Centre on Migration, Policy and Society

Working Paper No. 37,
University of Oxford, 2006

EU and the
Migration-Development Nexus:
What Prospects for
EU-Wide Policies?

Meng-Hsuan Chou

WP-06-37

Abstract:

Issues concerning the nexus between migration and development have recently reached the top of the European Union's policy agenda. With the adoption of the 2005 European Commission Communication, 'Migration and Development: Some concrete orientations', EU member states appeared to have embraced the so-called 'comprehensive', or 'global', approach. This working paper critically examines these efforts in light of the prospects for future EU-wide policies specifically addressing migration and development. It concludes that the structure of EU's decision-making process concerning legal migration favours what can be considered a 'coercive' approach. This working paper demonstrates that EU's preference for the coercive approach derives from, and is reinforced by, five factors: (a) the overwhelming presence of the 'security rationale' surrounding the debate concerning migration and development; (b) a missing foundation for a common EU migration policy; (c) the need to vote unanimously in the Council of Ministers; (d) the exclusion of key institutional actors who prefer the comprehensive approach from the decision-making process; and (e) the isolation of decision-making power within an institutional setting which favours the coercive strategy. This paper concludes by identifying the necessary institutional changes the EU needs to make in order to put the comprehensive approach into practice.

Keywords:

Author:

Meng-Hsuan Chou, PhD Candidate at the Centre of International Studies, University of Cambridge; address Clare Hall, Herschel Road, Cambridge CB3 9AL Email: MHC28@cam.ac.uk

1.   Introduction

The mobility of third-country nationals to the European Union (EU) remains a hotly debated topic. Although the EU focus with regard to freedom, security and justice has consistently been on stemming the flow of irregular migration and combating perceived security threats, there appears to have been a recent expansion beyond this singular 'securitised' policy dimension (Huysmans 2006). The EU now speaks of the nexus between migration and development. In particular, EU actors are interested in finding ways to deal with the complexities resulting from this nexus. These complexities can be best understood if one looks at the areas that migration and development impact, such as the economy, education and skills development.

For example, European economies could profit from the labour provided by migrants in both real and competitive terms, while migrants' families and their countries of origin could benefit through migrants' remittances. However, without a viable immigration system through which potential labour migrants could enter the EU legally on a more widespread and balanced scale, unscrupulous employers might exploit those who are eager to enter, albeit, through non-official routes. In such a scenario, the impact from remittances might not be as significant because of the possible over-reliance on informal networks, and the need to pay off any fees the migrants might have incurred throughout their journeys to reach the EU. This simple illustration demonstrates that if managed well, the nexus between migration and development can bring benefits to all parties involved.

At the moment, the EU and its member states do not have a consensus with regard to the most appropriate strategy that would address the complexities resulting from this nexus. Nevertheless, recent EU efforts have sought to lay the grounds for policies that would specifically address migration and development. This working paper critically examines these efforts in light of the prospects for future EU-wide policies, and it argues that the structure of EU's decision-making process in the area of legal migration favours what can be considered a 'coercive' approach (Carrera and Chou 2006). The so-called coercive approach uses development aid or related incentives in exchange for third countries' cooperation in achieving EU migration objectives, such as the tackling of irregular migration. This preference for the coercive approach in turn hinders the development of the 'comprehensive' approach that the EU is currently seeking to promote. In contrast to the coercive strategy, the comprehensive approach takes into consideration the needs of all three parties involved (EU member states, sending countries and the migrants) and attempts to reach a balanced distribution of risks and benefits among all three.

This working paper demonstrates that EU's preference for the coercive approach derives from, and is reinforced by, five interlinking factors: (a) the overwhelming presence of the 'security

rationale' surrounding the migration and development debate, which prevents any form of substantive policy discussion or exchanges from taking place; (b) the lack of a comprehensive foundation for a common EU migration policy; (c) the need to vote through the unanimity rule in the Council of Ministers; (d) the exclusion of key institutional actors who prefer the comprehensive approach from the decision-making process; and (e) the isolation of decision-making power within an institutional setting which favours the coercive strategy

This paper substantiates and develops the arguments in the following ways. In order to place the discussion within context, the first section explains how the coercive and comprehensive approaches, and the concept of 'co-development', emerged within the evolution of EU's strategic policy developments concerning migration and relationship with third countries. Next, with this in mind, the paper proceeds to highlight how these two approaches are reflected in the two recent European Commission Communications (European Commission 2002; European Commission 2005) pertaining to migration and development. It is explained here that these two Communications are insufficient to effectively address the policy challenges inherent within the migration-development nexus. The third section shows that the main challenges towards developing the comprehensive approach can be found in the EU's decision-making structure regarding legal migration. This paper concludes by examining the prospects for EU-wide policies concerning migration and development.

2.   Addressing the Migration-Development Nexus in the EU: Two Distinct Approaches

Recent EU discussions concerning the nexus between migration and development largely came about because the EU would like to formulate its contributions towards the United Nations' (UN) Millennium Development Goals (MDGs). The UN MDGs are the following: the alleviation of extreme poverty, eradication of hunger, achieving universal primary education, promotion of gender equality and empowerment of women, reduction of infant mortality rate, improvement of maternal health, combating HIV/AIDS, malaria and other diseases, and ensuring environmental sustainability. However, arguing that the EU has only been recently active in addressing the migration-development nexus, from a migration perspective, would be misleading. A reading of EU migration policy proposals and European Council negotiations even prior to the signing of the Amsterdam Treaty in 1999 indicates that EU policy-makers were clearly informed of the complexities that the migration-development nexus imply for EU policies. For example, the European Commission is keen to point out that in its 1994 Communication to the Council and the Parliament, concerning asylum and immigration policies (European Commission 1994), it has already highlighted the need to liaise with third countries to deal with the so-called 'migratory pressures'.

What differentiates current policy developments from those in the past is that the previous approach could be qualified as more restrictive in spirit, or the 'coercive' approach. During the 2002 Spanish Presidency of the European Council special attention was paid towards the fight against irregular immigration. One of the ways to do so, suggested Spain and the UK, is to restrict and condition EU development aid to third countries if these countries do not comply with EU member states' requests on migration management. These so-called migration management objectives include the readmission of irregular migrants and failed asylum seekers. This approach was rejected by the majority of the EU member states due to its narrow perspective. Sweden and France, with the endorsement of Germany, pushed for migration diplomacy through 'co-development'. Although co-development might appear to be a more progressive approach than the British-Spanish strategy of 'control-for-aid', its earlier conception is not altogether different.

