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COMUNICAÇÃO DA COMISSÃO AO CONSELHO, AO PARLAMENTO EUROPEU, AO COMITÉ ECONÓMICO E SOCIAL EUROPEU E AO COMITÉ DAS REGIÕES

Migração e desenvolvimento: algumas orientações concretas

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1. Introdução

Em Dezembro de 2002, a Comissão adoptou uma comunicação[1] que constituía, entre outros aspectos, uma primeira tentativa para clarificar as relações entre migração e desenvolvimento, sugerir diversas iniciativas-chave e promover a coerência entre estes dois domínios de intervenção.

Entretanto, a questão da migração e do desenvolvimento continua a ocupar um lugar cimeiro na agenda política mundial. Os países e as organizações internacionais encaram cada vez mais as migrações como um fenómeno que pode ter repercussões positivas consideráveis em termos de desenvolvimento, desde que existam as políticas adequadas. A relação entre migração e desenvolvimento é uma das questões centrais examinadas pela Comissão Mundial sobre as Migrações Internacionais (CMMI), cujo relatório deve ser apresentado em Outubro de 2005. O Diálogo de alto nível sobre migração e desenvolvimento, previsto para 2006 no âmbito da Assembleia Geral das Nações Unidas, vem igualmente comprovar a importância de que se reveste este debate, em especial para os países em desenvolvimento. O Parlamento Europeu abordou igualmente estas questões, designadamente numa audição realizada em Março de 2005.

Tendo em conta estas circunstâncias e num contexto de globalização crescente dos fluxos migratórios, a Comissão elaborou o presente documento no intuito de contribuir com novos elementos para o debate. Esta iniciativa da Comissão conta com o incentivo do Conselho[2] e do Programa de Haia aprovado pelo Conselho Europeu[3]. Permitirá igualmente definir melhor o conceito de co-desenvolvimento inscrito nas conclusões do Conselho Europeu Tampere (1999).

A Comissão considera que as relações entre migração e desenvolvimento proporcionam uma oportunidade importante para promover os objectivos de desenvolvimento, mas sem que tal substitua o reforço da ajuda pública ao desenvolvimento (APD) e a melhoria das políticas, dado que estas acções continuam a ser mais necessárias do que nunca para realizar, no calendário acordado, os objectivos do milénio ligados ao desenvolvimento[4].

O presente documento apoia-se na comunicação de Dezembro de 2002, que continua a constituir o quadro para integrar as questões ligadas à migração nas políticas da União Europeia em matéria de relações externas e de desenvolvimento. Tal como sublinhado na

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1 'Integrar as questões ligadas à migração nas relações da União Europeia com países terceiros' (COM(2002) 703, 3.12.2002).

2 Nas suas Conclusões sobre migração e desenvolvimento adoptadas em 19.5.2003.

3 O Programa da Haia foi adoptado como um Anexo às Conclusões do Conselho Europeu de Bruxelas de 5.11.2004.

4 Comunicações da Comissão de 12.4.2005: 'Acelerar os progressos na via da realização dos Objectivos de Desenvolvimento do Milénio – Contribuição da União Europeia' (COM(2005) 132), 'Acelerar os progressos tendo em vista a realização dos Objectivos de Desenvolvimento do Milénio – Financiamento do desenvolvimento e eficácia da ajuda' (COM (2005) 133) e 'Coerência das políticas para promover o desenvolvimento – Acelerar os progressos tendo em vista a realização dos Objectivos de Desenvolvimento do Milénio' (COM(2005) 134).

referida comunicação e confirmado nas conclusões do Conselho de Maio de 2003, a integração das questões ligadas à migração deve respeitar a coerência global das políticas e das acções externas da União Europeia e ser compatível com os objectivos e as prioridades da declaração conjunta Conselho/Comissão sobre a política comunitária de desenvolvimento[5].

