STRENGTHENING THE **MIGRATION-DEVELOPMENT NEXUS** THROUGH IMPROVED POLICY AND INSTITUTIONAL **COHERENCE**

Opinion notes

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ELIZABETH ADJEI
MIGRATION EXPERT, GOVERNMENT OF GHANA

Migration is an inherent part of today's development process. Evidence available has proven that migration is one of the most effective ways of promoting development in an increasingly mobile and interdependent world. There is a relevant need for constructive interactions between migration and development policy areas, as well as with political processes to create effective policies and frameworks for better governance.

While there is a strong recognition of the links between the two policy areas, action on the ground has not made the desired impact to create value addition for migrants and their countries. There is a strong need to sharpen the focus of governments to promote policies and programmes that can strengthen co-operation and coherence among institutions and foster greater alignment among the many policy areas to link migration policies to development goals.

Various models have emerged of overarching institutions that co-ordinate government policies. National development agencies co-ordinate different ministries and agencies whose portfolios touch on migration, and they provide strategic vision and development goals. Mandated institutions are established by Cabinets to champion migration and development issues. The objective is to ensure a whole-of-government approach in dealing with migration and development. In Africa, many countries have adopted National Migration Policies (NMPs) as a first step in a systematic effort to ensure that migration's role is effectively captured in development outcomes.

Ghana's experience
Co-ordinating mechanism
Ghana has experimented with the above models. The Ministry of the Interior has created the National Migration Unit, a cross-sectoral platform for co-ordinating all institutions to ensure full participation in the migration and development discourse. The mandate of the Unit is to establish a National Working Group of key ministries and agencies, identify points of convergence and collaboration with other non-government stakeholders for action, and ensure the involvement of all actors in national consultations around migration and development issues.

The National Working Group is responsible for framing the thematic areas of focus, with broad stakeholder engagement and consultation on immigration and emigration issues and how they impact on current development outcomes. It is also mandated to strengthen policy and institutional coherence, identify gaps within the policy and legislative process, and prioritise migration-related objectives and their linkages with national development.
So far, migration has been considered in sectoral policies of education, agriculture, investment, environment, security, employment and social protection. Priority has been given to diaspora engagement, education and skills development, border management, visa policy and regional integration. The other core areas relevant in the changing realities of migration in Ghana include internal migration, urbanisation, impacts of environmental change, and intra-regional migration. The NWG has helped to foster greater co-operation among stakeholders to achieve greater alignment of sectoral strategies with regards to migration and development objectives.

The National Development Planning Commission, (NDPC), which is responsible for articulating the long-term development vision for the country, has been actively involved in the process. Migration objectives have been captured in the 2nd Ghana Shared Growth and Development Agenda (GSGDA), 2014-2017. The NDPC provides guidance for the policy development process as well as main tools for integrating the policy into national, sectoral and local plans and programmes, budgets, as well as monitoring and evaluation mechanisms.

Issues

Political commitment

High-level political commitment to the policy coherence exercise is necessary as it seeks to foster collaboration between different parts of government and a range of other stakeholders to explore the linkages between migration policies and development goals. There are some gaps in political commitment at the national and local levels to the issues of migration. More research is required to provide strong evidence for gains and losses in migration to increase the demand and support for policy coherence.

Inclusive governance

Developing an integrated approach across sectors, among stakeholders, and between national and local governments is a key requirement for policy coherence. Coherence at the local level is critical to encourage direct participation by a range of stakeholders, including civil society and other NGOs. Regular consultations with non-governmental stakeholders will help sustain the process and secure support for policy implementation. Further, it is important to have public communication and appropriate dissemination of information to ensure that migration objectives are understood and shared by all.

Data gaps concerning migration and development and its implications

Large gaps exist in data collection and analysis. There is a lack of capacity to gather and analyse data to support evidence bases. This needs to be robustly and incrementally addressed through simple surveys to identify needs and priorities of communities in migration. It is important to develop integrated data management systems at the national level, as well as data sharing and harmonisation across government agencies to provide evidence for the positive and negative impacts of migration on development.

Capacity building in migration and development

Capacity constraints are a critical issue at various levels, and within stakeholder organisations, governments, the private sector and civil society organisations. The lack of knowledge, skills and technical capacity for data collection, analysis, monitoring and evaluation must be addressed through training and capacity building initiatives. Partnership between countries could support national capacity development through networking, thematic consultations, dialogue and enhanced co-operation.

Regional integration frameworks

It is important to align national processes with regional initiatives – such as the proposed ECOWAS Regional Migration Policy, The AU Strategic Framework on M&D, and Regional Consultative Processes (RCPs) on Migration – and with development in order to achieve greater co-operation and develop synergies to promote greater coherence.

EVA ÅKERMAN BÖRJE
2013-2014 CHAIR OF THE GLOBAL FORUM ON MIGRATION AND DEVELOPMENT (GFMD)

We know that migration contributes to development and it reduces poverty for migrant households on a great scale. Indeed, in his report to the High-level Dialogue, the Secretary-General of the United Nations clarifies that migration has been instrumental for the attainment of a number of to the present Millennium Development Goals. Most directly, this happens through the hundreds of billions of dollars remitted each year, but also through filling needs on the labour market, encouraging trade and investment between countries as well as transferring skills and ideas between urban and rural areas and across countries as transnational networks are formed.

Policy and institutional coherence in the fields of migration and development is needed to fully reap these benefits for societies at large and for migrants themselves as well as to avoid the downsides of migration. This calls for governments and development actors to fully incorporate migration in their planning and programming. Policy coherence related to migration and development has therefore been on the agenda of the Global Forum on Migration and Development since its inception and it is a prioritized issue under the Swedish Chairmanship of the Forum. Yet, as highlighted in the Secretary General's report for the High-level Dialogue, few national development plans include migration.

There are exceptions of course. Countries are beginning to wake up to the evidence with some planning commissions and development actors starting to plan for and act upon the opportunities and challenges that migration brings. In the GFMD, we have heard countries like Moldova and Jamaica share their experiences of mainstreaming migration into their national development plans. Sweden has adopted an enabling legal framework for labour migration to meet the demands on our labour market and we are seeking to do so for circular movements to facilitate migrants to move back and forth between Sweden and their countries of origin in order to enhance the development effects in countries of origin.

In his report for the High-level Dialogue, the Secretary-General included in his eight point agenda for action a recommendation that "Member States should mainstream migration into national development plans, poverty reduction strategies and relevant sectoral policies and programmes." This recommendation was echoed in a Communication from the European Commission which stated that this is a vital first step to promoting governance frameworks for maximising the development potential of migration and mobility.

With the current elaboration of the post-2015 development agenda, we have a unique opportunity to promote policy coherence between migration and development by including migration in this agenda. In this regard, the Secretary General has recommended that "the international community should define a common set of targets and indicators to monitor the implementation of measures aimed at enhancing the benefits and addressing the challenges of international migration, for consideration in the framework of the post-2015 development agenda."

As the current Chair of the GFMD, Sweden supports this recommendation with an aim to include migration as an enabler of development and as an issue for global partnerships. Relevant targets in this regard could include improving the portability of skills and earned social security benefits; reducing the transaction costs of remittances and costs of recruitment; and preventing discrimination against migrants.

As you can see all of these proposed targets are based on enhancing policy coherence between migration and development. We thus believe that the inclusion of migration in the post-2015 development agenda could support mainstreaming efforts in particular as well as the achievement of development objectives more broadly.

ESEN ALTUĞ

MINISTER PLENIPOTENTIARY, DEPUTY DIRECTOR GENERAL FOR MIGRATION, ASYLUM AND VISA, MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF TURKEY

Turkey, located on a historical major migration route, is determined to address the common challenge of migration management. Turkey, which was traditionally a transit and source country for migration, has become a target country due to the recent developments in her economy.

Nowadays, illegal migration that stems from the difference in levels of development between countries and territories has increased. Illegal migration may pose serious threats to the public order, security and public health of our country in the coming years. Moreover, political instability in our region puts pressure on our migration and development policies.

It has become necessary to develop holistic and long-term policies and strategies regarding migration management.

In the meantime, we aim to establish efficient migration management in full consideration of balancing the respect for international human rights standards and the protection of public order and security. We are working on amendments in relevant legislation and taking administrative measures as well.

The Foreigners and International Protection Law was adopted by the Turkish Parliament on 11 April 2013 in order to form the basis of an effective and strong migration management system by establishing the necessary legal and administrative infrastructure. With the adoption of this comprehensive new law, Turkey has taken a major step in transforming its migration and asylum infrastructure in line with international standards.

This law harmonises the national legal framework in the field of migration with international and EU standards.

Strengthening partnerships and co-operation on international migration mechanisms will help integrate migration into development policies. We believe that well-managed migration leads to benefits for countries of origin and destination, as well as for migrants themselves.

With this understanding, Turkey has held the co-chairmanship of the Budapest Process on migration management since 2006. The fifth Ministerial Conference of the Budapest Process was held in Istanbul on 19 April 2013. As the chair of the Budapest Process on migration, we have pioneered the Silk Routes Region Working Group, which brings together origin, transit and target countries. Extension of the Budapest Process towards the East is important, so that source countries of irregular migration to European countries and target countries can work together. Our co-operation with source countries – especially Afghanistan, Bangladesh and Pakistan – continues and will be enhanced in the framework of the Budapest Process. In the forthcoming period, it is important to maintain the leadership role of Turkey within the framework of the

Budapest Process, particularly in order to stress our efficiency in migration management and combat against illegal immigration.

The "Istanbul Ministerial Declaration on a Silk Routes Partnership for Migration", a product of the Budapest Process Ministerial Meeting, includes migration and development as one of its priority areas. The goal in this area is to strengthen the positive impact of migration on development, both in countries of origin and of destination. The Declaration has already been referred to as one of the most balanced and far-reaching documents in the field of migration adopted by such a wide range of countries. In the Declaration, the six priority areas in which operational co-operation is foreseen include: migration and mobility, integration, migration and development, irregular migration, trafficking in persons, and international protection. This Declaration manifests the willingness of all countries to work in partnership to realise the positive aspects of migration.

Turkey also actively participates in the work of Global Forum for Migration and Development (GFMD), a UN initiative that was established at the UN High-level Dialogue on International Migration and Development in 2006. Turkey will take over the 2014-2015 Chairmanship of the GFMD from the current chair, Sweden. Turkey has decided to take on the challenging task of chairing the GFMD in 2015 not only because of our country's increasing importance in the area of migration, but also because of our growing commitment to development issues. Turkey has a wealth of experience to share in the area of migration and development. In this context, we support the initiatives for the inclusion of migration in the United Nations post-2015 development agenda.

Our additional points of focus will be promoting mobility (bringing down obstacles such as visas and similar barriers); ensuring the human rights of migrants and co-operating with other stakeholders to combat illegal migration; abolishing the notions of racism, discrimination and xenophobia; creating international mechanisms that will secure the transfer of social security benefits; and utilising the Turkish experience with small and medium-sized enterprises (SME's), considered to be one of the best means of development, as well as the foundation of Turkey's successful transformation from a source country to a destination country.

The successful enforcement of our migration policy, which has economic, social, security and international dimensions, will make a solid contribution to the stability and prosperity of our region.

KHALIL AMIRI
CHARGÉ DE MISSION, STATE SECRETARIAT FOR MIGRATION AND TUNISIANS ABROAD

Migration impacts development in positive and negative ways. Migrants clearly contribute to the development of countries of origin and destination, while at the same time, migration of qualified labour beyond certain levels, especially in key sectors such as health and education, can hinder the development of origin countries. Development can influence migration flows. Studies establish a strong correlation between underdeveloped regions and outward migration trends of individuals in search of improved economic opportunities. Policy coherence defined as "looking for synergies and complementarities and filling gaps among different policy areas so as to meet common and shared objectives" is, by its very nature, a challenging endeavour. Policy and institutional coherence in the field of migration and development is even more challenging, given that the linkages between migration and development are not often clearly visible to policy makers. Migration is a cross-sectional subject and the policies that impact it directly or indirectly are spread across the mandates of various state actors.

The recent political changes in Tunisia and in the surrounding region, and the dramatic migration flows that have ensued, highlight the need for more coherent and co-ordinated action in terms of migration management. Indeed, the creation of the State Secretariat for Migrations and Tunisians Abroad (SSMTA) in early 2012 is a reflection of high-level political commitment to improve migration governance, and to ensuring that the country is well positioned to take advantage of the development opportunities that migration offers while at the same time being well prepared for managing its associated risks and challenges.

Policy and institutional coherence has several aspects: intra-governmental, government-NGOs, and inter-governmental. We restrict our attention here to coherence at the national level, focusing mainly on the first two aspects.

The Ministerial Cabinet and inter-ministerial commissions are the standard policy co-ordination mechanisms within the government of Tunisia. The cabinet makes important decisions on major initiatives and projects, and sets overall guidelines in significant policy areas. For matters that are knowledge-intensive or require further study, ad-hoc cross-ministerial commissions are set up to study the relevant issues and to propose recommendations for discussion in subsequent meetings.

Tunisia relies also on another high-level policy coherence mechanism, the national five-year development plan. This sets key development goals and priorities and constitutes the guiding framework for the interim resource allocation and policy initiatives in the subsequent five-year period. It is supported by the UN Development Assistance Framework (UNDAF) that involves the UN Country Team (UNCT).

Despite these mechanisms, actions are sometimes unco-ordinated and work in opposite directions. This is especially acute in the case of migration and development because the mandates and responsibilities are quite widespread, and involve the Ministries of Foreign Affairs, Finance, Development and Co-operation, Social Affairs and Interior; the State Secretariat for Migrations;

and the various agencies under their control, such as the office of Tunisians Abroad and the Agency for Technical Co-operation, etc. Disparate reporting lines and incentive systems, as well as sector-specific focus by senior civil servants working in relative isolation within their institutions, get in the way of a comprehensive coherent approach to policy making.

This is principally caused by the lack of a common action plan, clear priorities and a scientific, evidence-based process to decide between conflicting objectives. The lack of accurate statistics and scientific studies on several aspects of migration and development add another layer of challenges, thus making political arbitration harder and often based on the personal judgement of ministers, or in some cases, driven by short-term electoral concerns. This is especially true when the government consists of a coalition of several parties with diverging electoral concerns.

As a newly created institution with the task of ensuring policy development and co-ordination, ensuring policy and institutional coherence was one of the main tasks of the SSMTA. In the context of the "Mainstreaming Migration into Development" project, and with the support of the Global Migration Group (GMG) and the resources of its supporting organisations, over the past year and a half we have engaged in an exercise to promote policy and institutional coherence in the field of migration and development. Our short experience suggests that the following practices and mechanisms are pre-requisites to achieving coherence:

Creating urgency and ensuring the buy-in of all stakeholders. To promote policy coherence, we need to ensure the engagement of all stakeholders in policy coherence initiatives. This is easier when hard evidence is available in terms of factual statistics and studies, which allow us to quantify the opportunity cost of unco-ordinated action or the actual cost of conflicting policy initiatives. In the absence of such hard evidence, well-articulated and communicated arguments, strong political leadership from the highest levels of government are essential.

Agreeing and communicating a government-wide strategic plan for migration management. The most important mechanism in ensuring effective policy coherence is the agreement of all stakeholders on a shared vision, common long-term objectives, and a set of initiatives, policies and projects designed to achieve these objectives. Such a five- or ten -year strategic plan was thus the first initiative that we have undertaken at the SSMTA. Bringing together all stakeholders from government ministries, academics, and civil society organisations, and through a series of workshops over several months, we have formulated a shared strategic plan for migration. Targeting formal adoption by end of 2013, the project document is available online for a final call for consultations to ensure even wider participation in the plan's formulation (www.bledi.gov.tn/fr/infos-pratiques/strategy). Furthermore, the Consultative Council of Tunisians Abroad, soon to be created, would constitute an additional forum for the debate and ongoing review of the strategic plan in the future. The strategic plan in its draft form is proving a valuable resource already in facilitating co-ordination with partner governments and civil society organisations (CSOs), as it simplifies the co-ordination of initiatives, the alignment of actions plans, and the identification of possible fruitful partnerships.

Creating powerful, inter-ministerial coalitions of senior civil servants. Ensuring proper policy coherence requires mechanisms beyond cabinet and minister-level co-ordination. While such mechanisms are important for setting broad policy guidelines and overall direction, they remain limited, too high-level and coarse-grained to be effective as a tool in ensuring significant levels of

ongoing coherence on the ground. Senior public administration officials play a significant role in policy development. They formulate and recommend sector-specific policies and evaluate policy proposals by other ministries in overlapping issues. Their recommendations influence ministerial opinion and indirectly impact cabinet deliberations. Ensuring that no sector-specific policies are incoherent with the pre-agreed shared migration-development goals requires the engagement of this critical layer of public servants. Consequently, some co-ordination mechanism at this level of government is crucial. In Tunisia, the decree creating the SSMTA also set up "technical consultative committees" which are called to meet periodically or when the need arises to ensure co-ordinated action. Chaired by the State Secretary for Migration, they involve senior public servants from ministries working in the migration field. Two such committees have been established, the first focuses on security and human rights matters with the participation of senior officials from the Ministries of Interior, Defence, Foreign Affairs, and Justice. The second committee focuses on economic development with the participation of senior public officials from the Ministries of Finance and of Development and Co-operation, the customs agency and the central bank. More recently, we initiated cross-ministerial press briefings bringing together senior public servants from all the ministries and agencies involved in migration. These shared press briefings, a valuable team-building exercise engaging all state actors involved in migration governance, keep the public abreast of the most recent regulatory and policy changes and of all other important developments in the field of migration.

Realising short-term success stories and win-win partnerships to ensure continued engagement. Such inter-institutional co-ordination is laborious and challenging. It is not the traditional modus operandi of state institutions. To anchor it in the public sector's culture and tradition, it is important to ensure the continuous engagement of key stakeholders, especially in the early stages of such a "cultural transformation". This requires early "wins" in the form of visible dividends from the collective effort of co-ordinated and concerted action. The SSMTA and the focal point for migration policy development and co-ordination have worked to ensure that collaboration is seen by other partners as effective and beneficial to the organisation and to the individuals involved. As the focal point, we sought to give credit to our partners as much as possible for the success of joint ventures, and ensured that press coverage of success stories gave them primary recognition.

Some concrete examples of successful cross-institutional initiatives in M&D in Tunisia over the past two years include:
- Setting up a "one-stop shop" service centre for Tunisians abroad that brings together all agencies offering services to migrants in a single location, including passport and identity document services, social benefits and pension agencies, customs offices, investment promotion agencies, and banking associations.
- Starting a "travelling investment forum" together with the Ministries of Industry and of Finance, the central bank and the customs office, aimed at informing the diaspora communities of recent regulations, available incentives, and investment opportunities, both in terms of direct investment as well as of participation in financial markets and savings products.
- Evolving the regulatory framework to drive down remittance costs. Acting in close co-ordination with the central bank, local banks and the post office, the SSMTA worked to remove the "exclusive partnership" clauses in

contracts signed between international money transfer companies and their local partner networks (local banks and post offices). This opened up the market to competition by allowing local banks to offer several money transfer products, and should eventually contribute to driving down remittance costs.

- Agreeing on a national action plan to combat human trafficking and preparing new asylum legislation. This process involved several ministries and included the active participation of NGOs and local civil society organisations.

In summary, our limited experience suggests that promoting policy and institutional coherence requires agreeing a shared vision and long-term plan with all key partners; the creation of cohesive cross-ministerial teams of senior civil servants; paying attention to organisational and interpersonal issues; and aligning incentive systems to encourage cross-ministerial co-ordination; and garnering high-level political support. Furthermore, it requires the development of monitoring and evaluation tools such as governance dashboards to ensure continued alignment of policy actions with agreed development objectives. Further research is needed to further collective wisdom on this important aspect of public policy.

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My insights are informed by the realities of East and Southeast Asia, and particularly by the experience of the Philippines as a major country of origin.

Policy and institutional coherence for migration and development is the extent to which policies and institutions in pursuit of migration objectives and development objectives reinforce each other, minimise anticipated inconsistencies, and have the capacity to deal with unintended impacts or consequences that may affect one or the other part of the migration-development nexus.

A reasonable degree of policy and institutional coherence for M&D may be achieved, but this would require a clear understanding of what constitutes migration and development policies and on the exercise of political will, including political will at the highest level.

Firstly, it is important to clarify migration and development objectives. As far as development objectives are concerned, these are relatively clear. Internationally, there are shared development objectives and targets, such as the Millennium Development Goals. Reaching a consensus on migration objectives is a lot more contentious at all levels (e.g., local and national). Migration objectives are more contentious within countries (e.g., emigration and immigration objectives may not gel, or different agencies may have different perspectives or priorities) and between countries (especially between origin and destination countries). Adding to the challenge is the difficulty of identifying the key or central migration institution. While there is usually a central agency to co-ordinate development planning, policies and programmes, there is no single agency in charge of migration. It is doubly challenging when migration and development are considered. Development agencies and migration agencies may not be conversant with each other's concerns. (This is also apparent in international discussions on migration and development. For example, in the Global Forum on Migration and Development (GFMD), the participants may include various stakeholders, but they are still largely migration-related institutions and actors discussing development. Country representatives, for example, mostly come from Ministries of Foreign Affairs, Labour, or Justice. Absent are Development ministries. Similarly, the participation of international development agencies is not that visible in the GFMD.

Political will is very critical because this would launch government agencies into action and would make possible the release of resources to initiate and sustain the process of achieving desired outcomes. Government agencies have specific mandates which define the scope of their functions, and may be constrained to initiate an inter-agency mechanism.

There is also the challenge of continuity of commitment to migration and development and to policy and institutional coherence, due to changes in government or administration. Also, government officials and personnel may be reassigned to other departments or offices. The turnover of previous commitments is oftentimes not assured with these changes.

Among the key steps involved in promoting policy and institutional coherence for migration and development are:

- Examining coherence within migration policies and development policies.
- Linking migration policies to development objectives, defining migration objectives that would best contribute to development objectives, and raising awareness about migration and development objectives among different government agencies.
- Securing political will at the highest level, e.g., an executive order to form an inter-agency body to explore, elaborate and enforce migration and development policy and institutional coherence. It is best that the executive order states the lead agency among the member agencies, the time frame of the action plan, and budget allocations for key activities.
- Conducting consultations with key stakeholders to explore their perspectives and existing practices, if any, that demonstrate migration and development policy and institutional coherence.
- Using data and evidence-based knowledge in the design of coherent migration and development policies and institutions.

