



DIRECTORATE-GENERAL FOR EXTERNAL POLICIES
POLICY DEPARTMENT



**PROPOSAL FOR
THE CREATION OF
AN OBSERVATORY FOR
MIGRATION BETWEEN
THE EU AND
LATIN AMERICA AND
THE CARIBBEAN**

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DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION
POLICY DEPARTMENT

PROPOSAL FOR THE CREATION OF AN OBSERVATORY FOR MIGRATION BETWEEN THE EU AND LATIN AMERICA AND THE CARIBBEAN

REPORT

Abstract

The creation of the Euro-Latin American Migration Observatory (EU-LAC-MO) responds to three pressing needs, specifically: databases of reliable and comparable empirical data; research into the causes and consequences of migration; and analysis of the policies developed by the institutions and their suitability for meeting the requirements. Based on the three key thematic areas of the structured dialogue (links between migration and development; regular migration; and irregular migration), the functions of the Observatory would be as follows: 1) collation of existing databases and harmonisation of statistical methods; 2) dissemination of existing research and generation of new research to fill existing gaps; 3) analysis of public policy, dissemination of administrative manuals, identification of best practice and creation of performance indicators; and 4) application of international and regional legislation. The organisation could be part of the Euro-Latin American Foundation or of a body such as the IOM or SEGIB (Ibero-American General Secretariat). It should have an International Committee as its consultative and coordinating body, an Executive Committee for operations and various national coordination branches. The *funding for the Executive Committee* could come from organisational budgets, from a trust fund or from a mixed system. The *resources for projects and activities* could be provided by international and national bodies or could come from international cooperation.

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AUTHOR(S):

Anna Ayuso and Elena Sánchez-Montijano, Barcelona Centre for International Affairs (CIDOB, Centro de Estudios Internacionales de Barcelona)

RESPONSIBLE ADMINISTRATOR:

Mario Negre
Directorate-General for External Policies of the Union
Policy Department
PHS 04C019
rue Wiertz 60
B-1047 Brussels

Feedback to mario.negre@europarl.europa.eu is welcome

Editorial assistant: Sabine Hoffmann

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1. RESPONDING TO A NEED

In the two decades of transition from the 20th to the 21st centuries, migration from Latin America and the Caribbean (LAC) to Europe increased to such a degree that it produced a historic reversal of the trends which, in previous eras, were in the opposite direction. The number of Latin American and Caribbean immigrants in European Union (EU) countries has grown exponentially, although their distribution is not uniform. The phenomenon is part of a general growth in migration flows on a worldwide scale which has led to the concept of **migration governance**. States are obliged to create, implement and monitor public policies relating to migration management, and they must do this in cooperation with civil society actors. Furthermore, given that migration is a transnational phenomenon, it is necessary that the countries of origin, transit and destination of persons who migrate work together by means of a specific international cooperation strategy based on the **principle of shared responsibility**. Back in 1994, the *United Nations International Conference on Population and Development*, held in Cairo, recommended creating multilateral regional spaces for managing migration flows. The principal aim of this cooperation must be to guarantee effective protection for the civil and labour rights of migrants, upholding the law and security while migration operates as a development driver. This is true both in the destination economies and those of the countries of origin.

However, migration policies are linked to themes related to the exercise of territorial sovereignty, such as border control and security, or to highly sensitive questions such as the labour market, citizen coexistence, civil and political rights or access to public services. This conditions the resistance of States to making commitments that limit their powers. For this reason, international cooperation in migration matters was traditionally resolved by bilateral means, causing an accumulation of diverse instruments which hinder international governance. This in turn reduces effective management of migration flows, although, more importantly it puts migrants and their families at a disadvantage. Nevertheless, in recent decades, instruments of an international nature, global and regional, have been developed to address the phenomenon with the aim of establishing some common bases both in Europe and in LAC countries.

In the EU, the Maastricht Treaty (1993) established cooperation among European governments in matters of justice and home affairs, and immigration and asylum were included as areas of common interest. There followed the European Council meeting in Tampere (1999) and, later, the Hague Programme (2004) for strengthening the area of freedom, security and justice during the period 2005-2009. The latter outlined a **comprehensive approach to the phenomenon of migration** covering:

1. structured management of migration flows;
2. inclusion of dialogue and cooperation in relations with countries of origin and transit;
3. promotion of integration tools for nationals of third countries.

The entry into force of the Lisbon Treaty and the application of the Stockholm Programme (2009-2013)¹ will lead to the intensification and expansion of the **common migration agenda**. This tendency is also apparent in the European Parliament's adoption, on 24 March 2011, of a legislative resolution amending the proposal for a directive on a **single application procedure for a single permit** for third-country nationals to reside and work in the territory of a Member State and on a **common set of rights for third-country workers legally residing in a Member State**. Also relevant are the proposals presented by the Commission, and pending consideration by the European Parliament, for a directive on

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF>

conditions of entry and residence of third-country nationals in the framework of an **intra-corporate transfer** and for a directive on the conditions of entry and residence of third-country nationals for the purposes of **seasonal employment**.

