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### **RESOLUTION ON MIGRATION OF SKILLED WORKERS AND ITS EFFECTS ON NATIONAL DEVELOPMENT**

#### ***General***

In general, the Commission fully shares the observations and orientations of the ACP-EU Joint Parliamentary Assembly as laid down in this resolution.

The Commission's efforts to integrate migration issues in its cooperation with ACP countries is built on two main pillars: development programming and political dialogue.

The Commission believes – as also reiterated most recently in its draft documents for the Joint EU-Africa Strategy - that the EU and its developing partners should pursue and implement policies and programmes that address all the relevant dimensions of migration. These efforts should lead to a facilitation of legal migration and mobility with a view to supporting the socio-economic development of both sending and receiving countries. They should foster the linkages between migration and development; maximise the development impact of remittances; facilitate the involvement of diasporas; assist refugees and help ACP countries building capacity to manage migration. ACP States and the EU should jointly address the down-sides of migration such as brain drain in sensitive sectors like health and education. They should also jointly address illegal migration, including through cooperation on return and readmission, and should fight human trafficking, where cooperation needs to be stepped up with special attention given to protecting the victims.

The EU has already intensified its dialogue on migration issues with African institutions and countries on the basis of the Global Approach to Migration and the Strategy for Africa. Building on the Conferences on Migration and Development in Rabat and Tripoli in July and November 2006, the dialogue is focusing on the continental (EU-Africa), regional (e.g. EU-ECOWAS) and national levels. The dialogue on migration issues with ACP states has started in many countries, both in the context of development programming (9th and 10th EDF) and in the framework of the Article 8/ Article 13 political dialogue, where this exists. Specific EU migration missions are being sent to key African countries, with the objective of discussing a wide range of migration related subjects of mutual interest, leading to increased practical cooperation, building on existing Cotonou mechanisms.

#### ***Draft Directive***

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The Commission is currently preparing a draft Directive *on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment*. This is a major proposal, both for the EU's migration policy in the making and for the EU's development policy. Its declared objective is to make Europe more attractive for highly-skilled workers from third-countries. The draft Directive aims at harmonising the entry and residence criteria for highly qualified third-country nationals. The idea is also to propose to introduce a special residence permit ("EU Blue Card"), to be granted to admitted migrants, entitling them to a set of rights and to an enhanced form of intra-EU mobility.

The Directive might – by its very nature - have negative brain drain implications for developing countries. The Commission is thus evaluating how to best promote and strengthen "ethical recruitment" policies (i.e. member states and private companies should refrain from active recruitment in developing countries in sectors and occupations suffering from brain drain), as well as how to facilitate and encourage brain circulation of highly qualified immigrants – be they temporary or permanent residents – between the EU and their countries of origin. Additionally, a number of "flanking measures" could be introduced in parallel: measures for the recognition of diplomas and skills (such as international or bilateral agreements), to avoid 'brain waste'; supporting voluntary return of migrants by offering professional and/or financial incentives; eg. financial support to twinning's or partnerships between research, healthcare and educational institutions in these countries and in EU Member States; and using (bilateral) agreements on the management of migratory flows between countries of origin and destination to target admission mechanisms on those sectors not suffering from brain drain in the respective countries of origin.

Finally, it is important not to lose sight of the well-known possible positive consequences of emigration for the country of origin: the remittances sent by the migrants are substantial financial flows, and the transfer of knowledge and skills, notably following return – temporarily or permanently - of migrants can be a powerful force for development.

### ***Codes of conduct***

The Commission is keen to develop with EU Member States a set of principles to guide recruitment of health workers within the Union and recruitment from third countries, which would seek to minimise negative impact on health workforce capacity in third countries. In this respect, the Commission has convened a Working Group which has been charged to consider recruitment practice in the European Union. Simultaneously, the Commission works with Member States on the development of a joint implementation and monitoring plan for the execution of the European Programme for Action to tackle the critical shortage of health workers in developing countries, which outlines the need for a development of a European code of conduct in this area. We are aware that apart from the sector of health there may be also other areas where migration of skilled workers may have negative impact on some countries of origin. In this respect, we will consider and discuss with member states available options for addressing such negative impacts through Europe wide principles of recruitment in these areas.

### ***Investing in education***

The Commission fully accepts the importance of the role of the education sector as a provider of skills for the local labour market and as a catalyst for creating employment opportunities. Regarding the scale of resources to be allocated to education the Commission is however somewhat hesitant concerning the adoption of fixed benchmarks. On the one hand, indicating a specific proportion of the domestic budget that should be allocated to a particular sector may serve to protect that sector from being starved of resources. On the other hand, the danger is that too rigid financial benchmarking, by focussing only on the scale of inputs, may mean a return to a more traditional and less effective approach to aid management.

It is to be expected that the contribution of General Budget Support (GBS) to the social sectors will evolve differently according to each specific country context. But the Commission is committed to ensuring the fullest possible realisation of GBS's potential for supporting a strong policy dialogue on education and health sector performance. This will be achieved through sector policy dialogue and a variety of means ranging from the variable tranche mechanism to the Commission's position in negotiations concerning the content of harmonized performance assessment frameworks, from existing practices to their evaluation and their improvement. Sharing of work with the EU MS will be key to success.

