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COMMUNICATION DE LA COMMISSION AU CONSEIL, AU PARLEMENT EUROPÉEN, AU COMITÉ ÉCONOMIQUE ET SOCIAL EUROPÉEN ET AU COMITÉ DES RÉGIONS

Migration et développement: des orientations concrètes

COMMUNICATION DE LA COMMISSION AU CONSEIL, AU PARLEMENT EUROPÉEN, AU COMITÉ ÉCONOMIQUE ET SOCIAL EUROPÉEN ET AU COMITÉ DES RÉGIONS

Migration et développement: des orientations concrètes

1. Introduction

En décembre 2002, la Commission a adopté une communication[1] qui, entre autres thèmes, tentait pour la première fois de préciser les liens entre migration et développement, de suggérer un certain nombre d'initiatives clés et de promouvoir une cohérence entre ces deux domaines d'action.

Dans l'intervalle, la question des migrations et du développement est restée au sommet de l'agenda politique international. Les pays et les organisations internationales perçoivent de plus en plus les migrations comme un phénomène susceptible d'avoir des retombées positives considérables en termes de développement, pour autant que des politiques appropriées soient mises en place. Le lien entre migration et développement est l'une des questions centrales examinées par la Commission mondiale sur les migrations internationales (CMMI), dont le rapport est attendu d'ici octobre 2005. Le dialogue à haut niveau sur les migrations et le développement (*High Level Dialogue on Migration and Development*) programmé pour 2006 dans le cadre de l'Assemblée générale des Nations unies est une preuve supplémentaire de l'importance de ce débat, qui présente un grand intérêt pour les pays en développement. Le Parlement européen a également abordé ces questions, entre autres, lors d'une audition en mars 2005.

Eu égard à ces circonstances, et dans un contexte de flux migratoires toujours plus mondialisés, la Commission s'efforce d'apporter par le présent document de nouveaux éléments à ce débat. Elle y est encouragée par le Conseil[2] et par le programme de La Haye qui a été approuvé par le Conseil européen[3]. Cela permettra également d'affiner la notion de codéveloppement inscrite dans les conclusions du Conseil européen de Tampere (1999).

La Commission considère que les liens entre migration et développement offrent un potentiel considérable pour servir les objectifs de développement, sans que cela remplace le renforcement de l'aide publique au développement (APD) et l'amélioration des politiques, qui demeurent plus nécessaires que jamais pour atteindre les objectifs du millénaire pour le développement, dans les délais convenus[4].

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1 "L'intégration de la politique des migrations dans les relations de l'Union européenne avec les Pays tiers » - COM(2002) 703 du 3.12.2002.

2 Dans des conclusions sur la migration et le développement adoptées le 19 mai 2003.

3 Le programme de La Haye a été adopté comme annexe des conclusions du Conseil européen de Bruxelles du 5 novembre 2005.

4 Communications de la Commission du 12 avril 2005: «Accélérer les progrès vers la réalisation des Objectifs du Millénaire pour le Développement - La contribution de l'Union européenne» - COM(2005) 132 -, «Accélérer le rythme des progrès accomplis sur la voie des objectifs du Millénaire pour le développement – financement pour le développement et efficacité de l'aide» - COM(2005) 133 -, et «Accélérer les progrès vers la réalisation des objectifs du millénaire pour le développement: cohérence des politiques pour le développement» - COM(2005) 134.

Le présent document s'appuie sur la communication de décembre 2002, qui continue de fixer le cadre pour intégrer les questions de migration dans les politiques de l'Union européenne en matière de relations extérieures et de développement. Comme ladite communication le soulignait et comme les conclusions du Conseil de mai 2003 l'ont confirmé, l'intégration des questions de migration doit respecter la cohérence globale des politiques et des actions extérieures de l'Union européenne, et être compatible avec les objectifs et les priorités de la déclaration conjointe Conseil/Commission sur la politique communautaire de développement[5].

La présente communication ne couvre pas non plus la totalité des thèmes traités dans la communication de 2002. Elle se concentre sur un certain nombre de sujets précis, essentiellement liés aux migrations sud-nord, et notamment sur les actions susceptibles d'être engagées au niveau de l'Union, en partenariat avec les pays en développement d'origine[6].

La Commission a déjà pris un certain nombre de mesures concrètes, en particulier dans le cadre de l'aide communautaire aux pays tiers, afin d'améliorer l'incidence des migrations sur le développement. Certaines d'entre elles sont décrites en détail à l'annexe 1.

2. De nouvelles initiatives pour améliorer l'incidence des migrations sur le développement

Composée de 25 États membres, l'Union européenne est un acteur important sur la scène politique internationale. Afin de poursuivre le développement de ses politiques et de faire en sorte que la politique des migrations contribue concrètement à la poursuite de l'objectif de cohérence des politiques pour le développement, elle doit s'appuyer sur les meilleures pratiques qui ont été ou qui sont mises au point par chaque État membre ou par des acteurs non étatiques, et doit également intégrer des pratiques venant d'autres parties du monde, y compris des pays en développement.

Illustrant les principaux aspects du débat mondial sur les migrations et le développement, et conformément aux conclusions du Conseil de mai 2003, la Commission a défini des orientations concrètes visant à améliorer l'incidence des migrations sur le développement, l'accent étant mis sur les migrations sud-nord. Pour chacun de ces domaines, une annexe fournit une brève présentation des questions en jeu et des précisions sur les initiatives que la Commission prévoit ou examine et/ou contient des recommandations destinées aux États membres concernant leurs domaines de responsabilité.

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5 Selon les conclusions du Conseil, l'intégration des questions migratoires dans les politiques des relations extérieures et du développement devrait être aussi basée sur un dialogue politique et se matérialiser dans le cadre des documents de stratégie régionaux et nationaux.

6 Ces objectifs expliquent le domaine couvert par cette Communication: elle considère essentiellement la migration au départ des pays en développement vers l'UE. Elle ne concerne pas la migration intra-UE ou la migration entre l'UE et les autres pays développés. Elle ne couvre pas non plus la migration entre les pays en développement, bien que certaines de ses orientations puissent être appropriées dans le cadre de ces flux également.

2.1. Les envois de fonds vers les pays d'origine[7]

L'augmentation du volume des envois de fonds enregistrés effectués par des migrants au cours des dernières années et une meilleure connaissance de ces flux financiers ont fortement attiré l'attention des décideurs, car ces flux peuvent éventuellement contribuer à la poursuite des objectifs de développement des pays d'origine des migrants. Naturellement, malgré leur volume, ils n'offriront pas de solutions miracles en matière de développement. Il s'agit de transferts privés qui ne sauraient remplacer l'aide publique au développement. Toutefois, le coût de ces envois de fonds, et plus généralement les conditions de ces envois, demeurent souvent insatisfaisants.

Il existe par conséquent deux principaux domaines d'action politique concernant les envois de fonds vers le pays d'origine, qui consistent à rendre les transferts moins coûteux, plus rapides et plus sûrs, et à renforcer leur impact en termes de développement dans les pays de réception. Cependant, les délais nécessaires pour atteindre ces deux résultats ne sont pas identiques: dans ce dernier domaine, il existe des synergies et des chevauchements importants avec les politiques de développement en général, notamment le développement des marchés financiers et l'amélioration du cadre réglementaire, pour lesquelles des améliorations ne sont possibles qu'à moyen ou à long terme. L'amélioration des conditions de transfert peut, quant à elle, être obtenue à plus court terme.

2.1.1. Favoriser des envois de fonds peu coûteux, rapides et sûrs

Les initiatives de la Commission prévues ou envisagées et ses recommandations visant à garantir des flux peu coûteux, rapides et sûrs pour les envois de fonds peuvent se résumer comme suit:

Des informations plus complètes

Les données officielles relatives aux flux des envois de fonds sont confuses, souvent insuffisantes et ne reflètent pas les circuits alternatifs d'envois de fonds. La Commission lancera des initiatives visant à améliorer la collecte des données pour mieux saisir l'ampleur des flux d'envois de fonds effectués par les migrants. Elle abordera notamment avec les États membres la possibilité de transmettre des informations relatives aux envois de fonds par pays de destination.

En collaboration avec des institutions telles que la Banque mondiale, elle encouragera également des études sur les ménages permettant de déceler les circuits d'envois informels, en mettant l'accent sur des corridors bilatéraux d'envoi de fonds sélectionnés.

En outre, elle lancera des études destinées à rassembler davantage d'informations sur le secteur des envois de fonds, sur ses structures de coût, sur les indicateurs éventuels d'une absence de concurrence et sur les lacunes techniques.

La transparence

La Commission envisage d'adopter une proposition de directive sur les services de paiement destinée à stimuler la concurrence et à renforcer la transparence en obligeant les prestataires

[7] Aux fins de cette Communication, les rapatriements de fonds sont définis de façon large, comprenant tous les transferts financiers des migrants vers les bénéficiaires dans les pays d'origine. Cette définition est plus large que celle utilisée aux fins de calculer la balance de paiements

de ces services à rendre les frais (y compris les opérations de change) et les autres conditions (comme les délais d'exécution) pleinement transparents pour les clients. Elle obligera également les États membres à créer un registre de tous les établissements de paiement agréés (y compris les organismes de transfert de fonds), qui devra être actualisé régulièrement et disponible à la consultation publique, notamment en ligne.

La Commission invite également les États membres à encourager des initiatives visant à fournir toute information supplémentaire et pertinente aux migrants et favorisera un dialogue entre États membres afin d'identifier les meilleures pratiques dans ce domaine.

Elle envisagera également de soutenir la création d'un site internet à l'échelle européenne présentant des informations sur les coûts et les conditions applicables aux divers circuits d'envois de fonds, y compris les circuits conventionnels.

Le cadre juridique

Même à l'intérieur de l'Union européenne, dont les marchés financiers sont largement intégrés, la réglementation applicable aux services d'envois de fonds varie substantiellement d'un pays à un autre. La Commission prévoit d'encourager la création de conditions équitables sur la base de dispositions harmonisées pour l'octroi de licences dans l'ensemble de l'Union. La future proposition de directive sur les services de paiement veillera à ce que les organismes de transfert de fonds soient soumis à des exigences réglementaires appropriées, harmonisées dans l'ensemble de l'Union et adaptées à leur profil de risque spécifique.

En outre, la Commission soutiendra un échange d'informations sur les initiatives de marché visant à réduire le coût des flux d'envois de fonds.

Elle est disposée à discuter avec les pays en développement intéressés des possibilités de surmonter les obstacles aux flux d'envois de fonds, et à déterminer, le cas échéant, si une aide technique spécifique visant à améliorer leurs infrastructures financières et économiques pourrait être fournie par la Communauté dans le cadre de ses programmes, ainsi que par la Banque européenne d'investissement.

