies aimed at making the national environment conducive to the investment of remittances, namely credit provision policies, fiscal holidays and custom duties exemptions. One Stop Shops are established whereby agencies where migrants can receive all information and authorization to start their activities. Funding the legal paths for migration and supporting migration mobility partnerships schemes would therefore be a necessary complement.

Key Terms

Labour needs	Job mismatches	Skill Mobility partnerships
Global Skills Compact-schemes	Two-tracks schemes	Remittances support programmes
One Stop Shops	Development Aid	Government policies

Annex 1 Empirical Methods for the calculation of informal remittances

Background

A global study of 2005²³⁹ revealed that among 40 central banks in developing countries only 65 % collected data on money exchange operators, 35 % et 38 % on money transfer operators and post offices. On the contrary, commercial banks were better covered at 90 %. These difficulties are made worse by the fact that in Africa, for example, 60% of the population has no identity cards which makes difficult to measure migration and opening banking accounts (financial inclusion). Generally speaking, with regard to data collection, a first problem is the lack of specific lines on migrant remittances in the monthly reports sent by financial institutions (banks, micro-finance, MTOs) operating within national and regional boundaries. It is necessary to set up a system of collection of statistical data on money transfers, which is homogeneous between the regional and international migration corridors

Composition of the Balance of Payments –BoP-

The Balance of Payments is a statement that contains the transactions made by residents of a particular country with the rest of the world over a specific time period. It is also known as the balance of international payments and is often abbreviated as BOP. It summarizes all payments and receipts by firms, individuals, and the government.

There are two accounts in the BOP statement: the Current Account and Capital Account.

The Current account records all transactions involving goods, services, investment income, and current transfer payments.

The Capital account shows the net change in ownership of foreign assets and transactions in financial instruments.

The balance of payments account follows a double-entry system. All receipts are entered on the credit side, whereas all payments are entered on the debit side. Theoretically, a balance of payments accounts is always zero, with the total on the debit side equaling the total on the credit side. Practically, however, there might be an error of some degree due to the different sources of data and fluctuation of currency exchange rates.

Current Account

The four major components of the Current account are as follows:

1. **Visible trade** – This is the net of export and imports of goods (visible items). The balance of this visible trade is known as the trade balance. There is a trade deficit when imports are higher than exports and a trade surplus when exports are higher than imports.
2. **Invisible trade** – This is the net of exports and imports of services (invisible items). Transactions mainly consist of shipping, IT, banking, and insurance services.
3. **Unilateral transfers to and from abroad** (personal transfers)– These refer to payments that are not factor payments – for example, gifts or donations sent to the resident of a country by a non-resident relative.
4. **Income receipts and payments** – These include factor payments and receipts. These are generally rent on property, interest on capital, and profits on investments.

²³⁹ Luna, Martinez 2005

Capital Account

The capital account is used to finance the deficit in the current account or absorb the surplus in the current account. The three major components of the capital account:

1. **Loans to and borrowings from abroad** – These consist of all loans and borrowings given to or received from abroad. It includes both private sector loans, as well as public sector loans.
2. **Investments to/from abroad** – These are investments made by nonresidents in shares in the home country or investment in real estate in any other country.
3. **Changes in foreign exchange reserves** – Foreign exchange reserves are maintained by the central bank to control the exchange rate and ultimately balance the BOP.

A Current account deficit is financed by a surplus in the Capital account and vice versa. This can be done by borrowing more money from abroad or lending more money to non-residents.

Definitions of remittances

In the IMF Balance of Payments and International Investment Position Manual of 2009 remittances are defined as financial or in-kind transfers made by migrants to friends and relatives back in communities of origin. The IMF, the main provider of international remittances statistics based on Central Bank data, defines remittances as the sum of two main components in the BoP Current accounts:

Compensation of employees: This refers to income earned by temporary migrant workers in the host country, and the income of workers who are employed by embassies, international organizations and foreign companies (or “the income of border, seasonal, and other short-term workers who are employed in an economy where they are not resident and of residents employed by nonresident entities.” The entire income of temporary migrant workers is included in this definition, although the income may never actually be transferred (at least not entirely) to the origin country as migrants still have to cover their own living costs. Furthermore, the salaries of staff employed by foreign employers (such as embassies or transnational companies) also count as remittances, as these civil servants, diplomats, military personnel and others are considered residents of the origin country although most of these employees may actually not be migrants nor transfer this money anywhere else. In countries where there large international staff these amounts can lead to an overestimation of remittances.

In addition, the receiver or sender of the money transfer may thus not only be a migrant but also a citizen with links to another country, for instance. Thus, remittances can be conflated with larger sums of money sent by private investors and diaspora members for business investments, property purchase and other financial transactions. This leads to the probable overestimation of transfers.

Personal transfers: These are all current transfers in cash or in kind made or received by residents (be it migrants or non-migrants) from or to individuals in other countries (“all current transfers between resident and non-resident individuals.”

Remittances can also be sent within countries and not just across borders. These are called internal remittances. Furthermore, not all remittances are of financial or in-kind nature.

Remittances are sums that migrants send home without anything in exchange, they are presents and there is no change of property as it happens when one buys a good. Normally, when migrants send remittances through a formal channel (bank, MTO, exchange bureau) in the form item the on the reason for the transfer they write: family aid. In the BoP this item includes money to be spend on education, health, consumption. They can also be in kind, for example a refrigerator, a telephone. These sum are difficult to be separated from other type of transfers relate to small trade for example.

Data sources

The World Bank provides annual estimates of remittances flows globally (and bilaterally), based on national balance of payment statistics produced by central Banks and compiled by the IMF. Data cover remittances inflows into and outflows from countries. The basis for bilateral remittances estimates are weighted migrant stock data, the weighted income of migrants based on the per capita income in the country of destination, and the weighted income in the origin country of the migrant (Ratha and Shaw, 2007).

The World Bank also produces estimates of remittances' transaction costs on a quarterly basis. Since 2007, the Financing Facility for Remittances (FFR) of the International Fund for Agricultural Development (IFAD) has published data and statistics on remittances through its series of Sending Money Home reports based on information from Central Banks, the IMF, and the World Bank RPW database, among others.

In 2018, IFAD's FFR launched RemitSCOPE, an online tool providing regional, sub regional and country-level data and remittance market analyses. RemitSCOPE provides market profiles for 50 countries or areas in the Asia and the Pacific region but additional regions of the world will be included gradually.

It is important to keep in mind that IMF and World Bank estimates focus on remittances transferred through official channels, such as banks. The official figures are likely to underreport the phenomenon of informal transfers by as much as 50 per cent (Irving et al., 2010; World Bank, 2011). Due to the largely unknown scope of informal transfers, some countries, in particular in sub-Saharan Africa, do not report remittances figures to the IMF in their balance of payments. Data on remittances also vary from country to country due to differences in the availability of data, national legislative and policy frameworks, using citizenship instead of residency status in the definition, and for the simplification of processing the data (Irving et al., 2010; World Bank, 2011; Plaza and Ratha, 2017). It is thus important to underline that these are calculated estimates and do not represent accurate figures (Alvarez et al., 2015) and only a few corridors are monitored.

There is a need to obtain from the providers of remittance services the monthly files on transfers made, although banks and financial institutions are already supposed to provide them to the Central Bank but do not necessarily and regularly comply with such requirements. Furthermore, the possibility of obtaining disaggregated data on transfers, by differentiating remittances from migrants from transfers of other types (e.g. commercial), despite the objective difficulties in recording them as such in the related components of the balance of payments. Finally, countries should also be asked to include the collection of disaggregated data on migration issues (including

remittances) in the annual activities of the Statistical Institutes and to ensure greater consistency between the indicators proposed at national level.