The evolution of the co-development concept very much mirrored the debate at the EU level concerning how to address the migration-development nexus. Initially, co-development was a concept that has no direct bearing on migration policies. It was mainly used in the development context in which partnership with the aid-receiving country is encouraged because it was considered that local partners are likely to have greater knowledge of the situation on the grounds than those in the aid-giving country. It was only during the 1980s, when it was used by the French within the framework of 'assisted return programmes', that its linkage was made directly with migration policies (Magoni 2004; Chaloff 2005). Such usage of co-development did not greatly differentiate itself from the coercive approach endorsed by Spain and the UK in 2002; and it has been criticised as such (see Weil 2001).

Some form was given to what is meant by co-development in a 1997 report written by Sami Naïr, who was responsible for the French Inter-Ministerial Mission on Co-development and International Migration (MICOMI). In this report, Naïr (1997) envisaged co-development as a 'deepening of cooperation' (approfondir la coopération) between the host and home countries. This deepening of cooperation would allow the host country to control migratory flows and support micro-projects in the migrants' countries of origin. According to Naïr's conception of co-development, the migrants would also contribute, if not ensure, the success of these micro-projects by putting the knowledge they acquired in the host country to practice in the home country. Following up Naïr's report and under the French Presidency of the EU, MICOMI gave a seminar concerning co-development and migration in Paris from 6 to 7 July 2000. The result of this conference was a joint reference text, which repeated many of Naïr's points made in the 1997 report.

When the EU first used the term co-development, under the section 'Partnership with countries of origin' in the 1999 Tampere Conclusions, not much clarity was provided. In the

Tampere Conclusions, the European Council argued that the EU 'needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit…Partnership with third countries concerned will also be a key element for the success of such a policy, with a view to promoting co-development' (emphasis added, Council Document 1999). The vagueness of what is implied by 'co-development' is acknowledged by the 2005 Commission Communication on 'Migration and Development' when it indicated that it 'will also help refine the concept of co-development enshrined in the Conclusions of the Tampere European Council' (European Commission 2005).

A week after attending the MICOMI conference in July 2000, Antonio Vitorino, the then EU Commissioner for Justice and Home Affairs (JHA), emphasised the importance of achieving development objectives through migration tools when he outlined the vision of a common EU migration policy. Vitorino (2000) said that a common EU migration policy would put co-development into practice, thereby ensuring that 'migrants have the possibilities of moving on or going back as the situation develops in their country of origin…[that would] reduce the negative factors associated with emigration and ensure longer term benefits, particularly for developing countries'. Through these continuous attempts to explain what is meant by co-development, the concept took on a developmental context and echoes the more recent conception of EU (migration) policies for the benefit of third countries.

Although efforts were made to resurrect the coercive approach in 2003, it was soundly rejected by the majority of the EU member states during the Greek Presidency at Thessaloniki (Council Document 2003). A set of Council Conclusions outlined by the High Level Working Group on Asylum and Immigration (HLWG) explicitly addressing the migration-development nexus was also adopted under this Greek Presidency (Council Document 2003). In fact, Thessaloniki was a watershed. Ever since then, while the establishment of an effective policy on irregular immigration remains a top priority for the EU, there seems to have been a gradual move towards addressing development goals through legal migration instruments.

This comprehensive approach can be characterised as an attempt to establish a 'win-win' scenario in which EU's labour needs can be filled by migrants with the possibility of fostering the potential of brain circulation, circular migration and the positive effects of remittances. However, the extent to which this approach has emerged is still in question. Although the Hague Programme adopted in November 2004 indicated that the EU should 'continue the process of fully integrating migration into the EU's existing and future relations with third countries' (Council Document 2004), the emphasis has remained on concluding readmission agreements and policies on the 'return' of irregular immigrants rather than developing balanced labour migration measures that would allow potential migrants from various skills backgrounds to enter the EU for employment purposes.

Under the British Presidency of the European Council in the latter half of 2005, the importance of addressing the complexities resulting from the migration-development nexus at the EU level was again confirmed and mentioned by the EU Heads of State and Government at Hampton Court. During the press conference following the meeting, when asked if he believed that EU governments should work with countries in Africa and Asia to target irregular migration and educate those who might potentially be smuggled or trafficked into the EU, the British Prime Minister, Tony Blair, said in response, '…this is one of the reasons why it is so important the development part of the [migration and development] agenda is also recognised…' (emphasis added, Blair and Barroso 2005).

In a follow-up Communication concerning the Hampton Court meeting, the Commission put forward its position regarding the migration-development nexus by stating that 'Migration, if well managed, can be beneficial both to the EU and to the countries of origin' (European Commission 2005). It was also under the British Presidency in 2005 that another phrase was coined to represent this trend towards developing a comprehensive approach, namely, the so-called 'global approach to migration' (Council Document 2006). Since then, 'comprehensive' and 'global' have been used interchangeably to denote EU's new outlook towards migration and development.

These developments, at least historically and at a high-level of leadership, all seems to confirm EU's desire to alter its approach to deal with the complexities inherent in the nexus between migration and development. Indeed, following the evolution of EU's strategic policy developments, one can detect an emerging awareness among EU policy-makers of the need for policy coherence in order to eliminate conflicting EU policies.[1] The next section will examine how this development has been manifested in terms of EU proposals specifically addressing the migration and development nexus.

3.   What Concrete EU Proposals for the Migration-Development Nexus?

So far, the European Commission has put forth two main Communications specifically addressing development and migration. These Communications are 'soft law' measures, which is to say they are not legally binding on the EU member states because there is no monitoring and enforcement measures to ensure that they are implemented and complied with. It is important to highlight that these two Commission Communications are written from the perspective of legal migration, which might give the impression that the EU have not progressed so much in terms of policy in the area of development. This is not true. The most explicit proposal concerning development and migration is

---

[1] Please refer to a recent CEPS publication concerning decision-making in the EU's Council of Ministers van Schaik, L. (2006). Policy Coherence for Development in the EU Council: Strategies for the Way Forward. Brussels, Centre for European Policy Studies., which examines the extent to which the various Councils have taken into account development issues when making EU policies.

outlined in another European Commission Communication on alleviating crisis in human resources for health in developing countries (European Commission 2005). However, one should note that this latter Communication is an example of how development issues have taken into consideration migration matters, and not vice versa.