Le cadre technique

La Commission examinera également la possibilité de fournir, dans le cadre du programme Aeneas, un appui financier à des projets pilotes qui favorisent l'utilisation de nouvelles technologies pour fournir des services d'envois de fonds peu coûteux, faciles d'accès et compétitifs, ouvrant des perspectives économiques dans les pays en développement.

L'accès aux services financiers

La Commission abordera la question de l'accès des migrants aux services financiers lors de ses contacts avec les parties concernées. Elle est également disposée à examiner, en partenariat avec les pays en cause, des initiatives destinées à améliorer l'accès aux services bancaires et financiers dans les pays en développement, en mettant l'accent sur le rôle éventuel des institutions de microfinance, ainsi que des mesures d'accompagnement appropriées (activités d'information, etc.).

Des précisions sur ces initiatives et recommandations figurent à l'annexe 2.

2.1.2 Faciliter la contribution des envois de fonds au développement des pays d'origine des migrants

Ainsi qu'on l'a déjà indiqué, les envois de fonds vers les pays d'origine concernent des sommes privées et ne s'achemineront vers un investissement productif que si les bénéficiaires sont en mesure de faire des choix éclairés et s'il existe des incitations appropriées. Le développement de telles incitations et l'amélioration des choix dans les pays de réception s'inscrivent dans une démarche de développement plus globale et à plus long terme.

Les initiatives de la Commission prévues ou envisagées et ses recommandations visant à faciliter la contribution des envois de fonds au développement des pays d'origine des migrants peuvent se résumer comme suit:

L'intermédiation financière dans les pays en développement

La Commission souhaite examiner, en partenariat avec les pays concernés et, le cas échéant, en coopération avec la BEI, les possibilités de renforcer l'intermédiation financière dans les pays en développement, notamment en facilitant des partenariats entre les institutions de microfinance et les principales institutions financières.

Bien que la Communauté ne puisse pas financer de lignes de crédit/fonds renouvelables ni de fonds de garantie pour des opérations de microfinance, notamment celles qui concernent des migrants, la Commission est disposée à étudier des partenariats dans ces domaines avec les IFI intéressées, y compris la BEI, pour autant qu'il soit possible de parvenir à un accord préalable avec ces institutions et que ces dernières assument pleinement la responsabilité de la mise en œuvre opérationnelle de la ligne de crédit/du fonds de garantie.

Envois de fonds collectifs et régimes de cofinancement

Après avoir évalué la durabilité, la pertinence et l'efficacité des projets pilotes financés par l'ancienne ligne budgétaire B7-667 (cf. annexe 1), la Commission examinera la possibilité de fournir un financement, dans le cadre des lignes budgétaires appropriées, à des projets communs menés par des organisations issues des diasporas, de préférence de deux États membres au moins, et des organisations locales pour soutenir le développement local.

Des précisions sur ces initiatives et recommandations figurent à l'annexe 3.

2.2. Les diasporas en tant qu'acteurs de développement des pays d'origine

Les diasporas sont de plus en plus reconnues comme un acteur potentiel important dans le développement des pays d'origine, ainsi que cela a déjà souligné dans la dernière partie relative aux envois de fonds. Les initiatives concrètes de la Commission prévues ou envisagées, ainsi que ses recommandations visant à accroître la participation des membres de diasporas qui le souhaitent au développement de leur pays d'origine, peuvent se résumer comme suit:

Aider les pays en développement à identifier leurs diasporas et à établir des liens avec celles-ci

La Commission envisagera de soutenir les efforts entrepris par les pays de départ, au niveau national ou régional, pour mettre en place des bases de données dans lesquelles les membres

de diasporas désireux de contribuer au développement de leur pays d'origine peuvent s'enregistrer volontairement et, plus généralement, pour entretenir des liens entre les pays concernés et leurs diasporas, en coordination avec d'autres donateurs.

La Commission invite les États membres qui ne le font pas encore à identifier et à entamer un dialogue avec les organisations issues des diasporas susceptibles de constituer des interlocuteurs appropriés et représentatifs dans la politique de développement et/ou d'éventuels initiateurs de projets de développement dans les pays d'origine.

Elle apprécierait également que des initiatives soient prises par les organisations qui représentent les diasporas impliquées dans le développement des pays d'origine afin de mettre en place un mécanisme qui soit à même de garantir une représentation appropriée de leurs intérêts au niveau de l'Union européenne, notamment en ce qui concerne les politiques présentant un intérêt pour ces pays.

La jeunesse

En complément des initiatives déjà existantes, prises notamment par les autorités locales dans le cadre d'actions de jumelage et qui sont à encourager, la Commission évaluera la faisabilité de programmes d'échange pour la jeunesse, dirigés en particulier vers les communautés de migrants, sur la base des expériences acquises dans les programmes intra-européens existants.

Des précisions sur ces initiatives et recommandations figurent à l'annexe 4.

2.3. Migration circulaire et circulation des cerveaux

Le retour des migrants[8], même temporaire ou virtuel, peut jouer un rôle utile pour encourager le transfert de compétences vers le monde en développement, conjointement à d'autres formes de circulation des cerveaux. Faciliter la migration circulaire pourrait également jouer un rôle essentiel à cet égard. En outre, les orientations qui seront identifiées par la Commission à l'issue du débat qui fera suite à la publication de son Livre vert sur les migrations économiques permettront de développer davantage cet aspect et d'accroître la prise en compte des questions de développement dans la politique communautaire en matière d'immigration. Les initiatives détaillées de la Commission prévues ou envisagées, ainsi que ses recommandations dans ces domaines, peuvent se résumer comme suit:

Le potentiel de la migration temporaire

Les politiques visant à optimiser l'impact, en termes de développement, des migrations temporaires, en complément des recommandations générales relatives aux envois de fonds, doivent essentiellement chercher à encourager la migration circulaire, en accordant prioritairement de nouveaux emplois temporaires aux travailleurs qui ont déjà travaillé sous ce type de régime et ont regagné leur pays à la fin du contrat, et également à offrir une gratification appropriée aux migrants qui participent à ce système. Ceci pourrait par exemple s'appuyer sur les expériences de certains États membres en matière de remboursement des cotisations de retraite à la fin du contrat du travailleur ou inclure le paiement, par le pays de résidence, d'un montant supplémentaire s'ajoutant aux économies du travailleur. Sur la base

[8] Dans toute cette section, le terme 'retour' est défini de façon assez large et n'est donc pas limité aux rapatriements dans le cadre de l'immigration illégale. Dans la plupart des cas, il fait ainsi référence au retour volontaire vers le pays d'origine.

des résultats du débat relatif au Livre vert sur les migrations économiques, la Commission étudiera aussi la possibilité de définir un cadre général pour l'entrée et le séjour à court terme de migrants saisonniers dans l'espace commun.

Faciliter les migrations de retour

La Commission invitera les États membres et les autres parties intéressées à partager leur expérience relative à l'élaboration et à la gestion de programmes de retour assisté, et au soutien des pays d'origine en vue de la réintégration réussie des migrants de retour. Dans ce cadre, elle engagera une discussion avec les États membres sur les questions connexes relatives aux visas de courte durée.

La Commission évaluera la possibilité de proposer des mesures dans des domaines tels que la transférabilité des droits à pension, la reconnaissance des qualifications ou des mécanismes visant à garantir que les chercheurs ou d'autres travailleurs professionnels ayant travaillé dans l'Union européenne puissent rester en contact avec leurs anciens collègues, de manière à faciliter les retours volontaires et à contribuer à une réintégration réussie.

Les retours temporaires ou virtuels

La Commission propose de s'appuyer sur l'expérience actuelle en matière de programmes de retours temporaires ou virtuels et de l'étendre, le cas échéant, à d'autres parties du monde en développement. Elle examinera également l'aide qu'il serait possible de fournir à des systèmes d'apprentissage en ligne dans le cadre de programmes communautaires relatifs aux technologies de l'information et des communications.

De plus, des initiatives seront prises au titre du 7^{e} programme-cadre de recherche et développement pour faciliter la mise en réseau des chercheurs étrangers travaillant dans l'Union européenne, notamment ceux qui travaillent dans des domaines présentant un intérêt direct pour les pays en développement, et des organismes de recherche dans leurs pays d'origine.

La Commission veillera également à ce que les droits de résidence dans l'Union européenne des membres de diasporas qui décident de s'engager dans ce type d'activités ne soient pas affectés par des retours temporaires dans les pays d'origine.

À l'avenir, la Commission continuera d'apporter son soutien, dans le cadre du programme Aeneas, à des projets grâce auxquels des migrants ou des membres de diasporas créent des activités économiques durables dans leurs pays d'origine, avec une préférence pour les projets réalisés dans des pays tiers impliquant des diasporas d'au moins deux États membres. Ces projets devraient être compatibles avec la stratégie de développement des pays tiers concernés.

En outre, la Commission étudiera davantage la manière dont les entrepreneurs intéressés, issus de communautés de migrants, peuvent contribuer au développement de leur pays d'origine, les obstacles auxquels ils sont confrontés à cet égard et les politiques qu'il conviendrait de mettre en place pour les surmonter.

La Commission encouragera l'identification des meilleures pratiques dans des domaines tels que les détachements ou les congés sabbatiques, et les aspects afférents en matière de sécurité

sociale, susceptibles de faciliter le retour temporaire, dans le cadre du dialogue qu'elle ouvrira avec les États membres au titre du suivi de la présente communication.

Des précisions sur ces initiatives et recommandations figurent à l'annexe 5.

2.4. Atténuer l'incidence négative de la fuite des cerveaux

La dimension nord-sud n'est qu'un exemple de la question de la fuite des cerveaux, qui revêt également une dimension nord-nord (elle affecte aussi l'UE) et une dimension sud-sud. Elle est le reflet du phénomène plus large de la mondialisation et aucune réponse politique uniforme et simple n'est à même de relever ce formidable défi. De plus, cette question ne concerne pas la totalité des pays en développement et des secteurs. Les réponses politiques doivent donc être conçues en fonction des besoins spécifiques et des défis qui se posent pour chaque pays concerné. En outre, il s'agit d'un domaine dans lequel les États membres conservent des responsabilités importantes et dans lequel les moyens d'action sont donc relativement limités au niveau communautaire. En 2002, la Commission avait déjà lancé l'idée d'un code européen de bonne conduite visant à discipliner les recrutements dans les cas où ceux-ci auraient des retombées très négatives pour les pays en développement. Jusqu'à présent, cette idée n'a bénéficié d'aucun suivi de la part des États membres. Néanmoins, la Commission est convaincue que d'autres initiatives peuvent être mises en place pour traiter la question de la fuite des cerveaux, selon les orientations suivantes:

La base d'informations disponibles

La Commission, en collaboration avec d'autres organismes et donateurs intéressés, entend soutenir les efforts des pays en développement désireux d'améliorer leur connaissance du marché du travail, notamment le manque ou l'excès de compétences au niveau sectoriel. Cela servirait de base à ces pays pour concevoir des solutions aux problèmes identifiés, dans le cadre de leurs stratégies de réduction de la pauvreté.