Informal remittances

In broad terms, the basic methodology to estimate them is to combine remittances figures officially recorded in the balance of payments with figures obtained through field surveys (e.g. number of active workers multiplied by average transfers and other data to be indicated in questionnaires filled during interviews). Such an approach can give an estimate of possible differences between what is recorded in the balance of payments and the actual total transfers. In addition, qualitative analysis of supply and demand factors for remittance services (e.g. banking products for migrants) may allow triangulation with balance of payments remittances data and field surveys on remittances.

Indicators of informal transfers

In the balance of payments if, for example, a country is importing every year US\$ 700 million than it exports but in the current accounts show a deficit of only 130 US\$ there are 570 million missing in the credit section of the BoP. This difference might be explained by the use of the reserves of the central bank to compensate this deficit or by invisible-informal transfers.²⁴⁰

Furthermore, if the growth rate of migrants is higher than the growth rate of official remittances (i.e. through banks and money operators), here you have another indicator.

The next step is to make field survey through samples, questionnaires to be filled with migrants and their families both the country of origin and of residence asking them about amounts of transfers. These surveys aim at preparing economic profiles of migrants to include: average salary, savings, average sums remitted to the family, use of remittances (consumption etc.), money operators. Financial inclusion (bancarisation) profiles are also prepared namely which banks and money operators). The results may be matched with official transactions in the balance of payments provide by financial institutions.

Surveys need to span over at least a three year period because remittances are proportional to the salary of the migrants, and they may decrease when the composition of his family abroad increase thanks to reunifications or family links start fading away. Urban and rural areas have to be sampled by age, gender, education etc. in practice the survey will help to determine:

- Monthly salary of the migrant
- Average remittances sent home

From the methodological question the difficulty is to convince migrants to provide sensitive information about them, possibly guaranteeing anonymity i.e. the surveyor does not ask the names on the person but insert his/her geographical position to the questionnaire containing all data. In such a way, the satellite system can provide sampling by regions.

²⁴⁰ James P. Korovilas, Remittances and the Pyramid Investment Schemes in Albania, in Remittances development impact and future perspectives, edited by Samuel Munzel Maibo and Dilip Rata, World bank, 2005

To calculate informal transfers from, say, Gabon to Cameroon, or from Italy to Niger, the monthly average transfer by migrants is multiplied by the number of days worked and then by the number of workers economically active in Niger. This total is the key one. In fact, official transfers recorded in the balance of payments minus the transfers estimated through the field surveys, (the interviews) may give an idea of the difference between what is recorded in the balance of payments and the actual amounts that a given country receives from abroad from its migrants.

Qualitative surveys will describe why migrants send remittances home, for which use, which banks and thanks to which services that they receive from them. If informal channels are used, the surveys may indicate why. Furthermore, such surveys may help defining cost of transferring remittances associated with each operator be they MTOs, banks, exchange bureaux. In such a way, the authorities may have an idea of the intermediaries used for operation, small traders, gas stations etc.

Annex 2 Article 13 of the Cotonou Convention

Article 13 issue of migration shall be the subject of in-depth dialogue in the framework of the ACP- EU Partnership. The Parties reaffirm their existing obligations and commitments in international law to ensure respect for human rights and to eliminate all forms of discrimination based particularly on origin, sex, race, language and religion. 2. The Parties agree to consider that a partnership implies, with relation to migration, fair treatment of third country nationals who reside legally on their territories, integration policy aiming at granting them rights and obligations comparable to those of their citizens, enhancing non-discrimination in economic, social and cultural life and developing measures against racism and xenophobia. 3. The treatment accorded by each Member State to workers of ACP countries legally employed in its territory, shall be free from any discrimination based on nationality, as regards working conditions, remuneration and dismissal, relative to its own nationals. Further in this regard, each ACP State shall accord comparable non-discriminatory treatment to workers who are nationals of a Member State. 4. The Parties consider that strategies aiming at reducing poverty, improving living and working conditions, creating employment and developing training contribute in the long term to normalizing migratory flows. 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. The Community shall support, through national and regional Cooperation 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. The Parties shall develop cooperation programmes to facilitate the access of students from ACP States to education, in particular through the use of new communication technologies. 5.(a) In the framework of the political dialogue the Council of Ministers shall examine issues arising from illegal immigration with a view to establishing, where appropriate, the means for a prevention policy. (b) In this context the Parties agree in particular to ensure that the rights and dignity of individuals are respected in any procedure initiated to return illegal immigrants to their countries of origin. In this connection the authorities concerned shall extend to them the administrative facilities necessary for their return. (c) The Parties further agree that:

The Revision of Article 13 on Migration of the Cotonou Partnership Agreement^{12/12(i)} each Member State of the European Union shall accept the return of and readmission of any of its nationals who are illegally present on the territory of an ACP State, at that State's request and without further formalities; each of the ACP States shall accept the return of and readmission of any of its nationals who are illegally present on the territory of a Member State of the European Union, at that Member State's request and without further formalities. The Member States and the ACP States will provide their nationals with appropriate identity documents for such purposes. In respect of the Member States of the European Union, the obligations in this paragraph apply only in respect of those persons who are to be considered their nationals for the Community purposes in accordance with Declaration No 2 to the Treaty establishing the European Community. In respect of ACP States, the obligations in this paragraph apply only in respect of those persons

who are considered as their nationals in accordance with their respective legal system. (ii) at the request of a Party, negotiations shall be initiated with ACP States aiming at concluding in good faith and with due regard for the relevant rules of international law, bilateral agreements governing specific obligations for the readmission and return of their nationals. These agreements shall also cover, if deemed necessary by any of the Parties, arrangements for the readmission of third country nationals and stateless persons. Such agreements will lay down the details about the categories of persons covered by these arrangements as well as the modalities of their readmission and return. Adequate assistance to implement these agreements will be provided to the ACP States. (iii) for the purposes of this point (c), the term "Parties" shall refer to the Community, any of its Member States and any ACP State.

Annex 3 The Global Compact on Refugees by Laura Lanzafame²⁴¹

The 2016 New York Declaration recognized the pressing need for more cooperation in distributing the responsibility of hosting and supporting the world's refugees. In this regard, the Global Compact on Refugees aims to better protect and assist refugees and others in need of international protection by providing for more equitable and predictable burden- and responsibility-sharing in support of hosting countries and communities. In particular, it focuses on the further development and practical implementation of an existing response to refugee issues, the Comprehensive Refugee Response Framework (CRRF), with a particular focus on responding to large movements of refugees (including in protracted situations). The CRRF, therefore, is central to the Global Compact on Refugees. The key elements of the CRRF, developed by UNHCR in close coordination with stakeholders and implemented in multiple countries, included reception and admission, support for ongoing needs, support for host countries and communities, and durable solutions. In particular, the core CRRF objectives are to:

- ease pressure on the host countries involved;
- enhance refugee self-reliance;
- expand access to third-country solutions and;
- support conditions in countries of origin for return in safety and dignity.

The Global Compact on Refugees consists of the CRFF and a Programme of Action that underpins the CRFF and facilitates its application. It sets out measures for States and other relevant stakeholders designed to ensure better responses to refugee displacement. Of course, the compact is not legally binding. Nevertheless, it surely is a powerful international agreement on how to better respond to large movements of refugees. Furthermore, it interacts with the 1951 Geneva Convention providing the framework for applying the international legal norms in large-scale influx, as well as protracted refugee situations, grounded in the principles of international cooperation and responsibility-sharing. In this regard, providing adequate funding for host countries and to resettle refugees are the two main challenges for what it concerns responsibility-sharing throughout the Global Compact on Refugees process and will likely continue to be so in the future. To address these two challenges and support Member States commitments, the Global Compact on Refugees sets up different follow-up, review and implementation mechanisms.