For their part, the LAC countries are creating an agenda for managing migration at regional, subregional and bi-national level to guarantee protection for migrant workers. To this end, the Organisation of American States (OAS), in Resolution AG/RES. 2608 (XL-O/10), establishes, among other points, the need to:

1. have data and systems for accurate and timely information on migration to foster strengthening of institutional capacities;
2. identify areas of international cooperation and exchange of best practice;
3. implement the Continuous Reporting System on International Migration in the Americas (SICREMI);
4. join forces with subregional integration processes;
5. strengthen cooperation with the Ibero-American General Secretariat (SEGIB) and the International Organisation for Migration (IOM);
6. develop a database to complement those already available on existing legal frameworks and regulations related to migration and to map temporary worker programs. This resulted in the creation of the Database of Migration Legislation in the Americas (MILEX) of the OAS².

The agenda for the hemisphere also lays down the challenge of incorporating the gender perspective and creating policies for decent work and for development. The Work Plan of the Special Committee on Migration Issues (CEAM) 2010-2011 (CE/AM-150/10 rev. 2 of 25 January 2011) includes a proposal for creating an Inter-American Network for Cooperation in Migration (RICOMI) to strengthen institutional and human capacity.

At the American subregional level, there are essentially two forums for consultation and cooperation. In the north, there is the Regional Conference on Migration (RCM)³, dating from 1996, also known as the 'Puebla Process'. At the 15th Conference (2010) an ad hoc working group was formed comprising the countries plus three representatives of the Regional Network of Civil Organisations for Migration (RNCOM) with the aim of identifying the topics for discussion by means of a preliminary report. This process has been weighted by the presence of the United States, which is the main recipient of migrants in the area in question (Ramírez, J. G and Alfaro, A. A., 2010). In the south, the South American Conference on Migration (CSM) dates from 1999. At the tenth Conference (2010) it adopted the Declaration on Migration Principles and General Guidelines of the CSM, as well as the South American Human Development Plan for Migration (PSDHM)⁴. At the meeting in question, the possibility was raised of the CSM becoming a Council within the Union of South American Nations (UNASUR). For the time being, the IOM acts as technical secretariat for both forums.

At bi-regional level, the Ibero-American Forum on Migration and Development (FIBEMYD)⁵ has been created. At the first meeting, in Ecuador in 2008, a Programme of Action was created for implementing the Montevideo Commitment which had been adopted at the Ibero-American Summit of 2006, and an agreement was signed between SEGIB, IOM and the United Nations Economic Commission for Latin America and the Caribbean (ECLAC). This plan covers three key areas: managing migration; human rights; and migration and development.

² <http://www.migracionoea.org/milex/english/index.html>

³ <http://www.rcmvs.org/>

⁴ <http://www.xcsm.org.bo/>

⁵ http://segib.org/social/?page_id=321

The subregional integration processes in LAC countries have also addressed the question of migration. Among the most important measures are those giving flexibility to border crossings between Member States by Mercosur nationals. Since the 1960s, the Andean Community (CAN) has made use of the Instrumento Andino de Migraciones Laborales⁶ (Andean Labour Migration Instrument) (Decision 116). In terms of extra-community migration, the CAN works on five key areas:

1. migration governance and free movement of workers;
2. protecting migrants' human rights;
3. remittances and financial mechanisms for development;
4. international negotiations;
5. cooperation, especially in the CSM.

In the Central American Integration System (CAIS), an equivalent manual has been created for procedures to facilitate migration together with a manual of information exchange procedures. There is also the Integrated System of Migration Operations (SIOM) within the framework of the Central American Commission of Migration Directors (OCAM)⁷, which, together with the IOM, discusses coordination mechanisms, the implementation of the regional system of migration information and the common technology platform, in addition to measures for the return of extra-regional migrants. With the entry of Mexico, the Statistical Information System on Migration project (SIEMMES) is being implemented in association with the Mesoamerican Initiative⁸.

As a result of the growing institutional interest on both sides (EU and LAC), the emergence of a new regulatory framework in the EU, the dynamism of the new migration agenda in the LAC region and the great increase in the presence of Latin Americans in Europe, combined with the social and political consequences resulting from all of the above, the **need has arisen to put questions of migration on the agenda of political dialogue and bi-regional cooperation**. Even though the question of migration has been discussed in various dialogue forums since 2004, it was at the Fifth EU-LAC Summit, held in May 2008 in Lima, that the 'principle of shared responsibility' was discussed for the first time. The idea of initiating an EU-LAC political dialogue on migration arose from an initiative of the bi-regional EuroLat Parliamentary Assembly, which requested the dialogue in its Resolution of 20 December 2007 on EU-Latin America relations with a view to the Fifth Lima Summit⁹, and in its Message of 1 May 2008 to the Fifth EU-LAC Summit in Madrid¹⁰. This message undertook to *'establish a systematic bi-regional dialogue on migration, within which matters relating to illegal immigration and opportunities for legal migration will have priority status, which will protect migrant workers' human rights and which will lead to more extensive cooperation with Latin American countries of origin and transit on the basis of one and the same balanced, specific overarching criterion'*. Furthermore, the Message raised the possibility of *'establish[ing] a Monitoring Centre on Migration, the task of which would be the continuous, detailed monitoring of all matters relating to migrant flows within the Euro-Latin American area.'*