Parmi les exemples de réponses possibles, la Commission prépare actuellement une communication distincte, portant sur la gestion de la crise des ressources humaines dans le domaine de la santé, qui aura pour objectif d'élaborer une série de réponses innovantes face à la crise des ressources humaines que connaissent les pays en développement, dans le contexte sanitaire plus général de ces pays, et en s'appuyant sur le cadre fixé par la présente communication.

Discipliner le recrutement

La Commission encourage les États membres à développer des mécanismes tels que des codes de conduite pour limiter les recrutements actifs qui auraient des répercussions négatives importantes sur certains pays en développement, notamment dans le secteur des soins de santé, et pour coordonner leurs efforts respectifs dans ce domaine.

La Commission s'efforcera également de convaincre d'autres pays de destination importants de travailler à des accords similaires. Les possibilités d'une approche mondiale de la politique de recrutement devraient être étudiées et cette question devrait être soulevée dans les enceintes internationales appropriées, comme l'OMS.

Encourager les partenariats institutionnels

Favoriser des partenariats entre institutions de l'Union européenne et des pays ou régions en développement intéressés pourrait avoir un effet sur les causes de la fuite des cerveaux. Dans chaque cas, la combinaison précise de mesures à mettre en place dépendrait d'une évaluation préliminaire des problèmes et des besoins spécifiques du pays ou de la région. Ces mesures pourraient inclure une aide à la création de partenariats entre les institutions scientifiques ou universitaires des pays en développement et de l'Union européenne, en vue de mener des activités de recherche conjointes.

D'autres formes de partenariats entre les instituts de recherche, les universités, les hôpitaux ou d'autres organismes des pays en développement et des États membres de l'UE visant à réduire la fuite des cerveaux pourraient notamment inclure des «systèmes de travail partagé», dans lesquels des scientifiques, des chercheurs, des médecins, des techniciens ou d'autres professionnels des pays en développement partageraient leur activité entre une institution de leur pays d'origine (université, hôpital, centre de recherche, etc.) et une institution partenaire dans un État membre de l'Union européenne. La possibilité de fournir un appui communautaire à de tels systèmes pourrait être évaluée notamment à la lumière du 7e programme-cadre de recherche et développement.

La coopération au développement en tant que source d'emploi pour les travailleurs hautement qualifiés dans les pays en développement

La Commission considère que les donateurs, dans le cadre de l'OCDE/CAD, pourraient revoir utilement les mécanismes opérationnels de leurs programmes d'assistance technique avec pour objectif spécifique de déterminer s'il serait possible de stimuler davantage l'emploi de travailleurs qualifiés provenant des pays en développement par les organes de mise en œuvre de ces programmes.

Des précisions sur ces initiatives et recommandations figurent à l'annexe 6.

3. Suivi de la présente communication

Dans la présente communication et dans ses annexes, la Commission présente plusieurs orientations concrètes afin que l'Union européenne contribue à des progrès effectifs sur un certain nombre de questions liées au lien entre migration et développement. Tandis que certaines de ces suggestions sont globalement prêtes à être mises en œuvre, ou peuvent faire l'objet de projets susceptibles de bénéficier d'un financement communautaire, par exemple dans le cadre du programme Aeneas[9], qui continuera d'exister après l'expiration des perspectives financières actuelles comme l'un des programmes thématiques d'assistance communautaire aux pays tiers[10], d'autres exigeront de nouvelles discussions et analyses. Dans un certain nombre de domaines, la compétence pour la mise en œuvre de ces suggestions incombe aux États membres. La réalisation de ces idées implique en outre un dialogue approfondi avec les pays ou régions d'origine intéressés.

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9 Règlement (CE) n° 491/2004 du Parlement européen et du Conseil du 10 mars 2004 établissant un programme d'assistance technique et financière en faveur de pays tiers dans le domaine des migrations et de l'asile (AENEAS) (JO L 80 du 18.3.2004, p. 1). Voir aussi annexe 1.

10 Communication de la Commission au Conseil et au Parlement européen "Actions extérieures au travers de programmes thématiques dans le cadre des futures perspectives financières 2007-2013 » - COM(2005) 324 du 3.8.2005.

De l'avis de la Commission, le suivi de la présente communication devrait comporter les éléments suivants:

- le Conseil devrait procéder à un examen approfondi de la présente communication en vue de la mise en œuvre coordonnée des initiatives et des recommandations qu'elle contient;

- sur cette base, un dialogue pluridisciplinaire entre la Commission et les États membres devrait avoir lieu concernant les questions couvertes par la communication. Il devrait porter en particulier sur le renforcement de la coordination des politiques des États membres entre elles et avec les politiques communautaires;

- le dialogue fondé sur le partenariat avec les pays tiers en développement intéressés et leurs organisations régionales devrait également être renforcé, dans le cadre des structures et mécanismes institutionnels existants. Il pourrait mettre l'accent sur le soutien à apporter aux pays en développement désireux d'évaluer leur situation migratoire sur le plan national ou régional, et les besoins et les problèmes qui en résultent, et contribuer à identifier d'éventuelles réponses adaptées. Le cas échéant, ces questions devraient être reflétées dans les documents stratégiques pertinents. Les profils de migration (cf. annexe 8) constitueraient un outil utile pour soutenir ce dialogue et cette coopération;

- un renforcement de la coopération de la Commission avec les organisations internationales concernées;

- des échanges avec d'autres parties impliquées, en particulier les ONG, les partenaires sociaux et la société civile, l'accent étant mis sur les organisations représentant les diasporas.

Ces aspects sont décrits en détail à l'annexe 7.

La mise en œuvre des orientations contenues dans la présente communication utilisera le cadre des ressources et des instruments financiers déjà existants, ou ceux qui seraient susceptibles de les remplacer dans le cadre des futures perspectives financières.

4. Conclusion

La présente communication a abordé certains aspects pratiques des migrations et la manière dont celles-ci peuvent contribuer au processus de développement dans les pays d'origine, avec une attention particulière accordée aux migrations sud-nord. Certaines des initiatives ou des recommandations contenues dans la présente communication peuvent également s'appliquer aux migrations sud-sud. Cependant, ces dernières, qui représentent un phénomène de plus en plus important pour les pays en développement, ont un impact spécifique sur la situation économique, sociale, politique et même environnementale de ces pays. La Commission envisage donc de mener une réflexion approfondie sur ces questions dans un proche avenir. La présente communication n'a pas non plus examiné les questions spécifiquement liées aux réfugiés. Enfin, elle n'a pas évalué l'impact plus global de la politique de l'Union européenne en matière d'immigration sur les pays en développement, ni la question de l'intégration des

questions de développement dans cette politique. Ces deux thèmes continueront de figurer sur l'agenda politique de la Commission[11].

Par la présente communication, la Commission espère apporter une première contribution au débat mondial sur les liens entre migration et développement, notamment dans la perspective du dialogue à haut niveau qui se tiendra en 2006 dans le cadre de l'Assemblée générale des Nations unies. La politique présentée dans cette communication, élaborée et mise en œuvre en partenariat étroit avec les pays d'origine et de transit et adaptée à leurs besoins, contribuera à accroître la cohérence de la dimension extérieure de la politique de l'Union européenne en matière d'immigration et de la politique de développement.

[11] La Commission contribue au débat sur comment répondre aux crises des réfugiés dans les pays en développement avec sa communication sur les programmes régionaux de protection - COM(2005) 388, adoptée simultanément avec cette communication.

ANNEX 1:
STEPS FORWARD AT EU LEVEL SINCE 2002

1. Legislative or regulatory reforms

Directive 2004/114/EC on the admission to the EU of third country nationals for the purposes of studies, pupil exchange, unremunerated training, or voluntary service, was adopted on 13 December 2004[1]. This Directive lays down common conditions and rules for the admission of third-country students, thus facilitating entry and residence, without, however, containing a right to entry. It is left to Member States' discretion whether to apply the Directive to other categories of persons, such as school pupils, unremunerated trainees and people doing voluntary service in the EU. Member States must transpose the Directive by 12 January 2007. Furthermore, a Directive on a specific procedure for admitting third-country nationals for purposes of scientific research[2] is expected to be adopted by summer 2005. This procedure shall both speed up and ease the admission of researchers from third countries into the EU.

In addition, the recent Green Paper on economic migration[3] has triggered a debate on what rules should apply to the admission of migrants for economic purposes. It should lead to new Community initiatives in this field, which the Commission will set out in an Action Plan to be published before the end of 2005 (cf. point 1 of Annex 5).

2. Facilitating return migration

According to the Return Action Programme, approved by the Council on 28 November 2002, country-specific return programmes should be designed. The aim of such programmes should be to ensure effective and timely return. Furthermore, the question of creating sustainable solutions as a means to tackle root causes for illegal immigration should be considered.

Return, either temporary or permanent, can bring back human, financial, economic and social capital to developing countries. Return programmes should therefore explicitly take this dimension into account. Such was the case of the Afghanistan Return Plan, the first country-specific return programme adopted by the Council. Moreover, thanks to the financial support of the European Union, over 150 highly qualified and skilled Afghans have returned from Member States to their country of origin in order to support capacity building for relevant Ministries and overall reconstruction efforts. The Afghanistan experience demonstrated that return of nationals can give an important boost to reconstruction and development efforts. Ensuring a good matching between the needs of the developing country and the skills available can be an important factor in making returns successful.

The experience gained from the Afghanistan return programme will be used in the planning of similar future country-specific return programmes. Those programmes will also benefit from Community funding within the framework of preparatory actions for a financial instrument for return management in 2005/2006 and from the future European Return Fund for the period

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1 Council Directive 2004/114/EC - OJ L 375, 23.12.2004, p. 12.
2 Part of the package presented under COM(2004) 178, 16.3.2004.
3 COM(2004) 811, 11.1.2005.

2008-2013 as part of the General programme 'Solidarity and Management of Migration Flows'[4].

3. Provision of assistance to pilot projects in the area of migration with an impact on development

Since 2001, the Community has provided financial support, within the framework of the now discontinued budget line B7-667, to various preparatory actions for cooperation with third counties in the area of migration and asylum. A number of these preparatory actions seek to maximise the impact of migration on the development of countries of origin of migrants, by facilitating and enhancing the various types of contribution – financial contributions, but also skills or other forms of know-how – which migrants can make to these countries.