A presente comunicação não cobre a totalidade dos temas tratados na comunicação de 2002, centrando-se em determinados pontos específicos que estão essencialmente associados às migrações Sul-Norte e, em especial, nas acções que podem ser realizadas a nível da UE, em parceria com os países de origem em desenvolvimento[6].

A Comissão já tomou diversas medidas concretas, designadamente no âmbito da ajuda comunitária a países terceiros, a fim de melhorar o impacto da migração no desenvolvimento. Algumas dessas medidas são descritas no Anexo 1.

2. Novas medidas destinadas a melhorar o impacto da migração a nível do desenvolvimento

Composta por 25 Estados-Membros, a União Europeia desempenha um papel importante na cena política internacional. A fim de prosseguir o desenvolvimento das suas políticas e assegurar que a política em matéria de migração contribui concretamente para realizar o objectivo da coerência das políticas de promoção do desenvolvimento, a União deve apoiar-se nas melhores práticas que foram desenvolvidas, ou que estão em vias de o ser, por cada Estado-Membro ou por instâncias não estatais, e deve igualmente tirar partido de práticas em vigor noutras regiões do mundo, incluindo os países em desenvolvimento.

De forma a reflectir os principais aspectos do debate mundial sobre a migração e o desenvolvimento, e de acordo com as conclusões do Conselho de Maio de 2003, a Comissão definiu orientações concretas que se destinam a melhorar os efeitos da migração sobre o desenvolvimento, colocando a tónica nas migrações Sul-Norte. Para cada domínio em apreço, são sucintamente apresentadas em anexo as questões em causa, bem como as informações sobre as iniciativas que a Comissão está a preparar ou a analisar e/ou recomendações destinadas aos Estados-Membros relativas aos domínios sob a sua responsabilidade.

2.1. Remessas de fundos[7]

O aumento do volume das remessas de fundos efectuadas por migrantes nos últimos anos e o melhor conhecimento destes fluxos financeiros têm sido objecto de grande atenção por parte das instâncias de decisão, dado que estes fluxos podem contribuir para realizar os objectivos de desenvolvimento dos países de origem dos migrantes. Como é evidente, apesar do seu volume, estas remessas não oferecerão soluções milagrosas em matéria de desenvolvimento. Trata-se de transferências privadas que não podem substituir a ajuda pública ao desenvolvimento. No entanto, o custo do envio destas remessas e, de um modo mais geral, as condições em que se processa esse envio, continuam a ser insatisfatórios.

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5 De acordo com as Conclusões do Conselho, a integração das questões ligadas à migração nas relações externas e nas políticas de desenvolvimento devem basear-se igualmente no diálogo político e concretizar-se no quadro estratégico dos documentos de estratégia regionais e nacionais.

6 Estes objectivos explicam o âmbito da presente Comunicação: incide principalmente nas migrações dos países em desenvolvimento para a UE. Não abrange as migrações intracomunitárias nem as migrações entre a UE e outros países desenvolvidos. Também não abrange as migrações entre países em desenvolvimento, mesmo que algumas das suas orientações possam ser relevantes igualmente no contexto de tais fluxos.

7 Para efeitos da presente Comunicação, definimos as remessas de fundos em sentido lato, como incluindo todas as transferências financeiras dos migrantes para beneficiários dos seus países de origem. Trata-se de uma definição mais lata do que a utilizada para efeitos da balança de pagamentos.

Existem, por conseguinte, dois domínios principais de acção no que respeita às remessas de fundos, que consistem em tornar as transferências menos dispendiosas, mais rápidas e mais seguras e em reforçar os seus efeitos no desenvolvimento dos países destinatários. No entanto, o espaço temporal necessário para concretizar estes dois objectivos não é o mesmo: no segundo domínio, existem sinergias e sobreposições substanciais com as políticas de desenvolvimento em geral, nomeadamente o desenvolvimento dos mercados financeiros e a melhoria do quadro regulamentar, os quais só poderão registar progressos a médio ou a longo prazo. Em contrapartida, os progressos a nível da melhoria das condições de transferência podem ser obtidos a curto prazo.