In February 2009, EuroLat created the **Working Group on Migration in EU-LAC Relations**. At its first meeting in 2009, the group established the following mandate¹¹:

1. reaching a consensus on the fundamental principles on migration, 'allowing **differentiated special treatment** when European migration legislation is being applied';

⁶ <http://www.comunidadandina.org/camtandinos/OLA/Sociolaborales.asp?MnuSup=4&IS=1>

⁷ <http://www.oim.or.cr/espanol/procesosregionales/ocam/ocam.shtml>

⁸ <http://www.enlaceacademico.org/pizarra-informativa/enlaces/proyecto-sistema-de-informacion-estadistica-sobre-las-migraciones-en-centroamerica-siemca/>

⁹ http://www.europarl.europa.eu/intcoop/eurolat/assembly/plenary_sessions/brussels_2007_htm/resolution_political_committee_en.pdf

¹⁰ http://www.europarl.europa.eu/intcoop/eurolat/key_documents/messages/v_summit_eu_lac_lima_2008/721105en.pdf

¹¹ http://www.europarl.europa.eu/intcoop/eurolat/working_group_migration/meetings/27_28_01_2010_brussels/dossier/basis_en.pdf

2. **monitoring the transposition into the domestic legislation of the EU Member States** of EU migration and asylum legislation;
3. encouraging the moves to set up the **Euro-Latin American Migration Observatory**.

The Declaration of the Fifth EU-LAC Summit in Lima¹² gave rise to the **structured dialogue** on migration, established on 30 June 2009, and to the adoption of migration as one of the four key areas of the Action Plan approved at the EU-LAC Summit in Madrid in May 2010.

According to the document of 30 June 2009¹³ on the 'Basis for Structuring the EU-LAC Dialogue on Migration', **dialogue is structured around three broad areas**: the link between migration and development; regular migration; and irregular migration. Within the area of the link between **development and migration**, the following themes have been identified: the *causes* of migration, the effect of *remittances*, preventing the *brain drain*, mutual *benefits* and capacity building of competent *authorities*. With regard to the management of **legal migration**, this will involve *rights and obligations* of migrants, as much for entry as for residence and exit, recognition of *qualifications*, *circular migration* and family *reunification*. Finally, with regard to **irregular migration**, this will include *legislative and administrative measures* applicable to migrants in irregular situation, measures to address *groups in situation of vulnerability*, *return* on a dignified basis and conditions of *readmission*. The latter point reflects the great concern caused in the LAC countries by the Return Directive and the consequences of its adoption.

The **Madrid Action Plan** of 2010¹⁴ established the following among its objectives: to identify common challenges and opportunities that require common solutions; to build a stronger evidence base in order to better understand the realities; to address the positive synergies between migration and development as well as address regular and irregular migration and other related issues; and to promote full respect of the human rights of migrants. Cited among the activities is the need to **improve information exchange** on migration flows and policies through a 'targeted project' dedicated to strengthening relations, especially in Caribbean countries. The aforesaid programme 'Strengthening dialogue and cooperation between the EU and LAC countries in order to establish a management model for migration and development policies' [AIDCO/ (2010) D/NNN] was launched on 11 January 2011 as part of the *Thematic Programme of Cooperation with Third Countries in the Areas of Migration and Asylum*¹⁵ managed by the IOM and the International and Ibero-American Foundation for Administration and Public Policies (FIIAPP).

Some of the questions raised during the dialogue come up against **obstacles** arising from differing positions. For example, the LAC countries accuse the EU of having a narrow vision that prioritises the need to prevent and combat irregular migration and to regulate the labour market. Conversely, the Latin American countries prioritise themes of protecting the rights of migrants and the benefits that migrants bring to the destination countries. However, within both regions, there are **differences between sending and receiving countries**, and therefore the solutions offered within each region must be the subject of shared analysis. Given the existence of various forums for debating and seeking consensus regarding migration policies in LAC countries and Europe, it would be practical to seek a certain **convergence in the dialogues**.

In order for the dialogue on regular and irregular migration and development to lead to constructive proposals, it must be centred on specific policies which generate effective outcomes. It is therefore of

¹² http://www.europarl.europa.eu/intcoop/eurolat/key_documents/summits_eu_alc/v_16_5_2008_lima_en.pdf

¹³ http://www.europarl.europa.eu/intcoop/eurolat/working_group_migration/meetings/27_28_01_2010_brussels/dossier/basis_en.pdf

¹⁴ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/114540.pdf

¹⁵ <http://ec.europa.eu/europeaid/how/finance/documents/eidhr/strategy-paper2007-2010.pdf>

great importance **to include civil society in the dialogue**, bringing together a diverse and representative range of differing views. There exist today numerous initiatives which need to be channelled in order to support actors and decision makers in public policy. For the purpose of this report, a non-exhaustive list of over 30 initiatives that monitor migration in different contexts have been identified (see Annex). These initiatives supplement the monitoring activities of international institutions such as the World Bank, IDB, ECLAC, IOM and ILO, along with those of the regional organisations cited above and national and sub-national organisations; however their contents are diverse and do not enable comparison. Given the **lack of shared information**, the proposal to create an Observatory for EU-LAC Migration is timely, and it would serve as an instrument to enable two-way discussion and follow up, not only on migration flows and policies but also on protecting citizens' rights.