What distinguishes these two Communications from one another is the approach that each appears to advocate. While the first is more 'coercive' in terms of its strategy, the latter attempts to promote the 'comprehensive' approach. In so doing, these two Commission Communications reflect the ongoing concern and viewpoint of EU policy-makers with regard to migration and development. Moreover, the so-called security rationale also emerges from both Communications, although stronger in the former than the latter. This security rationale can be best observed through EU's emphasis on concluding readmission agreements with third countries, which would allow all EU member states to return irregular migrants and failed asylum seekers to these countries. In this section, this paper will first consider the substance of these two Communications and assess whether or not they are adequate to address the complexities inherent in the migration-development nexus before discussing the follow-up measures taken by the EU.

3.1 'Integrating Migration Issues in the European Union's Relations with Third Countries'

The first Commission Communication (2002), titled 'Integrating Migration Issues in the European Union's Relations with Third Countries', sought to include the EU's migration concerns in its dealings with third countries as its name suggests. The report itself is divided into two parts, the first section assesses the 'phenomenon of international migration', identifying the push and pull factors, and exploring ways to 'help' third countries in managing migratory flows. The second part is a Commission report concerning existing EU financial resources that can be used for EU's migration management objectives. The Communication identifies three objectives common to EU member states: (1) the repatriation of migrants and rejected asylum seekers, (2) the management of external borders, and (3) the development of asylum and migration projects in third countries.

Although one of the key principles that the Commission has suggested that the EU adopts is the non-penalisation of countries that are unable or unwilling to 'accept new disciplines', which would help the EU in migration management, the overwhelming emphasis of this Communication is on the return of irregular migrants and failed asylum seekers through readmission agreements. The Commission envisaged readmission agreements to come about through the so-called Regional and Country Strategy Papers (CSP). CSPs are frameworks through which the EU can present a 'global development package to developing countries' that would 'encourage them to enter into readmission agreements' (emphasis added). Moreover, how can the EU 'encourage' these developing

countries? The Communication hinted at the 'National Indicative Programme' that would allocate funds to these developing countries. In fact, the Communication said that these funds 'should be used to finance specific, targeted actions in the field of migration'.

The Communication goes on to identify the importance of remittances (the Commission wants 'cheap, legal and secure means' to transfer them') and the challenges posed by 'brain drain'. The extent to which the Communication identified the EU's strategy with regard to these two major issues concerning development remains obscure in comparison to the 2005 Communication, as it will be shown below. The Communication comes full circle back to the issue of readmission agreements when it states that within the context of Association or Co-operation Agreements the EU 'will systematically put the migration-development nexus on the agenda of its political dialogue as well as introduce migration issues in its economic and social dialogue'. To this end, the 'migration clause' as outlined in Article 13 of the Cotonou Agreement (2000) will be introduced into these agreements. This so-called migration clause obliges both the EU and the signatory third country to 'take back' its citizens 'without further formalities' should any party find the other's nationals residing irregularly in its territory. Furthermore, Article 13 of the Cotonou Agreement also includes the possibility of permitting EU member states to return failed asylum seekers and irregular migrants who have transited through these third countries on their ways to the EU.

In stating these EU objectives and strategies in such crisp terms, the tone of the 2002 Commission Communication very much echoed the coercive approach championed by some EU member states at the 2002 Seville Summit. However, it is also the overemphasis on the readmission or the return aspect of international migration that might lead one to conclude that the strategy outlined by the 2002 Commission Communication remains one-sided, even to the extent that it becomes inadequate to fully address the complexities inherent in the migration-development nexus.

It is evident that the EU has had difficulties in concluding these readmission agreements. In February 2000, draft negotiating mandates for readmission agreements with Morocco, Pakistan, Sri Lanka and Russia were presented. Hong Kong and Macao followed in March 2001. In 2002, five more were presented: Ukraine (March 2002), Albania, Algeria, China and Turkey (all in October 2002). Of these, less than half have been concluded: with Hong Kong (signed on 27 November 2002), Macao (signed on 13 October 2003), Sri Lanka (initialled on 30 May 2000), Albania (negotiations completed in November 2003) and Russia (negotiations completed at Sochi, Russia on 25 May 2006). These (draft) readmission agreements constitute what Bouteillet-Paquet (2003) considers the 'third generation of readmission agreements'.

The negotiations concerning readmission agreements have been painfully slow. An official from an EU member state's permanent representation interviewed indicated that it was nearly impossible to get agreements with 'big countries' such as Russia and China without 'real' incentives

for these countries. This official suggested that visa facilitation is simply a necessary but not a sufficient incentive. The 2002 Commission Communication itself even acknowledges this when it states that the EU should provide 'incentives to obtain the co-operation of third countries in the negotiation and conclusion of readmission agreements' in the form of direct funding and technical support. Failing this, the Communication hinted at the possibility of 'tariff preferences to co-operating third countries', but it quickly added that only 'to the extent that they are fully WTO compatible'.

The legality of readmission agreements is also questionable. As mentioned earlier, through readmission agreements EU member states can also return failed asylum seekers who have transited through these third countries. This action directly contradicts the principle of non-refoulement[2] enshrined in the 1951 Geneva Convention to which all EU member states are signatories. It can be argued that failed asylum seekers are not 'refugees' as recognised under the Geneva Convention. However, given that EU member states do interpret 'state' somewhat differently, the status of 'failed' asylum seeker can also be questioned. For example, Germany defines 'state' as an established and legitimised entity, and therefore persecution by 'warlords' and 'guerrillas' would not constitute persecution by 'state'. Yet in situations in which there is an ongoing civil war in the country, a 'state' might not exist. Furthermore, the marriage between the principle of 'safe third countries' (Lavenex 1999) and readmission agreements further increases the likelihood that an asylum seeker's application for protection might not have been examined properly prior to its rejection.[3]

In sum, while the 2002 Communication acknowledges the importance of brain circulation and cheap, secure and legal remittances for the development of third countries, the lack of a clear strategy on how to implement these two aspects diminishes the overall positive impact this Communication intends to make. Furthermore, the combination of an overemphasis on readmission agreements, the EU's inability to provide attractive incentives for their rapid conclusions, and the readmission agreements' possible violation of the non-refoulement principle renders the strategy as outlined by the 2002 Communication ineffective to deal with the challenges inherent within the migration-development nexus.

---

[2] Article 33 of the Geneva Convention Geneva Convention (1951). Convention and Protocol relating to the status of refugees. Geneva, United Nations High Commissioner for Refugees, available here: http://www.unhcr.org/cgi-bin/texis/vtx/protect/opendoc.pdf?tbl=PROTECTION&id=3b66c2aa10. states that 'No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion'.

[3] Due to the limited scope of this paper, the impact of readmission agreements on refugees and asylum seekers will not be discussed in detail. Therefore, please refer to the article by Bouteillet-Paquet Bouteillet-Paquet, D. (2003). Passing the Buck: A Critical Analysis of the Readmission Policy Implemented by the European Union and its Member States. European Journal of Migration and Law. **5:** 359-377. for an extensive discussion concerning readmission agreements and their 'detrimental impact' on *bona fide* refugees.