²⁴¹ Laura Lanzafame, Global Governance of Climate Migration, GLOPEM Dissertation, September 2020

Annex 4 Is The “Global Compact for Safe, Orderly and Regular Migration binding? By Anne Peters

The “Global Compact for Safe, Orderly and Regular Migration” (final draft of 13 July 2018) is scheduled for adoption at an intergovernmental conference in Marrakesh in December 2018. But in the run-up to this conference, several states, beginning with the United States already in 2017, now followed by Austria, Hungary, the Czech Republic, and others, have announced that they will not sign the text. Will refusal to sign be relevant in terms of international law? What is the juridical quality of the Compact, which legal consequences does it have, and which normative “ripples” might it deploy in the future? The controversy over the Compact sheds light on the legitimacy of international law-making processes and on the precarious normative power of international law.

A Brief Glance at the Contents

The Compact consists of four parts. Following the preamble, the first part contains, “Vision and Guiding Principles”. The second part, “Objectives and Commitments” contains 23 objectives, preceded by a part on “Implementation” and the final section “Follow-up and Review”. The Compact purports to set out “a common understanding, shared responsibilities and unity of purpose regarding migration” (para. 9). The purpose is mainly to secure that migration “works for all” (para. 13).

The Compact’s “guiding principles” are, inter alia, people-centeredness, international cooperation, national sovereignty, rule of law and due process, and sustainable development (para. 15). These are well-established and to a large extent also legally entrenched principles. The 23 “objectives” are partly generally recognised such as saving lives (objective 8), respond to smuggling (objective 9), or eradicate trafficking (objective 10). Some mainly correspond to interests of states of origin (such as promoting transfer of remittances, objective 20), others basically satisfy interests of receiving states (such as facilitating return and readmission (objective 21). In substance, the Compact partly repeats international law as it stands or refers to existing instruments (see notably preamble para. 2), partly contains platitudes, and partly contains novel ideas.

A quite strong statement is para. 21: “We commit to adapt options and pathways for regular migration”. This sentence has been chastised by some observers. It has also been criticized that the Compact views migration predominantly under the economic aspect, bracketing resulting cultural problems. Finally, the responsibilities of the states of origin to improve living conditions so as to forestall the desire or need for migration are not mentioned in the Compact; neither is overpopulation.

Recent Withdrawals

The gist of the statements of the withdrawing states is basically that the Compact would force states to admit migrants, would be a pull-factor for migration, would contravene domestic

migration policies, and violate the states' sovereignty. (See for the US: United States Mission to the United Nations, United States Ends Participation in Global Compact on Migration, Press release of 2 December 2017; for Austria: Innenministerium, Erklärung zum Ausstieg aus dem UN-Migrationspakt, Press release of 31 October 2018; for Hungary: Ministry of Foreign Affairs and Trade, The UN Global Compact for migration is endangering the security of the Hungarian people, Press release of 6 November 2018.)

These excuses for standing aside seem pre-textual. The Compact does not contain any language obliging participating states to admit migrants. Quite to the contrary, one of the Compact's objectives is "to cooperate in facilitating a safe and dignified return and readmission" of migrants. The states of origin "commit to ensure that our nationals are duly received and readmitted" (objective 21, para. 37).

The Migration Compact is no International Treaty

Most importantly, the Compact cannot dictate any migration policy, because it is legally non-binding. Because this point has been hotly debated in parliaments and in the media, it needs some explanation. The bindingness depends on the intentions of the participating states. Whether they intended to bind themselves legally can be determined by looking at indications ranging from the form over procedures to substantive content. Almost everything points towards a legally non-binding text. The title of the document is basically inconclusive. There are binding treaties which are called "compact" or "pact", for example the "Pact of San José" as a nickname for the Inter-American Convention on Human Rights. But more frequently, the title Compact has been chosen for non-binding texts. The best-known is the UN Global Compact on transnational corporations which is a platform for transnational corporations for adopting human rights policies, combating corruption and so on. The ILO also adopted a "Jobs Pact" in the context of the world financial crisis in 2008 which was non-binding and whose non-legal quality was not controversial.

Second, the Migration Compact has been elaborated in a typical conference proceeding on the basis of a series of General Assembly resolutions. These resolutions set out the procedural parameters. They could be used for producing a binding treaty or a non-binding declaration. The Compact will be adopted at a specific intergovernmental conference, and not simply in the course of the General Assembly in New York. The text will thereby enjoy a much higher prominence than ordinary General Assembly resolutions. Still, the process does not give a decisive clue on the legal status of the resulting text.

The only factor that would allow for an understanding as a legal commitment is the repetition of the formula "We commit to" However, all factors point against legal commitments. The most important factor is the text itself. Paras 7 and 15 explicitly say that "[t]his Global Compact presents a non-legally binding, cooperative framework". The Compact also explicitly "reaffirms the

sovereign right of states to determine their national migration policy and their prerogative to govern migration within the jurisdiction” (para. 15).

Moreover, the text does not contain short and clear obligations. It rather resembles key United Nations texts such as the Millennium Declaration of 2000 or the Agenda 2030 of 2015. This fact is however not decisive, because new international legally binding treaties such as the Paris Agreement also contain lengthy and verbose paragraphs with weak commitments, are full of hortatory statements and almost completely lack operational provisions.

A final indication is the negotiating history. The EU always made clear that it did not want a binding document. And further ingredients of an international treaty are also missing. There is no provision on ratification or implementation in domestic law. All this speaks against a binding treaty.

The text is what is usually dubbed “soft law”, in the grey zone between law and non-law, between law and politics. (This qualification of course makes sense only on the premise that it is conceptually not possible and normatively not desirable to draw a bright line between law and non-law. This is indeed my premise, mainly motivated by the insight that a strictly dichotomous view of law versus non-law pushes out of the picture many interesting and important normative phenomena and would make it more difficult to understand what is really going on in global governance). This means that on the one hand, the Compact will not generate legally binding obligations but that it is on the other hand, not legally irrelevant.

Legal and other Functions of the Migration Compact

The legal functions of the Migration Compact might be gathered under the labels “pre-law”-functions, “para-law”-functions, and “law-plus”-functions. A text such as the Compact can be “pre-law”, a forerunner of hard law, paving the way for a formal treaty. It can also give rise to the crystallisation of customary international law. This would of course need an *opinio iuris* and concomitant practice over some time. When signing states – as here – explicitly say that the commitments are not legally binding, it is difficult to deduce any legal opinion from this.

The situation is therefore quite different from the Universal Declaration of Human Rights of 1948, some of whose rights meanwhile have the force of customary international law.

Another example is the United Nations Declaration on Indigenous Peoples 2007, which is not legally binding. Australia, a country with a history of discrimination and extermination of its indigenous population, voted against this declaration in the United Nations General Assembly, but two years later (in 2009) decided to adopt the text. A process of customisation of some of the provisions of that declaration is ongoing. But in contrast to the Migration Compact, the Indigenous Peoples’ Declaration looks much more like a treaty with short and clearer provisions.

A soft law text can also substitute missing hard law (“para-law”). And indeed, to some extent the Migration Compact is a workaround for the very low status of ratification of the International

Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 1990 which has been ratified so far only by 34 states and among them no European target states of migration.