2. OBJECTIVES OF THE OBSERVATORY

The EU-LAC Migration Observatory (EU-LAC-MO) should be designed as a tool for supporting structured dialogue on migration, which helps to identify shared challenges and areas of mutual cooperation and jointly to define new responses and migration policies based on shared responsibility and the commitment of all parties. The dimension represented by the migration phenomenon in the general relations between the EU and LAC countries requires a greater awareness of the consequences of migration in countries of origin and destination and of how governments deal with those consequences. With regard to the management of migration, we can identify the following gaps which the EU-LAC-MO needs to fill:

1. creating **factual databases** on the most relevant aspects of migration;
2. promoting **research into the causes and consequences** of migration in the countries of origin and receiving countries in order to determine needs;
3. **analysing the policies** of public and private institutions and their suitability in respect of the needs identified and the objectives that they aim to achieve;
4. identifying **best practices** which can be used in policy guidance.

2.1 Sharing knowledge

It has already been indicated that an initial need identified for managing migration relations on the both sides of the Atlantic is for shared information about the LAC communities in EU countries, as well as for research on current and future migration flows. There is a need for continuous monitoring of the evolution of the different variables which affect the human and economic flows between the two regions. Having **better quality data** available will permit sequential and comparative evaluation studies.

Given the multiple dimensions of the migration phenomenon at micro and macro level, it appears essential to involve a substantial number of relevant actors, both public and private, to coordinate activities and build observation networks. The EU-LAC-MO proposal must be coordinated with the bodies which currently process data on the dynamics of migration from different perspectives. This includes those organisations and institutions mentioned in the preceding section, along with civil society initiatives. The Observatory should contribute to an ongoing harmonisation of information from various sources, establish standards for quality, contribute to an ongoing division of labour and improve dissemination of data by making it available to researchers and public institutions responsible for creating, endorsing and applying public policies. This is an exercise in transparency which should not only contribute to improved governance but also increase trust among public opinion.

2.2 Creating knowledge

On the subject of producing studies, it should be stressed that migration has **multiple levels**, from the individual and family-based to the national and transnational, with varying consequences. Research is needed into the effects of migration on different countries and regions, in an attempt to produce studies using a common methodology which permits **comparative studies** and can also be adapted to specific situations. The EU-LAC-MO should contribute to creating a network linking those institutions which are currently studying migration themes in both regions, which would contribute to:

1. raising awareness of and **disseminating research** completed and underway;
2. promoting the creation of **transnational research groups**;
3. linking the **research agenda** with the **political agenda**;
4. channelling resources towards research into **projects with regional impact**.

As a result, there should be a better and more comprehensive understanding of the reality of migrant communities and of the impacts of migration on the countries of origin, transit and destination. Furthermore, there should be **prospective studies** focused on key themes which must be relevant to the EU-LAC migration dialogue. This requires the direct participation of the societies of origin and destination including migrant persons and their families. This information will enable a structured political dialogue built on solid foundations and not on subjective perceptions.

2.3 Applying knowledge

With regard to public policies, each State is responsible for protecting the rights of the population within the territory in which it exercises sovereignty. However, in situations of a transnational nature, international cooperation, which facilitates the creation of the tools required at each level of action, is essential. **International cooperation** in the field of migration, in addition to **resources**, requires **processes of learning and exchange** of knowledge and experience which assist in **developing policies** which respond to various individual and collective needs.

The EU-LAC-MO should contribute to a greater knowledge of the public policies being implemented and promote a **convergence of agenda** which in turn become part of a global agenda on migration governance. At the same time, such agenda should be in line with the specialist dialogues on migration matters which the EU has opened with other regions. This requires the **development of indicators** for monitoring policies, which would assess of the **quality** and **cumulative effect** of the safeguards in place for the rights of migrants according to the various regulations at different levels. This includes EU directives and subregional regulations; clauses which could be included in new treaties; the application of the existing treaties; and the respective adaptation of national legislation to international standards. This is one of the ways of putting into practice the principle of shared responsibility, taking into account the different needs and capacities of the actors involved. In this sense, the purpose of the new 'targeted project' is to strengthen capacities and the exchange of information and best practices to improve the management of migration between the EU and LAC countries. This will serve to strengthen the design and oversight of the policies in question. Another example of this trend is the MIPEX project (*Migrant Integration Policy Index*)¹⁶, which reached its third edition in 2011. It analyses policies for integrating immigrants in 31 countries using a system of policy indicators which enable identification of the strengths and weaknesses of the aforesaid policies in each country.