Policy and institutional coherence for migration and development is expected to provide a clearer roadmap to achieve desired outcomes. Policy coherence is important, but perhaps what is more fundamental is to have good policies. Why so much insistence on coherence? Because experience indicates that incoherence renders policies inefficient. Examples for countries of destination include: strong policies to eliminate irregular migration and no policy to reduce the informal economy, which is a major driver of irregular migration. Leaving the informal economy to prosper attracts irregular migrants and dealing with them once they are in the country is complicated, because there are issues concerning humane treatment, international relations, etc. In addition, it is an expensive policy. Just look at how much Europe or the US has spent to keep people out. In the case of countries of origin, elements of incoherence could be found in policies (or non-policies) concerning education and irregular migration, and in particular illegal recruitment. If the number of graduates with specific qualifications is way above the capability of the local and international labour market to absorb them, people will seek irregular migration through illegal channels. At the institutional level, incoherence is best expressed by the lack of co-ordination.

In addition to incoherence between migration and development policies and institutions, there is incoherence also within the same sectors. In the case of migration policies, this is best expressed by excessive regulation, which people try to avoid by circumventing rules and procedures. Incoherence is also found when an excessive institutional involvement generates bureaucratic turfing, where the interest is no longer the services to the migrants, but the protection of the institution.

Examining policy and institutional coherence for migration and development for the purpose of guaranteeing higher policy efficacy and avoiding waste of resources is therefore necessary. However, a deeper question needs to be asked: do migration and development fit coherently? What is the final objective in pursuing such coherence? It is plausible that everyone would like to increase development as the final objective? I believe the accepted terms of the nexus are for development to increase (in its various components, not just the economic ones) and for migration to become less and less necessitated by lack of alternatives. Pursuing development should result in the decrease of migration as the only opportunity for decent work. When examining the two

sides of the nexus, how to pursue development policies which will increase migration in the short run (migration hump) and diminish it in the long run might become clearer. Is it acceptable to create migration policies that will increase the outflow of people for the benefit of development, even in the short run? This can be policy coherence, at least in the short run, but is it good policy? What is most important for policy, to be coherent or to be good policy? And if the objective is to decrease migration, how can this be achieved through migration policies? And again, would this be considered coherent?

A major source of incoherence might be found in how policy objectives are determined. If policies are created in response to short-term political gains, they are likely to pose incoherence to long-term aspirations. Policy coherence can also have other limitations. For example, migration policies from the perspective of countries of origin have a strong protection component. Providing protection to migrants decreases the risk and costs associated with migration. This might increase the number of people willing to migrate and increase the number of people taking their chances to migrate in an irregular way, as they count on the protection of the government. In this case, it might seem that for the sake of policy coherence, migration policies should be less protective.

PETER BONIN
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SOCIETY FOR INTERNATIONAL COOPERATION (GIZ)

CIM: An example of institutional coherence between development and labour market policy

According to the 2013 EU report on policy coherence for development (PCD), PCD is generally understood as the avoidance of negative consequences and the usage of positive spill-overs and potentials for the development of poor countries when designing domestic policies and pursuing domestic policy objectives (2013:16). Migration policy is mentioned as one of five major challenges for PCD. The report specifically highlights the need for "further efforts […] on the management of mobility (including labour-matching)".

I will introduce the Centre for International Migration and Development (CIM) as an example for PCD on the operational level of sustainable and **development-oriented mobility management in the German context**.

Germany does not have the tradition of being an immigration country. For this and many other reasons, there is a whole set of impediments to the formation of coherent policy making in the field of migration and labour mobility.

Nonetheless, we can observe that on the level of policy implementation, an institutional set-up has evolved which has proved to successfully function as an operational body at the intersection of development and labour market policies, and can thus serve as the implementing agent for development-oriented labour mobility.

CIM, which was founded in 1980, is a joint operation of **two political bodies:** on the one hand, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, which is the implementing agency for German development co-operation, and on the other hand, the German Federal Employment Agency (BA) acting on behalf of the Federal Ministry for Labour and Social Affairs. Both agencies are the "extended arm" or implementing agency of their related ministries and held the monopoly in their field of work when the joint operation was founded.

CIM functions as the competence centre for global labour mobility in the international co-operation activities of the German government. Its core services involve placing managers and technical experts in positions worldwide (**Returning Experts** and **Integrated Experts**), placing experts from developing and emerging countries in jobs with employers in Germany (**triple-win pilot project**), and offering advice and support on migration issues. In addition to this, CIM, through its sector project on migration and development, functions as a technical advisory unit for the government as well as for other development co-operation bodies, above all GIZ. The table below describes the functioning and task division of the joint operation with regard to development-oriented mobility management.

Federal Ministry for Economic Cooperation and Development

Bundesministerium für Arbeit und Soziales

giz Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

Bundesagentur für Arbeit
Zentrale Auslands- und Fachvermittlung (ZAV)

cim Centrum für internationale Migration und Entwicklung
eine Arbeitsgemeinschaft aus giz und △

- GIZ field offices		- BA placement offices

- GIZ field offices
- project management
- advice on conditions in developing countries
- contacts with employers in developing countries
- identification of needs for experts in developing countries
- purchasing, equipment, legal, financial and organisational support
- technical advisory services on migration and development

Triple Win pilot project*
Recruitment of non-EU experts for the German labour market

Returning Experts*
Promotion of brain gain: The return of highly skilled migrants to developing countries

Integrated Experts*
Placement of European experts with local employers in line with demand of local partners

- BA placement offices
- computer-assisted job placement system and data base
- advice on the recruitment of experts and managerial staff
- contacts with employers in Germany and other countries
- position seeking for experts
- publication of advertisement for job vacancies
- preparation and implementation of reintegration measures
- advice on the need for experts in developing countries

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*Triple win pilot project

This project involves:
- Developing and testing sustainable models for the recruitment of non-EU experts for the German labour market, and creating triple-win situations for employers, migrants and countries of origin
- Conducting market analyses in both countries beforehand
- Seeking out qualified applicants through local GIZ networks in four pilot countries: Bosnia, Albania, Viet Nam and Indonesia

The focus of the project is on the STEM professions – science, technology, engineering, and mathematics – as well as nursing. Expansion of the project to include additional co-operation countries and professions is under consideration.

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*Returning Experts

Activities in this area include advisory and job placement services and financial subsidies for highly skilled people from developing countries, who have been trained or working in Germany and wish to return to their countries of origin.

*Integrated Experts

Activities in this area involve:
- The placement of German or European technical experts or managers with local employers in the civil service, the private sector or civil societies of Asia, Africa, Latin America, and Eastern and South-Eastern Europe in line with local demand.
- The professional recruitment of qualified human resources on the German job market, the speedy processing of immigration formalities, and subsidies to local salaries. These are all services of CIM.

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There is increasing recognition that improved policy and institutional coherence is necessary to maximise the development impact of migration. This topic has been brought up in several discussions at the multilateral level, notably at the High-level Dialogue a few months ago. It has also been promoted at the European level and at the national level in several countries. In France, for example, the Inter-ministerial Committee for International Co-operation and Development has recently decided, under the overall objective of improving the coherence and transversal aspects of development policy, that "development policy and migration policy should be coherent". In 2010, the goal to mainstream migration issues, whether they be internal or international, into development aid sectors strategies and activities had already been adopted with the transversal intervention framework "*migrations internes et internationales*", developed by the French Development Agency.

However, in practice many challenges remain in implementing policy and institutional coherence for migration and development. Most of them result from a lack of common understanding of the migration-development nexus and of the benefits one can expect from improved policy and institutional coherence on these issues. This shared vision remains a challenge, not only at the international and regional levels, but also at the national level within public institutions.

So far, institutional and policy coherence related to migration and development has undeniably improved but still remains limited in several aspects. Among the numerous topics linked to this issue, greater attention has been paid to the economic development impacts of migration for the development of countries of origin. In this context, the traditional migration-development agenda priorities, such as remittances and diaspora mobilisation, have been quite well integrated in the external policies of receiving countries and increasingly in sending countries with the development of diaspora-oriented strategies. Integrating development concerns into migration management policies and broadening the spectrum of sectors in which policies and institutions are engaged to strengthen the migration-development nexus (such as employment, health and social protection, business development, environment, education) has proven more difficult.

Strengthening the migration-development nexus with improved institutional and policy coherence requires acknowledging the following:

- The migration-development nexus is a universal issue. Besides the fact that the picture is increasingly blurred with countries that are both sending and receiving countries, we have to bear in mind that, especially regarding current demographic trends, migration is also of concern for the development of countries of destination. As a consequence, they too can benefit from improved policy and institutional coherence related to migration and development.
- The migration-development nexus is a complex two-way connection with positive and negative interactions. Of course we need to maximise the development impacts of migration, but we also need to take a look at the negative impacts migration can have on development and bear in mind that development also impacts migration.

- The migration-development nexus is by definition cross-cutting and can potentially be relevant for all institutions and policies. Strengthening it requires cross-sectoral and multi-stakeholder approaches. Initiatives led by the OECD Development Centre and the European Commission to raise awareness on the implications of public policies on migration issues can be of specific interest in this regard.

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Convincing people to work towards more coherence on the basis of these three statements is not an easy task. It is already difficult within our own institution, let alone with others. As we can see in the current discussions on the post-2015 agenda, **we have to make the case** for a better integration of the migration-development nexus. This requires willingness and above all evidence. Often, we find that people working in other fields are more inclined to integrate migration in their activities once they themselves experiment (through projects in the field, exchange of practices or brainstorming sessions) the interconnection between migration and their own sector.

Gathering more specific, concrete information and data to improve the understanding of the interactions between migration and development and of the negative impacts generated by a lack of policy coherence is necessary. Research, impact evaluation, and feedback from mainstreaming initiatives in countries of origin and in countries of destination should be encouraged, including first lessons from the pilot mainstreaming project being undertaken by IOM and UNDP, from the implementation of cross-sectoral migration and development strategies in countries like France, Switzerland and Germany, and from "One UN" pilot planning exercises.

On this basis, it will be easier to raise awareness, to promote mutual understanding and to foster dialogue and co-operation among the great diversity of stakeholders concerned by the topic of this workshop.

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Labour migration and development

The ILO estimates that more than 50 per cent of the 232 million international migrants today are economically active. Together with their families, migrant workers comprise more than 90 per cent of this total. Nearly half are women who increasingly migrate for work, and one in eight is a young person between the ages of 15 and 24.

Migrant work and labour migration governance are at the centre of development issues, in light also of the increase in labour migration between developing countries at the regional level. The creation of decent jobs is key to equitable, inclusive and sustainable development that results in economic growth, and to the reduction of poverty and income gaps. As more people cross borders to work, migration policies that protect the rights of migrant workers during all stages of the migration process will be essential to achieving economic growth in both origin and destination countries.

Strengthening linkages between labour migration and development

The labour and skills of migrant workers are a valuable resource for both destination and home economies and societies, helping to ensure the functioning of their labour markets. Migrant workers help create jobs in destination countries by consuming goods and services and paying taxes, and sustain social security systems with their contributions. They spur development with their enterprises and strengthen ties between origin and destination countries through the transfer of technology and skills, opening trade opportunities for new goods, and sending remittances for child health and education. Yet recent debate on how best to harness the financial flows from the labour of migrants comes dangerously close to viewing migrant workers as a commodity or worse—in the case of unscrupulous recruitment agents—as those who are trafficked, "bartered", or "traded". Labour migration and mobility policies, therefore, need to include a migrant-centred approach that incorporates an inclusive and rights-based framework in order to ensure optimum sustainable development outcomes. Improved harmonisation of employment, social protection, and labour migration policies with development planning is crucial. Moreover, there is a need to recognise migrants' contributions to the development of *both* origin and destination countries.

While the focus to date has been on measuring the important impact of remittances and, more recently, on the excessive costs of recruitment, too little attention continues to be paid to the social costs of family separation and impacts on families left behind. More research is also needed at national and regional levels to assess the impact of labour migration policies and whether they guarantee non-discrimination and equal treatment between nationals and migrant workers, particularly in sectors such as agriculture, domestic work and construction that involve higher risks to migrants in terms of recruitment processes, working conditions, wages, and social security. Indeed, the capacity of migrant workers to send remittances home depends not only on

the cost of transferring money, but also on whether they receive fair wages, are paid regularly, or at all, in countries where they work.

Equal protection for migrant workers of all skill levels

Migrant workers, especially if they are women, young people, or ethnic minorities, may be exposed to abuse, exploitation and discrimination when migrating or working—particularly in low-skilled or irregular work. They often lack access to reliable information about terms and conditions of employment and fundamental rights at work, face exorbitant recruitment fees or risk being trafficked or pressed into forced labour. Migrant children are especially vulnerable to exploitation as child labour. In destination countries, migrant workers often take low-skilled jobs in the informal economy and experience gender, ethnic, racial or other forms of inequality. They may not be covered by national labour laws, and may face poor or unsafe working and living conditions, as well as low or unpaid wages. Access to basic services, job mobility, pensions, and – especially for their children – health care and education may be denied in law or practice. The danger of work-related accidents, injuries and deaths may increase their risk of poverty.

The status of low-skilled migrant workers may also worsen due to the current policy bias in favour of high-skilled workers in major destination countries. Yet demographic trends and structural changes in industrialised countries are increasing the demand for both high and low-skilled migrant workers. Moreover, not all labour market needs in destination countries are temporary, and migrant workers are needed in the longer term as well.

Development outcomes can be achieved more broadly, equitably, and inclusively if national policies incorporate the goal of decent work for all, implement ILO standards – including the ILO Conventions Nos. 97 and 143 specifically concerned with the protection of migrant workers, as well as accompanying Recommendations Nos. 86 and 151 – and engage workers' and employers' organisations, migrant workers and other stakeholders directly impacted by such policies. Based on these standards, the ILO's Multilateral Framework on Labour Migration provides non-binding principles and guidelines for a rights-based approach to actions, supported by good practices.

Assessing labour market needs, recognising and certifying skills

The demand for, and supply of, labour is becoming more international as millions may no longer be able to find jobs in their home labour markets and labour shortages increase in destination countries. Yet the lack of sound labour market needs assessments that can help policymakers ensure appropriate skills and jobs matching for migrant workers results in large numbers of migrant workers being employed in lower-level jobs. This can lead to de-skilling and "brain waste".

Improved portability and recognition of skills helps migrant workers obtain employment that matches their qualifications and expertise. Governments have the primary responsibility, in consultation with workers' and employers' organisations, to ensure social inclusion and adequate access to appropriate skills development for productive and decent work. To address these issues, the ILO supports needs assessments that reflect the overall state of the labour market, including understanding the unique industrial, occupational and geographic factors that generate jobs that can be filled by national workers, or if not, by migrants. In this way, the ILO helps increase

labour market efficiency while also improving worker protection. The ILO also works at the regional level to develop technical labour certification standards and strengthen the capacity of public employment services in labour mediation, while helping countries better co-ordinate migration and employment policies, develop agreements for social security portability, and improve migration governance.

International cooperation and social dialogue for promoting well-governed labour migration

International migration involves the interests of a range of participants in the world of work, both within and between countries. Yet labour ministries, and employers' and workers' organisations, are often not effectively engaged in designing policies and strategies on both migration and development. They may lack the resources and technical capacities to participate appropriately in developing labour market information systems, providing social security coverage, and rights-based bilateral and multilateral agreements for labour mobility.

The ILO approach to labour migration consists of balancing labour market efficiency and equity concerns by facilitating effective labour migration governance through informed policy debate, strengthening institutional mechanisms, promoting policy coherence, and encouraging social dialogue that brings together governments and workers' and employers' organisations. This is the reason why including labour market institutions, world of work actors and social dialogue are so important to shaping balanced development outcomes.

For example, to address the issues of migrant domestic workers who are particularly at risk of abuse and exclusion, the ILO has launched specific projects under the new ILO Convention on Decent Work for Domestic Workers, 2011 (No. 189). The Convention entered into force on 5 September 2013, has been ratified to date by 10 countries, and includes specific provisions for migrant domestic workers (Articles 8 and 15). It has already had an impact: more national laws now cover domestic work, and practices and attitudes towards domestic work are changing, including in countries that have not yet ratified the Convention. New campaigns such as the International Trade Union Confederation's "12 by 12" campaign and the Global Action Programme on Migrant Domestic Workers and their Families, run by the ILO and funded by the European Commission, have been launched. Convention No. 189 also features prominently in regional and global debates on international migration.

Conclusion: The road ahead

Decent work is a key driver of development, and the search for decent work is a key driver of migration. Moving forward in development means better understanding and addressing the needs of all workers, including migrant workers. Sustainable development serves as a durable engine for growth and innovation when it is inclusive, reduces the gap between rich and poor by providing jobs to match workers' skills at all levels, and provides decent wages and social benefits within environmentally sound, healthy, and equitable conditions of work. The ILO is actively engaging in the process of defining a post-2015 United Nations development agenda, and is seeking to ensure that the objectives of productive employment and decent work for all are considered as an integral component of the post-2015 roadmap, with due regard to the role played by migrant workers and labour migration.

FRANÇOIS CRÉPEAU
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2013 Report to the United Nations General Assembly, on "Global Migration Governance" (A/68/283)
Conclusions and recommendations

In lieu of Opinion Note for the OECD workshop "Strengthening the Migration-Development Nexus through Improved Policy and Institutional Coherence," 4-5 December, OECD Conference Centre, Paris

Conclusions

121. Migration governance is becoming increasingly informal, ad hoc, non-binding and State-led, falling largely outside the United Nations framework in such forums as the Global Forum on Migration and Development and regional consultative processes. This leads to a lack of accountability, monitoring and oversight and the absence of a relationship with the formal normative monitoring mechanisms established within the United Nations.

122. There is thus a need to enhance the human rights dimension of global migration governance, including in terms of accountability, and to bring it back to the United Nations, including by establishing a United Nations-based institutional framework on migration. There has been considerable movement and interest shown over the past decade in terms of the two High-level Dialogues on International Migration and Development, the creation of the Global Forum on Migration and Development and the Global Migration Group and recent growth in IOM membership, as well as the development of regional initiatives, both through regional organisations and regional consultative processes. Thus, there seems to be some recognition of the need for more migration governance.

123. States can commit to more migration governance while at the same time maintaining their sovereignty in relation to deciding who enters and stays in their territory.

124. Better global migration governance would be advantageous for all States because they cannot deal with a global phenomenon unilaterally, bilaterally or even regionally only. Enhanced governance would allow for better responsibility-sharing on the part of States associated with migration. While the Global Forum on Migration and Development provides a useful platform for informal discussions between States, it should not be seen as a substitute for discussions about migration in the United Nations. More frequent high-level dialogues could also lead to closer linkages and synergies between discussions within and those outside the United Nations.

125. The growing number of regional consultative processes can be trust-building exercises but can also lead to duplication and contradictions. While bilateral and regional co-operation,

including through such processes, regional organisations and bilateral agreements, may contribute to the coherence of global migration governance, these initiatives must fully take into consideration respect for the human rights of migrants and, in this regard, should be transparent, with effective monitoring and accountability mechanisms.

126. Migrants should always be seen first and foremost as human beings with inherent human rights, rather than agents for development. In this regard, a human rights framework for global migration governance is needed. Only when conceived of in terms of human rights will migration be able to fulfil its potential as an enabler of human development. The universal human rights framework must therefore guide all development cooperation and programming in all parts of the United Nations system relevant to migration.

B. Recommendations

1. Recommendations to States

127. All States should establish human rights-based, coherent and comprehensive national migration policies. These policies should address the "pull" factors for irregular migration, namely the unrecognised need for migrant labour in destination States, including for low-skilled workers, and the corresponding need to open up a greater number of regular migration channels, which would lead to fewer instances of irregular migration, less smuggling of migrants, less exploitation of irregular migrants and less loss of life. In this respect, States must ensure that "irregular employers" are sanctioned, labour exploitation is punished and migrants, including those in an irregular situation, have access to national courts and tribunals, which should effectively apply the international human rights treaties in providing appropriate redress. States should implement a "firewall" between immigration enforcement and public services and improve data collection and indicators in all areas relevant to migration in order to make informed policy decisions.

128. States must ensure that bilateral agreements related to migrants, and regional and trans-regional co-operation mechanisms, such as regional consultative processes, are transparent, guarantee the human rights of migrants and ensure accountability.

129. States should recognise the need for a stronger human rights-based institutional framework for migration at the United Nations. This could, in turn, have a positive effect on informal migration governance outside the United Nations, including the Global Forum on Migration and Development and regional consultative processes. In this respect, the Special Rapporteur urges all United Nations Member States to consider the possibility of creating a new organisation with a specific mandate on international migration. This could be achieved, inter alia, by bringing IOM into the United Nations system. However, the Special Rapporteur notes that this would require that IOM be given a revised mandate that should include at its core the protection of the human rights of all migrants. The new "IOM-based" agency should also be provided with adequate resources that are not project-driven only.

130. States should consider ratifying all the core United Nations human rights treaties that they have not yet ratified, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as other relevant treaties, including

ILO conventions, the Convention relating to the Status of Refugees and the Convention on the Reduction of Statelessness.

131. States should ensure that the human rights of migrants are included in the post-2015 development agenda.

132. The High-level Dialogue on International Migration to be held in 2013 is an important moment to reflect on the mainstreaming of human rights into all aspects of the migration debate.

133. States should consider holding more frequent high-level dialogues, for instance every three years, which should be interactive and action-oriented, each with a rights-based negotiated outcome document.

134. Human rights must be a cross-cutting issue that informs all discussions at the High-level Dialogue, and States should consider raising the following issues:
   (a) Decriminalisation of irregular entry and stay, which should never be considered criminal offences;
   (b) The move away from detention as a tool in addressing irregular migration and the development of alternatives to detention;
   (c) Measures to ensure awareness-raising on the human rights of migrants;
   (d) Measures to combat xenophobia and xenophobic violence against migrants;
   (e) Measures to ensure the effective protection of the human rights of children in States of transit and destination;
   (f) Measures to ensure the enjoyment of all economic, social and cultural rights, including the right to education, health, social security and adequate housing and labour rights, for all migrants, including irregular migrants;
   (g) Measures to ensure the human rights of migrants at borders, both at entry and during expulsion procedures;
   (h) Measures to guarantee that migrants have effective access to recourse to independent institutions with regard to all the human rights violations that they face.