For instance, several projects seek to facilitate the involvement of migrants residing in EU Member States in development-friendly activities in their countries of origin, usually with a view to helping them set up or participate in small scale entrepreneurial activities there. In several of these projects migrants' organisations in EU Member States play an important role in mobilising and supporting potentially interested migrants. Some projects are oriented toward the permanent return of interested migrants to their country of origin while others are not. Some of these projects also include a component for making it easier for SMEs in countries of origin of migrants to reach out to markets in the EU. Other projects worth noting include an initiative for developing alternative, inexpensive remittance channels based on new technology (debit cards and use of automatic teller machines – ATMs); a project for assisting countries in the Mediterranean area and Africa to develop mechanisms for encouraging development-friendly forms of labour migration; and two projects for facilitating the return of Afghan nationals to their country for contributing to the reconstruction effort. The vast majority of these projects are still underway, and it is therefore too early to draw definitive conclusions. An independent evaluation of budget line B7-667 will be carried out; its results will certainly help to identify the activities that this type of instrument can usefully support.

On the basis of these three years of preparatory actions, the Aeneas programme, for technical and financial assistance to third countries in the areas of asylum and migration, was established in March 2004 (for the period 2004-2008 with a total budget of € 250 million). This programme aims to support third countries' efforts in better managing migratory flows in all their dimensions (legal and illegal migration, readmission and reintegration of migrants, trafficking in human beings, international protection of refugees and displaced persons). It is intended to be applicable to any third country of interest for the Community. In particular, article 2.2 provides indications on the types of actions that could be undertaken in order to foster closer linkages between migration and development:

- development of actions aimed at maintaining links between local communities in the country of origin and their legal emigrants and facilitating the contribution of migrants to the social and economic development of communities in their country of origin, including facilitating the use of remittances for productive investments and development initiatives, as well as providing support to micro-credit programmes;

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[4] Communication from the Commission to the Council and the European Parliament establishing a framework programme on Solidarity and Management of Migration flows for the period 2007-2013 - COM(2005) 123, 6.4.2005)

- facilitation of dialogue and exchange of information between the institutions of the third country and the nationals of that country who are considering emigrating;

- support for targeted socio-economic reintegration of returnees into their country of origin, including training and capacity-building aimed at facilitating their integration into the labour market.

The first call for proposals (2004) was closed on 30 March 2005 and allowed the submission of 83 projects.

4. Mainstreaming migration into development policy and assistance to third countries

Since the 2002 Communication, significant steps have been taken to mainstream migration issues into development policy and Community assistance to third countries. In many cases this can contribute to improving the impact of migration on development.

A dialogue on migration issues, also touching sometimes on development aspects, has been going on with a number of third countries in the EU's neighbourhood, in the framework of the relevant bodies and in a spirit of partnership. Migration is also increasingly part of the dialogue between the EU and ACP countries, both in a bilateral and regional context. In this context, all Country Strategy Papers, which constitute the framework under which Community assistance to its developing country partners is programmed, were reviewed to assess whether there was a case for addressing migration issues. Although the dialogue on migration issues has just started with some countries, it has already contributed to a better understanding of the migration and development dimension and allowed a number of developing countries to highlight issues such as the mobilisation of diasporas as priorities that should be the focus of Community assistance in the future.

ANNEX 2:
INITIATIVES AND RECOMMENDATIONS FOR FOSTERING CHEAP, FAST AND SECURE WAYS TO TRANSFER REMITTANCES

Over the past few years, the cost of sending remittances over a number of corridors[5] has come down significantly in some parts of the world. For example, in Latin America, according to the Inter-American Development Bank (IDB), average costs have almost halved from around 15 % at the end the 1990s to 7.9 % by February 2004. Still, such rates cannot be called cheap. In addition, progress is far from uniform and the high cost of remitting – especially if compared with the cost for intra-Euro zone transfers – certainly remains an obstacle to higher remittance flows through formal channels. The efforts the EU will make in this area are in line with the commitments taken by the G8 at the Sea Island Summit in June 2004 to ensure a decrease in the cost of remittances[6].

The Commission believes that action is needed in the five areas that are addressed in this annex[7]. Moreover, as financial institutions are key actors in the area of remittances, the Commission will propose to the European organisations representing this sector to discuss various aspects relating to remittances, in the context of the on-going dialogue within the framework of the European Payments Council.

1. Improving available data on remittance flows and services

Policy on remittances needs to be based on accurate data. Unfortunately, this is at present rarely available. Remittance flows through informal channels[8] are almost never covered, and there are indications that formal flows are often grossly under-estimated. In addition, most Member States do not provide a breakdown of remittance flows by receiving country. Improved data would need to cover informal flows, to address the underestimation of formal flows[9], and to provide a detailed breakdown of bilateral flows. Finally, the development of specific studies, such as longitudinal surveys, and ensuring more comparability of international statistics would allow the development of policies that are better targeted and adapted to the situation. More information is also needed about the ways in which money is being transferred and the reasons for doing so. Household surveys could be an important instrument in providing that knowledge[10]. Initiatives in this area are already being prepared

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5 The notion of 'corridor' refers to pairs of countries – a country that is the source of remittances and another country which receives them.

6 'Reduce the cost of remittance services through the promotion of competition, the use of innovative payment instruments, and by enhancing access to formal financial systems in sending and receiving countries. In some cases, remittance costs between sending and receiving countries have been reduced by up to 50 % or more. G8 countries believe that similar reductions of high costs could be realised in the case of other countries'.

7 In development terms it would make sense to apply all improvements in the transfer of remittances to all other retail financial flows from developed countries to developing countries, not only to those flows involving migrants.

8 i.e. those channels whose flows are not officially recorded, either because the money is transferred physically by the migrant him/herself or by another person he or she has entrusted with this task, or because they are performed by money transfer operators that are not officially registered. On certain corridors, it is estimated that informal flows exceed formal ones in volume.

9 In particular by including transfers by workers residing in a country for less than one year.

10 In compliance with relevant EC legislation on personal data protection in cases where such data would need to be included in the surveys.

with regard to remittance flows from the EU to Latin America, as a follow-up to the Conclusions of the Guadalajara Summit. Work in this area should be co-ordinated with other institutions and international organisations active in this field[11]. In addition, it would also be useful to know more about the various types of use of remittances in countries of origin (consumption, investment or savings, and, in the latter case, the type of savings vehicles) and the respective share of the various economic activities for which remittances are used, in the case of investment.

Collecting and publishing better data has at least two functions: firstly, it helps policy-makers to take informed decisions; secondly, data on flows in particular remittance corridors can act as a wake-up call to the financial industry that there are business opportunities out there. The experiences of Turkish banks in Germany, Greek banks in countries of Greek emigration or, more recently, Spanish banks vis-à-vis the Latin American communities residing in Spain show that banking institutions, once aware of the potential market represented by remittances, can become quite competitive actors in these markets, thus fostering competition.

In the framework of the Inter-Agency Task Force on International Trade in services, the UN-Technical Subgroup on Movement of Natural Persons will carry out work on developing a new definition of remittances within the balance of payments framework, and on developing a statistical framework for the measurement of the economic impact of the movement of persons. The Technical Subgroup recommends changing the definition of "workers´ remittances" to a broader concept of personal transfers, which includes all household to household transfers.

Official data on remittance flows is patchy, often of mediocre quality and does not reflect alternative remittance channels. The Commission will launch initiatives to improve the collection of data to better understand the size of migrant remittance flows. In particular, it will raise with Member States the possibility of reporting on remittance data by destination.

In collaboration with institutions such as the World Bank, it will also promote household surveys which are able to capture informal remittance channels, focusing on selected bilateral "remittance corridors".

In addition, it will launch studies to gather better information on the remittance industry, its cost structures, possible indicators of a lack of competition and technical inefficiencies.

Such studies could shed light on possible ways to improve competition and realise efficiency gains. They should include the identification of main channels by destination (different channels are relevant for different countries of origin), as well as of the cost of a typical remittance through the different relevant channels and analyses of the cost structure of remittance providers and their margins.

[11] As far as the Mediterranean region is concerned, the EIB-managed FEMIP (Facility for Euro-Mediterranean Investment and Partnership) has recently launched a study on workers' remittances in eight Mediterranean Partner Countries. Its purpose is to identify the constraints of sending funds to Mediterranean countries, to provide innovative solutions to facilitate these flows and mobilize additional savings, as well as to promote their impact on economic development in recipient countries.

2. Increasing transparency

A relatively simple but potentially forceful measure to increase competition is to make the information on the costs and other conditions – including the exchange rates used – that apply to each remittance channel more widely available to the public. Increasing the transparency of the remittance market will enable potential remitters to make better informed choices. A number of Member States have taken active steps to improve transparency in the remittance market[12].

The Commission is planning to adopt a proposal for a Directive on payment services which will increase competition and enhance transparency by requiring payment service providers to make charges (including exchange rate conversions) and other conditions (e.g. execution times) fully transparent to customers. It will also require Member States to establish a register of all authorised payment institutions (including money transfer operators), to be updated on a regular basis and publicly available for consultation, in particular online.

The Commission also calls on Member States to encourage initiatives aimed at providing any additional and relevant information to migrants and will foster a dialogue amongst Member States with a view to identifying best practices in this field.

It will also give consideration to supporting the setting-up of a Europe-wide website providing information on the cost and conditions applying to the various remittance channels, including conventional ones.

Such initiatives will make it easier for potential clients to compare the various options available. In addition to benefiting migrants, they would allow comparisons across Member States and help reveal limited competition or other market inefficiencies.

The Commission also supports joint efforts by the Committee on Payment and Settlement Systems of the Bank for International Settlements (BIS) and the World Bank to define remittance principles. Applied by money transfer operators on a voluntary basis, they would make it easier for remittance senders to understand what service they can expect for their money.

Pre-departure information initiatives in countries of origin, as provided for example in the Philippines, could also contribute to more transparency.

3. Improving the legal framework for remittances

* On the EU side, Article 56 of the EC Treaty already facilitates remittance flows by providing for freedom of capital movements between the EU and third countries. However, it is also necessary to ensure that no disproportionate requirement is placed on money transfer operators (MTOs). Whereas some countries only impose light registration requirements on MTOs, others operate licensing systems and some even impose the same requirements as on banking institutions, a step that does not appear justified in terms of prudential risk, since the money transfer business typically does not involve any lending. A lighter hand in regulating would allow a number of presently informal MTOs to be appropriately regulated, thus

[12] For example the United Kingdom has sponsored a remittance product survey covering six countries of origin of migrants ('Sending money home? A survey of remittances products and services in the United Kingdom'). Some information on this initiative is available on www.sendmoneyhome.org.

retaining their advantages in terms of cost, speed and reliability while addressing public authorities' legitimate security concerns. This would help foster competition on the market for formal remittance services.

Even within the EU with its largely integrated financial markets, the regulation of remittance services varies substantially from one country to another. The Commission plans to foster the creation of a level playing field with harmonised licensing provisions throughout the Union. The forthcoming proposal for a Directive on payment services will ensure that money transfer operators are subject to appropriate regulatory requirements, harmonised throughout the EU and adapted to their specific risk profile.