¹⁶ <http://www.mipex.eu/>

Policy evaluation through indicators does not only permit identification of best practices and the dynamic evolution of processes, but also contributes to strengthening **institutional accountability mechanisms** which are fundamental for the appropriate design and application of policies. The general economic crisis and its effects on the labour market in EU and LAC countries offers an opportunity to analyse the dynamics of this phenomenon in the medium term, and to observe the capacity of public policies to adapt to the requirements of a changing and increasingly interdependent world. The second Ibero-American Forum on Migration and Development (FIBEMYD), held in El Salvador in 2010, analysed the impacts of the economic crisis on migration and development, and discussed the need to **identify areas of intervention and best practices in strategic sectors**.

The EU-LAC-MO is not a body responsible for producing policy proposals, as other institutions do, but it can be a very useful tool for developing the proposals created through political dialogue. In this sense, the EU-LAC-MO could be the catalyst for studies tied to the political agenda on migration themes, linking these to the **cooperation agenda**.

Given the impact that migration policies can have, in both positive and negative sense, on the development of developing countries, it is necessary to include the study of the consequences which result from applying such policies in countries of origin. The EU is committed to producing a bi-annual **report on policy consistency** which presents, among other items, the effects of migration policies. The EU-LAC-MO can become a tool for ongoing monitoring with a much greater impact than one-off assessments.

3. CONTENT OF THE OBSERVATORY

The EU-LAC-MO must be founded on the **principles** of exchange, creation and compilation of knowledge based on:

1. **interdisciplinarity**, incorporating different fields of research which work together with the aim of producing a holistic understanding of the situation;
2. **a scientific approach**, applying a coherent and scientific working methodology;
3. **innovation**, breaking down stereotypes and establishing new models of immigration management.

The themes which must be taken as the foundation on which to develop the EU-LAC-MO must accord with the **three thematic areas** established by the structured dialogue on migration in the Madrid Action Plan, namely the links between migration and development, regular migration and irregular migration. This will enable continuity with the work conducted thus far. In each of these areas, the following should be developed as strategic themes.

3.1 Development and migration

In recent years, the links between development and migration have become key to migration management. In addition to various international organisations, especially the European Union, the IOM and the United Nations, academia has proclaimed the importance of the link between these two processes. The EU-LAC-MO must increase research and analysis in this area in which there are very significant gaps in understanding. The themes identified in this area are: analysis of the causes of migration; the socio-economic effect of remittances; preventing the brain drain; mutual benefits of human and economic flows; capacity building of competent authorities; and responsible management of flows at origin and destination.

3.2 Regular migration

The response being given by the EU and its member countries to current migration flows is regular migration and its management through the labour market. In this thematic area, it will be necessary to consider those questions relating to rights and obligations of migrants both at point of entry (borders) and in residence (integration) and exit (return and circulation). Among the key questions for study are those relating to: recognition of qualifications, circular migration, labour migration, qualified migration, family reunification, and social and political rights.

3.3 Irregular migration

Irregular migration is an awkward phenomenon for the different countries involved. It is a source of controversy and one of the questions most often forgotten by the analysts owing to the difficulty in measuring it. The EU-LAC-MO would be expected to work on areas related to the regulations applicable to irregular migrants, measures relating to vulnerable groups (women and children), protection of human rights, return in conditions of dignity and conditions of re-admission.

At the same time, development of the working areas cited depends on a **three-fold principle**:

1. *sharing management* and responsibility among the different actors involved;
2. the *win-win* principle according to which all of the actors involved benefit;
3. *institutional strengthening* for the global management of EU-LAC migration.

4. OBSERVATORY TOOLS

Based on the suggested thematic areas, we propose an EU-LAC-MO that develops its activities using the gaps identified in the analysis and understanding of EU-LAC migration as **key areas for action**. These are: databases, research and public policy. Each point is explained below.

4.1 Databases

International migration flows have undergone a profound process of change in recent decades, mainly due to the different ways, routes and channels by which migration is made possible today. Currently, we are experiencing difficulties in estimating the numbers involved in international migration. Even though numerous databases exist, both national and international, gaining a reliable understanding is extremely complicated, largely due to variations in the data. It is therefore necessary to improve the quality of the data available in order to gain empirical information which can be used in sequential studies and in comparative assessments. The importance of collecting and compiling these data has been underlined by certain authors in relation to seasonal migration, migration of students and irregular migration. **Without data, migrants do not exist in the eyes of the institutions** (Newland, 2007: 1-2). The current, growing, transnational movement of people requires **data to be collected from countries of origin and countries of destination**, which in turn calls for coordination of such data from various sources. No system is yet in place to capture adequately the contemporary movement of people (Agunias and Newland, 2008: 17). The 'targeted programme' fits into this area, which aims to improve national and regional capacities for data collection, processing and exchange.

The **two-fold objective** of this field of work is as follows.

Firstly, the existing databases which refer to LAC and EU migration must be **fully collated** at international level as well as at intergovernmental, national and subnational level. Some of the principal sources are:

Worldwide sources: United Nations Statistics Division (UNSD) which collects information from the ILO, the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Population Division, the IOM and the World Bank.