135. States should define more concrete outcomes of the meetings of the Global Forum on Migration and Development and, in this respect, consider adopting a formal outcome document at each meeting and establish a mechanism for follow-up and monitoring of the implementation of the Global Forum's recommendations.

136. States should consider enhancing civil society participation at the Global Forum.

137. The Global Forum should focus more on human rights, with dedicated round tables on relevant human rights issues, including the rights of migrants in an irregular situation, and mainstream the human rights of migrants in all its work.
138. The Global Forum should also consider discussing topics related to migration in general, not necessarily seen from the development perspective.

139. The Global Forum should rely more on the Global Migration Group (including OHCHR) expertise, and the United Nations human rights mechanisms should be invited to be part of the Global Forum's agenda on a regular basis.

2. Recommendations to the Human Rights Council

140. The Special Rapporteur urges the Human Rights Council to mainstream the human rights of migrants in all its work, whenever relevant, and deal with the human rights of migrants in its annual panel discussions on, inter alia, the rights of the child and women's rights.

141. The Human Rights Council should consider holding an annual panel discussion on the human rights of migrants, with a different thematic focus each year.

3. Recommendations to the Secretary-General

142. The Special Rapporteur urges the Secretary-General to show a clear vision and strong leadership on migration and advance the migration agenda at the United Nations, giving it more visibility and ensuring the adoption of a human rights framework for migration inside the United Nations system.

143. The Secretary-General should strive to strengthen the Global Migration Group through his leadership and guidance, including the Group's role in relation to the human rights of migrants.

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Migration and policy coherence for development (PCD)

In today's multipolar and interconnected global economy, all countries and policy areas play a role in enabling sustainable development. Migration policies in both developing and developed countries can contribute to creating an enabling environment for inclusive and sustainable growth if they take into account potential (positive and negative) side-effects and impacts on sustainable development.

There are the multiple economic, social, environmental, and governance dimensions of the Migration-Development Nexus. PCD could help to exploit positive synergies and to balance development and migration policy goals. A greater focus on PCD would require policy makers to ask questions like: "Do our migration policies, such as in the health care sector, potentially undermine prospects to achieve health-related development goals in sending countries?", "Do our migration policies reinforce our development cooperation policies, or do they work at cross purposes?", or "How can we promote inclusive and sustainable economic growth in developing, emerging and developed countries at the same time as social sustainability?"

What are the greatest practical challenges in implementing coherence?

- As recognised in the OECD Strategy on Development, neglecting the international spill-overs of domestic policies can undermine development objectives as well as the effectiveness of international development co-operation efforts. PCD in this new context can help to **better understand policy inter-linkages and trade-offs**, and inform decision-making to prevent negative spill-over effects. At the same time, the **lack of clear objectives for PCD** remains a major challenge for applying that approach as a tool to address the Migration-Development Nexus.

- **Government**s face difficulties balancing divergent policy objectives and may lack **capacities to reconcile domestic policy objectives** related to migration with broader development objectives. Challenges are related to creating government capacities that allow pursuing win-win situations and mutual benefits with regard to migration and development.

- Dialogue on PCD up until now has been carried out mainly among the donor community with a specific focus on coherence between aid and non-aid policies, and has primarily adopted a "do no harm approach". PCD in the new context is about **collective action and inclusive multi-stakeholder dialogue**. There is a need to provide a dedicated space where countries and relevant actors in developing and developed countries can hold exchanges and build common ground on how to make collective efforts in key policy areas more coherent and effective.

- The narrow PCD has focused on institutional mechanisms and policies in donor countries. A challenge is therefore to **create awareness and explore PCD also in developing partner countries** in order to address the Migration-Development Nexus globally.

- In order to provide **evidence-based analysis** that can inform decision making on the Migration it is important to identify common challenges. Without feedback, country-specific impacts are difficult to determine and address. Methodologies could also be developed in collaboration with partner institutions for identifying and assessing the impacts of migration policies on specific development outcomes in individual developing countries.

What are the important lessons learned in this area?

- With regard to the Migration-Development Nexus, a greater focus could be on **cross-sectoral approaches** to identify common challenges. Migration can lead to very large remittance flows to developing countries. The money received is an important source of income in many developing economies (OECD 2013). It also creates opportunities for the transfer of a wide range of skills when migrants return. At the same time, OECD data shows that one in every three international migrant aged 15 and above has limited education (OECD 2013a). In order to create an enabling environment for migration that can also contribute to sustainable and inclusive economic growth coherent policies for development are crucial. Successful migration management requires a PCD perspective to create positive synergies between education, migration, trade, finance, labour and development policies.

- The OECD developed a **self-assessment PCD** toolkit which guides governments through a step-by-step process to assess the coherence of domestic policies with their development objectives. The approach was piloted by Finland, which analysed domestic and European Union policies which affect food security and the right to food in developing countries. A similar assessment could be used to address the Migration Development Nexus.

- There are **multiple levels of coherence** (global, regional, and national – including advanced, emerging and developing countries) that need to be assessed to strengthen the Migration-Development Nexus. With increasing South-South migration (OECD 2013) it is not only important to explore the PCD issues related to the Migration-Development Nexus **in OECD countries but also in developing and emerging countries**.

- PCD needs to be a priority in the **relevant ministries and** in particular **at Centre of Government (CoG)** in order to support cross-governmental action for sustainable and inclusive development and to raise awareness about interlinked challenges. While relevant ministries can offer expertise in the sectors linked to the Migration-Development Nexus, addressing PCD at the Centre of Government level would allow overseeing the policy-making process and ensuring policy consistency related to migration and development issues. The CoG plays an increasingly important role in mobilising

commitment to support policy reforms and contribute to international agendas, such as the G20 and the post-2015

- In order to identify common challenges, the Migration-Development Nexus needs to be addressed through a **multi-stakeholder involvement** and **inclusive policy dialogue**. The involvement of civil society organisations as well as the private sector is critical to improve PCD and mutual benefits. Successful migration management cannot take place without the cooperation of the governments of countries of origin and transit. For instance, high recruitment costs and fees for visas, passports and residency permits from both developing and developed countries undermine labour migration and economic growth (World Bank 2013). Furthermore, the high cost of sending money through official channels continues to be an obstacle to the utilization of remittances from migrant workers to their home countries for development purposes, as people seek out informal channels as their preferred means for sending money home (World Bank 2013). Linking migration to development in an inclusive multi-stakeholder dialogue could to be a way of enabling sustainable cooperation of and with southern states.

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Conceptual and practical causes of policy incoherence in migration and development

Migrants and diaspora were active in the relief of poverty and the development of host and origin communities and countries before policymakers recognised it, let alone developed policies on the subject. This is not surprising as practice is often way ahead of policy. The normative status is that policy is informed and derived from practice and empirical realities – meaning that policymaking is generally a reactive process. Good policies that emerge confer legitimacy, facilitate incremental progress and provide overall boost to the relevant practices and sectors. In the instances where policy is proactive and ahead of practice, it stands out as idealist, adventurist, brave and perhaps even foolhardy. No wonder policy is mostly reactive and incremental in nature, not proactive and exploratory. Past, current and emerging policy on migration and development fits into this template squarely.

AFFORD is one of the pioneers in developing policy and practice premised on the nexus between migration, diasporas and development. We remember the rejection, resistance and even ridicule from policy and decision makers. We also observed some fundamental characteristics in policy formulation and applied it to our advocacy – achieving some significant policy developments. We learnt that there is an intrinsic sequence of phases: "understanding, acceptance and support". Governments and policymakers needed an objective understanding of the role of migrants and diasporas in development, followed by a semi-emotional acceptance of the virtues of diaspora development, before they could give whole-hearted support to migrant and diaspora entities.

Conceptual causes of policy incoherence

The intrinsic sequence of "understand, accept and support" further illustrates the reactive nature of policy. Yet when policy is generated, it tends to assume a "constitutional" role as the fount from which everything springs. Political legitimacy, funding and resource allocation, performance measurement and accountability are all based on the emergent policy. This anomaly of policies gaining a primary constitutional status, when in reality they are secondary and reactive formulations, is a fundamental and conceptual cause of policy irrelevance, incoherence and inefficacies. I am not necessarily arguing that policy making should become proactive and exploratory and therefore earn the status they now enjoy as the fount from which action springs. I am arguing that policy and decision makers should know, acknowledge and mitigate the fact that the primacy of policy is based on "acquiesced usurpation". Such realisation should trigger due humility amongst policy makers and lead to appropriate implementation approaches and actions that prevent and minimise the practical manifestations of incoherence and inefficacy.

Practical causes of policy Incoherence in migration and development

After many years of awareness-raising, advocacy and research by activists, practitioners and academics, governments and major international and multilateral institutions have gained considerable understanding and – to varying degrees – acceptance of the role of migrants and diaspora in international development. This has led to national policies and global agreements as evidenced by the outputs of the Global Forum for Migration and Development (GFMD) and the 2013 High-level Dialogue (HLD). Great progress has been made since 1994 when AFFORD was founded to advocate on diaspora development, being the same year that the UN International Conference on Population and Development (ICPD) made a formal linkage between migration and development. In this paper, I highlight examples of practical problems with migration and development policy that can be traced to the fundamental conceptual issue of policy usurpation, and linked to the intrinsic sequence of "understand, accept and support".

Problems with "understanding"

The narrow focus on "active migrants" betrays odd prioritisation or some problems with the first sequential point of "understanding". In migration and development, the focus is on the nexus of how migration advances development and how development makes migration a choice, not a desperate necessity. However, the very definition of the subjects of migration is blunt and narrow. There is no differentiation between active and short-term migrants and settled diasporas. International students and irregular migrants away from their countries of origin for more than a year are lumped together with professors who left their countries thirty years ago and their children who were born in the host country. Not to recognise and reflect the relevant stratifications and circumstances is a cause of practical policy incoherence. Yet even the progressive 2013 HLD declaration itself made no reference to settled diasporas. This category includes millions of people who have never been migrants and others who stopped migrating and have become settled citizens. A very easy solution to this incoherence is merely to explicitly reference the wider diaspora, which indeed includes short-term migrants. Settled migrants and multigenerational diasporas also have better means and opportunities to contribute to development and are likely to be greater in number than the reported stock of 232 million migrants.

Problems with "acceptance"

Too often for my comfort, in conversations and informal settings we hear non-committal remarks and sometimes even dismissive comments. We sense some doubt, weariness and even cynicism. Some question the fairness of migrants and diasporas wanting the best of both worlds. In developing countries, you hear murmurs of diasporas having "ran away" from the difficult local circumstances and now wanting privileges. In developed countries, you hear whispers about resources being "siphoned away" to countries of origin or heritage. Everywhere, there is unspoken suspicion about divided loyalties and mild resentment about multiple privileges. In the circumstances where the positive role of migrants and diasporas is not fully "accepted", implicitly and explicitly, optimum action will not obtain. Practical action will be avoided where possible; if avoidance is not possible, action will be reactive, perfunctory and lackadaisical. There needs to be purposeful and ongoing effort to make the case of the virtues of diaspora development to policy and decision making institutions. "Acceptance" cannot be taken for granted.

Problems with "support"

Through engagement and research, institutions often learn about innovative and effective practices and initiatives developed and undertaken by the diaspora. These are sometimes adopted, repackaged or re-presented into formal programmes, without due recognition or significant involvement of the diaspora. This becomes more frustrating for the diaspora and migrants, when non-diaspora and larger actors are given funding and principal roles to deliver these "new" packages. The common institutional justification for such approaches is that the diaspora lacks the capacity for the necessary scaled-up delivery. This highlights the need for engagement to include appropriate capacity building and enablement.

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Policy coherence is commonly understood as the systematic promotion of mutually reinforcing policy actions across government departments and agencies creating synergies towards achieving common objectives. So the first question to address when we talk about policy coherence is which objectives are we talking about. Following the definition above, coherence is not a goal that is achieved, it is a process and a means to another end and that end needs to be defined. In a narrow sense, coherence between two or more policies can also be understood in a "neutral" sense where neither policy affects the other one negatively and in this case there is no overriding objective to be achieved other than the minimum neutral impact. In the broader sense, defining what should be achieved with coherence is key, as outcomes will only be as "good" as the objective(s) the policies set out to achieve. The migration and development (M&D) field is a perfect example of this: working towards policy coherence for M&D does not necessarily mean that we will have development-friendly outcomes unless development has been defined as the overriding goal, which it has been, for example, through EU and international policy coherence for development (PCD) commitments. We need to know what type of outcomes we want to have, but the problem is that the policy discourses and practices in the M&D field remain characterised by fundamental ambiguities as to which objectives should be pursued.

In many European countries, policy coherence is pursued in the so-called external dimension of migration management, which has largely meant mainstreaming migration issues in foreign affairs and development co-operation policies, rather than, say, working towards PCD and mainstreaming development concerns in the migration policy cluster. Working only in an external dimension of migration and development is only one side of the equation. Leaving out the domestic domain and all the policies that affect migrants is likely to lead to an unbalanced approach even when PCD objectives steer actions the external dimension.

By focusing on the impact of migration on developing countries – but alas, without really looking at the impact of migration *policies* – the "D" in M&D has been linked directly to development co-operation. This is particularly true for the destination countries in the migration chain that tend to associate the word development with something that happens in developing countries. The focus on what happens in other countries as opposed to in your own may actually be linked to international PCD commitments that specifically focus on global development commitments.

While migration certainly is one of the big global development issues, and should be addressed as such, reducing the migration-development nexus to policy responses in the foreign or external policy domain will necessarily be short-sighted for any country. For those (developing) countries that are severely affected by migration in certain sectors, there is now guidance on how to integrate or apply a migration lense into public policy sector responses. But understanding the "D" as development of any country, in terms of all those public policy domains that are affected by and affect migration, has not yet taken root.

In addition to the spatial perception of the "D" in M&D, we find that M&D sometimes translates to development co=operation/aid being used as a means to indirectly or directly achieve domestic migration management objectives. That being said, spending money on projects that build up technical capacities in migration management is not necessarily different than institution building in any other public policy field, so the actual outcome may be development-friendly even though the objective may be to maintain secure borders of the donor country. As with any policy domain and any objective-setting exercise, one must measure the impact of the policy in order to find out if it actually achieved what it set out to do. Did it reach the intended outcomes? Were there any unintended consequences? We don't know enough about how migration policies affect public policies. While it may be appealing to reduce a complex phenomenon of people moving across borders to simple assumptions along the lines of "more migration is good for our country" or vice-versa, we do not know that more is better or that less is better, for that matter. And even if we did, we would have to know better for whom. Given that migration is about people, promoting the human development of migrants by opening up more legal migration channels and ensuring a safe working and living environment for them, for example, is not akin to ensuring positive development in countries of origin. The effect of those who migrate may leave a community, region or a whole country worse off in economic or social terms.

Seen against the fragmentation of the "South" and "North" divide, the new partnership thinking that Busan encourages us to pursue, and the dynamics of migration, I think we can better pursue global PCD on migration if we start by comprehensively addressing M&D at home. Technically speaking, managing the flow of people across borders is pretty much the same everywhere. Deciding who can come, stay, work and prosper is a much bigger question that should be tied to longer-term (national or sub-regional) development thinking for a variety of public policy sectors, not least in relation to economic growth and social cohesion. We should design migration objectives that go above and beyond the concerns of those who are managing the border, visas, permits and procedures, and let overriding governance objectives determine if more or less resources are needed to effectively manage people arriving, leaving, transiting or staying in the country. In this context, our point of departure is to pursue M&D policy coherence for national development. That being said, PCD commitments should still be considered insofar as we actually know or can foresee the impact of specific migration (and related) policies on developing countries. Currently, we may know more about the impacts of migration on human development than we do about various types of development impacts at national level. We know that there is an impact, but we know little about *what* and *how*, at least ex-ante.

So how could we proceed? As a start, if every country would develop a better understanding of how migration actually affects their key sectors of societal, political and economic development, I think that this broader understanding of migration as a global development issue could bring countries closer together internationally. It would facilitate bilateral, regional and "migration-chain" co-operation in that partners would be better able to pinpoint their needs, such as public policy domains where capacities are lacking, or better identify the possible adverse effects of policies in other countries. The international debate on M&D could be more nuanced and move away from simplistic assumptions about opening all borders or equally simplistic protectionism of domestic labour markets and identities. My suggestion is therefore to initiate policy coherence processes at national level based on a full acknowledgement of the development aspects related to migration both at home and abroad. Having the same point of departure would even out the dichotomies between developed and developing countries, countries of origin and destination,

senders and receivers of international migration. It would support a truly global understanding of a global phenomenon, and as such promote one of the preconditions for international policy coherence on M&D.

ULRIKA GRANDIN
POLICY OFFICER, SWEDISH MINISTRY OF FOREIGN AFFAIRS

Sweden's ability to contribute to maximising the positive effects of migration is predicated on coherent action across relevant policy areas. The responsibility for the issue of migration and development lies within the Swedish Ministry of Justice, and the co-ordination of policy coherence for development (PCD) lies within the Ministry of Foreign Affairs. But several policy areas and actors are concerned.

Migration flows is one of six global challenges that the Swedish government focuses on in its PCD work. Swedish PCD work is based on the government bill describing Sweden's policy for global development, which was adopted by Parliament in 2003. This policy is aimed at supporting poor people and countries to meet global challenges in promoting synergies between different Swedish policy areas. Both development co-operation and other policy areas must contribute to these aims.

Swedish PCD work on migration is based on the insight that the development potential of migration is far from being fully realised. Migration and development are linked in many ways, such as in remittances to developing countries, in the "brain gain" of circular migration, and in contributing to the protection and durable solutions for refugees. These three areas have received special attention in Swedish PCD work on migration. For these three focal areas, objectives have been identified and follow-up conducted, based on three levels of coherence as identified by the OECD, namely: policy formulation; co-ordination and co-operation; and knowledge and analysis.

Sweden is currently the Chair of the Global Forum on Migration and Development. The forum contributes to dialogue between countries of destination and countries of origin on ways to strengthen the effects of migration on development. Sweden prioritises coherence as a key issue on the agenda. Policy coherence for development essentially means that measures within various policy areas are coherent and contribute to development. Synergy effects, co-ordination and co-operation are therefore important parts of the implementation of coherence. But another important part of this process is the handling of conflicting objectives and interests. As PCD work in principle affects all policy areas, the occurrence of conflicts of objectives and interests is a particularly explicit part of policy formulation. The recognition and transparent management of these conflicting objectives and interests is therefore a challenge.

In order to investigate and make transparent conflicting objectives and interests within Swedish PCD work, the Swedish government chose to focus on one of the six global challenges, in the 2012 report to Parliament. By choosing only one challenge (economic exclusion), numerous examples of the government's work and potential conflicting objectives and interests could be illustrated in more detail. The government found this transparent format for the report useful, and will focus on another global challenge in the next communication to Parliament, due in March 2014. The focus will be on the global challenge of migration flows and potential conflicting objectives and interests within this challenge. Areas that might come up are "brain drain", migrants' rights, facilitating remittances and aid money for refugee costs.

CAROLINA HERNANDEZ
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As noted by the United High Commissioner for Human Rights, "no society can develop to its true potential when entire sectors of that society are blocked from contributing by legal, physical, social or political barriers. Development –real development- is about removing barriers, and expanding choices." From a human rights perspective, development should ultimately be defined by freedom from fear and freedom from want, for all people without discrimination, including migrants. All migrants, regardless of their status, are rights-holders. They are entitled equally to participate in the design and delivery of migration and development policies, to challenge abuse and human rights violations, and to demand accountability. The inclusion of migrants in the process of development is not only a normative obligation rooted in the prohibition of discrimination, but as recent research shows, such inclusion is also a practical imperative for effective and inclusive development strategies.

Yet in the migration-development discussion, migrants are too often seen only as providers of financial remittances without considering the conditions in which remittances are earned and transferred. Many migrants, particularly low-skilled migrants, temporary migrants and migrants in irregular situations often remain marginalised, discriminated against and live and work in precarious and inequitable conditions. It is thus important to include the human and social costs of migration within any discussion of migration and development, and to remember that the main stakeholders of international migration are migrants themselves.

From a human rights perspective, accordingly, the promotion and protection of the rights of migrants should be the starting point and the central feature of attempts at policy coherence on migration. Local and national development policies and programmes, as well as bilateral, regional and global development partnerships and programmes, should be anchored in a system of rights and corresponding obligations, and should be designed and implemented in a participatory process.

At the recently concluded second High-level Dialogue on International Migration and Development, Member States of the United Nations unanimously adopted a Declaration that recognises that migration is a cross-cutting phenomenon that should be addressed in a coherent, comprehensive and balanced manner, integrating development with due regard for social, economic and environmental dimensions and respecting human rights. The Declaration committed Member States to working towards an effective and inclusive agenda on international migration that integrates development and respects human rights by improving the performance of existing institutions and frameworks, as well as to partnering more effectively with all stakeholders involved in international migration and development, and strengthening synergies at the national, regional and global levels.

The main challenge lies in ensuring adequate coherence in the policy and institutional response to this multi-dimensional phenomenon. At the national level within governments, all relevant ministries, including those ministries charged with the implementation of human rights

obligations, labour, health, education and development, should take equal part in the formulation and implementation of migration policy, in addition to the more traditional ministries of the interior and home affairs. States could ensure that they include the human rights situation of migrants in their reporting to all treaty bodies, and in their reports to the Universal Periodic Review process. National human rights institutions and monitoring bodies should be provided with a robust mandate to promote and monitor the situation of migrants, and to recommend action and policy measures to government bodies. National plans of action and strategies on such issues as health, education, housing and employment should take migrants and their communities effectively into account, including through ensuring that they are able to participate fully in the design and implementation of such plans of action.

At the international level, more systematic discussion is needed among States and other relevant stakeholders within the United Nations and beyond on migration issues, particularly as these impact on the promotion and protection of human rights. There is a need to strengthen discussions on migration and the human rights of migrants within the deliberations of the UN Human Rights Council, including through holding an annual panel discussion on the human rights of all migrants.