Finally, soft law texts such as the Migration Compact can serve as a guideline for the interpretation of hard law, can flesh out hard law commitments and make them more concrete (“law-plus function”). For example, the Compact might add some detail to obligations flowing from conventions on nationality (cf. objective 4), and from the UN Convention on Transnational Organized Crime (cf. objective 10). The Compact will also be drawn on by domestic authorities and courts, for the interpretation of national law. And it may factor in as a parameter for the exercise of discretion by national administrative agencies. So overall, signing the Migration Compact will not be irrelevant in legal terms.

At first glance, a soft law document seems to be a second-best option in comparison to a real and binding treaty. However, the choice of such an instrument has many strategical advantages. The lack of a formal legal quality has the big advantage of flexibility. The elaboration and adoption of such texts is normally easier and quicker. And it is easier to scrap them, too. A recent example is the US-American denunciation of the so-called Iran Nuclear Deal in May 2018. The “Joint Comprehensive Plan of Action (JCPOA)” had been signed in 2015 by the “E3/EU+3” (China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the High Representative of the European Union for Foreign Affairs and Security Policy) and the Islamic Republic of Iran. As a non-binding, non-legal arrangement, the US Administration could easily walk out in 2018. (One legal issue here that the JCPOA had been “endorsed” by the Security Council in SC Res 2231 (2015) of 20 July 2015, para. 1. But this was not enough to transform the non-binding deal into formally binding law.)

Potential Effectiveness of the Migration Compact

In the sphere of international relations, the difference between formally binding texts and non-binding texts seems smaller than in domestic law. The reason is that even “hard” law can only rarely be enforced by courts (international or domestic ones). Famous more or less well-functioning institutions did not and do not have a formal international legal status. For example, the GATT 1947 was a treaty that had never entered into force but which was nevertheless “provisionally” applied until 1994. The OSCE, despite the change of the name “Conference on Security and Cooperation in Europe” into “Organisation” by the Budapest decision of 1994 (point 29) is not a formal international organisation. It does not have a founding treaty and does not enjoy international legal personality. Nevertheless, the OSCE plays an important role in security matters in Europe, and it is exactly its flexibility which is seen as an advantage by many participants, notably by the United States.

Many international treaties possess only soft documentation mechanisms such as reporting, discussion groups, and so on. The follow-up and review mechanism of the Migration Compact is not so far away from those. The Compact's part on implementation mentions three strategies or instruments: a capacity-building mechanism and "network" (para. 45) and biannual reporting of the Secretary-General (para. 46). The follow-up and review consists in an "International Migration Review Forum" (para. 49) which shall meet every four years starting in 2022, and which shall culminate in a "Progress declaration" (para. 49 lit e). Some guide-post about organising these review fora are given in para. 54. The Compact emphasises that review is a "state-led" process but with the inclusion of "all relevant stakeholders" (para. 49).

So is it a good or a bad sign for international law that some governments now shy away from signing the Compact and thus apparently take even soft law seriously? This question is hard to answer. If governments were acting in good faith, their scrupulousness could be taken as a gesture of principled willingness to comply with the "commitments" embodied in the Compact. But another explanation for the sudden reluctance is simply that they seized an opportunity to appeal to partners and publics in their countries who are hostile towards migrants. Therefore, general conclusions about the strategic value of such texts cannot be drawn.

Ultimately, the Compact might in reality become as effective or ineffective as an international treaty, might be complied with and lead to the desired changes of action. So the difference between a "soft" compact and a hard treaty lies not so much in its lower effectiveness but rather seems to lie in a different basis of legitimacy.

Legitimacy

The executive branches like soft law not only for acting swiftly and flexibly, but also for keeping out national parliaments. Does the Migration Compact enjoy a lower degree of democratic legitimacy than a formal treaty? A famous case illustrating this question is the so-called new Strategic Concept of NATO of 1999. Here, NATO member states had adopted a text which foresaw an extension of treaty operations both in geographical scope and in substance. Upon the complaint of a political faction in the German parliament (the Bundestag), the German Constitutional Court (BVerfGE 104, 151, judgment of 22 Nov. 2001 – 2 BvE 6/99) had to determine whether the new strategy was a formally binding treaty (an amendment of the NATO treaty) or not. In this case, the Constitutional Court focused on the will of the parties to bind themselves, to be gathered from indications as mentioned above. It concluded that the new strategy was not a binding treaty. Therefore, the German constitution was not violated by not involving the Bundestag (had it been a formally binding treaty, then the Strategic Concept would have had to be domestically ratified by adopting a formal parliamentary statute).

If the Migration Compact were a formal international treaty, voting in parliament would be needed in some form or another in probably all democratic states in order to receive the treaty in the domestic legal order and make it binding law. Given the non-legally binding nature of the Compact, formal parliamentary voting on it would be an anomaly. It might however happen. In Switzerland, three parliamentary commissions have requested the government to formally submit the Migration Compact for parliamentary approval, as opposed to just signing it (motions of both chambers' committees on constitutional politics (motion 18.4093 SPK-NR of 19th Oct. 2018 and motion 18.4103 SPK-SR of 8 Nov. 2018) and of the upper house's foreign policy committee (motion 18.4106 APK-SR of 12 Nov. 2018)). In other words, the parliamentarians wish to treat the Compact like a formal treaty. This would go beyond the extant legal obligation to consult the Swiss parliament. This obligation to consult explicitly encompasses the consultation on soft law texts (see *Notiz des Sekretariats der Aussenpolitischen Kommissionen, 'Mitwirkungsrechte der eidgenössischen Räte im Bereich Aussenpolitik'*, p. 2; relating to Art. 152(3) of the Swiss Act on Parliament). The Swiss debate about the proper parliamentary involvement with regard to the Migration Compact is ongoing at the time of writing.

In other states, too, intense parliamentary debates took place about the Compact. Can such open discussions on the Compact properly be seen as an exercise of deliberative democracy? Or are these not sufficient to confer some modicum of democratic legitimacy on the text? At this point it is worth recalling that the hearings organised by the United Nations were open to parliamentarians, and that these forms of transparency and participation might to some extent mitigate the absence of formal democratic voting in national parliaments. In various rounds, civil society organisations were heard, and in total seven regional hearings were conducted. But as far as I can see, no explicitly migration-hostile groups were present. These hearings are in some way closer to the ideal of a global democracy than votes in national parliaments, because they are not confined to specific national publics but have a global scope. However, as long as they are – due to weak media attention, time constraints, and language barriers – in reality far removed from concerned citizens, they can fulfill this democratic function only weakly.

The more or less sudden refusal by some governments to sign the Compact (besides being motivated by the domestic political situation and desire to satisfy populist and xenophobic sentiments of populations by showcasing restrictive immigration policies) could indicate that the drafting process was not so transparent after all.

The expectations in this regard have much changed in the last decades. While it used to be a diplomatic prerogative to conduct secret negotiations, an actual transparency turn has taken place. The current trend is to involve the public more in the processes of elaborating international law – both hard and soft. For example, the adoption of the Paris Agreement was fully under public scrutiny. Transparency politics need to strike a delicate balance. Too early or too much transparency

(participation of the public and participation of civil society organisations) can bring negotiations to fail. But too little transparency can also lead to non-acceptance – which might be the case with the Migration Compact. Remember the Transatlantic Trade and Investment Partnership (TTIP) which was negotiated behind closed doors between the United States and the European Union. When the text was leaked in 2016, a public uproar was heard in Europe. The stalling of the TTIP-negotiations was however less due to misapprehensions of the public than a decision of the new US presidential administration.

Whatever short term effects the current public debate on the Migration Compact will have for this text itself, it will not terminate the global efforts to regulate migration, because the need for global regulation – preceded and prepared by open and trans-national deliberations – will not go away.