3.2 *'Migration and Development: Some Concrete Orientations'*

The second European Commission Communication (2005) to directly address the nexus between migration and development is a 2005 Communication succinctly titled 'Migration and Development: Some concrete orientations'. This Communication explicitly states that it seeks to build upon the points concerning migration and development highlighted by the 2002 Communication. In intending to be more focussed and detailed on specific orientations with regard to these two policy fields, the 2005 Communication is narrower in scope. The key objective of the 2005 Communication is to identify 'further steps for improving the impact of migration on development'. To this end, four strategies were outlined: (1) maximising the benefits of remittances by 'making transfers cheaper, faster and safer' (echoing the approach promoted by the 2002 Communication); (2) engaging the cooperation of Diasporas for home country development; (3) promoting circular migration and brain circulation; and (4) mitigating the negative effects of brain drain.

The 'concrete strategies' are discussed in more details in the annexes. Annex 1 identifies the steps that have been taken by the EU since 2002 to advance policies concerning the migration-development nexus. Here explicit references are made to two Council directives ('admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service' (Official Journal 2004) and 'on a specific procedure for admitting third-country nationals for the purposes of scientific research' (Official Journal 2005)), the 'Green Paper on an EU approach to managing economic migration' (European Commission 2005), and the success of the Return Action Programme in place since November 2002.

Although readmission agreements are downplayed in this Communication, in contrast to the one in 2002, it is mentioned in annex 1 under the section 'Mainstreaming migration into development policy and assistance to third countries'. Here, however, the coercive approach intermingles with the comprehensive strategy emerging from this Communication. For example, the migration clause, as discussed earlier, is highlighted as a key EU strategy while the possibility of mobilising the Diaspora for development purposes is also entertained. This combination leads one to suspect that the four new strategies identified by the 2005 Communication might truly be addenda to the core element of the 2002 Communication, which remains coercive in its outlook.

Continuing, annex 2 outlines the European Commission's recommendation on how to bring about ways to foster 'cheap, fast and secure' transfers of remittances. In annex 3, the Commission suggests ways through which these remittances can become a significant contribution to the development of migrants' countries of origin, while acknowledging that remittances are private money. How the Commission envisaged the participation of the Diaspora is the subject of annex 4. Annex 5 is concerned with how to make circular migration and brain circulation operational. Here references are made to the 2005 Green Paper on managing economic migration and the March 2004

Commission 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'. Lastly, in annex 6, the Commission proposes ways through which the adverse effects of brain drain can be minimised, if not eradicated altogether. The Commission sketches out what it intend to do in terms of a 'follow-up' to this Communication in annex 7.

Due to its comparatively narrower focus on how to bring about the positive effects migration can have on development, the 2005 Commission Communication can be seen as advocating a comprehensive approach. This would suggest a departure from the previous EU standpoint on how to best address the migration-development nexus. However, as mentioned earlier, by acknowledging that migration clauses are essential in EU's partnerships with third countries, one wonders if the 2005 Communication is advocating (1) a coercive approach with 'comprehensive' elements, or (2) a comprehensive approach with 'coercive' elements. A coercive approach with comprehensive elements would suggest that the 2005 Communication is essentially promoting the strategy outlined by the 2002 Communication. Given what has already been discussed earlier with regard to the 2002 Communication, if the 2005 Communication were indeed advocating such a strategy it would be ineffective to deal with the complexities inherent within the migration-development nexus. On the other hand, if the 2005 Communication is suggesting a comprehensive approach with coercive elements a new scenario presents itself. Put simply: can comprehensive and coercive elements be reconciled within a comprehensive approach? If the comprehensive, or 'global', approach is to be defined as using migration tools to achieve development objectives, then this question will have to be answered in the negative because it will not work, at least for now, in practice.

A comprehensive approach with coercive elements will not work in practice because it assumes a robust immigration system already exists at the EU level. If such an immigration regime were in place, it would ensure that circular migration was already a reality. In such a scenario, the return of irregular migrants to their countries of origin would have a place within the policy agenda because those migrants who would like to come to the EU would have possible official legal routes to do so. This assertion is based on the assumption that the EU have labour needs that can be filled by migrants (as confirmed in interviews and studies, please see for example Boswell, Chou et al. 2005) and educational programmes in place that would allow for the exchange and training of skills (such as the Marie Curie programme). To grasp the rationale behind this argument, it is necessary to understand the evolution of EU's attempt to establish a common EU migration policy.

After the failed attempt to operationalise the intense debate surrounding a common EU immigration policy in 2000, the European Commission has recently published a Green Paper on an EU approach to economic migration (European Commission 2005). Based on this Green Paper, the

Commission published another Communication on a 'Policy Plan on Legal Migration' that stressed 'the need to enhance collaboration with third countries on economic migration and to develop initiatives offering 'win-win' opportunities to countries of origin and destination and to labour immigrants'. By 2007, the Commission envisages a proposal for a Council directive seeking to establish a common framework of rights for all migrants who are in legal employment, and who already have been admitted into the EU. Furthermore, there will be four more directives concerning (1) high skilled workers, (2) seasonal workers, (3) intra-corporate transferees and (4) remunerated trainees. The first two are expected shortly after the introduction of the common framework of rights directive, while the last two are expected some time in 2009.

Yet in spite of all these numerous proposals for EU legislation, there has been little progress towards a common EU immigration policy. For example, while the EU has indeed adopted some legal migration measures, such as the exchange of scientists (Official Journal 2005) and students (Official Journal 2004), neither of these can be considered as labour migration measures because they do not specifically address conditions for admission and residence for employment or self-employment purposes. When asked to explain why there has been little progress made in the area of labour migration, several officials from member states' permanent representation to the EU indicate there is a lack of political will and interest in the Commission proposals that have been put forward. The common opinion among these officials is that the Commission is too ambitious. An official interviewed further elaborated, 'Just look at the recent Commission proposal on legal migration ['Policy Plan on Legal Migration' (European Commission 2005)], there has been two Justice and Home Affairs Councils, and it has not even been discussed' (emphasis added by the interviewee).

Another Commission official interviewed confirmed this lack of political will and interest in legal and economic migration as one of the reasons why the Commission formally withdrew, in March 2006, the former proposal for the EU directive concerning the conditions of entry and residence of third-country nationals for employment (European Commission 2001). This Commission official said that the Commission has 'realised that two or three years ago that the draft has died because it has been taken off the agenda'. Of the four directives envisaged by the Communication 'Policy Plan on Legal Migration', after speaking with several officials from EU member states' permanent representations, it appears that only the directive concerning the highly skilled workers will be endorsed by current EU member states.