2.1.1. Promover formas rápidas, seguras e pouco dispendiosas de remessa de fundos

As actividades programadas ou previstas pela Comissão e as suas recomendações para assegurar remessas de fundos rápidas, seguras e pouco dispendiosas podem ser resumidas do seguinte modo:

Melhor qualidade dos dados

Os dados oficiais sobre as remessas são fragmentados, muitas vezes de qualidade insuficiente e não reflectem os circuitos alternativos de envio. A Comissão lançará iniciativas destinadas a melhorar a recolha de dados, de modo a obter uma imagem mais clara do volume das remessas dos migrantes. Em especial, solicitará aos Estados-Membros que considerem a possibilidade de transmitir dados sobre as remessas de fundos por país de destino.

Em colaboração com instituições como o Banco Mundial, a Comissão promoverá igualmente inquéritos sobre os agregados familiares, a fim de detectar os circuitos informais de remessa de fundos, conferindo especial atenção a «canais de remessas» bilaterais seleccionados.

Além disso, lançará estudos para compilar informações de melhor qualidade sobre o sector das remessas de fundos, sobre as suas estruturas de preços, sobre eventuais indicadores de inexistência de concorrência e sobre as insuficiências técnicas.

Transparência

A Comissão tenciona adoptar uma proposta de directiva relativa aos serviços de pagamento que terá por efeito um reforço da concorrência, bem como um aumento da transparência, visto que requer que os prestadores de serviços de pagamento indiquem com total transparência os encargos (incluindo as conversões de taxas de câmbio) e outras condições aplicáveis aos clientes. A proposta de directiva prevê igualmente o estabelecimento pelos Estados-Membros de um registo de todas as instituições de pagamento autorizadas (incluindo os operadores de transferências de fundos), o qual deve ser actualizado regularmente e disponibilizado, se possível em linha, ao público.

A Comissão lançou igualmente um apelo aos Estados-Membros no sentido de encorajarem iniciativas destinadas a disponibilizar informações suplementares pertinentes sobre os migrantes e promoverá um diálogo entre os Estados-Membros com o objectivo de identificar boas práticas neste domínio.

Estudará igualmente a possibilidade de apoiar a criação de um sítio Internet à escala europeia com informações sobre o custo e as condições aplicáveis aos vários circuitos de remessa de fundos, incluindo os circuitos convencionais.

Quadro jurídico

Mesmo a nível da UE, em que a integração dos mercados financeiros é considerável, a regulamentação aplicável aos serviços de remessa de fundos regista variações substanciais de país para país. A Comissão tenciona promover a criação de um quadro equitativo com

disposições de licenciamento harmonizadas em toda a União. A futura proposta de directiva relativa aos serviços de pagamento assegurará a aplicação, aos operadores de transferência de fundos, de disposições regulamentares adequadas, harmonizadas a nível da UE e adaptadas aos respectivos perfis de risco.

Além disso, a Comissão apoiará um intercâmbio de informações sobre iniciativas comerciais destinadas a reduzir os custos das remessas.

A Comissão está disposta a discutir com os países em desenvolvimento interessados formas de ultrapassar os obstáculos às remessas de fundos e a estudar, sempre que necessário, se pode ser prestada, pela Comunidade, no quadro dos seus programas, e pelo Banco Europeu de Investimento, uma assistência técnica específica para melhorar as infra-estruturas económicas e financeiras desses países.

Enquadramento técnico

A Comissão estudará de forma mais aprofundada a possibilidade de conceder, no quadro do programa Aeneas, apoio financeiro a projectos-piloto que promovam o recurso a novas tecnologias, com vista à prestação de serviços de remessa de fundos que sejam competitivos, de acesso fácil e pouco dispendiosos, de modo a criar oportunidades económicas nos países em desenvolvimento.