Annex 5 The case of Jordan Contribution by Lewis Turner

In the period during the ‘migration crisis,’ Jordan was at the center of these policy proposals. In February 2016, at the end of the London Donors Conference for Syria and the Region, co-hosted by Germany, Kuwait, Norway, the United Kingdom and the United Nations, a document entitled ‘The Jordan Compact’ was released. In it, the Government of Jordan declared that in the coming years it would potentially allow as many as 200,000 Syrians to obtain work permits in Jordan. It claimed to represent a “new paradigm” for refugee responses, by bringing together development and humanitarian approaches.

The EU’s role in this compact was central. It has been one of the main donors supporting the implementation of the compact, and it agreed to renegotiate its ‘Rules of Origin’ arrangements with Jordan, in an attempt to make it easier for Jordanian companies to export to the EU. All of the annual follow-up conferences on ‘Supporting the Future of Syria and the Region’ have been held in Brussels, with the 2018, 2019, and 2020 events co-chaired by the EU and the UN. Indeed, the Jordan Compact is notable for the extent to which it has actually been implemented, in contrast to the EU’s deals in other contexts, for example Lebanon. From January 2016 to August 2020, slightly over 200,000 work permits were issued to Syrians in Jordan. Syrian unemployment has dropped radically, although to a greater degree among men than among women.

The much-hailed renegotiated ‘Rules of Origin’ deal between the EU and Jordan, meanwhile, even after it was further revised in 2018 to attempt to make it more accessible to Jordanian businesses, appears to have achieved relatively little. This is especially the case in terms of the number of jobs created and the number of firms exporting under the deal. Its positive effects notwithstanding, it is clear that the compact has not brought about the ‘paradigm shift’ its supporters envisaged. While many of those involved in promoting the Jordan Compact hoped that it would be the first of many such compacts to provide jobs for refugees living in the ‘Global South,’ this has not proved to be the case. To date, arguably the only substantively similar ‘jobs compact’ that has been signed is in Ethiopia. Implementation of this agreement has been slow—much slower than in Jordan—and wages at the factories where refugees were expected to work fell well below refugees’ expectations.

In this context, will the European Union be willing to contemplate increasing its financial contributions to (even close to) the necessary levels? Will refugees living in the EU’s so-called migration partner countries ever be high enough on its priority list to generate the kind of support that is necessary? The signs are not encouraging. The EU’s attempts to rejuvenate solidarity among its member states through the new pact are simultaneously an entrenchment of the demonstrable lack of solidarity it has shown with asylum seekers and refugees within, on, and outside its borders. In the context of twin health and economic crises across the globe, a new approach must be adopted. For once, solidarity with asylum seekers and refugees must be the priority. Directly linked to negotiations on readmission, the EU has said over the past 15 years that it is open to discussing legal pathways for migration. The two are to be incorporated into Mobility Partnerships and Common Agendas between the EU and third countries. However, in reality it turns out that these instruments promote the externalization of European migration policy. Legal pathways fail to become a reality. The most blatant example of this was the implementation of the EU-Turkey deal of March 2016. While Turkey by and large abided by its

obligations to prevent the movement of refugees towards Europe, talks of visa-free travel to Europe for Turkish nationals predictably got stuck in a way that, from the Turkish perspective, was a matter of European obstruction. In the Pact, passages on legal migration mention extremely limited resettlement of refugees and high skilled migration, and in addition remain nebulous and unspecific. Legal migration as an alternative to irregular migration is not part of the discussion. Of the three main pillars of European external migration policy, the interests of the EU and of third countries do not run parallel. An important element of EU policy is to try to influence the interests of third countries through issue linkage and conditionality: the EU will finance things in third countries, give other advantages, or to the contrary take punitive measures (including limiting the issuance of visas, or removing a country from the list of visa-free countries, pages 21-22 of the Pact), depending on whether the third country implements European external migration policies. This sometimes works, but comes at a price: that of supporting problematic regimes.

In order to implement European external migration policies, third country governments need to repress domestic opposition to those policies. And if the EU has brokered a migration agreement with the government of a third country, it has an interest in preventing regime change even if it is democratic, if the new government risks being more critical of European migration policy. Supporting problematic regimes is not merely an ethical issue. It also undermines a basic assumption of European external migration policies: the idea that open and democratic societies in third countries will be attractive to their citizenry and will lead to less irregular migration.

A treaty to sign?

To a considerable extent, the European Commission's Migration and Asylum Pact relies on the success of its external migration policies, which can be summarised as third countries keeping migrants away from European borders. This requires cooperation of third countries. However, third countries feel the starting position is unfair because of the unequal global mobility regime. European and third countries have diverging interests and normative outlooks. So far, EU policy has tried to bridge the gap of interests and norms by externalizing its political economic power, by informal arrangements, and increasingly by financial instruments (which are then informalised on top of that). These arrangements are seen by many in the targeted countries as being mildly or less mildly coercive, and as disrespectful of African interests and perspectives.

Annex 6 The debate on labor migration in Italy. By Veronica Alongi

Even though migration is part of Italian history, when countries such as Germany, UK or France were engaged with Gastarbeiter-Guest worker- and in naturalizing former colonies' citizens, Italy was still largely an emigration country. The progressive shift into an immigration country has been recent, with massive amounts of people fleeing their countries and heading towards Europe. The original features of the foreign presence in Italy, such as the fragmentation of the places of origin of immigrants and their dispersion in a multiplicity of places of arrival, caused immigration to maintain in some way a low profile, with a greater diffusion over the entire national territory, even in less developed areas. In Italy, therefore, there has always been a mosaic of nationalities, nothing like the most homogeneous phenomenon of the Maghreb communities in France or the Turkish presence in Germany. Media, for their part, in the past have played a role in providing interpretations and descriptions of Italy as an unattractive country from the economic point of view. The sum of these different elements has favored a substantial underestimation of the migration phenomenon, which was perceived as transitory by journalists, politicians and analysts.

Starting from the mid-1980s, the presence of a relatively small but increasing foreign workforce became a visible phenomenon. Beside the presence of small groups of students and political refugees, the first waves of immigration in these initial phases mainly involved foreign workers attracted to Italy by emerging labor market opportunities in sectors and occupations gradually deserted by Italian workers. This was the case of domestic workers from Eritrea or Cape Verde, Tunisian fishermen in Sicily and industrial or construction workers from Egypt, Morocco or Ghana. The previous three decades of impetuous economic growth had deeply and definitively transformed the Italian society: women were increasingly active in the labor market, their massive inclusion in the education system (and in particular in tertiary education) led to deep changes in labor market behavior of the young generations, less and less available to perform manual or unskilled jobs with a low social status and poor working conditions or to internally migrate in search for employment. However, the public and political discourse was mainly framed in terms of protection of foreigners as victims of exploitation rather than in terms of needs of the Italian economy for additional workforce. Immigrants, in other words, came to be seen as an indication of the problem, not the solution. During the 1990s, the steady growth of inflows and the increasing visibility of immigrants raised the public attention on immigration issues and were accompanied by the appearance of the first important phenomena of intolerance and racism. The collapse of the Soviet bloc led to growing movements of people from Eastern Europe to Italy, sometimes in a particularly dramatic way, as in the case of massive landings from Albania in the summer of 1991. The slow growth of the economy of the last decade has not prevented people from migrating to Italy. In the last ten years labor migration has been the driving force of immigration flows towards Italy. In this period, migrant workers have given substantial contributions to Italian economy and society and labor migration has concurred in tackling serious demographic and market challenges. On the one hand, since the early 2000s the positive migratory balance has been the main factor determining the overall nominal population growth, being the native population in constant decline in absolute terms. On the other hand, migrant workers have helped to substantially reduce existing labor shortages particularly in low and medium skilled occupations, increasingly deserted by native workers.