It should not be forgotten that there are existing institutions of higher learning and research in Africa which are of a quality to warrant the label 'centres of excellence'. Using Intra-ACP funds, the European Commission has launched or is about to launch three projects specifically targeted at capacity-building and quality upgrading within African tertiary education institutions. Thus, the ACP 'Window' in ERASMUS MUNDUS, funded under the 9<sup>th</sup> EDF, provides additional opportunities for African students to pursue post-graduate educational qualifications in European Universities. Similarly the EDULINK programme, also funded from the 9<sup>th</sup> EDF, promotes twinning arrangements between European and ACP universities and research institutes. These inter-institutional links facilitate the transfer of best practice techniques, and provide the staffing resources for enhanced capacity in a variety of different fields.

Under the 10<sup>th</sup> EDF it is anticipated that both these programmes will be extended. It is planned that they will be joined by the MWALIMU JULIUS NYERERE programme that will promote and catalyse inter-university cooperation within Africa and support student mobility between African institutions of higher learning.

### ***Brain waste***

The European Commission notes the advantages of having an agreed system of European equivalences for ACP diplomas and other educational qualifications. On the basis of the European experience, the Commission also notes the time and resources that would be needed to bring such a system into operation and the resources that would be needed to keep the data on which equivalence decisions would be taken up to date.

The Commission believes that a system of credit transfer between ACP institutions would be easier to design and to monitor and would have significant advantages especially in view of the forthcoming NYERERE programme which will promote large numbers of student exchanges between ACP institutions.

In addition to credit transfer, the Commission is concerned that any increased investment in the education sector should be accompanied by sufficient data collection in the form of Graduate Tracer Studies. Studies of this kind will provide clear evidence of the extent of

the brain 'drain' and of brain 'waste' and can be used to design remedial measures where necessary.

### ***Remittances***

The benefits then which can potentially be reaped by developing countries in making remittances more conducive to development are significant. The Commission's 2005 Communication on Migration and Development identified two main areas for EU action on remittances (a) Fostering cheap, fast and secure ways to send remittances, and (b) Facilitating the contribution of remittances to the development of migrants' countries of origin.

Recent work on remittances at EU level has tended to consist of studies and be focussed on the EU and North Africa. Several data studies have been carried out on the development impact of remittances and a study on the volume and geography of remittances from the EU is due to be finalised very soon. The Council adopted a Payment Services Directive in March 2007 although this does not cover transfers to countries outside of the EU. The Commission is also supporting an IFAD Funding Facility for innovative projects that increase access to remittances in rural areas. Further actions – along the lines identified in the resolution – will need to be taken up, in close cooperation and partnership with remittances-receiving countries, international institutions, migrant groups and other interested actors.

### ***Circular migration***

The Commission is supportive of the idea of promoting 'dual posts' through partnerships between educational, research, healthcare or other public institutions in the EU and in Africa, and is considering ways and mechanisms to promote such partnerships, including in the context of the Joint EU-Africa Strategy and its Action Plan.

The draft Directive on highly skilled workers will have the effect of facilitating the mobility of highly skilled migrants between the EU and their country of origin by giving them accelerated access to a secure residence status in the EU. In 2008 the Commission will put forward another proposal for a common admission procedure for remunerated trainees, which will by its nature be an instrument to facilitate circular migration. Basically it will aim to make it easier for medium to highly skilled migrants to come to the EU for a strictly limited time to improve their skills and build up their professional experience before returning to their country of origin.

The Commission has adopted in June 2007 its thematic strategy 2007-2010 on cooperation with third countries in the areas of migration and asylum, which foresees the possibility to support migration and development related initiatives, including possibly actions to involve return migrants in development programmes, to ensure their proper reintegration in their community of origin and to allow them to value their acquired skills; offering potential returnees professional and financial incentives; improving access to loans and management training of return migrants in order to provide an incentive for the development of productive activities. However, it should be mentioned that the actions financed under the thematic programme will be selected on the basis of calls for proposals. Consequently, the implementation of such actions will depend on the demand for funding such proposals. Furthermore it shall be noted that the new (JLS) Return Fund includes a component related to the reintegration of returnees.

### ***Diasporas and co-development***

The Commission has recognised time and again the importance of diasporas as potential actors in the development of countries of origin. The Commission is in principle prepared to support efforts initiated by source countries at national or regional level to set up databases where members of diasporas interested in contributing to home countries' development can register on a voluntary basis, and more generally to maintain links between these countries' and their diasporas, in coordination with other donors. The Commission has invited those Member States that do not already do so to identify and engage diaspora organisations which could be suitable and representative interlocutors in development policy and/or possible initiators of development projects in countries of origin. The Commission is also looking at ways to facilitate steps by the organisations representing diasporas involved in the development of countries of origin to set up a mechanism that could ensure appropriate representation of their interests at EU level.