As evidenced during the 2013 High-level Dialogue on International Migration and Development, the United Nations offers a common platform for dialogue and co-operation on migration, based on the existing and agreed legal and normative framework. There is a continuing need for a regular space in which there can be systematic and norm-based interaction among all stakeholders, including States, civil society, and migrants themselves. Particularly absent is a discussion space in which to identify and address policy and knowledge gaps on cross-cutting and emerging issues related to migration and human rights, issues for which no one agency or entity retains the sole mandate. Such issues could include, inter alia: the human rights of smuggled migrants, countering discrimination and xenophobia against migrants, the rights of migrants in crisis situations, and children in the context of migration.

At the level of policy coherence within the UN system, the Global Migration Group (GMG) recently implemented an internal review to strengthen its co-ordination and coherence function. The establishment of a Working Group on Migration, Human Rights and Gender Equality (co-chaired by OHCHR, UN Women and UNICEF) should enable the GMG to speak with a more consistent voice on migration and human rights issues. In order to ensure policy coherence, the GMG should also ensure that States and other stakeholders seeking technical assistance are provided with a clear entry point to the UN system and IOM, to match competence and expertise according to the different mandates of the actors involved.

Finally, policy coherence on migration is crucially dependent on the availability of relevant, valid and reliable data. There is in particular a knowledge gap in relation to migration and human rights. Human rights-based indicators are therefore necessary in order to develop rights-based policy at the national and local levels, and to develop tools for monitoring, implementation, capacity building and advocacy. In addition, providing a more accurate and rights-based picture of migration – including through documenting the economic and social contributions of migrants, investigating the wider public impact of denying access to essential services, and conducting more research on the human rights impacts of remittance flows – can help improve public perceptions of migration and combat xenophobia. A UN-led multi-stakeholder initiative to

enhance knowledge on the monitoring of the human rights situation of migrants would be an important step towards policy coherence, providing governments with the data and tools necessary to implement rights-based migration policy, with a focus on migrants as rights-holders and as full and equal subjects of development.

GRAEME HUGO

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Policy and institutional coherence on migration and development in Asia

The United Nations 2013 Assessment of Global Migration Data shows that Asia is poised to replace Europe as the global region having the largest number of immigrants (currently 29.6 million). It already is the largest region of origin of global emigrants (68.1 million persons). However, the potential benefits that this could deliver are being impeded by a lack of institutional and policy coherence. This lack of coherence is evident in three contexts – within origin countries, within destination countries, and in the relationship between origin and destination countries.

POLICY AND INSTITUTIONAL COHERENCE IN LOW INCOME COUNTRIES

The dimensions of a lack of policy coherence in Asian countries which send migrants to other countries include the following:
- Lack of articulation between migration and development plans and strategies;
- Lack of articulation between migration and environment/climate change planning;
- Dispersal of migration policy and practice among several government departments – labour, immigration, foreign affairs, security, etc;
- Lack of the development of a cadre of career public servants with continuing skills, experience and background in migration, let alone migration and development.

This situation is exacerbated by a lack of relevant data to quantify the scale, composition and impact of permanent, and especially temporary, migration from these low income countries. This is partly because of a universal bias toward collecting information on *immigrants and not emigrants*. No country in the region includes questions on emigration in their census, while most include birthplace (immigration) questions and only a handful of nations collect and analyse information on persons departing the country. Information and understanding on how migration influences development in origin countries is hampered by the destination bias in data collection.

POLICY AND INSTITUTIONAL COHERENCE IN HIGH INCOME COUNTRIES

Most of the discourse and policy attention on migration and development has centred on how origin nations can use policy intervention to maximise the development benefits of migration. Nevertheless, in the Asia region, it could be argued that there has been a failure in many destination countries to realise the benefits which migration could deliver for development. This failure has been in two areas. Firstly, in a number of destinations there has been a failure to recognise that migration is a crucial structural part of local economies and is necessary for the

maintenance and enhancement of their prosperity. Secondly, there has not been a widespread realisation that coherence of migration and development assistance policies can be achieved so as to deliver development dividends to both origin and destination countries and communities.

POLICY AND INSTITUTIONAL COHERENCE BETWEEN ORIGINS AND DESTINATIONS

In the Asia region, there has been little dialogue on migration between pairs of origin/destination countries or at a regional or sub-regional levels. Regional governance of migration remains weak and in its earliest stages. In fact, a decade ago there were virtually no regional fora for discussion of migration issues, let alone development of coherent regional migration policies and institutions within the Asia region. Coherence in international migration and development policy requires not only integration and harmonisation relating to migration and development activity and policy within nations, but also *between* nations, especially pairs of origin/destination countries.

There are some promising developments including the beginnings of a dialogue on migration and development in regional bodies like ASEAN and APEC and the growth of regional migration consultative processes. There are also growing indications of bilateral negotiation and agreement being a useful first step in gaining better migration outcomes. However, where discussion has occurred, it has overwhelmingly been on higher-skilled migrants and little dialogue is evident regarding low-skilled migrants.

George Jashi

Executive Secretary, Secretary of the State Commission on Migration Issues, Ministry of Justice of Georgia

In the course of last decade, migration has tightly established its linkage to development. This new trend and the need to channel migration's positive effects towards development is nowadays widely prioritised and recognised at a high level. Numerous countries are presently reviewing or updating their approaches to migratory issues, while the rest, being at the outset of action, are inventing new practices and developing specific policies, some of which address the needs of others. These very practices, models and some of their elements established could and should be shared among others in order to build up a common platform for mutually beneficial action in the field of migration and development.

Migration has the capacity to be transformed into a source of economic growth, an aim we all strive for. However, knowledge sharing alone is not enough to establish national policy. Each and every State faces unique conditions, which forces us to think about developing local approaches, where the mix of international experience and domestically conducted research could help us arrive at potential solutions.

Migration and its proper management are considered as one of the top priorities on Georgia's political agenda. Within this area, the country has launched visa dialogues with the EU. Migration is a rather new issue in the country's political, social, economic and cultural spheres, and has become an issue requiring special attention, understanding and proper management. Nowadays, Georgia faces a number of challenges that derive from both international-oriented and country-based needs.

As a country of origin, transit and destination, Georgia needs to develop a well-tailored system of migration management that, on the one hand, allows it to observe international frameworks and rules, and, on the other hand, seek for better solutions to channel migration policy in a direction that boosts its development outcomes. In other words, there is a need to harness the positive impact of migration and orient it towards ongoing global dynamics.

According to internationally accepted modern approaches, migration is considered not only as a phenomenon that consists of the cross-border movement of people, but as a very effective tool for economic development, especially bearing in mind the positive socio-economic impact that migration can have for countries.

As a domain that requires urgent action, the development of migration policy has to be based on evidence-based knowledge gained through active participation in international processes and elaboration of local approaches built on best practices developed by partner states.

The objective of maximising migration's benefits puts forward the necessity to find a solution to a complex issue. Migration requires proper management, structural development and finding pragmatic solutions. The latter should be the cornerstone of any action to be carried out.

Georgia, with the help of the EU, has managed to develop its own, country specific migration policy. This structured system still needs to be developed and modernised according to ongoing processes affecting the state, region and world in general.

Despite its international dimension, development-oriented migration requires a strong focus on the local level to guarantee permanent inter-connection between policy, practice and institutional mechanisms. Needing to develop a multi-disciplinary approach, Georgia was able to create a 12-member State Commission on Migration Issues. As an alternative to the separate ministry/entity approach, the Commission ensures inter-agency co-operation and guarantees the avoidance of duplication, hence developing the capacities of all its members. Along with its Secretariat, the Commission deals with all migration-related issues at the national level and defines the state's involvement in different international activities and processes. Having increased its expert capacities in 2013, the Commission has been granted consultative status within several international organisations in Georgia working on migration, such as the EU Delegation, GIZ, ILO, IOM, UNHCR, and the International Centre for Migration Policy Development (ICMPD).

However, despite its success on the co-ordination front, Georgia still faces the need for quality research in different domains, including: circular migration, minimising costs/maximising human development, labour migration and mobility, diasporas, remittances, strategies for addressing irregular migration and enabling regular migration, the rights of migrants, policy coherence and mainstreaming, data, the governance of migration and co-ordination of dialogues, civil society and the private sector. Therefore, it is in the common interest of Georgia to identify research gaps and prospects for synergies with partners in these various areas.
We hope the upcoming workshop will provide us with the opportunity to discuss these issues in details and find ways of addressing challenges.

Martin Bak Jørgensen

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Defining policy and institutional coherence for development

I regard policy coherence for development as a response to the growing international recognition of the shared responsibility to not implement policies that undermine possibilities of stimulating progress and well-being elsewhere in the world. Seen from a normative perspective, it is an approach which should combat structural inequalities rather than strengthen them. On a more generic level, I can subscribe to the definition offered by the OECD: "Policy coherence means different policy communities working together in ways that result in more powerful tools and products for all concerned. It means looking for synergies and complementarities and filling gaps among different policy areas so as to meet common and shared objectives." I furthermore regard the understanding of progress towards policy coherence as a "three-phase cycle" that consists of setting *policy objectives*, *policy –co-ordination* and *developing efficient systems for monitoring, analysis and reporting* (also proposed by OECD) as productive. Defining the objectives and recognising the embedded diagnostic and prognostic frames in a policy goal is crucial for the implementation of any policy framework, but especially so in the case of a multi-level framework such as that of PCD.

Processes of implementation

The implementation of PCD faces different challenges in developing countries, developed countries, countries of origin and countries of destinations due to different reasons. This includes the basic fact that the countries stand in asymmetrical relations. Secondly, the implementation of PCD obviously is context-dependent implying that there might not be a "one-size-fits-all" model for implementation. It is necessary to identify the mechanisms that can be utilised to pursue specific policy goals. This would also demand an identification of the challenges present in each policy area. Thirdly, it could be argued that categories are not static. Migration flows have distinct dynamics which may change over time, rendering the distinction between developing and receiving less relevant, for instance. The outflow of Portuguese citizens to former colonies in Africa and Brazil is one example that challenges this distinction. The emergence of a new migration-crisis nexus across the Mediterranean that has spurred a reorientation of migration patterns from Southern Europe to North Africa has also been followed by changes in mobility policies. Such developments could and will most likely affect the implementation processes of PCD in the mentioned countries. A fourth difference regards the agency of migrants. In much of the academic literature on the nexus between migration and development, published both by academics and international organisations, the consideration of migrants themselves as subjects, rather than as objects of the governance of migration (following Stefan Rother's critique), has been absent. Putting a stronger emphasis on transnational actors and diaspora (e.g., diaspora knowledge networks) would to some extent challenge the state-centric perspective (what Nina Glick-Schiller has described as methodological nationalism) outlined in the distinction between developing countries, developed countries, countries of origin and countries of destinations.

Applying PCD to the field of migration and development

Migration is obviously not a new phenomenon but migratory flows have taken different dynamics over time and continues to do so (cf. the migration-crisis nexus). Migration is a key dimension of globalisation. Migration has a clear impact on developments in both sending and receiving countries. Economic and social remittances play an important role in the economies of developing countries but also in receiving countries. Migration is also affected by development, as economic growth may facilitate new forms and flows of migration.

From the perspective of a migration scholar, the migration-development nexus is mostly discussed in relation to migration management. As already suggested, a shortcoming in this approach is that it is framed as a relationship between states, omitting the migrants themselves. Thereby it feeds the illusion that easy-fix policy solutions are feasible. The process of applying PCD to the field of migration and development would have to rethink migrants' agency and include meso-level organising processes, through involving migrant rights' organisations, for example. This would help correct and supplement top-down approaches with understandings of "global migration governance from below".

Historical experiences should be acknowledged. The recent focus on circular migration should look at the experiences from the so-called "guest-worker" periods and migration labour flows in the past. Looking at the immigration-integration nexus over time clearly shows that theoretical notions of circularity and mobility may lead to different practices than expected. For example, migrants tend to stay longer than expected. Circular migration seems in practice to be equated with temporary migration to appease immigrant-sceptical populations.

Thirdly, the application of PCD to the field of migration and development entails conceptual and categorical clarification. Distinctions between low-skilled and high-skilled immigrants must be treated critically. Often, high-skilled migrants end up in low-skilled jobs. National integration regimes (alongside the neo-liberal restructuring of economy) may lead to de-skilling. PCD should also include focus on working conditions, exploitation, and migrants' rights (portable social rights, for instance).

Finally, the conflation of categories, e.g., irregular migrants with refugees/asylum seekers as one group should be considered and addressed when applying PCD to this field.

FRANK LACZKO
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There is growing recognition that migration policies should and can support development. In light of the increased recognition of the linkages between migration and development, policy coherence between the two agendas is of growing interest. Both the UN General Assembly High-Level Dialogue on International Migration and Development and the Global Forum on Migration and Development call attention to these issues, stressing the need for greater migration mainstreaming into national and regional development planning.

With the interface between migration and development well recognised, a central challenge that remains is channelling this interest into creating working-level policies and programmes. Although some countries have made progress, coherence at the institutional level (namely, high government level), both in terms of co-ordination among departments and coherent strategies, tends to be lacking in many countries. Some receiving countries have worked to improve institutional coherence by adopting policy frameworks, establishing mechanisms for cross-governmental co-ordination and enhancing analytical capacity. Despite these initiatives, however, progress remains limited, largely due to inherent tensions between the different objectives of departments dealing with migration and development policy, respectively. A core domestic concern for many receiving countries, migration priorities may push international development commitments behind. Although sending countries are beginning to acknowledge the synergies between migration and development, they often lack the capacity to translate this knowledge into greater internal co-ordination measures. While institutional challenges at higher levels of government remain and must be addressed, coherence can also work from the bottom up through working-level policies and programmes. In fact, many successful examples of initiatives targeting both migration and development objectives come from local governments, development agencies, diaspora communities, international organisations, NGOs and private banks. Such initiatives rely less on concerted decisions and conscious efforts by governments to integrate migration and development policy, and coherence may occur almost as a by-product.

Some examples of initiatives at various stages of the migration cycle that improve coherence may include:
- efforts of sending countries to manage emigration – for instance, policies that protect migrant workers abroad and secure improved working conditions;
- temporary migration programmes for low-skilled workers, especially programmes with repeat migration possibilities, protection measures and mechanisms for skills enhancement;
- measures to increase access to formal banking structures and to facilitate cheaper and easier remittance transfer methods;
- diaspora engagement policies, such as financial incentives, technical assistance, capacity building and the promotion of information-based networks, as well as allowing dual citizenship;
- actions to promote ethical recruitment and to reduce the negative effects of brain drain, for instance through skills replenishment mechanisms;

- initiatives to limit brain waste through clearer admission and skills recognition procedures in countries of destination;
- policies targeting return migrants for greater skills transfer and effective reintegration;
- institutional capacity-building.

In addition to coherence at the national level, development concerns can be integrated in bilateral and multilateral agreements on migration. Bilateral agreements offer an occasion for common development concerns to be addressed, although a certain resistance to negotiating such agreements can appear among some receiving States. Multilateral agreements concerning labour market access for workers from poor countries may have higher benefits, yet progress is slow at both the regional and global levels. Forums such as Regional Consultative Processes (RCPs) and the Global Forum on Migration and Development provide positive steps toward promoting greater multilateral coherence.

The orientation of the International Organisation for Migration (IOM) towards migration and development places particular importance on coherence in policy and practice at all levels, whether local, national or international. Originally proposed by the European Commission in 2005, since then IOM has published more than 50 Migration Profiles (MPs). Country-owned tools, MPs are prepared in consultation with a broad range of stakeholders, and serve to enhance policy coherence, evidence-based policy making and the mainstreaming of migration into development plans. Originally conceived of as a means to bring together data from a wide range of sources, MPs have progressed to a more elaborate process involving consultation with many different actors in order to help develop strategies to address data gaps and produce evidence for more informed policy. MP exercises have recently evolved into a more comprehensive approach, referred to as Extended Migration Profiles. Extended profiles include analyses of a broader range of development concerns, including social and human development impacts as well as migration impact assessments. Furthermore, they include complementary capacity-building activities in conjunction with the stages of preparing a country report. Through conducting migration profiles, evidenced-based policy making is encouraged and strategies to address data and policy needs are developed. Additionally, IOM has published on the issue of migration, development and policy coherence. For example, it has published the 34th volume of the Migration Research Series, *Migration and Development: Achieving Policy Coherence*, as well as recent *World Migration Reports*, among others.

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Going local, going wide

Global, regional and national immigration laws and policies present important sites for contestation, agenda setting, normative pronouncements and symbolic action. But international and even domestic legislation alone seldom realises its promises of development and human security. In the kind of weakly legalised environments in which most domestic and international migration occurs—in the countries of the "Global South" – even the most progressive policy frameworks may have little practical impacts on hosts, migrants and sending communities. Drawing on research from across Southern Africa and observations elsewhere, I wish to make a two=part argument that might us to move towards the "triple win" promised by migration and development advocates:

- *Legal frameworks may have little positive effect. As such, concentrating solely on reforming legislative or policy frameworks without understanding implementation may be both frustrating and potentially counterproductive*. In our research across Southern Africa, we continually confront the fact that legal frameworks intended to protect the rights or welfare of migrants are poor predictors of actual outcomes.[1] This should come as no surprise given that policy frameworks across the "South" are often intended as much to satisfy donors or the electorate as to achieve concrete effects. Even where intentions are good, limited institutional capacity and oversight often means policies are applied in deeply uneven ways. In some instances, pro-poor or pro-migrant policies may have little direct benefit while drawing unwanted attention to already unpopular groups. As such, **concentrating largely on national or regional policy frameworks is particularly unlikely to produce short-term wins at the individual, micro or municipal level.**

- *The policies that often matter most – inasmuch as policy matters – may have little to do with migration, immigration or asylum per se*. People who move within or across borders are by definition migrants but migration is unlikely to define who they are. Migrants are also parents, traders, students, clients, service providers, consumers, investors, and yes, even criminals. As such, their lives and economic impacts are shaped by policies and practices that may have little to do with migration. Indeed, it is those policies that are likely to have the greatest effects on their lives. For many, questions of public order policing, registration of new businesses, access to bank accounts, or the conditions under which people secure health care, education or legal representation are far more important than immigration policy, not least because these policies are often more likely to be enforced and respected.

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[1] See, S. Madhavan and L.B. Landau, 'Bridges to Nowhere: Hosts, Migrants and the Chimera of Social Capital in Three African Cities,' 2011. *Population and Development Review*. 37(3):473-497; L.B. Landau and M. Duponchel, 'Laws, Policies, or Social Position? Capabilities and the Determinants of Effective Protection in Four African Cities,' 2011. *Journal of Refugee Studies*. 24(1):1-22; J. Vearey, I. Palmary, L. Thomas, L. Nunez, S. Drimie. 2010. 'Urban Health in Johannesburg: The Importance of Place in Understanding Intra-urban Inequalities in a Context of Migration and HIV,' *Health & Place*. 16(4):694-702.

Inasmuch as we retain faith in our ability to predictably translate policy into desirable development outcomes, there are a number of critical reasons why we should reconsider what substantive policies and whose polices we should be talking about. In this regard we need to step beyond the boundaries of migration and immigration policy if for no other reason than that our continued emphasis on non-nationals makes it all the easier for governments to make commitments that they are unlikely to honour. By stepping into the space of policies where citizens or "locals" have direct interests and by working to ensure that these interests are aligned with an immigration and development agenda, we can raise the odds that governments will dedicate the needed energies and resources. If nothing else, **to achieve positive outcomes for migrants and their families, we should consider their interests together with those of the equally marginalised and impoverished "hosts".**

Research on local government and urbanisation – in the developing world and elsewhere – provides considerable guidance into areas where we might dedicate our advocacy and scholarly activities. This can complement both the literature on international and regional policy instruments and debates regarding the connection between migration and development. Doing this means going beyond simply demanding that municipalities or local government authorities develop purpose built policies on immigration or take migration more seriously. Rather, we must understand the functional implications of decentralisation, budgeting, vertical and horizontal co-operation, and popular participation.[2] Many of these arrangements currently provide incentives for local authorities to ignore or exclude newcomers – citizens and foreigners as well as voluntary and forced. Recognising how these arrangements operate can also lead us to those areas where incentives might be realigned.

We must also recognise that migration and immigration do not provide ordering principles for people's lives or activities. Migration of all kinds forms part of broader livelihood and empowerment strategies that rely as much, if not more, on non-migration related factors to succeed. As such, we will benefit from "mainstreaming" migration into other substantive areas of expertise: housing and land, trading and business formation; health care delivery; public security; and social protection, to name just a few. The movement of people often gives cause to question presumptions underlying these policies in ways that can ultimately improve their effectiveness for all people. Failing to engage with these fields – often well-developed areas of inquiry and practice – not only means reinventing the wheel from the ground up, but encourages building parallel programmes that are unlikely to succeed. We may not always be able to reshape such policies to serve the interests of migrants, but failing to try all but ensures institutional incoherence and continued marginalisation.

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[2] *See* L.B. Landau and A. Segatti with J.P. Misago, 2013. 'Planning and Participation in Cities that Move: Identifying Obstacles to Municipal Mobility Management,' *Public Administration and Development* 33(2):113-124.

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As an independent "think and do tank" ECDPM closely follows the discussions on policy coherence for development (PCD) since the EU Treaty of Maastricht (1992). Under the leadership of OECD and the EU, the discourse on PCD has evolved a lot since 2000.
This short note highlights some of the progress realised so far on PCD and also addresses key challenges in this highly political area of development.