LAC regional sources: Inter-American Development Bank (IDB); CELADE Population Division of the Economic Commission for Latin America and the Caribbean (ECLAC); the aforementioned SIMA and SIEMMES; the Observatory of Caribbean Migrants, and the Continuous Reporting System on International Migration in the Americas (SICREMI).

European sources: Eurostat; European Migration Network; CARIM - Consortium for Applied Research on International Migration.

Furthermore, there are plans to **harmonise the existing databases**. Since 1973, the United Nations has been trying to achieve harmonisation of data on migration (United Nations, 1998). In 1998, the United Nations Statistics Division (UNSD) and the statistics office of the EU, Eurostat, took one of the most important steps to date in issuing **recommendations regarding statistics** for measuring migration flows and other issues relevant to the study of international migration. Adoption of the aforesaid guidelines by the EU-LAC-MO would represent a significant step in enhancing knowledge for the international governance of migration.

4.2 Research

Research into migration has continued to grow in recent years. Many institutions are working today on the phenomenon of migration, however a great deal of work remains to be done on account of the diversity, both internal and external, of the migration phenomenon. One of the key areas which the EU-LAC-MO must consider is that of sound research. Research in the Observatory must meet **two objectives**:

Firstly, **collation** of existing studies of relations between the EU and LAC countries is key to enabling development and progress in the migration phenomenon. As we have already warned, the research being conducted is abundant and diverse, yet it is also frequently scattered across different institutions and organisations. For this reason, we raise firstly the need for working on the *exchange of knowledge* and secondly the need for combating wasted efforts on the part of various institutions which sometimes result in content duplication. Bearing this in mind, some, but by no means all, of the *institutions and organisations* which should be included in this collation exercise are listed as follows. European Migration Network; CARIM - Consortium for Applied Research on International Migration; CELADE, Population Division of ECLAC; Statewatch Observatory: EU asylum and immigration policy; Observatory of Caribbean Migrants (OBMICA); Inter-American Observatory for Migrants' Rights (OCIM); Centre for Information on Migration in Latin America (CIMAL); International Network of Migration and Development. To these should be added the local initiatives and the work of teams of academics in research and analysis.

Secondly, there is a need to promote **new research** based on the needs identified and on existing gaps. It is necessary to promote research into the *causes and consequences* of migration, both in the countries of origin and receiving countries, which will help to determine the needs. As such, the EU-LAC-MO must correct the current lack of shared information and exchange regarding LAC communities in the countries of the EU. It must also respond to the need for research into migration flows, both current and future. It is important to have continuous monitoring of the *evolution of the different variables* which affect the human and economic flows between the two regions. These lines of investigation must be based directly on the guidelines resulting from the structured dialogue and developed by existing or emerging research teams.

4.3 Public policies

Finally, it is of particular interest to develop a line of work around analysis of the policies of public and private institutions and their suitability in respect of the needs identified and the objectives that they aim to achieve. Within this framework, the EU-LAC-MO must accept the following as **objectives**:

- Contributing to **institutional strengthening** and improved monitoring of public policies through dissemination and, where necessary, promotion of *administrative manuals* which contribute to harmonising policies based on *international standards*.
- Identifying the **exchange of ideas and information** between the different institutions which implement public actions. In this area, it would seem useful to create a *best practices* toolkit for public policies in which all the actors could participate. The work being done by the European Web Site on Integration (EWSI)¹⁷ can serve as an example of this method of collating activities conducted by the various bodies. Other recent examples include: the aforementioned MILEX of the OAS, which includes mapping of legislative trends, and the ‘targeted programme’ of the EU which involves improved equipping for migration management in order to strengthen policy design.
- **Monitoring activities** regarding different policies must be promoted on the basis of *performance indicators* which enable a *sequential comparative analysis* similar to that of the aforementioned MIPLEX. In addition to periodic comparative reports, individual *peer reviews* of migration policies could be implemented. Among other purposes, these would assist in the analysis of *policy consistency* and in consolidating the principle of *shared responsibility*.
- Monitoring of public policies should also include **incorporation and application** of international and regional **regulations** as part of national legislation and institutions.
- Creating **working groups** which allow appropriate development of policy actions. This line of work must be positioned within the structured dialogue on migration featured in the 2010 Madrid Action Plan.

5. INSTITUTIONAL STRUCTURE AND FUNDING

Given the previous existence of numerous scattered initiatives, the EU-LAC-MO should be constituted as a body for **channelling existing initiatives and resources**, promoting greater cooperation among institutions and centres which work in the field of EU and LAC migration flows. This should cover research in addition to policy development and the management of flows of persons.

5.1 Structure

Rather than just creating parallel structures, the EU-LAC-MO should contribute to creating synergies between existing bodies and establishing an appropriate division of labour. For its own part, the purpose of the EU-LAC-MO must be closely **linked to the structured dialogue while maintaining its autonomy**. Its institutional status should be able to guarantee appropriate interaction among diverse actors which will promote **plurality and an interdisciplinary approach**, encouraging dialogue among actors of various types.