Whilst ensuring that MTOs are subject to anti-money laundering/terrorist financing measures, this regulatory regime will establish a level playing field for the provision of payment services in the internal market and thus foster competition. The Commission has extensively consulted all stakeholders in preparing the draft Directive.

In addition, the Commission will support an exchange of information on market initiatives aimed at lowering the cost of remittance flows.

More generally, other steps that increase competition and encourage new entrants into the remittance market are highly beneficial. For example, exclusive agreements that tie up existing large-scale retail networks – such as national post offices – to a given MTO should be reconsidered, as they unduly limit competition.

* On the side of recipient countries, a number of regulations can act in a direct or indirect way as obstacles to remittance flows. For example taxes on remittance flows will reduce the amount of formal remittances; restrictions on capital movements or dual exchange rates will also favour informal channels of remittance transfer; and insufficient competition in the banking sector can be a contributory factor in making remittance payments expensive.

The Commission is willing to discuss with interested developing countries ways to overcome obstacles to remittance flows and to consider, where appropriate, whether specific technical assistance to improve their financial and economic infrastructure could be made available by the Community in the framework of its programmes, as well as by the European Investment Bank.

The Commission will also continue to coordinate efforts with those Member States that provide similar types of assistance to developing countries.

4. Improving the technical framework for remittances

A first issue in this respect is the potential for creating links between EU payment systems and those of developing countries which are the source of significant migration flows to the EU. This could draw on the experience acquired by the EU in setting-up a Pan European Automated Clearing House for retail payments for the introduction of the euro. There is already a precedent in this area, with the establishment of an automated clearing house between the United States and Mexico. Some EU Member States are currently looking at the feasibility of similar schemes, and the Commission wishes to take part in such efforts.

The proposal for a Directive on payment services (see above), by supporting the creation of EU-wide infrastructure for the provision of payment services, will in itself make it easier to

reach the critical mass that might make it profitable to link EU payment systems with those of third countries.

In addition, a number of schemes involving the use of state of the art technology[13] are currently being developed. The Commission believes that such systems can offer a potential, even though illiteracy and technological shortfalls could limit their relevance in some developing countries.

The Commission will, in the light of market developments and with the involvement of private operators, further consider the possibility of providing, within the framework of the Aeneas programme, financial support to pilot projects fostering the use of new technologies with a view to providing cheap, easily available competitive remittance services that open up economic opportunities in developing countries.

5. Improving access to banking/financial services

In sending countries, apart from transparency (see point 2. above), the main issue is facilitating the access of migrants to banking services. Better information about remittance flows may increase financial institutions' interest for migrants as potentially interesting customers. Several Spanish banks have taken significant steps to attract migrants, for example by opening off-hours banking facilities and hiring staff from the main migrant communities. But public authorities can have a role to play in facilitating this change of mindset, as was indeed the case in Spain. Measures to improve the financial inclusion of migrants should be inspired by good practice in the EU and beyond.

In recipient countries, insufficient access of the rural population and the poor to banking services often remains a critical issue, as banking networks rarely extend beyond large cities. Solutions include partnerships between 'mainstream' banking institutions and those networks that are present in rural areas, i.e. micro-finance institutions or post offices. Already effective or planned partnerships such as those between Spanish financial institutions and Latin American micro-finance institutions or between French and African institutions seem to point to the way forward. At the same time, recipient countries should look at regulatory obstacles that often make it difficult or impossible for micro-finance institutions to team up with mainstream institutions, including those that prevent the emergence of real competition in the banking sector.

The Commission will raise the issue of the access of migrants to financial services in its contacts with relevant stakeholders. It is also ready to consider – in partnership with the countries concerned – initiatives aimed at improving access to banking and financial services in developing countries, with a focus on the possible role of micro-finance institutions., as well as appropriate accompanying measures (information activities, etc.).

[13] In particular money transfers involving credit or debit cards and allowing unbanked beneficiaries to withdraw the transferred money from ATMs. Other novel systems are based on mobile phone technology.

ANNEX 3:
INITIATIVES AND RECOMMENDATIONS FOR FACILITATING THE CONTRIBUTION OF REMITTANCES TO THE DEVELOPMENT OF MIGRANTS' COUNTRIES OF ORIGIN

The discussion of this issue raises an important caveat. Whereas remittances do constitute very important financial flows to developing countries, they have a specific characteristic when compared with other types of flow: they are private money.

The Commission believes that respecting the private nature of remittances must be the overarching principle underlying Community policy in this area. The objective in this area should therefore be to open opportunities for migrants who wish to use part of their remittances for any form of investment supporting development.

In addition, remittance flows are influenced by a number of factors on which policy makers have little influence. For example, the composition of migration will matter as much as its size for determining the size of remittance flows. Migrants remit money to those who are close to them, usually members of their family who stayed behind. This is why family reunion, for instance, tends to lead to a reduction in the volume of remittances from the EU to Turkey and North Africa. Looking ahead, the retirement of the first generation of migrants will also affect remittance flows to the Mediterranean region. Another example of the importance of the composition of migration flows relates to the fact that highly skilled migrants tend to send a smaller proportion of their income home. Therefore, selective immigration schemes can also affect remittance flows.

This being said, there are a number of ways in which a policy mix, which should be country specific, can support such objectives. In this respect, specific attention needs to be paid to so-called collective remittances, i.e. the transfers that migrants make collectively for philanthropic purposes via their organisations in the country of residence, also known as Hometown Associations (HTAs).

The Commission believes that action can be considered in the following four areas:

1. Improving the investment climate and fostering good governance

There is significant evidence that no incentive system will be as effective in persuading migrants – as indeed any other investor – to invest part of their remittances in business activities in their home country as a sound investment climate. This entails simplified business procedures, a transparent bureaucracy, a functioning judicial system that guarantees the rule of law and property rights, absence of corruption as well as a sound macro-economic framework and good quality infrastructure. All these factors also impact on brain drain, return and retention, three issues that are discussed in other parts of this Communication. Promoting these and other aspects of good governance is above all a responsibility for developing countries themselves, but donors can and should play a supportive role. The approach the Commission proposes to follow in these areas will be further explored in the forthcoming review of the EU Development Policy Statement[14].

[14] Proposal for a joint Council/EP/Commission statement on EU Development Policy, the 'Brussels Consensus', July 2005.

2. Extending financial intermediation in developing countries[15]

Not all migrants are willing and/or able to become entrepreneurs – especially where, as they remain in their country of residence, they would have to manage their investment from a distance. However, the Commission believes that there are ways to make it easier for migrants to contribute to the development of their country of origin, while reaping fair rewards for their hard-earned savings. The establishment of an efficient system of financial intermediation can play a key role in encouraging migrants or their relatives back home to entrust their savings to financial institutions. This could lead to a better allocation of resources promoting productive investment and therefore result in welfare gains for the country or region of origin. In a number of developing countries, especially in Africa, there is reportedly a 'financing gap' between micro-finance loans on the one hand (typically up to a few hundred euros) and loans to large SMEs (from a few tens of thousand euros upward), with small enterprises finding it difficult to obtain loans in the region of a few thousand euros. Guarantee mechanisms could play a useful role in this respect. In addition, there are in some cases rules that make it difficult for micro-finance institutions to offer a full range of financial services to poor or rural people. Addressing them would make it easier to 'bank the unbanked' and therefore help maximise the potential of remittances (for example by enabling recipients to have access to savings instruments). In addition to the assistance already being provided to some developing countries in developing their financial service sectors, the Commission could consider further assistance in this area. Community assistance in making micro-finance institutions more active in the area of remittances will need to take into account the ongoing work by other donors.

The Commission is willing to look – in partnership with the countries concerned and, where relevant, in cooperation with the EIB – at possibilities to enhance financial intermediation in developing countries, including through facilitating partnerships between micro-finance institutions and mainstream financial institutions.

Although the EC cannot fund credit lines/revolving funds and guarantee funds for microfinance operations, including those involving migrants, the Commission is ready to consider partnerships in these areas with interested IFIs, including the EIB, provided that an upfront agreement can be reached with such institutions and under the condition that they take full responsibility for the operational implementation of the credit line/guarantee fund.

3. Collective remittances and co-funding schemes

Hometown Associations (HTAs) can play an important role in helping allocate part of the savings of individual migrants towards initiatives that either are directed towards productive activities (industry, agriculture) or at least play a role in improving the living conditions of people in communities of origin, for example via the financing of small-scale local infrastructure (water sanitation, health infrastructure, etc.). There is now significant evidence that, in order for such efforts to bear fruit, migrants' organisations and the relevant local communities need to be at the origin of the projects. Support from local authorities and other donors can however be an asset. Co-funding to top up the efforts of migrants is sometimes provided by public authorities, either from the receiving country[16] or from the country of

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15 This is closely linked to the issues addressed under point 5 of Annex 2.

16 This type of scheme is an important component of the co-development policy that has been devised by France. In particular, programmes to support initiatives by migrants from Senegal and Mali residing in

origin (this is the case of the 'tres por uno' scheme, initiated by the State of Zacatecas and later emulated in other Mexican States).

Following an evaluation of the sustainability, relevance and effectiveness of the pilot projects funded under former budget line B7-667 (cf. Annex 1), the Commission will consider the possibility of providing funding in the context of the appropriate budget lines to joint projects by diaspora organisations – preferably from two or more Member States – and local organisations interested in supporting local development.

It also invites Member States which run similar schemes or consider doing so to exchange experiences and best practices.

4. Incentive-based policies

Many countries of origin have developed special incentive schemes to encourage migrants to invest part of the funds they remit in savings vehicles that are used for funding development-friendly infrastructure or productive activities, such as Government bonds or savings accounts offering privileged interest-rates. The record of such incentive schemes is somewhat mixed, however, and the Commission does not wish to recommend this sort of action, given the variety of possible schemes. Nonetheless it is clear that the governments of countries of origin of migrants should refrain from creating or maintaining disincentives to such investments (i.e. treating them less favourably than purely domestic investments).

France in their country of origin are underway. In Italy and Spain similar schemes – often initiated at regional or city level (Italy) or at the level of regional communities (Spain) – have been launched to support projects in various countries. In the Netherlands, migrants' projects are supported via the so-called 'Front Office' facility, which is managed on behalf of the Dutch government by five co-financing NGOs. The Community has also provided support to such projects in the framework of budget line B7-667 (cf. Annex 1).

ANNEX 4:
INITIATIVES AND RECOMMENDATIONS FOR FACILITATING THE INVOLVEMENT OF DIASPORAS IN HOME COUNTRY DEVELOPMENT

As part of transnational communities linking countries of origin and countries of residence, diasporas[17] can make an important contribution to the development of their home countries. The various ways in which their possible forms of contribution – remittances, skill or know-how transfers, etc. – can be facilitated are addressed in the various sections of Chapter 2 and the relevant annexes. This annex, however, looks at how – if appropriate – public authorities can encourage diaspora members to become more involved in the development of their country or region of origin.