1. The concept of PCD has been refined

In recent years major investments have been made to clearly define the concept of PCD. Research by ECDPM and OECD has identified the three major "building blocks" that could contribute to more PCD[3]. These include:

(1) Explicit policy statements or strategies and (in some cases) legal provisions on PCD;
(2) Institutional and administrative mechanisms such as inter-ministerial arrangements or coordination committees in government, specialised "coherence units" or mechanisms that also involve parliaments and Non-State Actors;
(3) Knowledge input and assessment mechanisms. These encompass assessment mechanisms that feed data and information back in the policy-making process. Practical analysis is often generated by research institutes and civil society. This provides a wealth of information and "evidence" on PCD with a view to influence policy formulation processes. [4]

Further elaboration of the concept of PCD has also helped to create a better common understanding of the various **levels** where PCD could be promoted[5]:

(1) **Internal coherence**. Coherence in the policy field itself, which should achieve consistency between its goals and objectives, modalities and protocols;
(2) **Intra-governmental coherence**. Coherence across all of the policies and actions of a donor country in terms of their contributions to development;
(3) **Inter-governmental coherence**. Coherence of policies and actions across different donor countries (as well as with policies adopted at the EU or in regional organisations) in terms of their contributions to development, to prevent one from unnecessarily interfering with, or failing to reinforce, the others;
(4) **Multilateral coherence**. Coherence of the policies and actions of bilateral donors and multilateral organisations, and to ensure that policies adopted in multilateral fora contribute to development objectives;

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[3] Mackie, James. et al. 2007. Evaluation Study on the EU Institutions & Member States' Mechanisms for Promoting Policy Coherence for Development Maastricht: ECDPM/Particip GmbH/ICEI
[4] ECDPM, Insights from Developments in National Policy Coherence for Development Systems. Key cross cutting issues and dilemmas, ECDPM Discussion Paper No 144
[5] OECD. 2010. Recommendation of the Council on Good Institutional Practices in Promoting Policy Coherence for Development. (29 April 2010 - C(2010)41). Paris: Organisation for Economic Cooperation and Development

(5) **Developing country coherence**. Coherence within developing countries that should allow them to take full advantage of the international climate to enhance their development;

(6) Global coherence. More recently there is increasing talk about a universal concept of coherence for development that could focus more on global common challenges

2. Progress has been realised

Since 2000 substantial progress has been realised in tackling the broad, highly complex and politically sensitive area of PCD:

- **Awareness raising on the importance of PCD is growing.** The profound changes in the global development landscape have raised awareness that non-development policies in wealthy countries could have more impact in blocking or shaping opportunities for developing countries than aid (ODA). The Busan Partnership for Effective Development Cooperation (2011) clearly acknowledges the need *"to examine the interdependence and coherence of all public policies- not just development policies- to enable countries to make full use of the opportunities presented by international investment and trade, and to expand their domestic capital markets."*[6] There is now a growing global recognition and shared understanding that aid can only make a real difference in supporting the efforts of developing countries when policies other than development cooperation at national, regional and multilateral levels are also "development friendly". In the current discussions on the post-2015 development agenda, a broader approach to PCD has also emerged that is based on universal collective action, the recognition of common responsibilities. Rather than being the sole responsibility of developed countries this approach aims to widen the concept of PCD and make it more universally applicable in order to secure mutual benefits. The OECD seems to be advocating such an approach in the Post-2015 discussions: *"An updated and broader approach to PCD, based on collective action, common but differentiated responsibilities and mutual benefits, and seeking coherent policies at global, regional and national levels (including advanced, emerging and developing countries) is now needed."*[7]

- **Peer pressure has increased.** OECD, policy research institutes and NGOs have played a major role in bringing PCD to the forefront in the international development agenda. There have been more verbal expressions of political support. Comparative country analysis has contributed to exchanging information on relevant experiences, on "models" and "best practices" in terms of policies, institutional arrangements and concrete commitments to PCD.

- **Preaching on PCD is reaching beyond the converted.** Most DAC countries are now paying ample attention to PCD in policy and public statements and they also have set up formal PCD institutional mechanisms and procedures. Overall, awareness has been raised among key actors beyond the development community that could play a major role in

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[6] http://www.oecd.org/dac/effectiveness/49650173.pdf

[7] https://community.oecd.org/docs/DOC-58337

strengthening PCD (e.g. Ministries of Agriculture, Trade and Economic Affairs etc.). More attention is also being paid to training, exposure and exchange on PCD beyond the development community. This includes the incorporation of PCD in the training of public officials, the creation of focal points in government and the more systematic exchange between staff on PCD experiences, both at HQ and country level.

- **Measuring progress on PCD becomes more sophisticated.** Since 2000 more tools have been created to measure progress on PCD in various countries. All OECD DAC Peer Reviews now include a fixed chapter in which the progress of OECD members in promoting development beyond ODA budgets is assessed. Also initiatives such as the Commitment to Development Index (CDI) by the Centre for Global Development (CGD) have raised awareness and stimulated debate on the effects of national policies on development Southern countries.

3. Time for a political economy analysis to PCD?

While progress has been realised, the PCD debate could benefit from a more political and less normative approach. We should not be naïve. More evidence of incoherence will not push policy makers to make concrete choices in favour of developing countries if national interests risk to be harmed. PCD therefore is a highly political issue, driven by national interests that, unfortunately, in most cases, are not reconcilable with development objectives. Some examples:

- In the hierarchy of concerns and objectives of OECD governments, development usually ranks low in spite of declared public statements and commitments. If budget cuts are to be made in times of crisis, measures favouring developing countries and their citizens (0,7% targets, promises to tackle the effects of climate change, etc) are usually the first and the easiest target for policy makers in OECD countries.
- The migration issue is politically so sensitive that, despite tragedies at the EU's shores, no real progress has been realised in the past years. However, in a European Union with a decreasing population well-managed circular labour migration schemes with developing countries are probably beneficial in the longer term for both the countries of origin and destination, as well as the labour migrants - and definitively less costly than strict border controls and repressive measures.
- Also the leadership in many developing countries tends to be quite reluctant towards ensuring a better policy coherence for development. Currently some 50 countries out of the 54 in Africa dispose of a very promising potential in the extractive sectors. This could generate impressive revenues, surpassing at least 10 times the current aid levels on an annual basis. If well managed by the African leadership and the multinational extractive industries, these resources could significantly contribute to more "coherent" and nationally "owned" development policies.

Beyond normative or "technical solutions" a political economic analysis could help to identify those areas with a minimum level of political traction towards more PCD between both developing and developed countries. The challenge will be to identify how PCD could produce more benefits for both groups of countries. A typical case in point is the promotion of private sector cooperation and increased trade between developing and developed countries. If well

managed, this could generate benefits in terms of employment and private sector development on both sides of the partnership.

4. Conclusion: still a long way to go…

So far most work on PCD is (i) theory-based and mainly concerned with refining the concept of PCD, (ii) describing the formal structures for PCD, (iii) elaborating "evidence based" case studies on policy incoherence and (iv) designing ways to measure country performance on PCD.
Obviously these types of initiatives could contribute to putting extra pressure on governments. At the same type it is also encouraging to notice that developing countries are becoming more vocal in international fora and negotiations about potential areas of incoherence that could affect development (e.g. EPA trade negotiations). This helps to contribute to promoting a "culture" of PCD awareness in North and South.

But to be both realistic and effective, it could be most useful to apply a selective and solid political economy analysis in a limited number of areas where concrete progress is feasible, based on real traction and interests on global common challenges. In that respect the recent OECD initiative to look at PCD in the specific thematic area of food security could be a useful step in identifying these common interests. Given the highly political nature of on-going discussions, the field of migration and development, definitively could also be a useful area for further work.

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Introduction

This opinion note gathers PICUM's concerns regarding the need for coherent migration policies and laws and presents the incoherent relationship between current migration legislation, and aid, trade and investment policies, as well as national employment and development policies.

The Platform for International Cooperation on Undocumented Migrants (PICUM) was founded in 2001 as an initiative of grassroots organisations. Now representing a network of more than 160 organisations and 190 individual advocates working with undocumented migrants in more than 38 countries, primarily in Europe as well as in other world regions, PICUM has built a comprehensive evidence base regarding the gap between international human rights law and the policies and practices existing at national level. With over ten years of evidence, experience and expertise on undocumented migrants, PICUM promotes recognition of their fundamental rights, providing an essential link between local realities and the debates at policy level

PICUM submits that, when highlighting and seeking to strengthen the nexus between migration and development, it is crucial for all states to address not only the contributions that migrants make to development in countries of origin and destination, but also the need for better policy planning and coherence that would ensure protection of migrants' human rights and guarantee that migration is the result of a genuine personal choice. This approach would link migration to United Nations development concerns regarding poverty, health, equality, sustainable development, and to future development goals and will ultimately support both the right to leave a country, including one's own, and the right to a decent work and protection in countries of origin.

II. Promoting Policy Coherence in Migration Policies: Ensuring access to Fundamental Rights, Protection and Justice for All Migrants

Current migration policies and laws increasingly focusing on the prevention of irregular migration and introducing strict requirements to be fulfilled in order to obtain a residence or work permit, are currently shaped as to ultimately support the evolution of a global migration and economic model relying on migration of temporary workers holding short-term contracts and often an insecure residence status, to meet the labour needs of receiving countries and remittance-dependency of sending countries. In this context, it becomes clear how current migration and labour migration policies, when not coupled with national mechanisms ensuring protection and access to social services and justice for all, negatively affect the position of migrant workers and make them more vulnerable to exploitation and abuse in countries of destination.

Labour Migration and Policy Incoherence

The policy incoherence between development and migration is particularly evident in the case of policies addressed at managing labour migration in countries of destination. Actions aimed at tackling irregular employment, often seen as a catalyst for irregular migration, currently focus on repressive and criminalising measures, without accounting for the impact of these policies on the human rights of migrants, the imperatives of ensuring fair working conditions and access to services and justice for vulnerable groups and without acknowledging the changing needs of labour markets and modern economies, increasingly relying on temporary work and circular migration.

Although migrant workers currently make an important social and economic contribution to countries of destination, insufficient regular migration channels to properly address labour demand contribute to further push undocumented migrant workers to the margins of society, augmenting their exposure to discrimination and social exclusion by limiting their autonomy and independence. Inflexible and restrictive visa regimes force migrants to choose between staying in exploitative situations or losing their residence status.

International standards granting fundamental rights and providing protection in treatment and conditions at work apply to all workers, regardless of residence status, however, measures aimed at tackling irregular migration do not address the particular vulnerability of undocumented workers to abuse and exploitation by their employers.[8] We submit that the promotion of strict labour migration policies aimed at tackling irregular migration, without providing for adequate regular channels for migration that reflect the actual needs of the labour market, contribute to the social exclusion and further exploitation of a sizeable sector of the population in countries of destination.

PICUM submits that states should recognise the inextricable nexus existing between migration and development by shifting from a model of temporary work and circular migration that restricts the movement of migrant workers, that pushes migrants into irregularity and that increases the vulnerability of undocumented migrant workers and their families, to a model centred on the protection of migrants' human rights.

Undocumented Migrant Children

Vulnerable migrants and especially migrant children are particularly affected by restrictive migration policies. Child rights are largely absent in migration policies and practices, with little systematic consideration of the impacts of policies on the rights of children and their best interests, in decisions to grant or refuse status, to detain, to deport, or to restrict access to essential services. At the same time, undocumented children are largely unconsidered by or even excluded from public policies and services. Despite legal entitlements to primary and secondary education,[9]

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[8] See for example: International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention for the Protection of the Rights of All Migrant Workers (ICMW), ILO-Convention No.143.
[9] See: Article 26.1, Universal Declaration of Human Rights; Article 28.1, United Nations Convention on the Rights of the Child; Article 13, International Convention on Economic, Social and Cultural Rights; Article 5 International Convention on the Elimination of All forms of Racial Discrimination.

health care,[10] and housing,[11] children in an irregular migration situation face numerous barriers to exercising these rights in Europe. They face high risks of poverty, exploitation, social exclusion, and violence. They are regularly imprisoned as a result of their migration status, in clear violation of an array of child rights. Their access to justice, both within migration procedures and in cases where redress for rights violations is due, is highly limited.

States need to urgently address the protection gaps in existing legislation and policy measures to ensure that children's rights are systematically and explicitly considered and guaranteed in all decisions affecting undocumented migrant children, and promote greater awareness and exchange of positive measures that guarantee the protection of their rights, as children first and foremost.

Ensuring Access to Services, Protection and Justice for All Migrants

States should invest in quality public services and should make them accessible to all, including to undocumented migrant workers and their families. Guaranteeing access to social services, social protection and access to justice and redress mechanisms for all is essential in order to tackle social exclusion and to ensure the protection of migrants' human rights. Policy-driven exclusion and removal of social protection serves as a significant barrier to undocumented migrants' meaningful participation in society. Such policies risk compounding inequalities existing in our society and further marginalising migrant workers. Being denied access to social services and facing exploitative working conditions, undocumented migrant workers and their families face higher risks of poverty and social exclusion in countries of destination. The poor and exploitative working conditions they are often forced to accept can lead to disempowerment and impoverishment.

The Key Role of Local and Regional Authorities

In this context, the role of local and regional authorities is crucial, especially as the provision of basic social services, including health care, is usually a competence of local or regional governments, who are responsible for first-line assistance and are thus well informed of the health care needs of residents. Compelled by restrictive legal frameworks at national level, local and regional authorities are often able to react with creativity and flexibility, proposing inclusive policies and setting positive practical precedents that promote cohesion and integration within the society at local and regional level.

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[10] See: Article 25, Universal Declaration of Human Rights; Article 24, United Nations Convention on the Rights of the Child; Article 12, International Convention on Economic, Social and Cultural Rights; Article 5 International Convention on the Elimination of All forms of Racial Discrimination.
[11] See: Article 25, Universal Declaration of Human Rights; Article 27.3, United Nations Convention on the Rights of the Child; Article 11.1, International Convention on Economic, Social and Cultural Rights.

The Role of Local and Regional Authorities: Promoting an Inclusive Health Care System in Spain

In Spain, a recent reform of the health care system,[12] approved on 20 April 2012 and in force since 1 September 2012, has significantly restructured the national health care system by linking the right of access to health care services to the condition of being a Spanish citizen or of being registered with the Social Security department, a requirement which undocumented migrants are not able to meet due to their lack of a regular administrative status.[13] The reform implies a significant breakdown of the universality model traditionally adopted in Spain for over a decade, thus causing a serious decrease in the level of protection of rights, through the implementation of an insurance-based health care system. Reactions to the reform across the different autonomous regions (*Comunidades Autónomas*) have been very diverse depending on the political views of governing local authorities. Some regional governments expressed their refusal to implement a law that undermines social cohesion by preventing undocumented migrants from having access to health care. Some autonomous regions have taken legal recourse to contest the constitutionality of the reform or have stated their intention to do so. The regional government of Andalusia recently adopted regional policies that aim at ensuring access to health care for undocumented migrants in the context of the restrictive legal framework set out by the reform adopted by the national government in April 2012.[14] The regional government of Andalusia and the Secretary General of Public Health of the region have expressed their reluctance to exclude undocumented migrants from the health care system, as this would be in breach of basic human rights and public health principles and would imply a significant increase of costs for the overall health care system. Access to health care is currently guaranteed in practice to all, as the local health care services still provide everyone with a temporary social security number, irrespective of residence status. In June 2013 the regional government announced its intention to draft a legislative text that would guarantee, at regional level, access to free health care for all migrants, irrespective of their residence status. The regional government of Andalusia also contested the constitutionality of the reform both with regards to the form and the substance of the Royal Decree on the ground that the reform overruns regional competences granted under the Statute of Autonomy of the region and claims that the provisions set out in the Royal Decree violate the fundamental right of access to health care.[15]

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[12] Royal Decree Act 16/2012 of 20 April 2012 on urgent measures to ensure the sustainability of the national healthcare system and improve the quality of its services. The reform has introduced substantive changes in the Spanish health care system. In particular, Article 1 of the Royal Decree modifies the content of Article 3 of the Law of Cohesion and Quality of the Health Care System 16/2003, which provided that *"…all citizens and foreigners present in the country according to Article 12 of the Ley Orgánica 4/2000*" (i.e. those who are duly registered as residents in the local municipality) have a right of access to health care. According to the new provision, "*healthcare assistance in Spain, with charges to public funds, will be guaranteed to those who are duly insured*".

[13] According to the reform, "only foreigners who are duly authorized to reside in Spain will be able to access the public health care service" whereas before the passing of the new law it was sufficient to be registered in the municipal census (padrón). The restriction does not apply when an undocumented migrant is in need of emergency treatment or during pregnancy, delivery and postpartum. Undocumented children are still granted access to both emergency and ordinary health care.

[14] It is worth noting that Andalusia was the first autonomous region which in 1999 started providing health care services to every person living in the Community. Since then, the situation has not changed.

[15] As protected under article 43 of the Spanish Constitution. The constitutional claimed filed by the autonomous region of Andalusia was declared admissible by the Spanish Constitutional Court on 13 September 2013, see: Spanish Official Journal no. 228 of 21 September 2012, available at: http://www.boe.es/boe/dias/2012/09/21/pdfs/BOE-A-2012-11836.pdf. The Principality of Asturias also presented a constitutional claim against the Royal Decree: this was also declared admissible by the Spanish Constitutional Court on 13 September 2012, see: Spanish Official Journal no. 228 of 21 September 2012, available at: http://www.boe.es/boe/dias/2012/09/21/pdfs/BOE-A-2012-11836.pdf.

III. Conclusions

In this context, while migration has great potential for development and for economic emancipation and empowerment of migrants, the conditions in which many migrant migrate and work place them in situations of increased vulnerability to exploitation and violence, restricted access to essential services and justice, and cycles of poverty, with serious impacts on undocumented migrants' human rights and economic empowerment.

PICUM is particularly concerned that the lack of adequate and coherent labour migration policies and laws standards addressed at ensuring equal protection for undocumented migrant workers, and particularly undocumented children, further exposes them to exploitation, discrimination and abuse, and presents a barrier to equality, empowerment and development.

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Migration is a complex phenomenon that requires close co-operation and mutual support, particularly between governmental institutions. The complexity of migration issues is clearly reflected by diverging national migration policy interests that can exist within one State. In line with the Swiss Report on International Co-operation on Migration of the Swiss Federal Council,[16] this complexity requires close co-ordination and co-operation between the governmental institutions and all offices. This would promote not only coherence but also a balancing of interests between the various mandates, priorities and objectives of governmental institutions and offices. This contributes to curbing irregular migration, yet allows for the benefits that migration can offer to sending and receiving countries, as well as to migrants themselves ("triple win").[17] Only through close and coherent co-operation between all governmental actors involved in migration issues can the migration-development nexus be strengthened.[18]

The pressure to establish co-operative approaches to better manage migration flows is particularly relevant and evident in the international community. These co-operative approaches form the basis for the different ongoing multilateral dialogues on migration and development issues.[19] The nature of transnational migration demands international co-operation.[20] However, to reach this point, regional measures must be co-ordinated among states that are active in a specific region.

Further still, migration policy is still primarily formulated at the national level, so it must be here where the coherence should stem from. To achieve this coherence national governmental institutions and offices need to develop a multilayered system of co-ordination amongst them to allow for a forum in which all diverging national migration policy interests can merge and allow for the design of a coherent migration policy.

Policy and institutional coherence in migration and development policy is almost only achieved when a state is able to align governmental institutions and offices' interests to the greatest extent possible. Conflict of interests undoubtedly occur, yet it is important to display coherence especially in front of partner states in the international community.

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[16] Report on International Cooperation on Migration of the Swiss Federal Council, February 2011: http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/migr.Par.0034.File.tmp/Rapport_Cooperation_en_matiere_de_migration_internationale_16022011_FR.pdf

[17] Rahel Kunz, Sandra Lavenex, Marion Panizzon, Governance through partnerships in international migration, in: Multilayered Migration Governance, The promise of partnership, Routledge 2011, P.2.
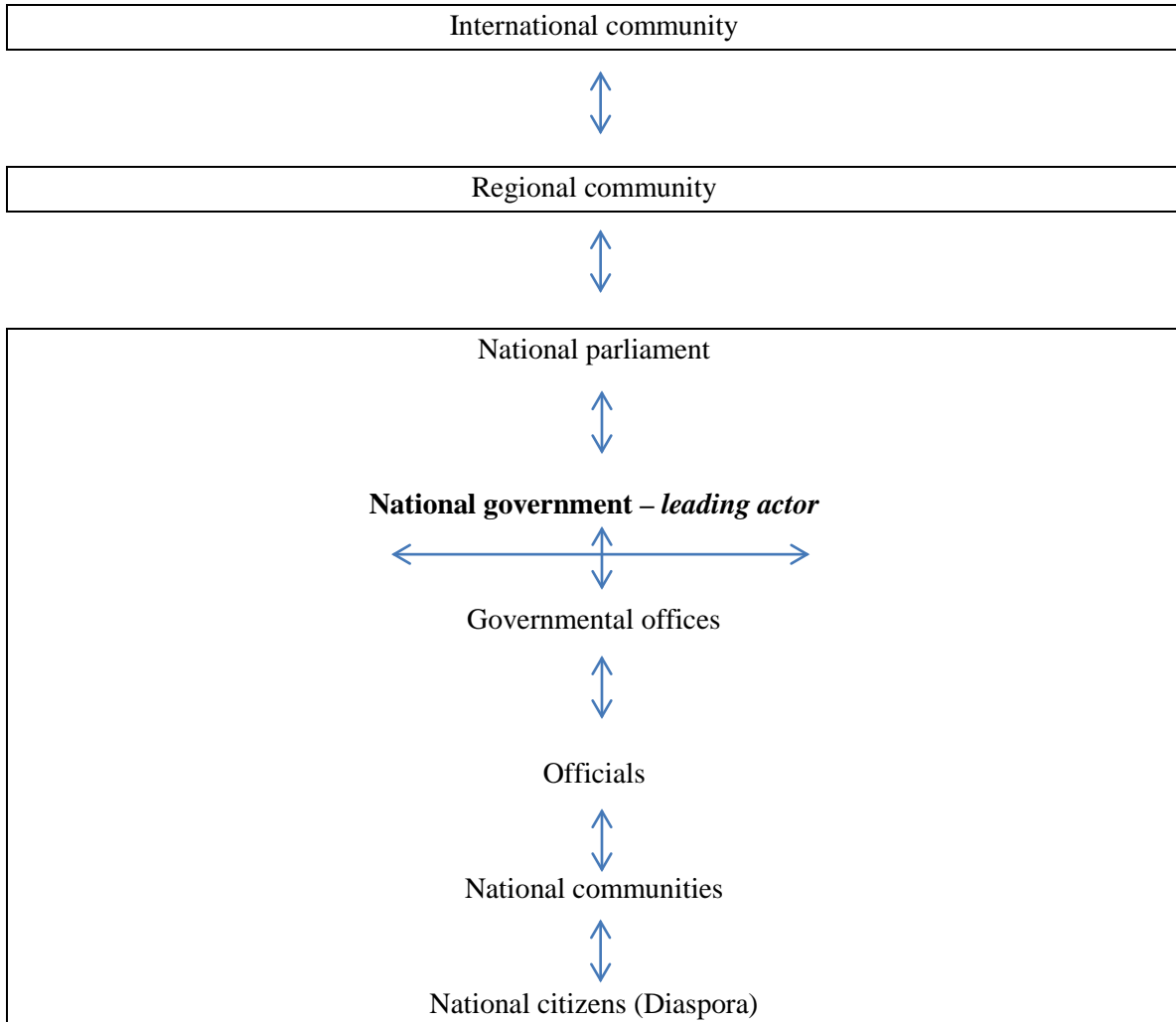
[18] Odile Rittener, Rosa Maria Losada, Lauretn Perriard, Stefano Toscano, A paradigm shift, in: Multilayered Migration Governance, The promise of partnership, Routledge 2011, P.250-254.