The structure of the EU-LAC-MO must allow coordination that includes **groups of experts** that prepare the structured policy dialogue on migration and the bodies which manage the **international cooperation programmes** on migration themes. Given that it would be a **bi-regional institution**

¹⁷ <http://ec.europa.eu/ewsi/en/policy/legal.cfm>

rather than depending directly on the Commission, as is the case with the European Migration Observatory (see Annex), it should be an institution of an interregional nature that aims to safeguard autonomy and EU-LAC plurality. There are various possibilities, including:

1. The first possibility, in line with requests of the EuroLat Assembly, is that, for operational purposes, it should form part of the Euro-Latin American Foundation currently being created (*bearing in mind that, as the Board of the Foundation will include representatives of the States forming the Bi-regional Association and the two Co-Presidents of the EuroLat Assembly in the role of observers, the link with the decision makers appears assured*).
2. The second possibility is to outsource the secretariat and transfer it to other organisations. One possibility in this case is the IOM, which performs the same function for the Puebla Process and the CSM. This would enhance interaction with the aforesaid subregional processes, although it would weaken its links with policy dialogue and also its coordination with the European cooperation programmes.
3. Another option is the link with SEGIB, which is the only established bi-regional organisation working on cooperation in the field of migration and which participates as an observer on the majority of the other organisations cited. Interaction between SEGIB and the EU is greater than with the IOM; however, there would be similar objections.

Whatever its position, it must operate with clear autonomy. Following the example of other thematic observatories, the EU-LAC-MO could have an International Committee as a general consultative and coordination body, a basic Executive Committee to oversee operations and some national branches which would ensure contact with the institutions, centres and organisations of each country.

International Committee

This could comprise regional delegations from each of the two existing cooperation processes in Latin America, namely the Puebla Process and the CSM. To these would be added representatives of the European Commission, the European External Action Service, EuroLat and integration organisations such as MERCOSUR, CAIS, UNASUR and CARICOM. The observers should include SEGIB and other specialist international organisations such as the IOM, ILO, CELADE-ECLAC and the CEAM-OAS. This body should be deliberative and consultative rather than executive or decision-making. Face-to-face meetings should be limited to the essential and should coincide with Euro-Latin American summits or high level structured dialogue meetings. Its role should be to act as a transmission channel between regional and national bodies, facilitating knowledge of work completed, overseeing operations and issuing proposals.

Executive Committee

This could be composed of three highly reputable experts, each responsible for one of the three key areas of the Observatory (information management, research and public policy) and selected through open competition based on merit. The mandate of this committee, which would be of a technical nature, should depend on the structured policy dialogue.

National branches

In each State participating in the EU-LAC-MO, there should be national branches under the control of the bodies responsible for justice and home affairs (or migration), which should include delegates from the most representative research centres and from civil society. The branches would act as the intermediary of the Executive Committee in implementing the various tools and on behalf of the International Committee in terms of creating proposals and monitoring. In the case of the EU, the capacities created by the European Migration Observatory could be used, while in Latin America, use

could be made of the coordination bodies involved in the two existing processes, the Puebla Process and the CSM. In this way, generation of greater synergies is guaranteed between the different processes and existing resources are optimised.

5.2 Funding

A basic ad hoc funding mechanism should be established to support the Executive Committee and the technical capacities for managing the databases referred to above. If the Observatory is positioned within the Euro-Latin American Foundation, it could either be part of its institutional budget or else rely on a trust fund or a mixed system. For the other initiatives, working groups and research projects, resources should be created through the external capacities identified by the processes of information exchange and funded with resources from international and national bodies and, where necessary, additional contributions from international cooperation organisations.

In the case of the latter, there are already some specific thematic strands in the EU, such as the *Thematic Programme on Migration and Asylum*¹⁸ and more specifically the 'targeted programme', and other initiatives within the framework of the *Development Cooperation Instrument* (DCI) such as the 'Investing in people' programme¹⁹ [COM (2006) 18 final] and the 'Non-State Actors and Local Authorities Programme'²⁰, in addition to research and development programmes. However, the possibility may also be considered of creating a multi-donor fund in which different States and international organisations would participate according to their capacities.

The EU could create a specific programme for the exchange of best practices regarding migration-related policies. Another possibility would be to include the migration question in the EUROsociAL Programme as a specific or interrelated offshoot. Some integration initiatives could be incorporated into the Urban Programme. In order to create transnational research projects, there is a need to promote the creation of thematic consortia led by different organisations according to their capacities.

¹⁸ <http://ec.europa.eu/europeaid/how/finance/documents/eidhr/strategy-paper2007-2010.pdf>

¹⁹ http://ec.europa.eu/development/icenter/repository/how_we_do_strategy_paper_en.pdf

²⁰ http://ec.europa.eu/europeaid/how/finance/documents/non-state-actors/dci_en.pdf

6. CONCLUSIONS AND RECOMMENDATIONS

In summary and by way of **conclusions**, we present the following on the basis of the needs identified.