Acesso aos serviços financeiros

A Comissão abordará a questão do acesso dos migrantes aos serviços financeiros no âmbito dos seus contactos com as instâncias pertinentes. Está igualmente disposta a estudar, em parceria com os países em causa, o lançamento de iniciativas destinadas a melhorar o acesso aos serviços bancários e financeiros nos países em desenvolvimento, dando especial atenção ao papel que as instituições de microfinanciamento podem desempenhar, bem como às medidas de acompanhamento adequadas (actividades de informação, etc.).

É apresentada uma descrição mais pormenorizada destas iniciativas e recomendações no Anexo 2.

2.1.2 Facilitar a forma como as remessas de fundos contribuem para o desenvolvimento dos países de origem dos migrantes

Tal como já referido, as remessas constituem dinheiro privado e só serão canalizadas para investimentos produtivos se os beneficiários forem capazes de fazer escolhas com conhecimento de causa e se existirem os incentivos adequados. As iniciativas para desenvolver esses incentivos e melhorar as escolhas nos países de destino inserem-se numa abordagem de desenvolvimento mais global e de longo prazo.

As actividades programadas ou previstas pela Comissão e as suas recomendações com vista a facilitar a contribuição das remessas de fundos para o desenvolvimento dos países de origem dos migrantes podem ser resumidas do seguinte modo:

Intermediação financeira nos países em desenvolvimento

A Comissão está disposta a analisar, em parceria com os países em causa e, se for caso disso, em cooperação com o BEI, as possibilidades de melhorar a intermediação financeira nos países em desenvolvimento, designadamente através da promoção de parcerias entre instituições de micro financiamento e instituições financeiras clássicas.

Embora a Comunidade não possa financiar linhas de crédito/fundos de rotação e fundos de garantia para operações de microfinanciamento, incluindo as operações que impliquem migrantes, a Comissão está disposta a examinar o estabelecimento de parcerias nestes domínios com instituições financeiras internacionais interessadas, designadamente o BEI,

desde que seja possível chegar a um acordo prévio com essas instituições e na condição de estas últimas se responsabilizarem inteiramente pela execução a nível operacional da linha de crédito/do fundo de garantia.

Remessas colectivas e regimes de co-financiamento

Após uma avaliação da sustentabilidade, da pertinência e da eficácia dos projectos-piloto financiados a partir da anterior rubrica orçamental B7-667 (cf. Anexo 1), a Comissão estudará a possibilidade de disponibilizar financiamento, no contexto das rubricas orçamentais adequadas, destinado a projectos conjuntos realizados por organizações da diáspora – de preferência provenientes de dois ou mais Estados-Membros – e por organizações locais, a fim de apoiar o desenvolvimento local.

É apresentada uma descrição mais pormenorizada destas iniciativas e recomendações no Anexo 3.

2.2. As diásporas enquanto forças de desenvolvimento do país de origem

As diásporas são consideradas, de forma crescente, como forças potencialmente importantes para o desenvolvimento dos países de origem, à semelhança daquilo que já tinha sido referido na secção anterior relativamente às remessas de fundos. As iniciativas concretas, programadas ou previstas, da Comissão e as suas recomendações com vista a contribuir para uma maior participação dos membros da diáspora interessados no desenvolvimento dos seus países de origem podem ser resumidas do seguinte modo:

Ajudar os países em desenvolvimento a localizar as suas diásporas e a estabelecer laços com estas

A Comissão estudará formas de apoiar os esforços dos países de origem, envidados a nível nacional ou regional, para criar bases de dados onde os membros das diásporas interessados em contribuir para o desenvolvimento dos países de origem se possam registar de forma voluntária e, de um modo mais geral, para manter os laços entre estes países e as suas diásporas, em coordenação com outros dadores.

A Comissão convida os Estados-Membros que ainda não o tenham feito a lançar iniciativas para identificar e solicitar a cooperação de organizações de diáspora que possam constituir interlocutores adequados e representativos no âmbito da elaboração de políticas e/ou que possam tornar-se eventuais promotores de projectos de desenvolvimento nos países de origem.