[19] So the UN High Level Dialogue in Migration and Development: The Special Rapporteur welcomes the High Level Dialogue as an important opportunity for the widest range of actors, including States, intergovernmental organisations and civil society organisations, to come together to discuss migration in a multilateral setting: http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/HighLevelDialogueonMigrationandDevelopment.aspx

[20] Report of the Global Commission on International Migration, 2005, p.67.

To achieve policy and institutional coherence, the first step has to be the design and implementation of a functioning and multilayered co-operation system at the national level. Therefore, enough resources (personnel resources, co-ordinated finance or budget lines) should be available to implement and maintain this system. Here, all relevant layers from the bottom up, from the top down, as well as horizontally must be linked and systematically well-informed to reach a minimum co-ordinated output and coherent outcome. This can serve to identify concrete problems and common interests and can help to design co-ordinated policy responses for the promotion of a mutual understanding of issues of common concern.

The design of such a multilayered system to achieve more coherence should mainly involve the following actors:

International community

↕

Regional community

↕

National parliament ↕ **National government –** *leading actor* ⟵   ↕   ⟶ Governmental offices ↕ Officials ↕ National communities ↕ National citizens (Diaspora)

The development of this multilayered system should technically not be a problem from the point of view of a developed country but more difficult to accomplish for developing and least developed countries because of weak or poorly functioning governmental structures.

In line with the EU's efforts to manage legal migration coherently and to address the root causes in countries with high emigration rates (especially low/middle-income countries), States should, in the framework of this co-operative, inter-institutional and multilayered co-ordination system, focus on:

- employment issues
- governance
- demographic developments.
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In economic terms, this means focusing on:
- reform and job creation
- improving working conditions
- improving socio-economic prospects
- wider access to quality education
- better vocational training
- improving management skills
- encouraging declared work.[21]
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It is possible to achieve a widespread coherence if States develop and implement a system where coherent and complimentary decisions are possible. As the Swiss examples shows, it is absolutely possible to achieve widespread coherence in a State's international migration policy, however this will not be the case for States with weak or no functioning institutional structure.

Institutional coherence can greatly reduce the costs associated with overlapping and duplicated work among involved national institutions.

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[21] http://ec.europa.eu/europeaid/what/development-policies/intervention-areas/migration/index_en.htm

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The term coherence is described in the dictionary as "the quality of being logical and consistent; and forming a united whole". Similarly, coherence in policy and institutions for migration and development refers to consistency in various policies (migration, sectoral, development) – and the institutions involved in implementing these policies – in achieving a unified objective. This refers to addressing contradictions in policies and enhancing synergies in order to achieve the ultimate objective of a country's social, economic and human development. Various sectoral policies, when formed without considering other policies, might be contradictory and conflict with each other, which might hinder the achievement of overall development objectives. Thus, coherence is important.

Migration has generated a lot of debates and contradictions over the years. One of the major reasons for such high levels of contradictions, both with regards to the causes and consequences of migration, is due to a whole set of other sectors that it impacts and is in turn impacted by. When dealing with a phenomenon that has such diverse impacts on other sectors of the economy, it is very important to ensure that migration policies and other development sector policies do not contradict each other, and that synergies are harnessed. In this opinion note, I will mostly focus on the importance and application of policy and institutional coherence in migration and development from the perspective of a developing country of origin, using the case of Nepal as an example.

In Nepal, the contribution of remittances to the country's economy is very high. Remittances contribute to about 25% of the nation's GDP, a figure reflecting only official remittance transfers. The actual rates of remittances are expected to be significantly higher in reality. International migration is widespread from the capital Kathmandu to the most remote parts of the country, and the patterns of migration vary from cross-border migration to India to high-skilled migration to countries in the global North. The diverse causes of migration include income maximisation, risk minimisation, and interest in newness and acquiring new skills. Similarly, migration has an impact on various social and economic domains, such as returns on human capital investments, the care and agriculture sectors, and at various levels (macro, meso and micro). Thus, migration has a significant impact in the country as a whole and therefore needs to be considered in the development of the country's development policies and plans. Let me take an example of a very recently developed agricultural development strategy in Nepal. As migration is taking place in rural areas, it impacts all three major factors of production in the subsistence farming sector:

- labour (the agricultural labour force is being displaced and there is a gender imbalance in the available labour force);
- land (migrant households have an increased buying capacity but a weak capacity/willingness to continue cultivating);
- capital (due to increased household incomes through remittances).

Migration thus has a significant impact on agricultural production. Exactly how the agriculture sector is impacted depends not only on agricultural policy but also on migration policy (as the

latter affects who migrates and how successful a migrants are in their journeys). The more successful migrants are in their journeys, the higher the impact on the available capital of the households. However, how the increased capital is used and whether it is invested in the agricultural sector depends on the agricultural policy and strategies of the country. Even when migration has a positive impact on capital, it might not be necessarily invested in the agricultural sector if infrastructural bottlenecks and missing markets are present.

Thus, agricultural policy to overcome these structural bottlenecks is important to encourage investment in the sector. It is also important, then, for the Agricultural Development Strategy to consider the impacts of migration (and the resulting remittance and non-remittance impacts) on the agricultural sector. As agriculture is the biggest economic sector of the country, the state of the sector can have a significant impact on the overall development of the country, and this in turn impacts future migration patterns. Similar linkages exist between migration and gender, social equity, education, health and nutrition, etc. Thus, co-ordination and collaboration for policy coherence between migration and development/sectoral policies is very essential.

While applying policy and institutional coherence to migration and development, it is important to first understand the impact migration has on various aspects of development and vice-versa. This is quite a complex task but nevertheless should be conducted in major economic sectors in the country, such as agriculture in the case of Nepal. Such an initiative is only possible with collaborative efforts from various institutions and actors. In practice, this often necessitates the formation of separate institutional arrangements, such as a task force or a committee consisting of various related stakeholders or institutions, or a separate institution altogether. In either case, it is important to identify a focal institution for leading the task and for collaborating with other stakeholders involved (both government and non-government). Once the linkages are better understood, then the policies need to be reviewed or developed in the view of sustaining the positive impacts and reducing the negative impacts of migration on development.

Another important dimension for policy and institutional coherence is the level – be it global, national or local. In developing countries like Nepal, bilateral and multilateral donor countries and organisations play an important role in the development of national strategies. If adequate understanding and clarity about policy and institutional coherence for migration and development does not exist at the global level, then it is unlikely to be reflected in the development co-operation priorities and strategies of the donor community. This in turn makes it improbable that coherence be reflected in national development plans, which are supported by these institutions. Similarly, unless the importance of policy coherence is well spelt out in the national strategy, it is doubtful that it will be implemented by national institutions, as most institutions implementing policy tend to prioritise what is specifically mentioned in the national strategy. Lastly, the implementation of the strategies take place at the local level, and so the understanding and need for policy coherence should be felt and understood at this level, in order for it to be implemented.

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What are the conditions required to formulate/implement M&D related policy and institutional coherence?

How can post-crisis societies, where circumstances are further compounded by societal and institutional fragilities, define and implement policies that channel the potential of its diaspora resources around the world to address rebuilding and development?

In a context such as Haiti, dominated by the presence of the international community and their highly unstructured and fragmented projects, and where fragility, corruption and lack of resources –including human capacity – have almost paralysed the agency of the state, what will it take and under what conditions/frame can these policies be (a) defined and (b) implemented? These questions have guided INURED to formulate and implement our current study on Haitian diaspora involvement in current rebuilding efforts in Haiti. This note presents an overview of this study.

INURED's study of the Haitian diaspora was prompted by three fundamental observations:
- the absence of data that would generate an understanding of the Haitian diaspora around the world;
- the lack of a cartography of the diaspora's resources and skills;
- the nonexistence of institutional/legal frameworks to channel their knowledge and resources which, in turn, would help generate realistic and measurable research-based and coherent policy objectives.

Haitian Diaspora in the United States: A Case Study of its Contributions and Impacts on Capacity Building in Higher Education is a project framed within three premises:
- that higher education must be an essential part of Haiti's post-earthquake recovery and rebuilding;
- that Haitian universities can play a consequential role in serving Haiti's needs;
- that diaspora participation is key to revitalising university education and to building human capital in Haiti.

We contend that the institutions devoted to knowledge sharing and professional training are fundamentally important for Haiti's democratic development, and for state building overall. The

emphasis is on how Haitian intellectuals and professionals in the US presently, and in the future, can contribute to capacity building in Haiti, especially in the field of higher education and post-secondary training. Its specific aims include:

• analysing present and potential Haitian diaspora contributions and impacts on capacity building in post-earthquake Haiti, where physical, institutional, and human resources have been degraded;

• encouraging and facilitating relationships that can lead to transformational capacity building in the areas of education and development in Haitian society, at the tertiary level;

• formulating concrete policy recommendations to create mechanisms that will facilitate capacity development and long-term strengthening of Haiti's capacity building institutions and organisations;

• helping Haiti's public institutions develop a **plan of action** for capacity strengthening activities.

The study has been identifying and characterising present and potential contributions of Haiti's diaspora and its impacts on building professional and educational capacities in post-earthquake Haiti. Research with diaspora organisations has helped explore ongoing and recent (post-earthquake) initiatives intended to enhance capacity development at national and local levels. Research within Haiti has helped us analyse the skills and technologies being transferred and examine how Haitians in the homeland perceive the engagement of the diaspora.

A database of Haitian diaspora organisations in the United States has been developed. The database is divided into eight categories based on the type of involvement in Haiti: education; environmental/agricultural; hometown associations; humanitarian; legal/advocacy; professional; religious; and umbrella organisations. Of the 150 organizations in the database, 20% are directly engaged in higher education. Expected outcomes from this project will consist of policy recommendations for the Government of Haiti, specifically the Haitian Ministry of Education, as well as guidelines for the development of Haiti's embryonic civil society institutions.

Where is the space to codify and formalise policy and institutional coherence of diaspora engagement in post-crisis countries such as Haiti?

The Haitian state is so fragile that most of its vital core functions have been taken over by the international community – which is a configuration of contradictory interests of countries, bilateral and multilateral institutions and NGOs. In 2010, the Clinton Foundation estimated that there were more than 12,000 NGOs operating in Haiti, a small country of 25,000 square kilometres. The map below shows how Haiti has been "Balkanized" (intensely fragmented) into small entities where NGOs and international organisations provide basic responses to social problems in the absence (or unintended neutralisation) of the state.

HAITI: UN Agencies, International Organizations & NGOs presence
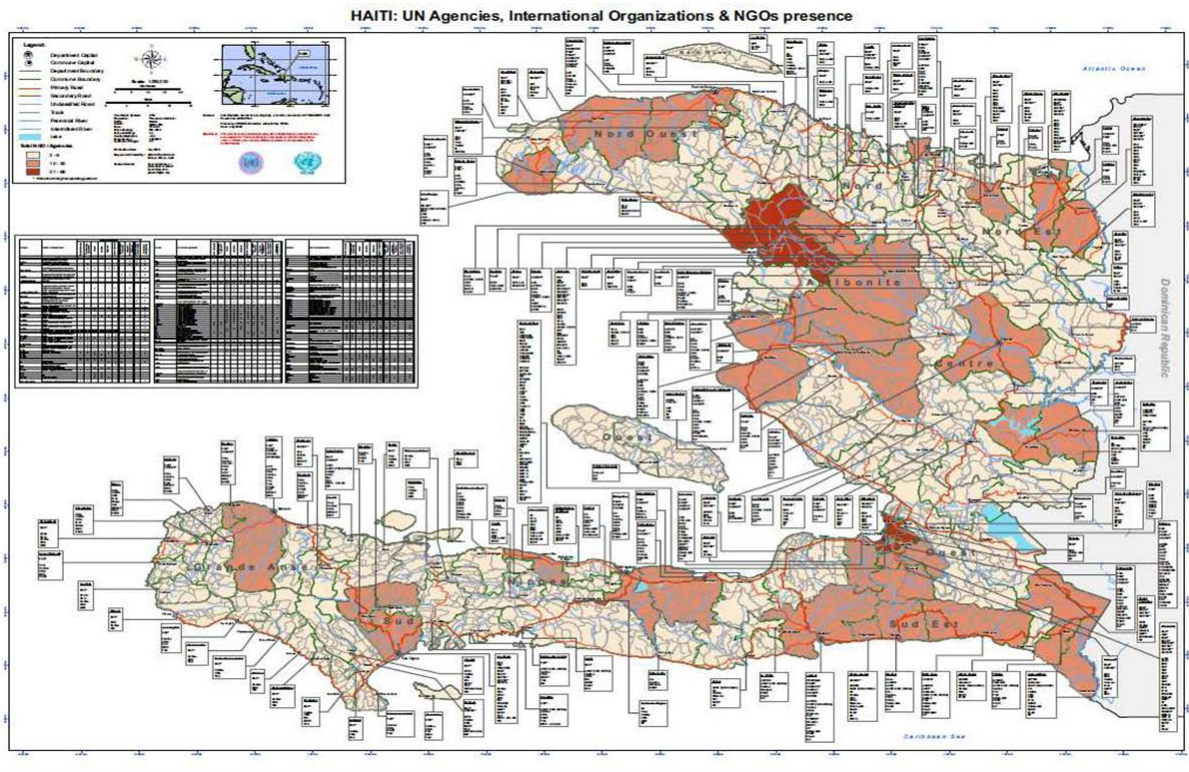
It translates the severity of the problem of a cacophony of (unco-ordinated) aid in Haiti through non-governmental organisations (NGOs) and international rganizations. One consequence of this problem is that it hampers efforts to create space for a structured and research-based implementation of policies that facilitate diaspora engagement in Haiti. Under these conditions, what will it take and within what framework can migration-development policies be (a) defined and (b) implemented?

It is our position that formulating and implementing M&D-related policy and institutional coherence in the Haitian context will require addressing these data gaps as well as strengthening government and local institutions.

SUSAN MARTIN
DONALD G. HERZBERG CHAIR IN INTERNATIONAL MIGRATION; DIRECTOR OF THE INSTITUTE FOR THE STUDY OF INTERNATIONAL MIGRATION IN THE SCHOOL OF FOREIGN SERVICE, GEORGETOWN UNIVERSITY

This note uses the definition of policy and institutional coherence on migration and development that has been used in Global Forum on Migration and Development (GFMD) discussion of these issues.[22] The 2007/2008 Swedish GFMD survey background paper described policy coherence "as the systematic promotion of mutually reinforcing policy actions across government departments and agencies, as well as the promotion of synergies between migration and development policies." Institutional coherence was defined as "the establishment of clear organizational responsibilities and focal points for promulgating and implementing migration and development policies and programs, manifesting itself in a 'whole of government' approach to these complex issues."

Before addressing policy and institutional coherence, it is necessary to define what is encompassed in both migration and development. Migration can be internal or international (although most of the discussions to date have been focused on international movements). It can be temporary or permanent; in either case, it can involve circulation between countries of origin and destination or among countries of destination. Migration can be voluntary for purposes of work, family unity, study, and other similar pursuits; or, it can be involuntary, forced by conflict, persecution, serious human rights abuses, acute and slow onset natural hazards, and other events.

The definition of development used herein is similar to one previously used in the GFMD, based on the 2005 World Summit concept of the "three components of sustainable development – economic development, social development and environmental protection – as interdependent and mutually reinforcing pillars. It also encompasses the perspective of human development as enunciated by Amartya Sen. In this framework, the aim of development is to expand the real freedoms of persons (i.e., political freedom, economic security and access to knowledge), which in turn enhances the capabilities of people to not only choose among a number of options but also to pursue a particular choice. In this sense, the expansion of freedoms is the primary end and the principal means of development.

The concept note assumes a two-way relationship between migration and development: development affects migration patterns and migration, in turn, affects development. This complicates the search for policy and institutional coherence. Migration is both a factor in development and often a result of under-development and poor development policy choices in countries of origin. It is important to keep in mind, as discussion ensues about policy and institutional coherence, that the poorest of the poor tend not to migrate, except when events beyond their control, such as conflict and acute natural hazards, necessitates movement. Migration is expensive and accessible mostly to people with resources. The poorest in many

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[22] The author prepared all or part of the background papers on policy and institutional coherence in a number of the GFMD sessions and draws upon that experience in this concept note.

countries are far more likely to be trapped in their poverty than able to benefit from the poverty reduction strategies followed by those who have the capabilities to migrate. It is important that policies address therefore both those who migrate as well as those unable to move out of harm's way.

Achieving policy and institutional coherence requires data, analysis, monitoring and evaluation of the interconnections between migration and development. Progress has been made by the World Bank, the OECD, he UN Population Division and others in improving the collection and publication of data on international migrants and remittances, but more needs to be done in this area. There are still gaps, however, in the production of good data for policy making. While aggregate data has improved, not all countries produce precisely the same information, and some countries collect almost no data on migration or its linkages to development. The GFMD has repeatedly called upon governments to introduce modules on migration into censuses and household and labour surveys. Some of these modules are being tested to determine the best ways to collect needed information. Encouragement of even greater progress in this area is essential to promoting policy coherence. So, too, are improvements in the collection and use of administrative data on migration and development and their inter-linkages.

One way to promote greater policy coherence is through the mainstreaming of migration into development planning. The Global Migration Group (GMG) handbook is a good first step in that process; the results of the evaluation of the pilot programme for implementation will be instructive for policy coherence purposes. Beyond the piloting, training is needed for government officials as well as the international organisations that advise States on development plans, such as Poverty Reduction Strategy Papers, to achieve such mainstreaming. These policy documents are still very spotty as they relate to migration issues. Many do not reference migration, even when a significant portion of the population emigrates or remittances are a substantial part of national income. Where migration comes into play, it is usually seen through purely economic measures (such as financial remittances) and much less frequently through social or human development measures. Effective analysis of the migration-development nexus is also lacking in national adaptation programmes of action in the context of climate change. The impacts of South-South migration are seldom discussed in the context of development of either source or destination countries, despite the growing number of migrants who migrate from poorer to wealthier developing countries.

Donor governments have only recently become aware of the importance of migration in their development planning. To the extent that these issues are on the agenda, they are usually conceived as ways to help migrants and diaspora contribute to the development of their home countries. Seldom is the reverse relationship considered – that is, ways in which development of source countries could be factored into migration policy planning. Migration policies are more likely to be adopted based on national interests of the receiving countries rather than the development interests of countries of origin. A part of policy coherence is identifying ways to achieve both ends – immigration policies that are in the interest of both destinations and sources of migrants.

A further impediment to greater policy coherence is the institutional silos that tend to predominate in government. Great institutional coherence – or an all-of-government approach to policy making – would help enable governments to look at all of the ways in which migration and

development issues interact with each other. A specific institutional arrangement that needs to be evaluated more systematically is the establishment of ministries or departments to engage with diaspora. Also needing evaluation is the role of national focal points responsible for migration and development – that is, assessing whether these focal points have been able to bring together the disparate parts of government to develop coherent policies at the national level.

FREDDY MAURICIO MONTERO MORA
DEPUTY MINISTER, MINISTRY OF THE INTERIOR AND THE POLICE OF COSTA RICA

In your country, what is an example of a good emerging practice in policy and institutional coherence for emigration and development?

Migration public policy creation and implementation means to plan what will be the way and the objectives that the country faces in the short, medium and long term. For which it is essential to have the commitment and coordination of all institutions of the government as well as the main actors of civil society.

With the current General Immigration Law No. 8764, in 2009, in terms of the approach to the immigration issue, the country is experiencing a paradigm shift, a human rights approach, displaying the population group integration into Costa Rican society, so that it becomes an engine of development, overcoming, but without neglecting migration control that ensures order and security of the nation.

The development of immigration public policy is an academic and scientific process, with objective data background of the statistics contained in the Migration and Integration Reports in Costa Rica in 2011 and 2012. This allows addressing the matter as a function of factual situations, thus moving away from prejudice and myth that might exist around migration. Always taking as its starting point the faithful observance of human rights and promoting the integration of migrants into Costa Rican society as a foundation for development of the whole society.

Integration

Consolidate a policy of integrating migrant population requires four essential components: political will, a sustain legal structure, an institution responsible for coordinating actions to the integration of migrants and their respective public policy and action plan .

In the case of Costa Rica, on 1 September 2009 the current General Immigration Law entered into force on 1 March 2010, for the first time, the prospects for integration is positioned from a regulatory text, as the responsibility of the Costa Rica Immigration Office.

To establish activities to promote integration processes is necessary to have objective information on the phenomenon, when minimum is necessary to have a profile of the migrant population living in the country, the places they live, access to public services, gender, migration routes data. Only once you have this type of information is that you can begin to establish actions to the specific needs of migrant flows.

What are the greatest practical challenges your country faces in implementing coherence in this realm?

Establish a coordinating agency by the Costa Rican government to promote effective management of the migration situation, consistent with the needs of the overall development of

the nation, national security and respect for human rights. Build joint actions using as a framework common spaces.

Establish partnerships with specific mandates to address integrated vulnerable populations whose care is particularly complex to identify specific priorities, focus attention and resources of institutions, organizations and countries that build and generate greater specialization, commitment and ownership among its members.

Changes in authority, to continue with the same course of action with regard to the establishment.

The cultural problem of state bureaucracy that hinders even processed and fast implementation of guidelines.

What are the important lessons learned in this area that could be useful for other countries?

A good legislation to support the process

Establish maximum participation with actors legitimize the process.

Define authority to coordinate state actions to address the immigration issue.

Involving the private sector, especially, employers as partners in the task of making that migration generates greater development.