Evidence of a conflict between discourse and practice can be found if one looks at the approach suggested by the combination of policy proposals that intend to become the foundation of a common EU immigration policy. Although there appears to be a consensus among EU member states with regard to the benefits of a common migration policy, this consensus revolves around member states' economic and labour market needs. Moreover, it appears that this consensus is most

unambiguous concerning the need to recruit highly skilled workers to the EU. This 'pick-and-choose' strategy is evident in the sectoral approach advocated by the 'Policy Plan on Legal Migration', which has been criticised by EU's Economic and Social Committee (2005) as discriminatory. In fact, given what we know concerning the issue of 'brain drain', to advocate an immigration policy privileging those with high skills is likely to exacerbate the current situation. In other words, to do so would be an illustration of how the EU does not take into consideration the impact that EU migration policies would have on the development in the developing/sending countries.

In sum, it remains unclear if the 2005 Communication is advocating a coercive strategy with comprehensive elements or a comprehensive strategy with coercive aspects. In the former, it will be ineffective to address the complexities associated with the nexus between migration and development based on the same arguments applied to the 2002 Communication. In the latter, it will not work in practice because it presupposes that a robust immigration regime also exists at the EU level, which would allow for the reconciliation between the comprehensive and coercive elements. Not only does the EU currently not have a common migration policy, it does not even have the foundation from which one can be constructed. Most of proposals that have been put forward thus far, according to interview information, are likely to be rejected by EU member states. The proposals that are likely to be accepted contradict the comprehensive approach by favouring the recruitment of highly skilled workers, which can exacerbate the situation of 'brain drain'. Therefore, assuming that the 2005 Communication is advocating a comprehensive approach, albeit with coercive elements, it will still be unable to effectively address challenges inherent within the migration-development nexus.

3.3   The Way Forward: Post 'Concrete Orientations'

In terms of 'the way forward' for specific EU actions in the areas of migration and development, there was a conference held jointly by Morocco, France and Spain in Rabat, Morocco from 10 to 11 July 2006. The Rabat conference produced a Declaration (Rabat Declaration 2006), which stressed that the signatory states should also make 'better use of the potential of legal migration and its beneficial effects on the development of countries of origin and host countries…'; it also acknowledged the importance of addressing the root causes of irregular migration. Attached to the Rabat Declaration is an Action Plan (Rabat Action Plan 2006), which seeks to operationalise the key points made within the Declaration. In this Action Plan, concrete orientations, such as 'promoting means to facilitate circular and temporary migration between countries of origin and destination taking into account the needs of the labour markets', are proposed. Another ministerial conference similar to the Rabat meeting is scheduled to take place before 2009.

In addition to the Rabat conference, the EU has also been coordinating another joint-conference with Libya that would address migration concerns within a development context; this conference is scheduled to take place in September 2006. However, interviewing former officials from a Northern EU member state's permanent representation to the EU, they hinted that the preparation for this conference did not go very smoothly under the Austrian Presidency in the early half of 2006. One of the key challenges that the Austrian Presidency faced is in the scheduling of key meetings, concerning the planning of the conference, between high-level officials from Libya and the EU. For example, on more than one occasion, the Austrian Presidency scheduled these meetings on a Friday, which is considered a 'holy day' by the Libyans who are practising Muslims. The meetings had to be rescheduled.

Immediately after the conclusion of the Rabat conference, the European Commission produced a Communication titled 'Contribution to the EU Position for the United Nations' High Level Dialogue on Migration and Development' (European Commission 2006). In this Communication, the Commission reiterated many of the key points outlined in the two Commission Communications concerning migration and development discussed earlier in this section. However, will these key points be operationalised as future EU policies? Interviewing European Commission officials right before the Rabat conference was to take place, they indicated that there would be no EU proposals, in terms of EU directives or regulations from the perspective of legal migration, envisaged in the very near future that would specifically address the nexus between migration and development.

In this section, this paper examined the substance of two European Commission Communications to assess whether or not they will be adequate to face the challenges inherent within the migration-development nexus. Although it has been established that these two Communications each championed a different approach, coercive in the former and comprehensive in the latter, they remain inadequate to deal with the complexities. Furthermore, based on the comments made by officials interviewed concerning attempts to establish a common EU migration policy, one can gather that although there has been a recent burst of activities from the European Commission, this enthusiasm might not be shared by the JHA Council in the Council of Ministers. This gives strength to the argument that there is not yet an EU consensus on how to really address the migration-development nexus through migration tools, even though a so-called 'European Consensus' (Official Journal 2006) already exists with regard to development issues, although from a development perspective. An explanation as to why the EU is unable to gather such a consensus can be found in EU's decision-making procedure concerning legal migration policies, and it is to this that this paper now turns.

4. Institutionalising the Coercive Approach

So far, this paper has provided an empirical analysis concerning the tension between the coercive and comprehensive approaches by demonstrating how it has emerged throughout the evolution of EU's strategy concerning partnership with third countries, as well as in the two Commission Communications specifically addressing the nexus between migration and development. From this analysis, it is known that the overwhelming presence of the security rationale and the absence of a foundation for a common EU migration policy are two factors preventing a coherent comprehensive approach from being established and practised. However, this analysis tells us very little about how the security rationale is allowed to dominate the debate concerning migration and development, and also why the EU has thus far failed to find a common migration policy. What follows is an institutionalist account of how the coercive approach became EU's preferred strategy for issues concerning migration and development.

4.1 The Rule of Decision-Making

The formal decision-making rule is an appropriate starting point to examine how and why the coercive approach is institutionalised because it clearly delineates which institutional actor is involved, and at what stage, in the decision-making process. Since January 2005 the EU's decision-making process concerning Title IV provisions, which include visas, asylum, immigration and other policies relating to the free movement of persons, has been changed to the co-decision procedure (Official Journal 2004) with, however, one exception. The law-making procedure applicable to policies concerning legal/labour migration has remained under the consultation procedure as outlined in article 67 of the Treaty establishing the European Community. Under the consultation procedure, the European Commission proposes, the Council of Ministers votes under unanimity rule after consulting the European Parliament's opinion, and the Court of Justice can only give its opinion in cases referred by national courts 'from which no judicial remedy is possible' (Peers 2000).