- Transnational migration requires countries of origin, transit and destination to work together through international cooperation based on the principle of *shared responsibility*.
- The current scattered nature of multilateral, regional and bi-lateral instruments hinders international governance of the phenomenon and is disadvantageous to the States and to migrant persons and their families.
- The great increase in the presence of Latin Americans in Europe; the emergence of a new regulatory framework in the EU; and the dynamism of the migration agenda in LAC countries, at regional, subregional and bi-national level, has led to the inclusion of migration themes on the agenda of policy dialogue and bi-regional cooperation.
- The foundations of the EU-LAC structured dialogue on migration cover three areas: links between migration and development, regular migration and irregular migration.
- The objectives of the Madrid Action Plan include: identifying challenges and opportunities that require common solutions; building a stronger evidence base regarding the situation; establishing positive synergies between migration and development, regular migration and irregular migration; and promoting full respect of human rights.
- Three basic needs have been identified: databases of reliable and comparable empirical data; research into the causes and consequences of migration, both in countries of origin and receiving countries; analysis of the policies developed by public and private institutions and their suitability for meeting the requirements identified.

In order to meet the aforementioned needs, the EU-LAC Migration Observatory (EU-LAC-MO) should be constituted as a tool to support the structured dialogue on migration in order to identify common challenges and areas of mutual cooperation. The following **recommendations** are proposed.

- The EU-LAC-MO should contribute to a greater understanding of the reality and impacts of migration on the countries of origin, transit and destination. It should also contribute to the creation of prospective studies on key themes in the EU-LAC migration dialogue.
- The EU-LAC-MO should contribute to a convergence of agenda, which in turn should become part of a global agenda on migration governance while simultaneously aligning with specialist dialogues.
- The EU-LAC-MO should develop indicators for monitoring policies, which enable the measurement of quality and the cumulative effect of safeguards for the rights of migrants based on different regulations at various levels.
- Policy evaluation will enable identification of best practices and contribute to strengthening institutional accountability mechanisms.
- The EU-LAC-MO can be responsible for ongoing monitoring for consistency in the migration policies of the EU and the Member States with regard to the effects on development in the countries of origin and transit, which contributes to the preparation of the mandatory bi-annual report.
- The EU-LAC-MO should be founded on: *an interdisciplinary approach* to knowledge; a *scientific approach* and *innovation*. The *themes* which should be taken as the basis on which to develop the Observatory must accord with the three key areas of the structured dialogue on migration.
- To improve the quality of information, there must be a thorough collation of the existing databases at international level as well as at intergovernmental, national and local level.

- Harmonisation* of the aforesaid databases is essential as are recommendations on statistics to quantify migration flows and other relevant themes in line with international standards.
- With regard to research, it is as much a question of *compiling and making accessible* the existing research into migration between the EU and LAC countries as it is of generating *new research* on the basis of the needs identified and the existing gaps.
 - In the case of public policies, the following should be undertaken: dissemination and promotion of *administrative manuals* which contribute to policy harmonisation; identifying *best practices*; promoting *policy monitoring* exercises based on performance indicators which contribute to analysing consistency in policies and consolidation of the principle of shared responsibility; oversight of incorporation and *application of international and regional regulations*; and creation of *working groups* which enable development of policy actions.
 - The EU-LAC-MO should be constituted as a body for channelling existing initiatives, promoting greater cooperation between institutions and centres, contributing to their harmonisation and establishing an appropriate *division of labour*.
 - While the EU-LAC-MO must be linked to the structured dialogue, it must maintain its *autonomy*. This guarantees appropriate interaction among the different actors together with the plurality and *interdisciplinary nature* of the dialogue, whilst encouraging dialogue among actors of different types.
 - There are two *organisational options*: one to make it part of the Euro-Latin American Foundation, and the other to outsource the secretariat to organisations such as the IOM and SEGIB. This option could improve coordination with the Latin American processes. However, it would distance it from policy dialogue.
 - The EU-LAC-MO must have its *own bodies*. Following other examples, it could have an International Committee as a general consultative and coordination body; a basic Executive Committee to oversee operations and some national branches that would ensure contact with the institutions, centres and organisations of each country.
 - *Funding for the Executive Committee and technical capacities* could come either from the budget of the Euro-Latin American Foundation or from a trust fund or else a mixed system.
 - The *resources for projects and activities* could be provided through the funding of international and national bodies or could come from international cooperation organisations. A multi-donor fund could be created in which States and international organisations participate.

REFERENCES

Agunias, D. y Newland, K. 2008. *Circular Migration and Development: Trends, Policy Routes, and Ways Forward*. Brussels: Migration Policy Group.

Newland, K. 2007. *Can Migrants, Countries of Origin and Countries of Destination All Win from Circular Migration?* Belgium: Global Forum on Migration and Development.

Ramírez, J. G. y Alfaro, A. A., 2010. "Espacios multilaterales de diálogo migratorio: el proceso Puebla y la Conferencia Sudamericana de Migración". In: *Andina migrante*, Quito: FLACSO sede Ecuador. Programa de Sociología, Sistema de Información sobre Migraciones Andinas, 9: pp. 2-10.

United Nations, 1998. "Recommendations on Statistics of International Migration", *Statistical Papers Series M*, No. 58, Rev.

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