Position migration into national development plans of the countries or development policies, because that permits you to access resources to respond demands. It also facilitates the institutionalization and legitimizes efforts to respond.

In terms of institutionalization, the creation of the Costa Rica Immigration Public Policy, this provides guidance to the state and all its institutions, and shows how to address the main effects and impacts of international migration on social, economic and cultural fields. Which should be comprehensive and intersectorial consulted. It must be coherent and properly concatenated with other public policies such as development, childhood, justice, social, health, among others. That transcends the simple immediate management of migratory flows, to become standing policies that ensure the well-being of migrants in the short and medium term, ensuring, for example, socio-economic integration.

SECRETARY IMELDA NICOLAS
CHAIRPERSON, COMMISSION ON FILIPINOS OVERSEAS, GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES

Efforts towards greater institutional coherence on migration and development policies/programs: Insights from the Philippine experience

Overseas Filipinos (OFs) were already actively engaged in "migration and development" initiatives long before the international community took notice. These continuing engagements occur spontaneously and are driven by a wide range of motivations, from the purely altruistic to the profit-oriented.

The key challenge for the Philippine government now is integrating these existing and varied efforts on the ground with national development priorities. These efforts should also be needs-based, especially when the beneficiaries and recipients are found at the local/community level.

In the case of remittances, it is a well-known fact that the bulk of the funds go to consumption, which by itself is not a bad thing, but there remains the argument that if a significant amount of remittances were channelled to development, this would constitute an economic game-changer in migrants' home countries, including in a country like the Philippines.

In an ideal world, migrants would engage in activities directly relevant to the country's national development plans. However, in reality, in the Philippines and elsewhere, the gap between actual activities on the ground and development planning continue to exist.

In addition, within government itself, more often than not, there is dissonance, duplication of work, and a lack of communication, convergence and co-ordination – between and among government agencies and entities whose work, in one way or another, touches upon migration.

There are many ways to bridge these gaps and achieve greater policy and programme coherence. Having engaged in some of those efforts aimed at increasing coherence, the Commission on Filipinos Overseas (CFO) under the Office of the President, i.e., the government agency I head, along with the National Economic Development Authority (NEDA), are able to highlight the following lessons from our first experiences.

First, it is important to ensure that development planners assume an active, and, if possible, the leading role, in policy making on migration and development issues. As we have heard in various international and regional fora recently, there is concern that traditional development actors remain largely absent in the migration and development discourse and this absence has constrained the effectiveness and sustainability of many migration and development initiatives.

One way to fully engage traditional development actors is to utilise existing government structures and processes created to directly inform and shape the development agenda. For instance, through the years, the Philippines' National Economic Development Authority (NEDA), the key development planning agency, has been convening inter-agency committees to advise its board on various development issues. Currently, NEDA is leading efforts to create a dedicated sub-committee on migration and development issues with the help of three government offices holding the traditional migration portfolio: the Department of Foreign Affairs (DFA), the Department of Labour and Employment (DOLE) and the Commission on Filipinos Overseas (CFO). Once this committee under NEDA is created, it will greatly facilitate a more effective and streamlined integration of migration issues into development planning, largely because it places the key development actors squarely on board and in the driver's seat.

Similarly, the Central Bank of the Philippines has initiated, in partnership with CFO, the creation of the Remittances for Development Council (ReDC), a consultative forum to discuss issues and concerns about remittances, as well as an advisory and policy-recommending body for channelling remittances for development. ReDC provides a regular forum for all remittance-related stakeholders, such as banks, migration-related government agencies, migrants' organisations, academia and multi-lateral institutions.

In 2011, CFO and NEDA were also very much involved in introducing migration and development issues and concerns into the Philippine Development Plan, which resulted in at least 60 migration-related provisions, in seven out of the document's nine chapters. According to IOM's *Country Migration Report: the Philippines 2013,* this represented a "marked change from previous development plans which typically mentioned the role of international migration in generating jobs and remittances."

Second, the Philippine experience also points to the value in having a key government agency dedicated to fostering migration and development linkages. For instance, CFO reformulated its own mission in 2010 to commit to a migration and development framework in strengthening overseas Filipino communities and promoting and enhancing the socio-cultural-economic and political linkages between the Filipino diaspora and the motherland.

This reformulation allowed the CFO, which was created back in the 1980s, to refocus its own activities on migration and development and to co-ordinate efforts between various stakeholders. Migration and development is a cross-cutting theme and there is always a risk that it is set aside as other government agencies concentrate on their key mandates. Having a dedicated agency like CFO, which is single-minded in fostering migration and development, ensures that the topic remains firmly on the government agenda.

Lastly, it is also critical to recognise that achieving policy coherence on migration and development cannot happen overnight. Governments interested in taking on this task must be willing to be in it for the long run. The process is as important as the outcome, and it can be long and tedious. For instance, the idea for NEDA to create a committee on migration and development actually came about during an OECD workshop held in Manila in early 2013. But that OECD meeting was preceded by hundreds of meetings in the Philippines on various aspects of migration and development.

In other words, migration and development is a not a new discourse in the Philippines and any achievement on the area of policy coherence must be seen as part of a long process of constant dialogue and communication, as well as of trial and error. The internal dynamics (especially within government) and personalities involved in this process should be considered, and various efforts, sometimes parallel ones, must be made to overcome hurdles and hindrances along the way.

To quote again from the IOM report mentioned above: "Although migration received more attention in the Philippine Development Plan, significant gaps remain. The PDP thus far is silent on the who and how of coordinating different and migration and development agencies. A harmonized migration information system is a basic element in supporting multi-agency coordination. Furthermore, the lack of coordination between national government efforts and local government units will have to be threshed out."

We hope to place these very critical points on top of the agenda of the Sub-committee on Migration and Development under NEDA, once it is formally organised.

We at CFO believe in the sayings "Patience is the companion of wisdom" and "Learning is not guided by chance. It must be sought for with ardour and attended to with diligence."

MARION PANIZZON

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Migrant host countries, through a process of fragmentation of international decision-making in migration, of installing and maintaining different international agencies for different migration challenges (ILO, UNHCR, IOM, UNDP, UNESCO, WTO), use the global level to reinforce the national level and thus to maintain power. The fragmentation of the mandates of existing international and intergovernmental institutions, each dealing in an isolated manner with a specific aspect of the migratory process should be overcome, since this fragmentation prevents a coherent single solution which could be offered to encompass the globality of the migratory process, spanning from the migrant's decision to leave, his or her admission and authorization to work, to the duty to return home.[23]

Strategic fragmentation with its multiple layers and its mixture between soft and hard rules has been a deliberate strategy and choice by strong states to mobilize weaker states to cooperate on migration control and readmissions, much in the way that Abbott and Snidal would argue.[24] Such fragmentation is thus driven by the more powerful, which in the case of migration, are migrant host countries who desire to keep migrants out, labour standards low and migrant labour cheap. These goals can only be sustained if there is a system of layers which have the potential of ruling each other out, correcting each other, contradicting, overriding each other etc. rather than building onto each other in a coherent manner. Moreover migration is a policy field where there is a typical gap between policy objectives and outcomes.[25]

A further question is to what extent governance has the function of coherence-building or of fragmentation. We agree with Grainne de Burca that "policy segmentation", which has a similar function to "laundering", may lead migrant host states to opt for multi-level integration, diversity and decentralisation, deliberation, flexibility and revisability, experimentation amounts to a certain degree of fragmentation as a way to use one level of governance to be able to better enforce another level of governance.[26]

In addition to this "strategic" fragmentation, there exists "normative fragmentation" and "thematic" or "topical" fragmentation as detailed below. We find that whereas strategic or institutional fragmentation is still alive and kicking, "normative fragmentation" is being gradually replaced through the means of bilateral migration agreements which in fact build coherence and evidence a burgeoning constitutionalism. At the same time, thematic or topical fragmentation still

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[23] Jason Gagnon and David Khoudour-Castéras, *Tackling the Policy Challenges of Migration* (OECD 2011) 36.

[24] Kenneth W. Abbott and Duncan Snidal, 'Hard and Soft Law in International Governance' (2000) 54 *International Organization* 421, 449; see their example of the United States, which 'ran its [first] Gulf War operation through the UN Security Council, even though doing so was burdensome, because this helped it to mobilize valuable support from weaker states, including bases in Saudi Arabia and financing from Japan.'

[25] Nastasja Reslow, *Partnering for Mobility, Three-level games in EU external migration policy* (Maastricht University, 2013) 17.

[26] Grainne de Burca and Joanne Scott, 'New Governance, Law and Constitutionalism' in Grainne de Burca and Joanne Scott (eds), Law and New Governance and Constitutionalism in the EU and US (Hart Publishing 2006).

runs strong, also in the light of the skill-biased and thus selective labor migrant recruitment policies and the unclear status of environmental migrants.

Fragmentation in migration continues to be the rule of the day as there still is a North-South divide on how migration should be managed. Yet, we observe isolated "moments" of coherence in what we describe as the balancing/corrective function of certain bilateral migration agreements of the second-generation. Counterintuitive as it may seem, bilateral migration agreements are not further fragmenting the system of migration law, but instead contribute to more coherence. Nowhere is this "normative fragmentation" more obviously overcome than in the Spanish and the French cases, where bilateral agreements offer more preferential market access for labor migrants and other more favorable benefits than the restrictive national (unilateral) immigration laws of these two countries.

By correcting the stringency of the French /Spanish immigration law in favor of the migrant sending country, bilateral migration agreements amount to a burgeoning feature of a constitutional system for migration that has moved beyond the fragmented islands of norms interconnected only by topical similarity rather than by normative or even hierarchical considerations. Indeed even EU Mobility Partnerships are equipped with certain correctives which may play a constitutional role in the EU Global Approach to Migration and Mobility and vis-à-vis national immigration laws as they offer, in the ideal case, more than the sum of the parts they are constituted with. To the extent that bilateral migration agreements correct or introduce flexibilities to the stringency of national (unilateral) immigration law, they build up the contours of a system of migration law, and thus introduce a degree of coherence rather than of fragmentation as one would be tempted to assume at first sight.

However, because most of norm-setting and law-making in the field of migration occurs outside the UN system, with the exception of the refugee system (UNCHR), IDPs and migrant workers' rights (ILO), and horizontally between the IOM, the WTO, the GFMD one would need to worry about what Teubner identifies as the 'horizontal' constitutional problem", which emerges aside the traditional 'vertical' constitutional problem [of] the limits to be imposed on the new global regimes in their relation to nation states"; the horizontal problem is "whether the autonomy of the function systems might not lead to mutual burdens to the limits of their structural adaptability with their very differentiation."[27]

Also we cannot speak yet of an institutionalized, far less of a constitutionalized international migration law, since constitutionalization, in the sense of Andreas Paulus would require a constitutional treaty, like the UN Charter and "secondary rules on law-making".[28] Efforts to construct global governance top-down through a UN-sponsored initiative, the Global Commission on International Migration (GCIM) ended in 2005,[29] and its successor, the Global Forum on Migration and Development (GFMD) refuses all attempts to formalize its decision-making process or attributing some normativity or source-like quality to its decisions, which would offer it some *erga omnes* and thus constitutional quality.

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[27] Gunther Teubner, *Constitutional Fragments: Societal Constitutionalism and Globalization* (Oxford University Press 2012) 10.

[28] Andreas L. Paulus, 'The International Legal System as a Constitution' in Jeffrey L. Dunoff and Joel P. Trachtman (eds), *Ruling the world? Constitutionalism, International Law & Global Governance* (Cambridge University Press 2009) 77.

[29] Ronaldo Munck, 'Globalisation, Governance and Migration: an introduction' (2008) 29(7) *Third World Quarterly* 1227, 1231.

Yet, we must bear in mind that even when compared to fields of "partial constitutionalization" like the WTO or in human rights,[30] migration falls short of such features, since it fails to dispose of a dispute settlement system.[31] Authors, including Teubner, Fischer-Lescano, Simma and Pulkowski agree that there is rather fragmentation than coherence in the international legal system, despite pockets of "legally stabilized, institutionalized and hierarchized international subsystems, like the WTO".[32] As the Report by the International Law Commission has found, unity in public international law, if at all, comes from the methods of interpretation by which international law maintains the coherence of its sources", which basically means an authority derived from substantive principles, like good faith, rather than from "functionalist claims of legitimacy based on a "constitutional superstructure."[33]

So while there is fragmentation in public international law, it is principles which play a key part in constitutionalizing this order.[34] The international system of migration has certain legal principles, like the powerful non-refoulement concept, but these principles do not apply to all types of migrants; so that there is a normative fragmentation in addition to the institutional fragmentation of migration law. Solidarity may be another such a principle, and it is in fact the nucleus of migration governance according to the GCIM Final Report in 2005,[35] but again, it is more of an institutional principle than a normative one, so that this links to the finding of the ILC Report that "[w]hatever the prospects of "codification and progressive development" today, it seems clear that most of the development of international law will take place within specialized lawmaking conferences and organizations".[36]

For migration, this points to the potential far-reaching role of the GFMD, which holds yearly conferences and issues soft law. Yet, as the ILA Commission Report notes, "more recently, theories of interdependence and international regimes in international relations studies as well the sociology of globalization point to the advantages of governance through units wider than States, including regional units."[37] This points to the fact that notably the regional layer will play an increasing role in advancing the coherence of migration law and policy. This role is corroborated by our findings on regionalism in migration, notably our on EU migration policy, as well as by Betts, who argues that regionalism is a type of governance of "increasing importance", notably because it succeeds in "capturing the proliferation of cross-cutting institutions that have emerged to regulate relations between migration sending, receiving and transit regions, in particular".[38]

Other voices, notably Castles[39] Cottier and Sieber[40] and Koser[41] have found that nonmigration policies in particular trade liberalization, investment and education policies, which can be key

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[30] Paulus (n 28) at 82.
[31] Ibid.
[32] Ibid.
[33] Paulus (n 28) at 86-87.
[34] Marion Panizzon, 'Fairness, Promptness and Effectiveness: How the Openness of Good Faith Limits the Flexibility of the DSU' (2008) 77 *Nordic Journal of International Law* 275.
[35] GCIM; 2005, p. 55 (equality), 20, 66 (shared responsibility)
[36] UN Working Document A/CN.4/L.682 of 13 April 2006, INTERNATIONAL LAW COMMISSION, Fifty-eighth session, Geneva, 1 May-9 June and 3 July-11 August 2006 FRAGMENTATION OF INTERNATIONAL LAW: DIFFICULTIES ARISING FROM THE DIVERSIFICATION AND EXPANSION OF INTERNATIONAL LAW Report of the Study Group of the International Law Commission Finalized by Martti Koskenniemi, pp. 255, 256.
[37] Ibid at 107.
[38] Alexander Betts, *Global Migration Governance* (Oxford University Press 2011a).
[39] Stephen Castles, 'Why Migration Policies Fail' (2004) 27(2) *Ethnic and Racical Studies* 205.

causes for migration, could also be used to manage migration. This topical fragmentation is what Betts labels "embeddedness" of "global migration governance" in the sense that other disciplines, like trade or climate change provide "docking stations" for select migration issues.[42] In this vein, Castles notes that "nonmigration policies may be more powerful in shaping South-North movements than explicit migration policies."[43] McAdam has similarly found that migration governance "suffers from significant fragmentation, both vertically with actors at the international, regional and local levels and horizontally with the phenomenon addressed in part or, more rarely, as a whole under the auspices of a range of other 'policy categories' and associated institutions."[44]

There are the following ways non-migration policies can impact on migration and development:
- Engaging diaspora skills and talents and entrepreneurship
- Reducing the costs of remittances transfers
- Enhancing/encouraging nostalgia trade and heritage tourism
- Mobilizing diaspora financial resources, circular migration through fiscal and financial incentives
- Integration of return migrants into home societies
- Whole-of-government approach; less agricultural subsidies and more development
- Regulating private recruitment

In many countries an express policy design that would explicitly mandate coherence between migration and other policies is still outstanding. Switzerland introduced the whole of government approach, which aims at coherence-building among two out of seven ministries, being the Department of External Affairs and the Department of Justice. This joint undertaking was translated into practice when the so-called migration partnerships were designed. These binding or non-binding bilateral agreements which Switzerland concludes with third countries, represent a best endeavor to streamline themes and competencies emanating from both ministries—readmission, border securitization, police cooperation, identification of persons and documents, combatting document falsification, trafficking and smuggling of humans, and thus all themes linking to the Department of Justice with other themes, such as capacity building, peace-building, development aid being formulated by the Department of Foreign Affairs.

However, the coherence is not comprehensive, as one important actor, the State Secretariat of Economic Affairs does not participate, which means that labor migration is not brought into the equation. This has the downside that in the Swiss bilateral migration agreements no labor market access quotas can be put on offer. In turn, this has the effect that source countries tend to view little benefits from signing onto those agreements and this means that other areas of migration governance, like combatting irregular flows cannot be dealt with bilaterally with the source country as a partner, since that country perceives no benefits from participating in a bilateral agreement that does not offer his surplus population some job perspectives abroad.

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[40] Thomas Cottier and Charlotte Sieber-Gasser, 'Trade, Investment and Migration: Coherence through Policy Alignment' in Marion Panizzon, Gottfried Zürcher and Elisa Fornalé (eds), *Promoting International labor Mobility* (forthcoming Palgrave 2013).

[41] Khalid Koser, 'Introduction: International Migration and Global Governance' (2010) 16 *Global Governance* 301.

[42] Betts at 4, 24.

[43] Castles, 'The Factors that Make and Unmake Migration Policies' (n **Error! Bookmark not defined.**) at 864.

[44] Jane McAdam, Environmental Migration Governance (February 28, 2009). UNSW Law Research Paper No. 2009-1. Available at SSRN: http://ssrn.com/abstract=1412002.

Despite tendencies of coherence we find that in the field of labor migration fragmentation runs deep, as its regulation is reflective of labour market segmentation. Yet we observe, notably in the proliferation of bilateral migration agreements, tendencies of defragmentation trending towards coherence and, in the final analysis a constitutionalisation of migration law and policy. Such defragmentation is particularly strong where a regional integration unit is involved in migration policy making, such as in the EU's external dimension of migration policy.

MONIKA PERUFFO
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Since its official establishment in October 2010, the African, Caribbean and Pacific (ACP) Observatory on Migration has launched a series of research, capacity-building and networking activities around the issue of South-South migration. Among its major achievements, the ACP Observatory has been able to establish **national consultative mechanisms** in 12 ACP countries (Angola, Cameroon, Democratic Republic of Congo, Haiti, Kenya, Lesotho, Nigeria, Papua New Guinea, Senegal, Tanzania, Timor-Leste and Trinidad and Tobago) which offer a platform to discuss migration issues involving government agencies, civil society organizations and research institutions.

Furthermore, the ACP Observatory has been involved in international policy processes aimed at fostering policy coherence and cooperation, including the High level Dialogue on Migration and Development and the Global Forum on Migration and Development.

Challenges and dilemmas in implementing policy and institutional coherence

In the framework of its activities, the ACP Observatory has highlighted the challenges existing to promote policy coherence in different areas of migration and development policymaking. Two specific examples can be underlines:

- **Migration data:** The migration data assessments produced by the ACP Observatory show the existence of up-to-date migration data held by different government agencies in many of its pilot countries. Challenges are often found at the data sharing and analysis stages. Indeed, government agencies are often reluctant to share data, which hampers any potential utilization. Political will is essential to ensure the use of existing data as a national resource for adequate evidence-based policymaking.
- **Portability of social benefits:** South-South labour migrants have limited access to the social benefits they have acquired abroad once they return to their countries of origin or the move to a third country. The portability of social benefits should therefore be approached at the international level fostering coherence among social security systems. Community-level organizations should be invited to participate in these efforts to deliver services to migrants. The ACP Observatory on Migration has for instance highlighted the indispensable role of Senegalese migrants' associations for the well-being of migrants in Côte d'Ivoire.

The political will of government actors and other entities remains a key factor to be considered in the policy coherence area. Indeed, many efforts to improve policy coherence and base initiatives on evidence depend on the willingness of the State actors to reduce the arbitrary nature of current migration policies.

Potential perspectives for the reinforcement of policy coherence

The regional level is often crucial in terms of movements and needs to be reflected in the harmonization of existing policies at regional level. Regional consultative processes (RCPs) have offered fora to exchange views and experiences which have led to improved cooperation at the regional and inter-regional levels. Some ACP regions present very high percentages of intraregional migration – in West Africa intraregional migration represents 76 per cent of all migration. The coherence of regional policies is essential to capture the positive impact of migration.

Inter-regional and intra-regional partnerships are also essential for policy coherence purposes. Processes such as the ACP-EU Dialogue on Migration, the Rabat Process or the Global Forum on Migration and Development have played a very important role to raise the attention to the importance of international coordination on migration issues. These fora have also opened avenues for discussing changes in migration practices. For instance, the South-South angle was introduced as an important topic in the 2011 Switzerland GFMD and became the topic of a roundtable in the 2012 Mauritius Forum. Policy coherence can also be built from sharing experiences and practices in the framework of these events.

The experience of the ACP Observatory on Migration shows the potential added-value of **including research institutions and civil society organizations** in migration policymaking and monitoring. Despite the existence of administrative data on migration in many countries, more needs to be known about the realities of South-South movements. Research institutions often have the capacities to study this phenomenon but have no access to data owned by Government institutions. Their access to data should therefore be enhanced. Closer feedbacks between research and policy processes on migration and development can provide useful information for the development of appropriate initiatives.

In this sense, the consolidation of National Consultative Committees involving representatives of Government agencies, civil society organizations and research institutions has been an important experience of the Intra-ACP Migration Facility. These Committees offer an innovative platform at the national level to promote policy and institutional coherence and to allow for research and data to be fed into the policymaking process. Several positive examples are example:

- In **Lesotho,** researchers have presented finding and recommendations of research on remittances and diasporas, which the government have used to launch consultations on a diaspora policy.
- In **Kenya,** the findings of a study of studies on labour migration and diasporas are being fed into the new draft migration policy, including the South-South dimension.
- In **Nigeria,** research on South-South diasporas is being fed into discussions on a proposed diaspora policy and the researchers are being included in relevant discussions.