Serão igualmente bem recebidas as iniciativas de organizações que representam diásporas e que estejam implicadas no desenvolvimento dos países de origem, com vista a estabelecer um mecanismo que possa assegurar uma representação adequada dos seus interesses a nível da UE, em especial no que respeita às políticas que interessam a esses países.

Jovens

Para além das iniciativas já em curso e que devem ser incentivadas, designadamente as que são levadas a cabo por autoridades locais no quadro das acções de geminação, a Comissão avaliará a possibilidade de realizar acções de intercâmbio para jovens, especialmente destinadas às comunidades migrantes, com base na experiência adquirida no contexto das acções de intercâmbio já existentes a nível da UE.

É apresentada uma descrição mais pormenorizada destas iniciativas e recomendações no Anexo 4.

2.3. Migração circular e circulação de cérebros

O regresso dos migrantes[8], mesmo quando é temporário ou virtual, pode ser útil para promover a transferência de competências para os países em desenvolvimento, a par de outras formas de circulação de cérebros. As medidas para facilitar a migração circular também poderão ter um papel importante neste contexto. Além disso, as orientações que a Comissão definirá na sequência do debate a realizar após a publicação do seu Livro Verde sobre migração económica constituirão uma oportunidade para prosseguir o desenvolvimento deste aspecto e reforçar a integração das questões relativas ao desenvolvimento na política comunitária de imigração. As actividades programadas ou previstas pela Comissão e as suas recomendações neste domínio podem ser resumidas do seguinte modo:

Potencialidades da migração temporária

Em complemento das recomendações gerais relativas às remessas de fundos, as políticas destinadas a tirar o máximo partido dos efeitos da migração temporária a nível do desenvolvimento deverão incidir sobre a promoção da migração circular através de medidas destinadas a dar prioridade à concessão de novos empregos temporários aos trabalhadores que já tenham trabalhado nestas condições e que tenham regressado no termo do respectivos contratos, bem como através da concessão de recompensas adequadas aos migrantes que participam nestas iniciativas. Poder-se-á, por exemplo, tirar partido das experiências de alguns Estados-Membros em matéria de reembolso das contribuições para o regime de pensão no termo do contrato dos trabalhadores ou incluir o pagamento, pelo país de residência, de um montante adicional a acrescentar às poupanças do trabalhador. Tendo em conta os resultados do debate sobre o Livro Verde sobre migração económica, a Comissão examinará igualmente a possibilidade de definir um enquadramento geral para a entrada e a permanência de curta duração de migrantes sazonais no espaço comum.

Facilitar o regresso dos migrantes

A Comissão convidará os Estados-Membros e outras partes interessadas a partilhar as suas experiências no domínio da elaboração e da gestão de programas de regresso assistido, bem como no domínio do apoio aos países de origem para assegurar a boa reintegração dos migrantes retornados. Neste quadro, a Comissão dará início a uma discussão com os Estados-membros sobre aspectos relacionados com a política de vistos de curta duração.

A Comissão analisará a possibilidade de propor medidas em domínios como a transferência dos direitos à pensão, o reconhecimento das qualificações ou os mecanismos para assegurar que o pessoal de investigação ou outros profissionais que tenham trabalhado na UE possam manter-se em contacto com os seus anteriores colegas, a fim de facilitar o regresso voluntário e contribuir para a sua boa reintegração.

Regresso temporário ou virtual

A Comissão propõe que se parta da experiência já adquirida através dos programas de regresso virtual ou temporário, alargando estas medidas, se necessário, a outras regiões do mundo em desenvolvimento. Estudará igualmente a possibilidade de conceder apoio ao estabelecimento de sistemas de aprendizagem em linha no quadro dos programas comunitários no domínio das tecnologias da informação e da comunicação.