Of course, it is up to each diaspora member to decide whether, to what extent and in what form (s)he wishes to contribute to the development of his/her country of origin. Public policies in this area can only provide incentives, facilitate and be responsive to people's own initiatives.

The Commission believes that action in this area should concentrate on the following three sets of issues:

1. Helping developing countries map their diasporas and build links with them

A key difficulty that sending and receiving country governments are often faced with in terms of dealing with the diaspora is precisely knowing the diaspora. There is therefore a case for a policy to support the creation of databases of the skills available in a given country's or region's diaspora abroad, where interested members can register. A number of projects along these lines have already been launched – for example a database where skilled members of the Senegalese diaspora abroad can register their interest in contributing to the country's development and provide details of their skills – and such initiatives could be used as sources of inspiration by other countries. Another example is the support provided by Italy to Egypt[18] or to Ghana and Ethiopia (via the MIDA-Italy programme, managed by the International Organisation for Migration), to improve their links with their respective diasporas, notably in Italy.

In addition, governments in receiving countries that would like to involve foreign diasporas in their work with developing countries, or to support their initiatives, are faced with the additional difficulty of identifying 'the right interlocutors' among the various organisations representing diasporas. France, for example, has addressed this problem by encouraging diaspora organisations involved in the development of countries of origin to pool their efforts within the framework of an umbrella organisation, FORIM[19]. Other Member States are

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17 For the purposes of this Communication, we use a broad definition of the diaspora. The diaspora from a given country therefore includes not only the nationals from that country living abroad, but also migrants who, living abroad, have acquired the citizenship of their country of residence (often losing their original citizenship in the process) and migrants' children born abroad, whatever their citizenship, as long as they retain some form of commitment to and/or interest in their country of origin or that of their parents. In some extreme cases, such as the Chinese diaspora, people may still feel part of a country's diaspora even though their family has been living in another country for several generations.

18 Cf. the website http://www.emigration.gov.eg

19 Forum des organisations de solidarité internationale issues des migrations.

moving in the same direction, for example the Netherlands, which has set up a 'National Ethnic Minorities Consultative Committee' (LOM), which groups together seven ethnic minority organisations and which will in future be consulted on important development policy initiatives, or Germany's GTZ, which has taken steps to build a working relationship with organisations representing the diaspora. The UK is also taking steps in the same direction, through support to an umbrella organisation (Connections for Development).

The Commission will consider supporting 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 invites 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. It would also welcome 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, in particular as far as policies of interest to these countries are concerned.

2. The role of young people

Helping young people from migrant communities maintain some form of relationship with the country of origin of their parents can both contribute to their integration – by helping avoid a sense of not belonging anywhere – and encourage them to maintain a commitment to the development of that country[20], for example by encouraging them to visit it and get acquainted with the challenges it faces. Community policy, based on existing intra-EU experience, could play a role in this respect.

In addition to already existing initiatives, notably by local authorities in the framework of twinning schemes, which should be encouraged, the Commission will assess the feasibility of youth exchange schemes focused in particular on migrant communities, based on the experience gathered with existing intra-EU schemes.

3. Integration and citizenship

Integration of migrants is much more than just a part of a diaspora mobilisation policy; it is one of the central pillars of EU immigration policy, and its main features are covered in a number of recent policy documents[21]. This policy, by allowing migrants to feel that their cultural identity is recognised and valued, should encourage them to remain committed to their country of origin and those they have left behind. In addition, it is also increasingly being recognised that migrants' personal involvement in the development of their country of origin in turn facilitates their integration in the country of residence. The Commission is about

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[20] Even if there is evidence that second-generation diaspora members have forms of commitment that differ from those of the first generation: skill transfers or productive investment tend to replace remittances.

[21] In particular the Common Basic Principles adopted by the Council on 19 November 2004. In addition, there is Community legislation already in force on various important issues such as the rights of long term residents, family reunification, and the fight against discrimination, racism and xenophobia. A handbook on integration for policy-makers and practitioners was also published in November 2004, and further efforts will be undertaken to encourage exchanges of experiences between Member States. In addition, a second Annual Report on Migration and Integration will soon be published.

to propose new orientations in the area of integration, by way of a Communication that will be adopted simultaneously with this Communication.

ANNEX 5:
INITIATIVES AND RECOMMENDATIONS FOR FOSTERING CIRCULAR MIGRATION AND BRAIN CIRCULATION

The development of new, faster modes of transportation and communication as well as the emergence of transnational communities mean that circular migration, in which migrants tend to go back and forth between the source country and the destination country, and return migration will become increasingly widespread. From a development standpoint this is good news, as circular and return migration offer a significant potential for both source and destination countries, the migrant and his/her relatives in the country of origin. Return, even temporary, is likely to lead to the transfer of skills, know how and/or new cultural attitudes. Both circular migration and return can help mitigate the impact of brain drain. Both also foster brain circulation, which can be defined for the purpose of this Communication as the possibility for developing countries to draw on the skills, know-how and other forms of experience gained by their migrants – whether they have returned or not – and members of their diaspora abroad. However, there are still obstacles to circular migration and to the return of migrants to their country of origin. Removing them would help liberate the potential of brain circulation for development.

The Commission believes that action is necessary in the four following areas:

1. Managed migration as an instrument of brain circulation

The Commission recently published a Green Paper on an EU approach to managing economic migration[22], the aim of which is to actively contribute to the on-going debate on the most appropriate form of Community rules for admitting economic migrants.

The Green Paper stresses the need for the Community to manage migration flows in cooperation with countries of origin, thereby taking into account the challenges they face– including brain drain in particular – and their needs. It specifically asks the question of whether preference, in terms of admission, should be granted to certain third countries and how[23].

As a result of the comprehensive debate launched by the Green Paper, which culminated with a hearing organised on 14 June 2005, the Commission will present, by the end of 2005, a policy plan on legal migration. This plan will include ideas on how the joint management of economic migration flows between countries of origin and destination can contribute to improving the benefits of migration for the development of countries of origin

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22 COM(2004) 811, 11.1.2005

23 Bilateral agreements between a country of destination and a country of origin, aimed at joint management of economic migration flows – as concluded by some EU Member States with a number of third countries – are one possible way in which such preferences can be granted.

2. Maximising the potential of temporary migration

Temporary migration – sometimes even seasonal migration – is becoming an increasingly popular way of meeting the demand for unskilled or relatively low skilled labour in a number of Member States. Whilst it is true that such temporary migration has limited advantages in terms of skills enhancement, especially as far as low-skilled workers are concerned, its potential positive impact on development or at least poverty alleviation should not be dismissed too quickly. It can help relieve excess labour supply in developing countries, and the remittances which workers send to their relatives often represent a significant share of families' overall income – especially since temporary migrants tend to remit more than longer-term migrants as a percentage of their income.

Policies to maximise the developmental impact of temporary migration, in addition to the general recommendations on remittances[24], should focus on encouraging circular migration, by giving a priority for further temporary employment to workers who have already worked under such schemes and have returned at the end of their contract, and also on offering appropriate rewards to participating migrants. This could for instance build on the experience of some Member Starts in reimbursing pension contributions at the end of the worker's contract or include the payment by the country of residence of a top up on the worker's savings. Taking into account the results of the debate on the Green Paper on economic migration, the Commission will also examine the possibility of defining a general framework for the entrance and short-term stay within the common area of seasonal migrants. The Commission will continue discussions with Member States, social partners and civil society on these issues.

In addition, temporary migration linked to the cross-border provision of services is also starting to feature highly on the international trade policy agenda, within the framework of the General Agreement on Trade in Services (GATS – the so-called Mode 4), with a focus on skilled labour. However the numbers of people covered by Mode 4 commitments, or taking advantage of them, are extremely small in comparison with the numbers of other temporary migrants or of long-term migrants.

Whilst Mode 4 is only one form of temporary migration - and is essentially an aspect of trade rather than migration policy – it may offer insights into the development of temporary migration schemes that would help both to maximize brain circulation in the interests of developing countries and contribute to well managed migration through clear rules on period and purpose of stay. The Community is promoting an approach to Mode 4 which adopts common terminology and transparent arrangements governing the categories of people covered and length of stay. This model could be built on for the further development of Mode 4.

In addition, the Commission already proposed in March 2004 a Recommendation concerning the facilitation of issuing conditions for uniform short stay visas for researchers from third countries travelling within the EU for the purpose of carrying out scientific research.

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[24] Cf. section 2.1. in the main text and Annexes 2 and 3.

3. Facilitating return migration

The return of migrants to their country of origin can have a significant positive impact in development terms, provided that it is well prepared and that the migrant is an active protagonist in his/her own return, with a project – entrepreneurial for example – (s)he intends to carry out. While schemes to assist the return of migrants will usually be focused on legal migrants, they should not necessarily be reserved to them. The experience of the French "aide à la réinsertion" scheme shows that such schemes sometimes offer an 'honourable way out' to migrants whose migration project has failed, including some illegal migrants.

A number of general lessons can be drawn from the various return schemes that have been developed, notably at the level of EU Member States[25], by the Community[26] and by international organisations such as the International Organisation for Migration (IOM). A first lesson is that financial support is not enough to make return a success[27]. Advice and other forms of non-financial assistance, both before and after the migrant's return, play an indispensable role, especially when the migrant – who does not necessarily have directly relevant experience – intends to start his/her own business in the country of origin. Another lesson is that migrants are often reluctant to envisage a return to their home country unless they have some guarantee that they will be able to continue to travel back and forth between the country of origin and the (former) country of destination. This is obviously the case when the migrant plans to continue some form of business activity in his/her former country of residence, but such a possibility can also play the role of an insurance mechanism, especially when the migrant – be he or she a former refugee or asylum seeker or not – comes from a country whose future stability – economic or political – remains problematic. This problem can be addressed, at least on a temporary basis, by granting the returnee a multi-entry visa allowing him/her to return to his/her former country of residence. A number of Member States have taken steps in this direction. Another possibility that has similar effects is to maintain the validity of the returning migrant's residence permit for a certain amount of time after his/her return. Such a system exists in Denmark, where, in addition, refugees potentially willing to return to their country of origin are given the possibility of returning temporarily to assess the situation and prospects before they make a final decision to return, and refugees and their families who return voluntarily are allowed to go back to Denmark within one year of their return.

The Commission will invite Member States and other interested stakeholders to share their experience of the elaboration and management of assisted return programmes and of support of countries of origin with the successful reintegration of return migrants. Within this framework, it will examine relevant short-term visa policy issues.