Increasingly diverse inflows of migrants were attracted by the opportunities offered by a labor market highly segmented along ethnic and gender lines and by an oversized underground economy, where undocumented workers could easily find employment. Thus, the management of immigration became an increasingly hot topic splitting the political field into pro- and anti-immigration factions and moving large portions of the electorate. Some political movements, particularly the Lega Nord, adopted explicit anti-immigrant positions as one of their electoral programs' strong points, while in contrast leftist parties maintained a more open approach and acted as lobbyist for migrants' rights. Issues of public security and criminality, especially at the local and neighborhood level, and their linkages with irregular migration have been gradually prioritized in public and political debate, moving the focus from the protection of foreign workers to the management of new inflows, particularly the contrast to clandestine and irregular entry and stay in the country.

The Italian admission system for working purposes: background description

The first attempts to regulate and manage the entry and employment of foreign workers in Italy date back to 1986 and 1990, with the adoption of the first immigration laws. The 1986 Law, also known as "Foschi Law", introduced the possibility to regulate admission of foreigners for working purposes through governmental decrees and the preparation of shortage lists identifying existing labor needs in specific sectors and occupations. However, the four-year 1989-92 period represents the first fundamental turning point for the history of immigration in Italy. A key episode to understand this phase is the killing of Jerry Masslo, a South African illegal laborer murdered in August 1989, in an attempted robbery. He was an exile, who had arrived in 1988 but he had been denied asylum, because at that time South Africa was not among the countries considered insecure. The ensuing strong mobilization by the civil society called for the adoption of an immigration law that could be adapted to the new international context, following the fall of the Berlin Wall, the end of the bipolar system and the outbreak of many internal conflicts in different areas of the world. The European context had changed too, following the abolition of the internal borders with the Schengen Agreement and the adoption of the first common regulations concerning international protection, and to the new national context, in an economically more advanced Italy.

The first organic provision, still dictated by emergency reasons, is represented by the so-called "Martelli Law" (No. 39 of February 28, 1990), containing urgent regulations in matters relating to political asylum, entry and residence of non-EU citizens and regularization of non-EU citizens and stateless persons already present in the State plus some rules on refugees. It opened the route to the establishment of annual entry quotas on the basis of existing labor market needs and at the same time creating mechanisms of control of irregular and clandestine immigration. On the one hand, planning was set up regarding the entry flows of economic migrants in the light of national needs, through the issuance of a special residence permit by the competent State Police station. On the other hand, the regularization of foreigners already present in the territory and some norms on the integration of the latter were envisaged. The discipline introduced by the Martelli law has revealed several critical points since the beginning, in particular as regards the duration of the procedure that was too slow and the historical context that coincided with the beginning of massive

flows of applicants for international protection, coming mainly from Albania, Somalia and former Yugoslavia, which this law was struggling to regulate adequately. These first experiences were overall unsuccessful as the enforcement of the new norms proved to be excessively complex and largely ineffective.

In the second half of the 90s it was decided to overcome the logic of the emergency and to establish a general and complete regulatory framework. Important pressures for a significant reform of immigration law and management had an external origin. In particular, the entry into force and the full implementation of the Schengen Treaty in 1997, made the enforcement of effective border management mechanisms an inescapable priority in order to turn Italy into a reliable partner, in order to no longer be considered Europe's "soft underbelly." The so-called "Turco-Napolitano law", of February 1998 was based on three main pillars: a) the struggle against undocumented migration through a variety of tools among which a reinforcement of internal and border controls, the establishment of detention centers, sanctions against undocumented migrants themselves, traffickers and employers and the cooperation with sending countries; b) the planning of new inflows for working purposes through the adoption of annual quotas of new entries on the basis of the estimated needs of the economy and the absorption capacity of local territories; c) the enhancement of integration process with the acknowledgement of civil and social rights on the basis of the principle of equality of treatment, and the attribution of important competences to local authorities in the field of integration policies.

However, over time the problems of a very rigid legislation have come to the surface. In fact, the legal channels for arriving in Italy with a residence permit for work or study reasons have almost disappeared, while the only regularization channel for immigrants has become asylum, in addition to family reunification. In 1998, the Turco-Napolitano Law was merged into the "Testo Unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero" which created the system of entry quotas as a matching point between the demand and supply of workforce of foreigners, even if mitigated by the possibility of direct call of the foreign worker by the employer (the so called "sponsor system") and by the possibility of family reunification and by strengthening the rights of foreigners.

The first part of the decade 2001-2010 was marked by the return into office of the centre-right coalition lead by Silvio Berlusconi, of which the anti-immigration Northern League party was a strong and crucial ally. The media coverage of public order and criminality problems affecting cities and neighborhoods with a high presence of immigrants helped the centre-right coalition to frame the public discourse on migration as a public security issue. Besides, the increase in the frequency and number of landings of boats carrying clandestine immigrants allowed the new political majority to blame the 1998 Turco-Napolitano law for the ineffectiveness of control policies. One of the first acts adopted by the new government elected in the Spring 2001 was a new law, also known as "Bossi-Fini", introducing significant, although not structural, changes in the act on Immigration of 1998. The new approach was inspired by a functionalist vision of immigration: immigrants were welcomed in Italy if it was proven that they were useful for the national economy (e.g. the admission was granted only upon evidence of a job contract), that they do not compete with Italian workers (e.g. through the reintroduction of labor market tests) and that they remain in the country only as

long as necessary (e.g. reduction of the duration of stay permits, linked to the duration of job contracts).

Furthermore, the formalization of the residence and house lease contract as a title for the permanence on the Italian territory, the abolition of the sponsor system, the limitation of cases of family reunification and the creation of the Immigration Desk located in the Prefectures were established. The Bossi-Fini was also characterized by the exacerbation of removal procedures, with particular reference to the rule of immediate execution of expulsions with forced accompaniment to the border in case of irregular immigration, otherwise defined in a derogatory way as a “clandestine”. Overall, this legislation strengthened the precariousness and irregularity of the foreign population, although it became increasingly important from the point of view of production and contributions.

In the meantime, the harmonization with the other European states and the advent of a new center-right government led to a further tightening of the legislation through the “Pacchetto Sicurezza” (law n. 125/2008), launched by the then Interior Minister Maroni. One of its important features is the introduction of the crime of illegal entry and residence (“crime of illegal immigration”, then abolished only in 2013), through which the facilitation of illegal immigration is more severely punished. It represents another important break in immigration legislation, together with the simultaneous signing of the Rome agreements with the Libyan president at the time, Muammar Gaddafi, for the detention of migrants in Libyan detention centers. It soon became clear that this new approach was extremely difficult to implement in concrete policies and that, behind an often very harsh communication strategy, an implicit moderation was informing the new political orientation on these issues. Moreover, ISTAT (Istituto Nazionale di Statistica) has calculated that during the 1990s more than 60% of the increase in the regular foreign presence in Italy was due not to new arrivals or sudden invasions, but to the emergence of people who already lived and worked in the country as illegal immigrants.

Emblematic at this regard has been the adoption and implementation of the regularization program opened up in 2002. The regularization should only target irregular migrant domestic and care workers (so called “colf” and “badanti” or caregivers), a category considered both extremely useful and harmless. However, the strong pressures coming from the centrist wing of the ruling majority and from employers’ organizations have ultimately defeated the veto opposed by Lega Nord, the only compromise being that of carrying out an employer-led regularization where only dependent workers could be regularized (excluding then self-employed and unemployed). The outcome of this regularization was the highest number of regularized immigrants ever: around 700,000 migrant workers were regularized between 2002 and 2004. It is exactly during this period that the crucial contribution of immigrants to the weak demographic growth became clearly observable: in fact, around 80% of the total population growth was related to the presence of foreigners.