The consultation procedure, with regard to legal migration policies, has political and procedural implications. First, even though since May 2004 the Commission has the exclusive right to initiate proposals with regard to migration, the political sensitivities of this policy area ensured that this power is shared with EU member states. Furthermore, the Commission also continues to rely heavily on the Committee on Immigration and Asylum (commonly abbreviated by EU officials as 'CIA') within the Directorate General Justice, Freedom and Security (JFS)4 for the drafting of policy

---

[4] After the election of the new Commission in November 2004, what has originally been referred to as JHA has been changed to JFS/JLS. This sometimes does create confusion, as an official from one of the permanent

proposals. Members of the Committee on Immigration and Asylum are technical experts from EU member states, and the Commission uses them to liaise with EU member states to gauge the level of political interest for each proposal prior to its drafting and subsequent submission to the Council. From an institutional perspective, the Committee on Immigration and Asylum can be seen as an extension of EU member states and/or Council within the Commission.

Second, interview information suggested that the Parliament's opinions are hardly ever taken into account when the consultation procedure is put into practice in the area of legal migration. This is not done deliberately, as a representative from an EU member state's permanent representation to the EU hastens to explain: 'when the residing Presidency asks if any member on the floor has something to say about the Parliament's report, and if there are no interjections the Presidency simply moves on to the next item on the agenda'. According to this official, the swiftness of this process derives mainly from the lack of time to consider all the issues that have been put on the Presidency's agenda. Nevertheless, since Parliament has traditionally been the main opponent against the coercive approach, as evidenced in its many reports5 concerning migration and asylum, its exclusion from the decision-making process has provided an opportunity for the coercive approach to dominate the debate concerning migration and development.

Third, the concentration of decision-making power resides in the Council of Ministers under the consultation procedure, which means that the resulting policies tend to be member-state centric. Moreover, the need to vote under the unanimity rule in the Council means that policy conflicts are slow to be resolved and lowest common denominator the easiest to be agreed. The result of member-centric unanimous voting in the area of legal migration is that the security rationale permeates through most decisions. As one Commission official interviewed puts it, 'everyone can agree on security measures because everyone wants security'.

A simple examination of the decision-making rule regarding legal migration policies provides three observations: (1) the traditional promoter of the comprehensive approach, namely the European Parliament, is formally and procedurally excluded from exercising its influence on the final policy outcome; (2) the locus of decision-making power is centred in the Council of Ministers; and (3) unanimous voting increases the likelihood that security oriented measures are agreed because they are both tangible and desirable to the EU member states. Although these three observations already explain how and why the security rationale permeates the debate concerning migration and development, and suggests why the foundation for a common EU migration policy is missing, they do

---

representation to the EU confirms, because this new label does not apply to the Council within the Council of Ministers, which has retained the identification of 'JHA'.

5 These reports can be consulted online on Parliament's LIBE Committee's website: http://www.europarl.europa.eu/activities/expert/committees/reports.do?committee=1248&language=EN.

not indicate the extent to which the coercive preference is entrenched. To fully grasp how the coercive preference is institutionalised, it is necessary to look more closely at how policies concerning legal migration, which would be applicable to achieving development objectives, are made in the Council of Ministers.

4.2   The High Level Working Group on Asylum and Immigration

In the area of legal migration, two Councils within the Council of Ministers determine whether a Commission proposal will become actual EU legislation. These two Councils are the Justice and Home Affairs Council and the General Affairs and External Relations Council (GAERC). The JHA Council is the main policy-maker that considers nearly all Commission proposals for EU migration policies. GAERC generally has no role in this process except in situations in which the policy contains an external dimension. Provided that the EU has so far only framed its efforts which address 'migration and development' through 'partnerships with third countries', any future EU policies specifically dealing with migration and development would be examined by GAERC. To be more specific, only a committee within GAERC is responsible for migration issues, namely, the High Level Working Group on Asylum and Immigration. Given this division of tasks between the JHA Council and GAERC, one does not naturally assume that the coercive preference will emerge. Whereas the JHA Council is often associated with preferring security-oriented measures (please see Lavenex 2001; Guiraudon 2003), this preference is not usually associated with GAERC. However, as it will be shown below, the HLWG is in fact an institutional manifestation of the JHA Council in GAERC and the approach that it has embraced is essentially one that can be considered coercive.

The HLWG was established in December 1998 by a Dutch initiative, which sought to create a 'cross-pillar' mechanism that would bridge the external dimensions of asylum and immigration policies that were to be shortly transferred into the Community pillar by the Amsterdam Treaty (Council Document 1999; van Selm 2002). The HLWG is to 'help reduce the influx of asylum seekers and immigrants into the Member States of the European Union. Its main aim is to analyse and combat the reasons for flight taking account of the political and human rights situation' (Council Document 1999). It was envisaged that the HLWG would do so through dialogue with sending countries it has chosen to communicate with. The usefulness of the HLWG was such that a 2002 proposal from the Permanent Representatives' Committee, adopted by the Council, extended its terms of reference (Council Document 2002). It is worth noting that these terms of reference very much reflect the spirit of the 2002 Spanish Presidency. Take for example point 4, which encouraged the HLWG to '…propose possible initiatives and measures to obtain the cooperation of third countries, considering all possible instruments' (emphasis added, Council Document 2002).

Members of HLWG are from member states' justice/interior ministries. Often times, in member states with fewer human resources, the same representatives who attend the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) meetings in the JHA Council also represent their countries in the HLWG. Interviews with these officials have found that they see their mandates as 'unique' in these two different institutional settings. Moreover, because their mandates are so 'distinct', these officials do not see any sort of conflict between their different institutional roles. These member state representatives to the HLWG, prior to attending the negotiations, would often meet with their counterparts in the foreign ministries to ensure that their mandate is clear and correct. However, to what extent this always reaches comfortable compromises between the two parties involved remains uncertain.

HLWG officials interviewed believed that because of their expertise, they are often entrusted with presenting the member states' position. This can be, and is often, the case even when their colleagues in the foreign ministries, who would traditionally be considered as the expert in policies pertaining to external relations, have not given their opinions. Such a scenario occurs when there is a lack of time between negotiation sessions to fully debate the issue. A HLWG official from a new EU member state indicated, 'I often communicate with my colleagues in the foreign ministry back in the capital via quick emails or phone calls right before the meetings because I simply do not have time to discuss the issues'. Through the HLWG, one can see justice/interior officials making foreign policies. Working parties that are traditionally within the JHA Council, such as Visas, and Migration and Expulsion, can also be called upon to carry out preparation work for the HLWG. However, since not all migration-related policies have an external dimension, this can be quite ad hoc.