A number of practical steps should also be taken to facilitate the return of migrants to their country of origin:

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25 An interesting example is the scheme run by the 'Gothenburg Initiative' (Göteborg Initiativet), an NGO supported by the City of Gothenburg and the Swedish authorities, which has devised a scheme whereby willing refugees, notably from Bosnia and Herzegovina and Somalia, living in Gothenburg are being supported in developing self-employing business activities upon returning to their country of origin.

26 Especially the Afghanistan return scheme (cf. point 2 of Annex 1).

27 In addition, exclusively financial support might attract purely opportunistic applicants with no serious interest in developing and implementing a personal project for a successful return.

- Member States should ensure that the pensions obtained in a migrant's former country of residence can be paid to him/her in the country of origin after his/her return; or that the contributions made by a migrant and by his/her employers into public pension schemes can be paid back to him/her as a lump sum upon his/her return to the country of origin in cases where the total amounts paid are not enough to entitle him/her to a pension.

- Steps should be taken to ensure that a migrant's education and qualifications received in the country of destination can be easily recognised by authorities in the country of origin, as this will facilitate his/her professional integration upon returning[28].

- Member States could offer the possibility for financial institutions to open up special savings accounts accessible to migrants intending to return to their home country at the end of their work experience. These products could benefit from a favourable tax treatment, and the Member State of residence could also grant an interest rate subsidy and/or a bonus at the time of return.

- As far as researchers and other skilled professionals are concerned, it is essential that they can, upon return, continue to have exchanges with their former colleagues. Fellowships for returning researchers and instruments such as web portals to allow continuous interactions within trans-national research communities are among the instruments that will be supported under the 7th Framework Programme on R&D[29].

The Commission will look at the possibility of proposing measures in areas such as the transferability of pension rights, the recognition of qualifications or mechanisms to ensure that researchers or other professionals who have worked in the EU can keep in touch with their former colleagues to facilitate voluntary returns and help them reintegrate successfully.

4. Temporary or virtual return

Migrants do not necessarily need to return permanently to their country of origin to contribute usefully to its development. Indeed, temporary return appears as a promising way in which diasporas can be mobilised in favour of countries of origin (cf. section 2.2. in the main text). Obviously, it is up to individual diaspora members to decide whether and how they want to get involved. However, available evidence shows that many diaspora members are already active, and many more would be willing to follow suit provided that more appropriate conditions were in place. This is where public policy can play an important role.

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[28] Conversely, steps to facilitate the recognition of the skills acquired by migrants outside of the EU, if feasible, could make it easier to fully use their potential and avoid the risk of 'brain waste'. The development of co-operation with a number of third countries – notably the EU's immediate neighbours – in the area of education could allow for some progress in this respect, at least as far as formal qualifications (diplomas) are concerned.

[29] Moreover, the Commission has already issued, as part of the package on the admission of third country nationals to carry out scientific research in the European Community - COM(2004) 178, 16.3.2004 -, a draft recommendation encouraging Member States to 'promote the international mobility of researchers from third countries needing to travel frequently within the European Union by issuing them with multiple entry visas'. In addition to ensuring brain circulation, such measures can also contribute to limiting the brain drain of scientists from developing countries (cf. section 2.4. in the main text and Annex 6), by lowering the disadvantages for researchers of residing and working in developing countries.

There are several ways in which temporary return can allow diaspora members to contribute to the development of their country or region of origin. Short or medium term secondments of scientists, doctors, engineers or other qualified professionals in institutions in their countries of origin can enable them to share their skills and knowledge with those who have remained "at home". Diaspora skills databases (see point 1 in Annex 4) can enable authorities or institutions in countries to tap into the available skills potential. International organisations such as IOM (with the Migration for Development in Africa programme – MIDA) and UNDP (with the Transfer of Knowledge through Expatriate Nationals scheme – TOKTEN) have developed significant expertise in this area, and the activities they manage are often supported financially by one or several EU Member States[30] or the Community. In this case, temporary return can be complemented or in some cases replaced by "virtual return", relying on electronic communications (for example, via distance learning, a University professor in an EU Member State can also teach to students in a University in his/her country of origin, where (s)he could also be physically present for a couple of months each year).

The Commission proposes to build upon existing experience in temporary or virtual return programmes and extend it, where necessary, to other parts of the developing world. It will also look at the possible support that could be provided to e-learning schemes within the framework of Community programmes on information and communication technologies (ICT).

Furthermore, initiatives will be taken within the framework of the 7th Framework Programme on Research and Development to facilitate networking between foreign researchers working in the EU – especially those working in areas of direct interest to developing countries – and research organisations in their countries of origin.

The Commission will also look at how to ensure that the residence rights in the EU of diaspora members who decide to engage in such activities are not affected by temporary returns to countries of origin.

Temporary return, and more generally circular migration, can also allow migrants or diaspora members who have succeeded in business activities in the EU to set up additional business activities – either directly connected or not to their main activity in the EU – in their country of origin, thereby actively contributing to the latter's development through innovation and job creation. The work conducted by the Commission in the area of ethnic entrepreneurship[31] shows that migrants and more generally persons of foreign origin are often likelier than other people to engage in entrepreneurial activities. They therefore constitute an important skills potential for their countries of origin, provided that appropriate policies are implemented. Their knowledge of both the country of origin and the country of residence can be an

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30 For instance, a MIDA project for the Great Lakes region was funded by Belgium, and another project for Ghana was funded by the UK and the Netherlands.

31 Following preparatory work, a Commission study on 'Promoting Ethic Minority Entrepreneurs' is about to be carried out in the framework of the Multi-annual programme for enterprise and entrepreneurship 2001-2005. In addition, the Commission's Action Plan on Entrepreneurship - COM(2004) 70, presented on 11 February 2004 - foresees a key action on «Providing tailor-made support for ethnic minority entrepreneurs» and commits the Commission to collaborate with national and regional authorities to address those areas where the needs of ethnic entrepreneurs are still insufficiently met, namely access to finance and entrepreneurial networks. It foresees that the Commission will encourage networks among policy-makers and seek the active involvement of representative bodies of ethnic minorities for building a better dialogue at EU, national and regional level.

important business asset, in particular for marketing in the EU products from the country of origin[32] – or even the country itself as a tourist destination. Some initiatives have been developed with a view to facilitating the investments of such people in their country of origin, for example a project – funded under EC budget line B7-667 – to help highly skilled members of the Moroccan diaspora in France set up innovative start-ups in Morocco.

The Commission will continue to make support available in future, under the Aeneas programme, to projects by which migrants or diaspora members set up sustainable economic activities in countries of origin, with a preference for projects in third countries involving diasporas in two or more Member States. Such projects should be coherent with the development strategy of the third country concerned.

In addition, it will further study the ways in which interested entrepreneurs from migrant communities can contribute to the development of their country of origin, the obstacles they face in doing so and the policies that should be followed to overcome these obstacles.

Perhaps more importantly, in addition to direct financial support for such involvement of diaspora members, public authorities can also contribute to such efforts by removing a number of obstacles, in particular by:

- in the public sector, offering the possibility for secondments to institutions in developing countries for migrants or diaspora members wishing to engage in such activities;

- in the private sector, removing legal obstacles to unpaid sabbatical leaves and encouraging businesses to enable their employees of foreign origin to take unpaid leave for engaging in such activities[33];

- in both cases, ensuring that the persons in question can continue to contribute to and benefit from social security schemes, in particular health insurance and pension schemes.

The Commission will foster the identification of best practices in areas such as secondments or sabbatical leaves, and the related social security aspects, that can facilitate temporary return, as part of the dialogue to be launched with Member States as a follow-up to this Communication.

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32 Migrants and more generally diasporas can therefore play an important role in helping their countries of origin take advantage of the important trade concessions granted by the Community to developing countries, notably in the context of the 'Everything But Arms' (EBA) initiative, and which at present are far from being fully used by beneficiary countries.

33 This issue may be raised by the Commission with the Social Partners in the framework of the discussions underway on Corporate Social Responsibility.

ANNEX 6:
INITIATIVES AND RECOMMENDATIONS FOR MITIGATING THE ADVERSE EFFECT OF BRAIN DRAIN ON DEVELOPING COUNTRIES

Whereas there are many cases where migration is profitable for countries of origin, it can cause damage in specific situations. This is particularly so when emigration leads to significant skills shortages in sectors that are essential for the social or economic development of the countries in question. Such cases are best documented in the healthcare and education sector and the worst affected countries appear to be in Africa and in the Caribbean, but problems could also appear in other sectors or parts of the world. The phenomenon of brain drain affects particularly poorer countries because emigrants tend to have a better education than those who stay at home (the greater the distance, the greater the difference tends to be) and because selective immigration policies in developed countries have contributed to the acceleration of the emigration of skilled professionals.

It must be noted that education abroad can also contribute to brain drain if students do not return at the end of their studies. This phenomenon can become self-sustaining if emigration, by depriving universities of their best students, leads to lower quality levels, encouraging further emigration.

While there is no such thing as a 'right to migrate', it must be acknowledged that the decision to look for and take up employment abroad is largely based on an individual assessment by the persons concerned of the costs and benefits of such a choice. Public policies often have little influence on this decision. In addition, Member States retain significant competences in the area of economic migration and there are obvious limits to the scope for Community action in this area. The Commission believes, however, that action in this area should encompass the following issues:

1. Improving the evidence base

The sensitivity to brain drain-type problems varies enormously from country to country and from sector to sector. Whereas some developing countries suffer from very significant shortages of critical skills, others have an excess supply of these skills[34], and some even have a deliberate policy of exporting skilled people, often trained in specialised, private educational institutions. Any sensible policy on mitigating brain drain should therefore be based on sound data at sectoral and country (or even sub-national, in the case of large countries) level.

The Commission, in collaboration with other interested organisations and donors, is willing to support efforts by interested developing countries to improve their knowledge of their labour markets, including shortages or excesses of skills at sectoral level. This would serve as a basis for countries to devise responses to the identified problems, in the framework of their poverty reduction strategies.

The Commission is ready to support such responses, in the framework of its assistance to these countries. In addition, it would also make such information available to Member States,

[34] In other words, a situation where there are not enough suitable employment opportunities for graduates. In such situations the emigration of skilled professionals can be characterised as 'brain overflow' rather than as brain drain.

so as to help them steer their recruitment policies in a way that does not harm the development of countries of origin, as well as to the general public.

As an example of possible responses, the Commission is currently preparing a separate Communication on 'Addressing the Crisis in Human Resources for Health', which will aim to prepare a set of innovative responses to human resource crisis in developing countries, within the broader health context of these countries, and building upon the framework set out in this Communication.