Além disso, serão lançadas iniciativas no âmbito do 7º Programa-Quadro de Investigação e Desenvolvimento para facilitar a criação de redes entre os investigadores estrangeiros que trabalham na UE – especialmente os que exercem actividades em domínios de interesse

[8] Ao longo da presente secção, o significado do termo 'regresso' é entendido num sentido lato, não se limitando aos repatriamentos no contexto da imigração ilegal. Na maior parte dos casos refere-se, de facto, ao processo de retorno voluntário ao país de origem.

directo para os países em desenvolvimento - e as organizações no domínio da investigação nos países de origem destes investigadores.

A Comissão também estudará formas de assegurar que os direitos de residência na UE dos membros das diásporas que pretendam participar em tais actividades não sejam afectados pelos regressos temporários aos países de origem.

No âmbito do programa Aeneas, a Comissão assegurará a continuidade do apoio concedido a projectos de estabelecimento de actividades económicas sustentáveis pelos migrantes ou por membros da diáspora nos respectivos países de origem, dando preferência aos projectos realizados em países terceiros com a participação das diásporas estabelecidas em dois ou mais Estados-Membros. Estes projectos devem ser coerentes com a estratégia de desenvolvimento dos países terceiros em causa.

Além disso, desenvolverá um estudo mais aprofundado das formas como os empresários interessados das comunidades migrantes podem contribuir para o desenvolvimento dos seus países de origem, os obstáculos que se colocam a estes empresários e as políticas a desenvolver para ultrapassar estes obstáculos.

A Comissão promoverá a identificação de boas práticas em domínios como os destacamentos ou as licenças sabáticas, bem como das questões conexas em matéria de segurança social, susceptíveis de facilitar o regresso temporário, no quadro do diálogo que será estabelecido com os Estados-Membros no seguimento da presente comunicação.

É apresentada uma descrição mais pormenorizada destas iniciativas e recomendações no Anexo 5.

2.4. Atenuar os efeitos negativos da fuga de cérebros

A dimensão Norte/Sul constitui apenas um exemplo do problema da fuga de cérebros, o qual também possui uma dimensão Norte/Norte (que também afecta a UE) e Sul/Sul. Trata-se de uma manifestação do fenómeno mais vasto da globalização, que constitui um desafio de grande envergadura para o qual não existe uma resposta política uniforme e simples. Do mesmo modo, não se trata de uma questão que afecta todos os países em desenvolvimento e todos os sectores. As respostas políticas têm, por isso, de ser adaptadas às necessidades e aos desafios específicos de cada país afectado. Além disso, trata-se de um domínio em que os Estados-Membros conservam responsabilidades significativas e em que os meios de acção a nível comunitário são, por conseguinte, relativamente limitados. A Comissão já havia lançado, em 2002, a ideia de um código de conduta da UE com vista a disciplinar os recrutamentos nos casos em que estes têm repercussões bastante negativas nos países de origem. Até agora, os Estados-Membros não deram qualquer sequência a esta ideia. No entanto, a Comissão está convicta de que podem ser desenvolvidas outras iniciativas para dar resposta ao problema da fuga de cérebros com base nos seguintes princípios:

Informações

A Comissão, em colaboração com outras organizações e dadores interessados, está disposta a apoiar os esforços envidados pelos países em desenvolvimento interessados para melhorar o conhecimento dos respectivos mercados laborais, incluindo as carências ou os excedentes de competências a nível sectorial. Estas informações poderão servir de base para a preparação, pelos países, das medidas para combater os problemas detectados, no quadro das respectivas estratégias de redução da pobreza.

Para exemplificar formas de resposta possíveis, a Comissão está a preparar uma comunicação separada sobre as medidas a adoptar para solucionar a crise dos recursos humanos no domínio da saúde, na qual se procurará desenvolver um conjunto de respostas inovadoras para a crise

de recursos humanos nos países em desenvolvimento, no contexto mais amplo do sector da saúde destes países, e com base no quadro estabelecido pela presente comunicação.