The first concrete outputs by the HLWG were the five Action Plans submitted to the Tampere Council in 1999 (see 'deliverables' in Council Document 2000). What is surprising is that the substance of these Actions Plans was established without any dialogue with the countries concerned even when the strategy of 'partnership with third countries' is touted as the approach de rigueur (van Selm 2002). This was confirmed by an 'Introductory Note' submitted by the Council's Secretariat to the Committee of Permanent Representatives (COREPER), under the 2000 Portuguese Presidency (van Selm 2002). This 'Introductory Note' explained that it was difficult to have conversations with the governments of some of these countries, for example Afghanistan, because the EU and its member states have severed diplomatic ties with them (Council Document 2000).

This can lead one to question the real purpose of the HLWG. It can be inferred that the true purpose of the HLWG is not to initiate dialogues in the formulation of EU Action Plans, but, rather, to propose and implement EU's policy objectives (van Selm 2002). In fact, the Council even

explicitly stated that the 'Action Plan for Morocco was the fruit of work carried out initially by the Member States and the Commission and it was now time to seek the Moroccan partners' reactions…' (Council Document 2000). Such developments might reinforce the image of the EU practising the coercive approach. If so, the appropriateness of the HLWG's role in formulating the common EU positions and strategies on how to best address the migration-development nexus so a 'win-win' situation can be arrived at for EU member states, migrants and the sending countries is in question. Given that the HLWG has and will continue to take a leading role on issues relating to migration that contain an external dimension, this speculated observation should give pause to those EU institutional actors and member states who support the usage of the comprehensive approach in dealing with the complexities within the migration-development nexus.

5.   What Prospects for EU-wide Policies?

This paper has provided both an institutional and empirical analysis of EU's efforts to address the complexities inherent within the migration-development nexus. Based on this assessment, there is very little prospect for EU-wide measures that would address these challenges from a comprehensive angle. The rationale of this claim is based on the evidence that there are currently no EU legislative proposals that would specifically address this nexus. Furthermore, the two Communications produced so far by the European Commission are not only inapplicable because they are soft-law measures, but they also fall short of what a coherent comprehensive approach should be if a 'win-win' scenario were to result. While the first Commission Communication actually champions the coercive approach, the second Communication cannot be effective because it relies on the existence of a robust common EU immigration policy, which currently exists only in the realm of wishful thinking. The institutional analysis demonstrated that EU's preference for the coercive approach is firstly institutionalised through the decision-making procedure concerning legal migration measures, and then institutionalised in practice under the High Level Working Group on Asylum and Immigration. In sum, it has been shown that a comprehensive approach for addressing the migration-development nexus remains very much in political discourse and not in policy, let alone in practice.

Under the current institutional set-up, and knowing the progress the EU has made in the area of legal migration, the most likely and positive outcome that one can expect from the EU is the implementation of adopted legal migration measures (such as the exchange of students, trainees and researchers) within a development context. This should be welcome news to developing countries because through these exchanges, third-country nationals can acquire the requisite skills and knowledge that can be used to improve the situations in their countries of origin. Naturally, this is based on the assumption that these skills will be transferred back to the countries of origin through

the migrants' eventual return or some infrastructure through which such knowledge can be shared. Hence, if and when the EU does pursue this policy route, it would also need to address the issue of these migrants' return to their home countries. Should the migrant's acceptance into the EU be contingent upon his willingness to go back home? What if the migrant created a family in the EU? Would forceful removal be carried out when the migrant's permit to remain in the EU has expired, or would the migrant be allowed to remain in the EU? These are simply some questions that the EU needs to have responses to before any current EU policies that would address migration and development are proposed and adopted.

Given that the EU has continuously been viewed, at home and abroad, as the force for humanitarian good, its current inability to put in practice the comprehensive approach should not become a missed opportunity. If the EU is serious about achieving development objectives through legal/labour migration measures, a change in its current institutional set-up, which concerns both legal migration measures and those with an external dimension, is unavoidable. Naturally, there is more than one way to go about this, and some proposals include the following:

- Changing the rule of decision-making concerning legal migration from consultation to co-decision, with qualified majority voting in the Council of Ministers. This institutional change would allow other institutional actors, such as the Parliament, to weigh in their preference concerning migration and development.

- The choice to opt-in, such as the current arrangements for the UK, Ireland and Denmark, can be made available in the area of legal migration for member states that are unwilling or unable to join at this point in time. If a vanguard group of member states can demonstrate that the common approach is beneficial and that it can work, then other EU member states will see these benefits and therefore likely to be enticed into joining at some point in time. EU's existing 'enhanced cooperation' mechanism already provides for such a possibility.

- Simplifying the institutional settings which deal with migration and development issues. For example, the EU can remove the HLWG from the GAERC and place it in the JHA Council, or abolish it altogether.

- The Working Party on Development Cooperation (CODEV) should be given a more prominent role, due to its already existing expertise in the area of development. To this end, CODEV can be responsible for the preparation of legal migration measures that are applicable within a development context.

In her analysis of EU's readmission agreements, Bouteillet-Paquet (2003) writes, 'Partnership with countries of origin is a euphemism for a policy that has so far produced little more than extended the control driven policy, while very few progress has been made in the field of economic development and root causes prevention'. It is precisely due to this association that the EU and its member states should want to embrace the comprehensive approach in their dealings concerning migration and development. If and when the EU truly practises the comprehensive approach, its partnership with third countries will no longer be an euphemism for control, but one of hope.

References

Blair, T. and J. M. Barroso (2005). Press conference at EU informal summit Hampton Court, 27 October 2005, Tony Blair hosted a meeting in London with the leaders of the European Union countries (http://www.number10.gov.uk/output/Page8393.asp). London, 10 Downing Street.

Boswell, C., M.-H. Chou, et al. (2005). Reconciling Demand for Labour Migration with Public Concerns about Immigration: the cases of Germany and the UK. London, Anglo-German Foundation.

Bouteillet-Paquet, D. (2003). "Passing the Buck: A Critical Analysis of the Readmission Policy Implemented by the European Union and its Member States." European Journal of Migration and Law 5: 359-377.

Carrera, S. and M.-H. Chou (2006). Fiche on Migration. Policy Coherence for Development in the EU Council: Strategies for the Way Forward. L. van Schaik. Brussels, Centre for European Policy Studies.

Chaloff, J. (2005). Co-development - a myth or a workable policy approach? Rome, Centro Studi di Politica Internazionale.

Cotonou Agreement (2000). Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States of the One Part, and the European Community and its Member States, of the Other Part. Brussels, The European Community, available here: http://ec.europa.eu/comm/development/body/cotonou/agreement_en.htm.