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Migration and development are inextricably related. From a human development perspective, people need freedoms and resources to move and, simultaneously, their mobility can enable them to increase their freedoms and resources if the later occurs under enabling conditions. Development can thus shape the aspirations and capabilities of people to enable mobility; and people influence development and social change through their mobility.

Policy coherence in migration and development has been placed highly in global and national agendas and discussions in recent years. Policy coherence presupposes a transnational perspective that considers interdependencies among countries; a continuous assessment of the impacts of development on migration *as well as* the impacts of migration on development; and a long-term commitment of national, local and external actors, to a *process* that continuously assesses and addresses the conceptual, attitudinal, institutional and material aspects of the match between migration and development. Policy coherence also lies in the consistency of different levels of action (local, national, regional, international).

Conventional approaches to migration and development tend to frame these fields in terms of binaries (e.g. developed vs. developing; North vs. South, origin vs. destination, immigration vs. emigration, etc.), rather than focusing on the interdependencies that affect all countries' development processes at worldwide, and different sectors and development issues within each country. This is reflected in the way in which migration is dealt with at national level. The effort towards better harnessing the benefits of migration across the globe should go hand in hand with an in-depth analysis of interrelations between migration and development and the contextual environment in which positive impact on development takes place. Oversimplification of the complex links between internal and international migration and development, as well as other phenomena such as urbanization or environmental change, may result in ineffective or indeed counterproductive policy action.

Some of the challenges and dilemmas in implementing policy and institutional coherence for migration and development include:

- Poor coordination among different institutions that have mandates related to migration and that may have different perceptions and priorities in this field (e.g. ministries of foreign affairs, ministries of justice, interior and/or labour);
- The links between migration and development may be one among pressing priorities in the wider international and/or national development frameworks. Both the domains of migration and of development are embedded in broader areas of action, which are prioritized differently across states, according to their specific context and circumstances.

One way to overcome these challenges is to create bridges (appoint specific staff such as "focal points", create dedicated portfolios, technical working groups, etc.) that allow for the

consolidation of the knowledge, expertise, and resources of different institutional actors concerned with common issues relating to migration and to development.

As an example, IOM and UNDP are jointly implementing a project entitled "Mainstreaming migration into national development strategies", funded by the Swiss development cooperation. The pilot project intended to operationalize the recommendations of the Global Migration Group Handbook on Mainstreaming Migration into Development Planning (2010) in four countries (Bangladesh, Jamaica, Moldova and Tunisia). Four additional countries will join the project during the second phase expected to start in early 2014. At the country level, the project supports Governments to integrate migration in national development plans and strengthen internal sustainable coordination mechanisms on migration and development issues. At the global level, the project provides guidance and support to the United Nations Country Teams (UNCTs) to enable them to assist Governments in such efforts.

Each country has adopted a different approach to enhancing policy and policy and institutional coherence beneficial for the nationally defined migration and development outcomes. For instance, whereas in Jamaica the mainstreaming process is led by the Planning Institute of Jamaica, which has a determining role in development planning, in Moldova, each ministry has appointed a focal point dedicated to deal with migration related issues, and in Bangladesh an Inter-Ministerial Committee for Migration and Development and several Technical Working Groups have been established.

As such, this global project can be considered as an instance where policy gaps and needs have been assessed and have shaped and will continue to shape policymaking processes to promote greater coherence between migration and development both at national and international level.

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Rethinking Migrant Rights for Development

In early October 2013 the UN General Assembly debated the global governance of international labour migration. This meeting was particularly timely, following reports of numerous deaths among Nepalese workers on World Cup construction sites in Qatar.
But as they gathered in New York, policymakers once again overlooked one of the hardest questions in this debate: how to manage the trade-offs in immigration policy between openness to admitting migrant workers and some of the rights migrants are granted after admission.

Qatar and the other Persian Gulf states are examples of countries operating a "high numbers/low rights" system; they have very open admission policies but place severe restrictions on migrants' rights. At the other end of the spectrum you would find some countries of northern Europe, offering migrants comprehensive rights but admitting relatively few migrant workers.

There is a clear trade-off to be made between these two models, but international policymakers are yet to design a strategy for migrant rights with this in mind. The failure to deal with this issue has to end. A coherent approach to the global governance of migration requires that this difficult issue is explicitly and openly discussed.
The liberalisation of immigration policies in high-income countries is supported by many low-income countries and development organisations such as the World Bank and United Nations Development Programme. There have been particular calls for the rules governing admission of lower-skilled workers to be relaxed. This section of migrants currently face the most restrictions, but it is where migration could easily lead to large gains in income and development. The World Bank, for instance, believes that more international labour migration is one of the most effective ways of raising the incomes of workers in low-income countries.

At the same time, workers rights organisations such as the International Labour Organization (ILO) demand more equal rights for migrants. Activists around the world have called for more countries to ratify the 1990 UN Convention on the Rights of Migrant Workers, which lays out a very comprehensive set of civil, political, economic, and social rights for migrants, including those living and working abroad illegally. To date, fewer than 50 countries, none of them major migrant-receiving countries, have ratified this convention.

The dilemma is that it is not always possible to have both "more migration" and "more rights" for migrant workers. After examining labour immigration policies in over 45 high-income countries for my new book *The Price of Rights*, I found an inverse relationship between openness and some rights for migrants. Greater equality of rights for new migrant workers tends to be associated with more restrictive admission policies, especially for admitting lower-skilled workers from poorer countries.

The tension between "access and rights" applies to a few specific rights that are perceived to be costly for the receiving countries. The right of lower-skilled migrants to access certain welfare services and benefits is particularly affected.

The implication of this trade-off is that insisting that new migrant workers get the same rights as citizens can come at the price of more restrictive admission policies. Equal rights can protect the few migrant workers admitted, but reduce the opportunities of many more to benefit from work available in richer countries.

Few migrant-sending nations insist on full and equal rights for their workers abroad, for fear of reduced access to the labour markets of higher-income countries. Witness, for instance, the muted reaction of the Nepalese government to the deaths of their citizens in Qatar. With the current arrangement suiting both nations' economic interests, the two governments even held a joint press conference to say migrant rights were "fully respected".

International debates about the global governance of migration have almost completely ignored the trade-off between openness and rights. The ongoing work for KNOMAD and the Global Forum on Migration and Development in Sweden next year should open up the discussion. We need a reasoned debate between organisations that advocate more migration to promote development, such as the World Bank, and those primarily concerned with the protection and equality of rights, such as the ILO.

So if there is a trade-off to be made between openness and rights, what is the solution? This is a question with no single answer. But there is a strong case for liberalising international labour migration, especially for low-skilled workers. This could be achieved through temporary migration programs that protect a universal set of core rights and account for the interests of nation-states by restricting a few specific rights that create net costs for receiving countries, and are therefore obstacles to more open admission policies.
We should start discussing the creation of a list of universal "core rights" for migrant workers. Exactly which rights would be on this list is still up for debate, but it is a debate that should be at the centre of upcoming discussions on the global governance of migration.

A "core" list would include fewer rights than the 1990 Convention, but more countries would be likely to accept it. Most significantly, that would include those countries that admit large numbers and currently have minimal incentive to seriously improve conditions. Thus, given the mass numbers involved, overall protection for migrant workers would be increased.

It might be a counter-intuitive conclusion, but it is one grounded in reality: when it comes to protecting migrant rights, it turns out less is more.

This is a marginally revised version of an article originally published at The Conversation.

Ruhs, M (2013) *The Price of Rights: Regulating International Labor Migration*, Princeton University Press, www.priceofrights.com

NADJA SCHUSTER

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Policy Coherence for Development (PCD) aligns aid with non-aid sectoral policies such as migration, trade, agriculture, and investment. When referring to the migration-development nexus, then policy coherence needs to be seen with respect to the harmonization of migration, development and other sectoral policies. In the long run, PCD – including policy coherence in the migration and development domain – contributes to aid efficiency and the reduction of aid. The more non-aid sectors contribute to development, the less aid is needed. Especially in times of recession, PCD has a countercyclical effect as it allows to maximize outcomes, build synergies, arbitrate conflicts of interest, and contribute to political credibility and cost-effectiveness.

In fact, PCD is not a fully achievable goal, rather, it is a 'complex process of continuous and successive approximation to development goals', and it harbors conflicts of interests between domestic and global accountability. An important explanation for the rather slow progress towards its implementation is that PCD prioritizes global over domestic accountability. This implies a certain short- or mid-term trade off in one or more non-aid policy sectors in exchange for a more sustainable global development. Thus PCD and policy coherence in the migration-development nexus are inherently political and determined by the political economy of a specific country. Consequently, there is no one-fits-all solution. It is in the nature of a pluralistic democratic system that policies are the outcome of negotiation processes between highly competitive parties. Policy coherence implies changes in the institutions as well as policy reforms that may institute or enforce new rules and norms. In order not to discourage policy makers and politicians I argue for a 'coherent enough approach' based on a minimum consensus. I borrowed the term from Fritz and Menocal's Good Enough Governance Concept (2007)[45] which posits the minimum necessary conditions for improved governance to enable further political, social and economic development.

At institutional level, four pillars are needed for an effective implementation of PCD: 1) political commitment and policy making, 2) implementation and coordination, 3) monitoring and evaluation, 4) policy analysis and knowledge management.[46] Based on a case study comprising five selected EU Member States and on the findings from two small-scale empirical studies on Austria, three patterns can be seen as crucial for implementing PCD: a) central unit at the highest political level responsible for coordination and policy arbitration; b) active participation of the demand side (parliaments, NGOs); c) enhanced analytical capacity and knowledge management.

Concerning monitoring and evaluation of PCD, there is a lack of clear goals and clarity in mandates. Furthermore, there is no common view among stakeholders as to what impact is

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[45] Fritz, V., Menocal, A. R. (2007) (eds.) Developmental States in the New Millennium: Concepts and Challenges for a New Aid

[46] With regard to the second pillar, I conducted a desk case study on 5 EU Member States and an empirical study on the role of the Austrian parliament. Concerning the third pillar, together with Bernhard Hack, I developed an innovative, utilization-oriented policy-advocacy evaluation tool for assessing PCD in Austria. The Austrian development policy landscape served as a case study. However, the tool could be adopted for other countries.

actually being sought. Opinions on this issue vary widely among practitioners, and range from changed policies in different sectors and improved reporting to simple measures on the level of awareness. Besides, it is a real challenge to identify a linear cause-effect relationship, to attribute policy outcomes to policy inputs, and to conduct very costly impact assessments in the area of PCD.

Therefore, we use another measurement for promoting policy and institutional coherence at the national level. We developed a tool to observe policy learning processes that manifest itself as behavior changes among policy makers and central actors. For that purpose we defined progress markers that measure desired changes towards greater policy and institutional coherence. Policy makers can learn from each other in the negotiation process, which ideally leads to behavior changes in a certain area of influence. In that way, the results chain becomes a chain of influence. To this end, an innovative mix of holistic methods comprising Outcome Mapping and Net Mapping, and a Social Network Analysis Approach focusing on actor constellations, was used. The final result is a utilization-oriented, policy-advocacy evaluation tool in the form of a simple checklist with short-, mid- and long-term progress markers (behavior changes) that development and campaign NGOs can use to assess progress towards greater PCD among various key actors. In addition, it can be used by all actors as a tool for self-evaluation.

With regard to the interdependency of migration and development, populist and right-wing parties still believe that development in the countries of origin can reduce migration from the South to the North. This shows that the underlying causes of migration have not yet been analyzed and well understood. On the one hand, harsh or unsatisfactory living and working conditions can indeed be a motivation to migrate or to flee. On the other hand, development and more possibilities can also trigger the wish to emigrate. The driving factors behind migration are manifold, but it has become common knowledge among experts that economic and human development induces migration instead of reducing it. Willingness to migrate is also determined by the aspirations of persons and small groups, such as families and households.

Nevertheless, the effects of diasporas' development efforts are gaining more and more attention at the international, intra-governmental and national level because of their potential for poverty reduction, development and economic growth. In terms of cooperation, in Europe, this increased attention has led to a variety of initiatives in the field of migration and development that focus on activities, such as promoting knowledge transfer, assisting the foundation of small-scale businesses in the countries of origin, supporting the activities of hometown associations, capacity building and networking efforts.[47] Some countries in Europe, such as the Netherlands, Germany, France and others have actively promoted and supported these initiatives through specific programs, policies and funding.

To sum up, fundamental structural and behavioral changes in the field of migration and development are much needed. Within the EU-funded project CoMiDe (Initiative for Migration and Development), we recently drafted a Manifesto on Migration and Development in Europe with two priority themes: 1) diaspora engagement and 2) diaspora entrepreneurship. This is a

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[47] In order to respond to the need to learn and to improve in the migration and development domain linking Europe with migrant- sending countries, we, within CoMiDe, published the "European Good Practice Examples of Migration and Development Initiatives with a Particular Focus on Diaspora Engagement" (Keusch & Schuster, 2012).

common-purpose document that can be agreed and endorsed by all development and migration actors from different sectors. It calls for i) the recognition of migrants and diaspora organizations as key development actors, ii) a declared commitment to work with them on an equal basis at all levels of development cooperation and international development, iii) the empowerment of diaspora organizations by providing tailor-made capacity building taking gender-specific needs into account, and iv) the institutionalization of a diaspora engagement structure and the provision of appropriate (co-) funding schemes. In order to fully exploit the development potential of diasporas, a human-rights based approach and freedom of movement (dual citizenship, flexible visa and residence requirements, portability of social security rights etc.) are fundamental.

NASRA SHAH
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In my discussion of policy and institutional coherence for migration and development, I will use the Gulf countries as my point of reference. In my opinion, policies of the sending and receiving countries would be coherent if they streamline the process of migration effectively, and optimally enhance the development impacts of such migration for both sets of countries. In a very general and broad sense, policy and institutional coherence constitutes a fundamental ingredient to achieve maximal benefits and minimize negative impacts of any type of migration. However, the type of coherence needed is likely to vary according to the type of migration predominant in a given context, as well as the geographical region. The context within which I address the issue is briefly described below.

The Gulf region comprising of six Gulf Cooperation Council (GCC) countries (namely Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates) is home to about 23 million migrants, primarily foreign workers, and in some cases their families. Almost half (48.1 %) the population of the GCC countries consists of non-citizens, ranging from about 32.1 % in Saudi Arabia to 88.5 % in the United Arab Emirates (GLMM, gulfmigration.eu.). Large scale migration to this region began in the 1970s and has generally followed a rising trend. Three features that characterize this migration stream consist of: (1) the increase in relative percentage of Asians compared to Arabs, (2) the rise in number of female workers, often employed as domestic workers in private homes, and (3) the continued predominance of semi-skilled and unskilled workers in the outflows from most countries.

In view of the peculiarities highlighted above, several questions relating to policy and institutional coherence in Gulf migration are relevant. These questions pertain to the inter-country as well as intra-country efforts that may assist in accomplishing and maximizing coherence in policy and in the implementation of such policy through appropriate institutional mechanisms to achieve optimal development outcomes.

Before outlining some aspects in which policy and institutional coherence between the sending and receiving countries may be strengthened, a fundamental obstacle to such coherence must be pointed out. It is well known that the policy goals of the senders are directly opposed to those of the recipients. All the Gulf countries have policies to reduce migration to their countries, while most of the sending countries wish to maintain or increase the outflows of migrants. Thus, the achievement of coherence is fundamentally problematic. However, policies that maximize the benefits of the migration and assist in the development of both sets of countries should be devised and implemented, as outlined in examples below.

First, there is a need for bilateral agreements between sending and receiving countries, not only for effective regulation of the process of migration but also to maximize the protection of workers against cheating, exploitation and ill treatment. Some Asian countries, especially India, have successfully made bilateral agreements with most of the GCC countries. Bilateral agreements are lacking in case of several Asian countries and considerable additional efforts are needed to ensure that such agreements are made between each sending country and the GCC countries.

Second, there is need within sending countries to ensure that existing institutions designed to regulate outflows and safeguard the welfare of migrants implement the policies more effectively than they do at present. Cases of fraud and misinformation about salary, living and working conditions, and requirements of the job in the Gulf are often found. In some instances, recruitment agents in sending and receiving countries may be in league and would need to be regulated through a coordinated approach by the two countries to protect the workers.

Third, there is a need within the Gulf countries to address the issues relating to "sponsorship" or "*kafala*", along with its related implications. Every foreign worker requires a sponsor or *kafeel* to obtain a residence permit in the Gulf. The *Kafeel* may be an individual Gulf citizen (e.g. in case of a domestic worker) or a national institution (e.g., a University in case of a University professor). The worker is dependent on the *Kafeel* for issuance and renewal of the work permit and is usually not allowed to transfer to another employer easily. An especially problematic dimension of the *kafala* system manifests itself in the form of visa trading that puts many workers in an illegal situation. A *kafeel* may bring in workers for a non-existent or ghost company for an agreed upon fee, without providing a job to that worker who then takes up any job that he can find in the market. This process is unlawful and if caught, the kafeel as well as the worker are punishable. However, the current system is highly lax in terms of punishing the *kafeel* but fairly vigilant in case of punishing the migrant worker, including imprisonment and deportation. There is a need to implement the existing policy in a coherent manner to protect the worker as well as rationalize the labor market by bringing in only those persons who are truly needed in the job market and have the requisite qualifications.

Finally, there is a need within the Gulf countries to address the issues relating to the absence of a policy in case of domestic workers. The labor laws for the private sector do not cover domestic workers, hence there are no legal guidelines that govern the working and living conditions of such workers. The presence of domestic workers in Gulf is very large. For example, in a population of 2.2 million legal foreign residents in Kuwait, 607,667 persons (26.4 %) were on a domestic service visa in 2012 (Ministry of Interior data available in the GLMM Database).
A majority of the domestic workers are women employed in private homes where some of them may be subject to loneliness, overwork, abuse, and violence, as pointed out in media reports.

The above examples illustrate some aspects where the incoherence in policies and in related institutional mechanisms may result in negative impacts on the overall benefits that could accrue to the sending and receiving countries, as well as individual migrants.

RENE SPITZ
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What are the challenges and dilemmas in implementing policy and institutional coherence for migration and development?

The nexus migration and development covers a broad range of policy issues as well as actors involved. This makes it difficult to develop a common approach.

The main challenge consists of the existence of diverging interests between policy priorities in the field of (im)migration and those in the domain of development. Restrictive immigration and labor market policies of migrant destination countries might conflict with interests of origin countries of migrants. The latter countries might have an interest in increased mobility and access to labor markets elsewhere. The former might have an interest in protecting their labor markets and social security system.

The heterogeneity of migrant & Diaspora communities with often different interests as well as the lack of professionalism of many of their organizations can hamper the implementation of policies to engage these groups as partners for development.

What are ways to overcome some of these?

Both countries of origin as well as destination could formulate a by all government stakeholders shared vision (whole of government approach) on migration and development and create an institutional mechanism for exchange of views and decision taking.

Based on a broad migration dialogue, practical cooperation on migration and mobility issues- including on return and readmission- might develop, beneficial to all parties concerned. The model of the EU mobility partnership, by which interested EU countries co-operate with a third country on migration matters, is in this regard of interest.

Invest in trust building initiatives towards migrant and Diaspora organizations as well as strengthen their capacities as development actors.

Can you give an example of policy and institutional coherence having been beneficial for migration and development outcomes?

Investment in training of government officials of countries of origin of migrants, mostly developing countries, enables these countries to formulate and implement comprehensive migration management policies. A number of countries have today established Diaspora units or departments developing rules and regulations by means of which they facilitate return and / or investments of Diaspora members.

Can you describe instances where policy impacts have been monitored and subsequently fed back into the policy making process to promote coherence?

According to a preliminary assessment of the impact of following the Migration Management Diploma program - financed by the Dutch Ministry of Foreign Affairs and implemented by Maastricht University- some of the participating government officials have drafted migration policies, including on Diaspora engagement for Development.

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The Republic of Serbia has faced a stormy and turbulent migration flows in the past two decades. Arrival of refugees from the former Yugoslavia and internally displaced persons from AP Kosovo and Metohija and the departure of a large number of citizens who emigrated to the countries of Western Europe and North America are the trends of the nineties.

Variety of Ministries are in charge of the different categories of migrants which is defined by numerous of sector strategies (Ministry of Interior, Ministry of Foreign Affairs, Ministry of Labor, Employment and Social Policy, Commissioner for Refugees and Migration, Ministry of Health, Ministry of Education and Science). Sector strategies, directly related to the groups of migrants and migration management system, are: The Strategy for Combating Illegal Migration in the Republic of Serbia for the period 2009-2014, The Strategy of Reintegration of the Returnees Based on the Readmission Agreement, Strategy for Integrated Border Management in the Republic of Serbia, Strategy for Combating Human Trafficking in the Republic of Serbia, Sustainable return and subsidence, Strategy on relations with Diaspora.

A lack of coordination among institutions has been noticed in migration management system, and necessary to intensify the harmonization of national migration policies with EU regulations and policies, led to development of an umbrella strategy in order to integrate policies and improve existing framework for migration management. Migration Management Strategy (2009) foresees establishment and implementation of mechanisms for comprehensive and continuous monitoring of migration flows in the Republic of Serbia, the completion of the strategic, legal and institutional framework for joint migration management and creation of conditions for integration and social inclusion of migrants. Key documents in the area of migration are Law on Migration Management (2012). The Law sets principles of the migration policy (principle to respect of the unity of family, principle not to artificially change national structure of population, principle of equal and planed economic development of migration management, principle of strengthening relations with diaspora and Serbs in the region, principle of rights protection, principle of respect for internationally approved treaties and legislation in the area of migration) and envisages better communication between various ministries. The Law on migration management obliges local authorities to establish the local council for migration as a body that will locally conduct the migration policy.

The important lessons that we learned in this area are awareness of local population, raise the role of local self governments and involvement of proliferation of information through media as well as education of civil servants. The capacity building is also very important, because it is fundamental to managing migration as it bridges the gap between aspiration and action by equipping states with the ability to tackle the various challenges related to the movement of people both at policy and operational level. Due to the complexity of migration management, capacity building must cover a range of cross-cutting activities and sectors of policy making.

There is no doubt that migrations are also beneficial for future developmental prospects. Particularly owing to the educational and labor mobility, as well as the remittances that are traditionally high for Serbia, migrations can have a positive impact on developmental processes. However, to provide these beneficial effects, much more careful migration monitoring and management is needed.