Subsequently, the labor migration debate has been naturally affected by the impact of the global economic crisis on the Italian economy and labor market. This did not prevent the Italian government from starting a new regularization campaign in the summer of 2009. Differently from

the past experiences, the 2009 regularization scheme has been highly selective in its scope, only targeting irregular foreign workers in the personal and homecare services. The decisive argument supporting the need for a regularization was mainly political. In fact, as I said, the enactment of the law introducing for the first time in the Italian legislation the crime of irregular stay in the national territory, would have had very serious consequences on the high number of migrant domestic workers with irregular status and consequently on their employers. Almost 300,000 irregular migrant workers were then regularized through this new campaign.

Finally, the last migratory wave, which began in 2011 with the explosion of Arab springs in North Africa and the Middle East, called into question a certain system of control of the external borders of the European Union. The movement of people concerned the entire European continent with the massive reopening of Mediterranean and the Balkan routes. Recent arrivals in southern European countries put the European asylum system to the test by bringing out all its weaknesses. In 2017, the Gentiloni government relaunched the cooperation with Libya (in 2008 President Berlusconi and Kaddafi concluded an agreement to basically hold migrants in Libya in exchange for Italian funding of infrastructures, including surveillance and detention of migrants), a territorially fragmented country controlled by various armed militias, to which it is even difficult to recognize international subjectivity. From the outset, cooperation with Libya has been strongly condemned by the United Nations and the Council of Europe, which have called into question the violence, torture and abuse to which migrants and asylum seekers are subjected in detention centers and the connivance between state authorities and traffickers of human beings.

To this tendency it is to be added the annoyance for the guarantees in the procedures and in the appeals concerning migrants, clearly expressed with the last two laws on the subject: the Orlando-Minniti law (of 2017) and the Salvini law of 2018. Especially the latter, in continuity with the past, has the characteristic of penalizing the permanence of immigrant workers on the national territory. For example, those who escape from a natural disaster and in the meantime find a stable and regular job, will not be able to convert their special residence permit into a residence permit for work reasons after the expiration of the humanitarian permit.

The situation is therefore paradoxical: there are person who actually works but do not have the possibility of obtaining a residence permit for work reasons. The Decreto Sicurezza of 2018 named after the Minister of the Interior Mr. Salvini wanted to address the complex migration phenomenon from a predominantly, if not exclusively, security perspective, launching a precise message towards the public opinion. However, the foreseeable effect of the measures adopted were instead the increase in the number of people in conditions of irregularity and marginality, and the strengthening of an atmosphere of emergency around that social phenomenon that is not at all extraordinary, which is immigration. In May 2020 the Conte II government determined, within the broader law (so-called "Decreto Rilancio"), a provision for the regularization of foreign persons. The current regularization is intended not only for illegal immigrants (i.e. those who did not have a residence permit on March 8, 2020), but also and above all for those who had a legally "weak" permit, that is characterized by temporariness and not convertible into work permit (permits for asylum request, for special protection, for humanitarian protection difficult to convert into work for minor assistance, for health reasons, for study, for religious reasons, for calamities, etc.. The

audience of potential recipients, therefore, was abstractly wider than all previous regularizations and could have the effect of easing the rigidity of Italian immigration law.

However, something went wrong if, compared to the estimates of about 500/600,000 illegal immigrants, 207,542 applications were submitted, plus other 12,986 submitted directly by foreigners, for a total of 220,528. Once again, purely political compromises and a restrictive ministerial perspective prevailed, both being far from a rational and effective approach to the immigration issue and consideration of the right of the foreign person to live in the national community as a priority. It is too early for an overall assessment of the impact it will have on the fate of hundreds of thousands of people, but one aspect is immediately evident: even the extraordinary law enacted in the period of the COVID health emergency, instead of starting to change the approach to the migration issue, keeps considering foreign people with suspicion, placing an almost infinite variety of obstacles to the achievement of a certain and stable legal status, preventing their effective insertion into the communities in which they live, work, weave social relationships, form families, denying their right to an identity.

The quota system: the institutional framework

Quotas are meant to regulate the admission of third country nationals and their access to Italian labor market, by combining a purely quantitative selectivity with some elements of qualitative selectivity. The main responsibility for the determination of annual quotas of new inflows is given to the government (and in particular to the Ministry of Interior and the Ministry of Labor), which sets up the quota through a Prime Minister Decree (so-called “Decreto Flussi”). Quotas have to be set in accordance to the principles and general criteria stated in the Document of Migration Policy Planning (DMPP), that has to be adopted every three years after a process of in-depth consultation of the relevant stakeholders and authorities, in particular: the involved ministries, relevant parliamentary committees, the Regional and Local Authorities, the National Council of Economy and Labor (CNEL) the main NGOs active in the assistance and integration of immigrants, as well as trade unions and employers’ organizations. The Quotas Decree has to be produced at least once per year: even in the absence of the DMPP, the Government has the legitimacy to issue annual quotas decree, through simplified procedures. This has been the case since 2006 and some commentators stress how this tacit de facto reform leaves the government a more discretionary power to manage migratory flows since its planning decisions are not subject to any type of preliminary consultation with relevant stakeholders and the Parliament.

Overall, the quota system, supposedly managing the admission of foreign workers from abroad, has been largely used to regularize workers that were already present in the country with an irregular status. Economic migrants today improperly use the asylum channel also because the entrance channel for work is practically closed. The 2007 decreto flussi provided for 158,000 new permits for subordinate employment and 80,000 seasonal permits, while in 2017 it provided for only 17 thousand seasonal permits and none for subordinate work. In addition, the very principle underlying the regularity of entry into the country of the non-EU citizen worker (and then the regularity of his stay) is criticized. Specifically, we are referring to the principle of the necessary (prior) ownership of an employment contract. In this sense, the decreto flussi represents a failure

that is renewed from year to year, because the quota system assumes that the matching between demand and job offer, in relation to foreign workers, must take place when they are still abroad. Yet, this choice on which the quota system is based stands in radical contrast to a truth that is typical of the labor market: if we take into account that foreigners perform, in the vast majority of cases, poorly specialized tasks, the encounter between immigrant supply and demand for work must be direct and take place "in the field". It should therefore not be surprising if, given the difficulty of a transnational contact between foreign employer and lender when the job application concerns poorly specialized tasks, migrants violate or circumvent the law, entering Italy irregularly or illegally staying there looking for a job. Only by behaving in this way, in fact, are they able to find employment, often among those that only they are willing to do.

Italy, therefore, does not "open its doors" to migrants; if it does, this happens either because it is convenient (this is the case of highly qualified workers and seasonal workers) or because there are international ties from which there is no escape (family reunification, asylum). The urgent need for a change of course in migration policy cannot stem from the flow decrees but must deal with the absence of entry visas for job search, which alone would prevent entrusting the fate of people to the lottery of decrees flows, would release the aspiring foreign workers from the power assigned exclusively to the employer, placing them in a condition of parity with the Italian worker and finally, last but not least, a priority, they would remove foreign people from the inevitable trafficking of human beings.