Council Document (1999a). Strategy on migration and migration policy (5337/99). Brussels, Council of the European Communities.

Council Document (1999b). Tampere European Council Presidency Conclusions (15 and 16 October 1999). Brussels, Council of the European Union.

Council Document (2000a). (13796/00) High-level Working Group on Asylum and Immigration, Draft Council conclusions on establishing a permanent dialogue with Morocco on immigration. Brussels, Council of the European Communities.

Council Document (2000b). Introductory Note: Adoption of the Action Plan for Albania and the Region and Implementation of the Action Plans for Afghanistan and the Region, Iraq, Somalia and Sri Lanka (8939/00). Brussels, Council of the European Communities.

Council Document (2002). Modification of the terms of reference of the High Level Working Group on Asylum and Migration (HLWG) (30 May 2002) (9433/02). Brussels, Council of the European Union.

Council Document (2003a). Draft Council conclusions on migration and development. Brussels, Council of the European Union.

Council Document (2003b). Thessaloniki European Council Presidency Conclusions (19 and 20 June 2003). Brussels, Council of the European Union.

Council Document (2004). Presidency Conclusions, Brussels European Council, 4/5 November 2004 (14292/1/04). Brussels, Council of the European Union.

Council Document (2006). (15914/1/05 REV 1) Brussels European Council 15/16 December 2005, Presidency Conclusions. Brussels, Council of the European Union.

European Commission (1994). (23 final) Communication from the Commission to the Council and the European Parliament on Immigration and Asylum Policies. Brussels, Office for Official Publications of the European Communities.

European Commission (2001). (386 final) Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities. Brussels, Office for Official Publications of the European Communities.

European Commission (2002). (703 final) Communication from the Commission to the Council and the European Parliament, Integrating Migration Issues in the European Union's Relations with Third Countries. Brussels, Office for Official Publications of the European Communities.

European Commission (2005a). (390 final) Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, Migration and Development: Some concrete orientations. Brussels, Office for Official Publications of the European Communities.

European Commission (2005b). (621 final) Communication from the Commission to the Council and the European Parliament, Priority actions for responding to the challenges of migration: First follow-up to Hampton Court. Brussels, Office for Official Publications of the European Communities.

European Commission (2005c). (642 final) Communication from the Commission to the Council and the European Union on EU Strategy for Action on the Crisis in Human Resources for Health in Developing Countries. Brussels, Office for Official Publications of the European Communities.

European Commission (2005d). (669 final) Communication from the Commission: Policy Plan on Legal Migration. Brussels, Office for Official Publications of the European Communities.

European Commission (2005e). (811 final) Green Paper on an EU approach to managing economic migration. Brussels, Office for Official Publications of the European Communities.

European Commission (2006). (409 Final) Communication from the Commission to the Council, Contribution to the EU Position for the United Nations' High Level Dialogue on Migration and Development. Brussels, Office for Official Publications of the European Communities.

European Economic and Social Committee SOC/199 (2005). Opinion of the European Economic and Social Committee on the Green Paper on an EU approach to managing economic migration (COM (2004) 811 final). Pariza Castaños. Brussels, European Economic and Social Committee.

Geneva Convention (1951). Convention and Protocol relating to the status of refugees. Geneva, United Nations High Commissioner for Refugees, available here: http://www.unhcr.org/cgi-bin/texis/vtx/protect/opendoc.pdf?tbl=PROTECTION&id=3b66c2aa10.

Guiraudon, V. (2003). "The constitution of a European immigration policy domain: a political sociology approach." Journal of European Public Policy 10(2): 263-382.

Huysmans, J. (2006). The Politics of Insecurity: Fear, migration and asylum in the EU. London, Routledge.

Lavenex, S. (1999). Safe third countries: extending the EU asylum and immigration policies to Central and Eastern Europe. New York, Central European University Press.

Lavenex, S. (2001). "The Europeanization of Refugee Policies: Normative Challenges and Institutional Legacies." Journal of Common Market Studies 39(5): 851-874.

Magoni, R. (2004). France. International migration and relations with third countries: European and US approaches. J. Niessen and Y. Schibel. Brussels, Migration Policy Group.

Naïr, S. (1997). Rapport de bilan et d'orientation sur la politique de codéveloppement liée aux flux migratoires. Paris, Premier ministre, available at: http://lesrapports.ladocumentationfrancaise.fr/BRP/984000139/0000.pdf.

Official Journal (2004a). (OJ L 375) Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchanges, unremunerated training or voluntary service. Brussels, Official Journal of the European Union.

Official Journal (2004b). (OJ L 396/45) Council Decision 2004/927/EC of 22 December 2004 providing for certain areas covered by Title IV of Part Three of the Treaty establishing the European Community to be governed by the procedure set out in Art. 251 of that Treaty. Brussels, Official Journal of the European Union.

Official Journal (2005). (OJ L 289/26) Council Recommendation 2005/762/EC of 12 October 2005 to facilitate the admission of third-country nationals to carry out scientific research in the European Community. Brussels, Official Journal of the European Union.

Official Journal (2006). (OJ C 46/01) Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: 'The European Consensus on Development'. Brussels, Official Journal of the European Union.

Peers, S. (2000). EU justice and home affairs law. Harlow, Longman.

Rabat Action Plan (2006). Rabat Action Plan. Euro-African Partnership for Migration and Development, available at: http://www.maec.gov.ma/migration/Doc/PA%20final%20EN.pdf, Rabat, Morocco.

Rabat Declaration (2006). Euro-African Partnership for Migration and Development: Rabat Declaration. available at:
http://www.maec.gov.ma/migration/Doc/RABAT%20DECLARATION_EN.pdf, Rabat, Morocco.

van Schaik, L., Ed. (2006). Policy Coherence for Development in the EU Council: Strategies for the Way Forward. Brussels, Centre for European Policy Studies.

van Selm, J. (2002). Immigration and Asylum or Foreign Policy: The EU's Approach to Migrants and Their Countries of Origin. Migration and externalities of European integration. S. Lavenex and E. M. Uçarer. Oxford, Lexington Books.

Vitorino, A. (2000). Towards a Common Migration Policy for the European Union, Opening Speech by Commissioner Antonio Vitorino. Migrations: Scenarios for the 21st Century, Wednesday 12 July 2000, Rome, available at:
http://ec.europa.eu/archives/commission_1999_2004/vitorino/speeches/2000/julho/2000-12-jul-en_roma_conf_migrat_jubil.pdf.

Weil, P. (2001). Towards a Coherent Policy of Co-Development. Davis, Cooperative Efforts to Manage Emigration (CEME).