Disciplinar o recrutamento

A Comissão encoraja os Estados-Membros a desenvolver mecanismos, tais como os códigos de conduta, para limitar o recrutamento activo nos casos em que tal possa ter repercussões substancialmente negativas para os países em desenvolvimento que são alvo dessas medidas, especialmente no sector da saúde, e a coordenar os seus esforços neste domínio.

A Comissão procurará igualmente persuadir outros países de destino importantes a estabelecer práticas semelhantes. As possibilidades de desenvolver uma abordagem global para as políticas de recrutamento devem ser exploradas e esta questão deve ser levantada junto das instâncias internacionais adequadas, tais como a OMS.

Promover as parcerias institucionais

A promoção de parcerias entre instituições da UE e dos países ou regiões em desenvolvimento interessados poderá contribuir para encontrar uma resposta para as causas da fuga de cérebros. Em cada caso, o conjunto de medidas adequadas a aplicar dependerá de uma avaliação preliminar das necessidades e dos problemas específicos de cada região ou país. Estas medidas poderão incluir o apoio à criação de parcerias entre instituições científicas ou universitárias dos países em desenvolvimento e da UE, com vista à realização de actividades conjuntas de investigação.

Outras formas de pareceria entre instituições de investigação, universidades, hospitais ou outros organismos dos países em desenvolvimento e dos Estados-Membros da UE com vista a atenuar os efeitos da fuga de cérebros poderão incluir os «regimes de trabalho partilhado», no âmbito dos quais seria dada a possibilidade aos cientistas, investigadores, médicos, técnicos ou outros profissionais dos países em desenvolvimento, de partilhar os trabalhos realizados entre as instituições dos seus países de origem (universidades, hospitais, centros de investigação, etc.) e as instituições de um Estado-Membro da UE. Poderá ser estudada a possibilidade de conceder apoio comunitário a estes dispositivos, nomeadamente através do 7º Programa Quadro de Investigação e Desenvolvimento.

A cooperação para o desenvolvimento como fonte de oportunidades de emprego para os trabalhadores qualificados nos países em desenvolvimento

A Comissão está convencida de que os dadores, no contexto da OCDE/CAD, podem analisar de forma útil os mecanismos operacionais dos respectivos programas de assistência técnica com o objectivo específico de avaliar se o emprego de trabalhadores qualificados provenientes dos países em desenvolvimento pelos organismos de execução pode ser mais incentivado.

É apresentada uma descrição mais pormenorizada destas iniciativas e recomendações no Anexo 6.

3. Seguimento da presente comunicação

Na presente comunicação e seus anexos, a Comissão define diversas orientações concretas para uma contribuição da União Europeia destinada a obter progressos efectivos no que respeita a determinadas questões relativas à relação entre migração e desenvolvimento. Enquanto algumas destas sugestões estão praticamente em condições de serem aplicadas – ou poderão ser objecto de projectos que podem beneficiar do financiamento comunitário, por exemplo no âmbito do programa Aeneas[9], o qual se manterá em vigor após o termo das actuais Perspectivas Financeiras, constituindo um dos programas temáticos de assistência comunitária aos países terceiros[10], outras propostas requerem um debate e uma análise mais aprofundados. Em diversos domínios, a competência para executar estas sugestões pertence aos Estados-Membros. A concretização destas ideias implica, além disso, um diálogo aprofundado com os países ou regiões de origem interessados.

Na perspectiva da Comissão, o seguimento a dar à presente comunicação deverá incluir os seguintes elementos:

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9 Regulamento (CE) n.º 491/2004 do Parlamento Europeu e do Conselho, de 10 de Março de 2004, que estabelece um programa de assistência técnica e financeira a países terceiros em matéria de migração e asilo (AENEAS) (JO L 80 de 18.3.2004, p. 1). Ver também o Anexo 1.

10 Comunicação da Comissão ao Conselho e ao Parlamento Europeu "Acções externas através de programas temáticos no âmbito das futuras perspectivas financeiras 2007-2013" (COM(2005) 324, de 3 de Agosto de 2005).