2. Disciplining recruitment

The issue of limiting recruitment of qualified professionals from developing countries suffering from severe skills shortages in key sectors was raised previously by the Commission in the December 2002 Communication. While it is not desirable to prevent individual would-be migrants from looking for suitable employment in the EU, there is a case for limiting active recruitment by or on behalf of EU employers in those developing countries and sectors that suffer from severe skills shortages. Especially at a time when the need for skills in developed countries is expected to increase, a situation where recruitment is carried out at the expense of development objectives must be avoided. One Member State, the United Kingdom, has developed a voluntary instrument in the healthcare sector[35] and there is therefore already some experience in the EU. In addition, the World Health Assembly has called for international action in this area[36].

It is the Commission's view that isolated action by one or a few countries is unlikely to be very effective if other developed countries do not show the same degree of self-discipline.

The Commission encourages Member States to develop mechanisms such as codes of conduct to limit active recruitment in cases where it would have significantly negative repercussions for targeted developing countries, especially in the healthcare sector, and to coordinate their respective efforts in this area.

The Commission will also strive to persuade other important destination countries to work towards similar arrangements. The possibilities for a global approach to recruitment policies should be explored and this issue be raised in the appropriate international fora, such as the WHO.

The orientations which the Commission will issue as a follow-up to its Green Paper on economic migration could also further contribute to the debate on disciplining recruitment[37].

3. Helping developing countries replenish their skills base

For source countries the phenomenon of brain drain often represents a loss of significant investment in training and education, at least when the people who migrate have been trained by public sector institutions. It is difficult, from a human rights perspective, to restrict people's mobility by preventing them from looking for better paid employment or better

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35 A revised, strengthened version of the Code of conduct on recruitments in the healthcare sector was issued in December 2004.

36 'International migration of health personnel: a challenge for health systems in developing countries'. Resolution adopted by the 57th World Health Assembly on 22 May 2004.

37 See Section 2.3 of the main text and Annex 5.

living and working conditions elsewhere[38]. However, the question arises whether destination countries could not, in one way or another, help developing countries that suffer from significant skills shortages as a result of migration to replenish their skills base.

Some Member States are already providing financial support for the training of health professionals in developing countries where they have been actively recruiting. In the Commission's view this type of 'compensation-schemes' should not be viewed as a substitute for a policy for disciplining recruitment. However, the Commission encourages Member States to consider skill replenishment schemes in countries that, as a result of brain drain processes, need to upgrade their healthcare and/or education human resource basis.

4. Better use of existing skills resources within the EU

An obvious response to the phenomenon of brain drain is for the EU to better use its own, existing skills resources. In this respect, the Lisbon strategy's general objective of raising the activity rate in the EU offers a first response. At a more specific level, a well designed integration policy[39] should also make it easier for the EU to tap into the partly unused potential represented by the migrants already residing in the EU. However, the maintenance by many Member States of transitional restrictions on the free movement of workers from the new Member States can also act in some cases as an obstacle to the optimal use of available skills resources[40] in the enlarged EU. This would appear to militate in favour of a relaxation of temporary restrictions on free movement of workers from the new Member States.

5. Fostering institutional partnerships

It is often difficult for developing countries seeking to encourage skilled professionals to stay in these countries rather than to emigrate or to encourage their return to compete against the wages and working conditions available in developed countries. Still, wages are only part of the equation and the Commission believes that providing such professionals with career prospects and an adequate infrastructure could play an important role in changing the working conditions. Nowhere is this truer than in the research area.

Fostering partnerships between institutions in the EU and in interested developing countries or region could play a role in addressing the causes of brain drain. In each case the precise mix of measures to be put in place would depend on a preliminary assessment of the country or region's specific problems and needs. Measures could include support for the creation of partnerships between scientific or university institutions in developing countries and in the EU to conduct research activities jointly[41].

Other forms of partnerships between research institutions, universities, hospitals or other bodies in developing countries and EU Member States to mitigate brain drain could include

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38 Even though some developing countries have devised a number of partial solutions. Indian medical students, for example, are obliged to spend a certain amount of time working in rural or poor areas before they get their diploma.

39 Cf. point 3 of Annex 4.

40 However, consideration must also be taken of the fact that some of the new Member States may themselves be suffering from a situation of brain drain in specific sectors, as a result of an outflow of skilled labour to the EU-15 or other developed countries.

41 Support to such partnerships is already an important component of EU policy on research and development and will be further developed under the upcoming 7th Framework Programme.

'shared work schemes' in which scientists, researchers, doctors, technicians or other professionals from developing countries would share their work between an institution in their country of origin (University, hospital, research centre, etc.) and a partner institution in an EU Member State[42]. The possibility of providing Community support to such schemes could be assessed, notably in the framework of the 7th Framework Programme on R&D.

6. Development cooperation as a source of employment opportunities for skilled professionals in developing countries.

Tens of thousands of skilled professionals from developed countries are employed in the elaboration, management and implementation of ODA-funded assistance projects in developing countries. If a significant number of these professionals could be replaced by nationals from the beneficiary countries or regions, this would create important employment opportunities for these nationals. Most donors have already taken some steps in this direction, but more can be done.

The Commission believes that donors, in the context of OECD/DAC, could usefully review the operational mechanisms of their technical assistance programmes with the specific objective of assessing whether stronger incentives for the employment of skilled professionals from developing countries by implementing bodies could be introduced.

With regard to projects funded by the European Development Fund (EDF) in ACP countries, article 26 of Annex IV of the Cotonou Agreement already provides that, 'in respect of service contracts, given the required competence, preference shall be given to 1) experts … from ACP States where tenders of equivalent economic and technical quality are compared…".

[42] Such schemes constitute one possible form of 'circular migration' (see section 2.3 in the main text and Annex 5).

ANNEX 7
COMMISSION INTENTIONS WITH REGARD TO THE FOLLOW-UP OF THIS COMMUNICATION

1. Dialogue with Member States

Once the Council has adopted Conclusions on the implementation of this Communication, the Commission is in favour of initiating a multidisciplinary dialogue with and between Member States on migration and development, in which Member States' Ministries dealing with migration in its various aspects – Development, Employment, External Relations, and Justice and Home Affairs – would be represented. This dialogue would aim at reinforcing coherence between the two policy areas. Its tasks would be threefold:

- informing Member States on the implementation of this Communication in general and more specifically on progress on a number of initiatives taken in this context;
- serving as a forum to exchange experiences and practices in the various areas covered by this Communication;
- and, in doing so, contributing to improve overall coherence of these activities, in particular to maximise EU leverage at the global level.

This dialogue could be complemented by an electronic forum for communication between members and an internet portal, also open to all interested parties, which would help access the various studies and research papers on issues related to the migration and development nexus prepared by or on behalf of the Member States, EU institutions or international organisations. This would help ensure that the significant amount of already available information is best used and avoid duplications.

At a later stage, this internet portal could be extended to include identified best practices in the various areas covered by this Communication.

2. Dialogue with Third Countries

As developing countries are directly affected by EU policy on migration and development, the Commission will continue to integrate migration related topics in the dialogue with these countries. A number of the orientations presented in this communication and its annexes will require further debate and cooperation with interested developing countries, either individually or as members of regional groupings. These dialogues should use the existing institutional frameworks[43].

Policy initiatives, including assistance projects, should be based on an analysis of the situation of the country or group of countries concerned and designed and carried out in a spirit of

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[43] For example the dialogues with individual ACP countries provided for in Article 8 of the Cotonou Agreement, the bodies set up under the Association or Cooperation Agreements, or the mechanisms of the Euro-Mediterranean Partnership. Another example, is that of the countries of South East Asia, with whom the new bilateral agreements which will be concluded will provide for a "comprehensive dialogue on all migration-related issues" which could be used for addressing migration and development issues, among others.

partnership with these countries. Where appropriate, issues linked to the migration and development nexus should also be reflected in the relevant country strategy papers (CSPs) or regional strategy papers (RSPs).

The Commission also proposes the establishment of a Migration Profile (MP) for each interested developing country. Such a document would bring together all information relevant to the design and management of an effective policy on migration and development[44]. This could help define a policy response which would tailor to the situation and needs of the country or countries concerned the instruments presented in a generic manner in this Communication and its annexes. (the proposed MP is further described in Annex 8).

In addition, the Commission is ready to discuss with interested developing countries and their regional groupings the possibility and appropriateness of better reflecting – where appropriate – issues related to the migration and development nexus in Poverty Reduction Strategy Papers (PRSPs).

3. Cooperation with international organisations

In devising and implementing strategies to maximise the contribution of migration to development, EU institutions should take proper account of the work already done by a number of international organisations in these areas and the expertise available there in order to avoid duplications of efforts. In addition, the Commission does not necessarily possess the specialist expertise available in these organisations. The Commission will therefore reinforce its on-going dialogue on issues of migration and development with organisations such as the World Bank, ILO, UNHCR, the OECD, UNDP or IOM.

4. Other stakeholders

The Commission will maintain a dialogue with non-governmental actors, including social partners, on issues related to migration and development. In particular, it will welcome efforts by diaspora organisations engaged in the development of countries of origin to set up mechanism or structures to ensure their representation at EU level[45]. This should help these organisations express their views on the issues and initiatives set out in this Communication and its annexes and to contribute actively to its follow-up.

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44 Including aspects such as the gender dimension of migration, refugee aspects or the factors that might facilitate illegal migration, smuggling and trafficking.

45 Cf. point 1 of Annex 4.

ANNEX 8:
MIGRATION PROFILES

Given the impact of initiatives in the area of migration and development, an evidence-based approach which takes into account the realities of developing countries is necessary. In order to develop a tailor-made, partnership approach for interested developing countries, a better understanding of the migration situation and related issues is a pre-condition. With this in mind the Commission proposes the establishment of a Migration Profile (MP) for each interested developing country. Such a document, which would be prepared by the Commission in cooperation with the relevant country, would bring together all information relevant to migration and development, thus allowing for a more appropriate policy approach and contributing to a better understanding of the results of the policies implemented.

Each MPs would aim to gather information on issues such as the labour market situation, unemployment rates, labour demand and supply and present or potential skill shortages by sector and occupation, skills needs in the country, skills available in the diaspora, migration flows, incoming and outgoing financial flows linked with migration, including migrant remittances, as well as relevant gender aspects and those related to minors.

MPs would also include an overview of the policy framework of the country considered, including legal instruments relevant to migration. An overview of relevant projects and other initiatives in the country could also be included. They should finally aim to assess both the short- and long-term impact on developing countries' labour markets of various relevant migration-related policies, if possible at a sectoral and occupational level.

A large amount of information required for devising MPs is already available, although not from a single source and not systematically for each country. MPs would provide a framework for bringing existing information from different sources together in a structured manner. In the beginning, MPs would be incomplete, but by revealing the gaps in the available information, they would make it easier to fill these gaps as time went on.

Besides this factual information MPs should also review the results of analyses of the various areas that are relevant for migration policy. They would help respond to challenges such as how to deal with skills shortages or on the contrary labour surpluses, how to tap into the skills of the diaspora or how to maximise inflows of remittances and make more productive use thereof.