Conclusions

Workers' and employers' representatives, experts and researchers, politicians and civil servants, all seem well aware of what are the main problems affecting the Italian admission system for working purposes. At the same time, there seems to be a silent acceptance of the current system, reflected in the low-key debate around labor migration policies. Pro-immigrant groups, particularly NGOs and trade unions, are very outspoken in trying to orient and exert pressures on policymakers. However, highly negative attitudes shown by Italian public opinion and strong concerns towards irregular and clandestine immigration have poisoned the political debate. The crucial question "which labor migration for a more dynamic and inclusive Italy?" is barely asked and generally not answered in the Italian public debate. Immigration in general and labor migration in particular is seen more as a phenomenon that the country has to cope with rather than as an important resource for economic dynamism and an opportunity for growth and innovation. The idea of useful immigration therefore is still considered a taboo by many stakeholders in the debate. Instead, the Italian economy needs immigrant workers, not only for low-to-medium qualification activities. The government should allow their integration into our economy, exactly as it does for those who are recognized as refugee status. Not only that, it should also reopen the access quotas for work reasons. In fact, irregular migrants cost the country much more than regularized foreigners: they work in the black market, have a greater propensity to commit crime, and do not pay contributions despite having access to services such as education and health. This immigration instead can be regulated through selection procedures in the countries of origin and legal corridors for the arrival of immigrants in European countries.

A new regulation of entry visas is also urgent and essential if you really want to manage the migration issue, moving it from the level of political exploitation to that of effectiveness and respect for democratic orderly values. Equally necessary is the reform of the regulation of residence permits which eliminates the impossibility of transforming the temporary and / or precarious residence permit into a permit for work or social integration and which also provides for the possibility of acquiring a residence permit at the light of the demonstration of social integration. In the meantime, it is essential that the regularization procedures are defined quickly and avoiding rigidity and incorrect applications, which would go in the opposite direction to the purpose formally pursued by the provision.

There are no elements then to support the stereotype “immigrants take away jobs from the natives”. Immigrants are more complementary than competitors because they go to occupy sectors that the locals have abandoned for some time because they are considered humiliating and not very profitable. It is worth mentioning that the long-term presence of immigrants has allowed an increase in national salaries; immigrant domestic work has favored the insertion or return to the Italian labor market; the availability of immigrants' labor has kept the prices of some services low, not only in the domestic environment, and it has not lowered productivity whose negative results, at least in Italy, do not depend on foreigners, but on the rigidity of the market and the poor performance of human capital.

Annex 7 Readmission-Return and Visa Agreements by Chiara Cantale.²⁴²

The Return Directive of 2008

The effective return of third-country nationals who do not have a right to stay in the EU is an essential component of the European Agenda on Migration. At EU level, the Return Directive of 2008 establishes a set of common standards and procedures for member states to return illegal migrants who have no longer the right to stay in the recipient country, in the respect of the principle of non-refoulement. Since the entry into force of the Return Directive in 2010, the 'pressure' exercised by the migration on Member States and the Union has notably increased. As a result, the challenges related to the effective return of irregular migrants need to be addressed more than ever. The Commission action plan of 2017 introduced a number of improvements to the directive: 1) Faster procedures for issuing return decisions, avoiding the so called legal limbo; 2.) obligation to cooperate among the MS; 3) accelerated border procedures (carried out in control centres); 4) Entry ban to a non-national exiting EU because of illegal stay. In this case the Directive obliges Member States to issue an entry ban in two cases (if no voluntary departure period has been granted, or if the obligation to return has not been complied with). In principle it should not exceed 5 years. Only in cases of serious threat to public policy, public security..., it may be issued for longer periods (EC, 2019). 5) Clear rules on detention (MAXIMUM of 3 months for all MS); 6) promotion of voluntary returns; 7) fair & transparent procedures based on human rights and the principle of non-refoulement respect.

Readmission Agreements, Visa facilitation Agreements²⁴³

According to IOM statistics²⁴⁴, the number of arrivals of migrants and refugees to Europe in 2019 was of 128,536 – drastically diminished according to the 390,005 of the 2016 and the 1,046,599 of the 2015. The biggest migration routes come from the Asian area and from Africa. The numbers of the relocation in the European countries is about 34,694, most of them are recollected from Greece (22,005) by the land and from Italy (12,689) from the sea. The majority of the migrants in Europe are relocated in (order): Germany, France, Netherlands, Sweden, Portugal and Spain. The reason of the current condition is certainly influenced by ongoing political factors, such as the EU-Turkey Deal and the Memorandum of Understanding (Italy-Libya). The readmission agreements are vital for the fight against the illegal, but what is a readmission agreement?

The EU has signed 17 Readmission Agreements since 2004,²⁴⁵ and negotiations are ongoing with an additional 6 countries (Belarus, Nigeria, Tunisia, China, Jordan, and Algeria). The EU has also stepped up work to improve practical cooperation on readmission with countries of origin of

²⁴² Chiara Cantale European Debate on Legal Paths for Migration Migration and Development , GLOPEM 2020

²⁴³ By Chiara Cantale European Debate on Legal Paths for Migration Migration and Development , Research Paper GLOPEM exam, 2020

²⁴⁴ <https://migration.iom.int/europe?type=arrivals>

²⁴⁵ European Commission, Return and Readmissions Agreements, https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy/return-readmission_en

irregular migrants. The work is ongoing with several key countries, with 6 new arrangements agreed in the last two years alone (Afghanistan, Guinea, Bangladesh, Ethiopia, Gambia, and Ivory Coast). Particular attention is being given to the EU 3 M's set of incentives related to the EURAs agreements: **Money**, **Mobility**, **Market** plus the **Advanced status** – prospect of accession to the European Union.

The European Commission has recognized the potential of visa facilitation as a source of leverage and called the member states to collective and flexible support. The European Parliament adopted a new visa code in April 2019,²⁴⁶ increasing the role of visa policy in the cooperation with third countries. The new regime recognized a clear link between visa policy and readmission. According to the new rules, 'the conditions for processing visa applications can be adapted depending on whether a non-EU country cooperates satisfactorily on the return and readmission of irregular migrants'. The new visa code increases the visa fee from € 60 to € 80 (European Commission, 2019). In spite of this new regime, visa facilitation is also seen with skepticism by the member states because they are concerned that this could lead to irregular migration of visa over stayers. That is why they have only granted visa facilitation to potential candidate countries or countries who are insignificant in terms of numbers of irregular migrants.

To date, the EU has concluded readmission agreements with the following countries:

Country		Entry into force of the agreement
Hong Kong	Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorization	1 March 2004
Macao	Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorization	1 June 2004
Sri Lanka	Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorization	1 May 2005
Albania	Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorization	1 May 2006
Russia	Agreement between the European Community and the Russian Federation on readmission	1 June 2007
Ukraine	Agreement between the European Community and Ukraine on the readmission of persons	1 January 2008

246 <https://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-revision-of-the-common-visa-code>

Country		Entry into force of the agreement
North Macedonia	Agreement between the European Community and the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorization	1 January 2008
Bosnia & Herzegovina	Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorization	1 January 2008
Montenegro	Agreement between the European Community and the Republic of Montenegro on the readmission of persons residing without authorization	1 January 2008
Serbia	Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorization	1 January 2008
Moldova	Agreement between the European Community and the Republic of Moldova on the readmission of persons residing without authorization	1 January 2008
Pakistan	Agreement between the European Community and the Islamic Republic of Pakistan on the readmission of persons residing without authorization	1 Dicembre 2010
Georgia	Agreement between the European Community and the Democratic Republic of Georgia on the readmission of persons residing without authorization	1 March 2011
Armenia	Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization	1 January 2014
Azerbaijan	Agreement between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorization	1 Settembre 2014
Turkey	Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorization	1 October 2014
Cape Verde	Agreement between the European Union and the Republic of Cape Verde on the readmission of persons residing without authorization	1 December 2014
Belarus	Agreement between the European Union and the Republic of Belarus on the readmission of persons residing without authorization	

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