- O Conselho deverá realizar um exame aprofundado da presente comunicação para aplicar de forma coordenada as iniciativas e recomendações apresentadas;
- Nesta base, deverá ter lugar um diálogo multidisciplinar entre a Comissão e os Estados-Membros sobre as questões abordadas na comunicação. Este diálogo deverá incidir em especial sobre o reforço da coordenação entre as políticas dos Estados-Membros e entre estas políticas e as políticas da Comissão;
- No âmbito do quadro e dos mecanismos institucionais existentes, deve ser aprofundado o diálogo com base em parcerias com os países terceiros em desenvolvimento interessados e as respectivas organizações regionais. Este diálogo poderá abordar a questão do apoio a conceder aos países em desenvolvimento interessados para avaliar a situação da migração a nível nacional ou regional, as necessidades e os problemas existentes e contribuir para identificar possíveis soluções específicas. Sempre que necessário, estas questões deverão ser reflectidas nos documentos de estratégia dos países em causa. Os perfis de migração (cf. Anexo 8) poderão constituir um instrumento útil para apoiar tanto este diálogo como a cooperação;
- O reforço da cooperação da Comissão com as organizações internacionais adequadas;
- A realização de intercâmbios com outras partes interessadas, nomeadamente as ONG, os parceiros sociais e a sociedade civil, com particular destaque para as organizações que representam diásporas.

É apresentada uma descrição mais pormenorizada destes aspectos no Anexo 7.

A aplicação das orientações contidas na presente comunicação processar-se-á no quadro dos instrumentos e recursos financeiros já existentes ou daqueles que os vierem substituir no contexto das futuras Perspectivas Financeiras.

4. Conclusão

A presente comunicação abordou alguns dos aspectos concretos da migração, bem como as formas como a migração pode contribuir para o processo de desenvolvimento dos países de origem, com especial relevo para a migração Sul-Norte. Algumas das iniciativas ou recomendações apresentadas na presente comunicação também podem ser aplicadas à migração Sul-Sul. No entanto, a migração Sul-Sul, que constitui um fenómeno de importância crescente para os países em desenvolvimento, tem repercussões específicas para a situação económica, social, política e mesmo ambiental destes países. Por isso, a Comissão tenciona proceder proximamente a uma reflexão aturada sobre estas questões. Também não são abordadas na presente comunicação as questões específicas relacionadas com os refugiados. Por último, não são avaliados os efeitos mais gerais da política da UE em matéria de imigração a nível dos países em desenvolvimento ou a questão da integração dos aspectos ligados ao desenvolvimento nesta política. Estas questões continuarão a fazer parte da agenda política da Comissão[11].

Com a presente comunicação, a Comissão espera dar uma primeira contribuição para o debate geral sobre as relações entre migração e desenvolvimento, principalmente na perspectiva do Diálogo de alto nível a realizar em 2006 no âmbito da Assembleia Geral das Nações Unidas. A política apresentada na presente comunicação, elaborada e aplicada em estreita parceria com os países de origem e de trânsito e adaptada às suas necessidades, contribuirá para

[11] A Comissão já dá uma contribuição para o debate sobre a resposta a dar às crises de refugiados com a sua Comunicação sobre os programas regionais de protecção (COM(2005) 388), adoptada em simultâneo com a presenta Comunicação.

reforçar a coerência da dimensão externa das políticas da UE em matéria de imigração e de desenvolvimento.

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

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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.
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)

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;
- 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 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

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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.

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.

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

[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.

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 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.

[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.

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

[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.

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.).

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].

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

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

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

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

[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 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).

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).

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 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

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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.

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

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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.

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

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.

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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.

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.

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

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

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).

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:

- 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.

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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.

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.

- 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.

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).

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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.

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.

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 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;

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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.

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.

- 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.

[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, 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.

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[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.

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 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.

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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.

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.

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 '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.

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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.

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

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…".

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 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

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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.

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.