

**Cooperation Project on the Social Integration
of Immigrants, Migration, and the Movement of Persons**

Financed by the European Commission MEDA Programme – AidCo

**Euro-Mediterranean Consortium
for Applied Research on International Migration (CARIM)**

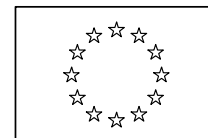
Training Session

***International Migration in the Euro-Mediterranean Area
and the Enlarged European Union***

Florence (Italy), 13-18 December 2004

Lecturers' Presentations

Introduction	by Anna Abariotou, Helen Wallace, Philippe Fargues and Jean-Pierre Cassarino
Abella, Manolo	<i>Migration-Generated Transfers and Development in the MENA</i>
Awad, Ibrahim	<i>Migration Policies in South Mediterranean Countries: Convergence and Divergence with European orientations</i>
Bosch, Peter	<i>Wider Europe and the Legal Treatment of Migration and Mobility in the Euro-Mediterranean Area</i>
Cassarino, Jean-Pierre	<i>Migration and the Emergence of New Patterns of Interdependence between the EU and MENA Countries</i>
Collyer, Michael	<i>MENA Migrants as Actors of Development in their Countries of Origin and Destination</i>
de Bruycker, Philippe	<i>Social, Civil and Political Rights of Migrants and the Fight against Discrimination</i>
Fargues, Philippe	<i>Demographic Complementarities and Mobility between the MENA and Europe</i>
Kerdoun, Azzouz	<i>Legal Systems of the MENA Confronted with an Emerging Phenomenon: Immigration and Transit</i>
Nassar, Heba	<i>Mobility of Labour and the Relocation of Employment in the Mediterranean Area</i>
Salih, Ruba	<i>Gender and International Migration in the MENA Countries and Europe</i>



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Introduction

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During the introduction of the first CARIM Training Session, Mrs. Abariotou recalled the growing importance of migration management issues in the Euro-Mediterranean area, since the signing of the Barcelona Declaration. Well-managed cooperation can contribute to development in the EU-med area. For this reason, a balanced and comprehensive approach was needed to control migration flows and to facilitate the legal circulation of legal as well as the social and professional integration of migrant communities in the EU.

The EU has developed a comprehensive approach with a view to including such issues as cooperation policy, human rights and development of origin and transit countries. Poverty alleviation and the respect for human rights (above all those of women and children) must constitute a priority.

With a view to consolidating a global strategy aimed at better managing migration, statistical data are needed in order to better inform about the magnitude and characteristics of migration flows (whether legal or illegal). The collection and analysis of such data is a priority for the European Commission. CARIM constitutes a response to this priority as it aims to:

- foster the cooperation among all the Mediterranean partners ;

- create a database on migration statistical data, as well as the follow-up, the analysis and the forecast of migration flows in the Euro-Mediterranean area;
- contribute to policy-making in the field of migration management.

EuropeAid is doing its best to provide the financial and technical assistance needed by Mediterranean partner countries. In 2003, EuropeAid financed 498 million Euros in the MEDA region, and 466 million Euros in 2004. The European Neighbourhood Policy is intended to reinvigorate the Barcelona process. The ENP provides a differentiated or *ad hoc* approach to cooperation for each partner country. The main political objective is to foster an area of peace, prosperity in the Euro-Mediterranean area, based on the consolidation of cooperation. The EU will develop a comprehensive approach to migration, based also on the social integration of migrants legally residing in the EU. The main purpose lies in:

- sustaining the joint management of migration flows;
- concluding readmission agreements with Mediterranean countries;
- reinforcing the protection of refugees as the protection of third-country nationals who legally reside in the EU.

Furthermore, Mrs. Abariotou also mentioned that the European Commission plans to set up the new MEDA-JAI programme that will commence in 2007, with a budget of 15 million Euros.

Mrs. Helen Wallace presented the mission and overall research activities that have been developed so far, in the field of migration and Mediterranean studies, at the Robert Schuman Centre for Advanced Studies (RSCAS), European University Institute.

Philippe Fargues presented the activities of the Euro-Mediterranean Consortium for Applied Research on International Migration CARIM. These pertain to:

- the development of a comprehensive database on migration. These data are aggregated at the national level. These are available on the website of CARIM and include:
 - o quantitative indicators on migration flows and migrant stocks in the Mediterranean region and beyond;
 - o information on regulations and laws regarding the settlement of aliens and migrants;
 - o political and social information regarding current policies on migration management.
- The writing of an annual Mediterranean report will be issued in 2005.
- The development of research activities on migration, transfers and development. Migration can work for the development of origin countries and alleviate poverty under

conditions that need to be better investigated. Remittances include not only financial but also human capital.

- The study of transit migration that is also part of the research area covered by CARIM.

Research studies have already started in the three central countries of the Maghreb (Morocco, Algeria and Tunisia), as well as in Turkey.

The third and last mission of CARIM lies in training and building an expertise, as well as in promoting knowledge-sharing. The CARIM Training session constitutes a first experience. It has two objectives:

- the analysis of the impact of the EU enlargement process on migration flows in the Mediterranean area;
- the building of bridges between the academic community and policy-makers, as well as between the North and the South of the Mediterranean region as far as migration issues are concerned, for migration is a highly controversial topic.

Jean-Pierre Cassarino talked about the rationale of the first CARIM training session and highlighted the need to mobilise a highly heterogeneous group of participants in terms origins but also in terms of expertise. This heterogeneity is actually reflective of the fact that today migration issues involve many actors from various professional backgrounds.

The CARIM training session has to be viewed as a collective forum for discussion and knowledge-sharing. It is neither a conference nor a series of seminars. It is aimed at sustaining an exchange of opinions and ideas on various topics ranging from the demographic to the legal, economic and political aspects of international migration in the Euro-Mediterranean area.

Migration-Generated Transfers and Development in the MENA

Manolo Abella

The World Bank has recently paid attention to the link between migration and development. The latest estimates regarding the flows of remittances to the MENA region is in the order 14 billion US dollars per year. Statistics on remittances are notoriously poor and inaccurate. Nonetheless, we know that some MENA countries, such as Egypt, Morocco and Tunisia, have largely benefited from the inflows of remittances. The amount of remittances may vary substantially from one year to another, as happened in the three above-mentioned MENA countries.

Furthermore, remittances are significant to the GDP of these countries. From 1977 to 1991, in the Maghreb region, remittances represented from 2 to 4 per cent of GDP. From 1972 to 1977, In the Mashrek countries, remittances contributed to 0.8 per cent of GDP, and in 1984 they reached 14 per cent of GDP, and 6 per cent of GDP in 1999.

Remittances impact on the whole domestic economy because they:

- increase the income and the standards of living of the households, and alleviate poverty. ;
- improve the education of the migrants' family members;
- lead to inflation;
- impact on the exchange rates of the currency. As the currency becomes more valuable, the exports of the recipient country decrease having strong bearing on the balance of trade, leading to the so-called "Dutch disease";
- increase the price of basic products in the recipient country;
- generate new patterns of consumption of poor people;

Emigration in countries of origin have an impact on the amount of wages paid in some sectors of industries, owing to the lack of labour shortages. This is what happened in Egypt in the construction sector where wages increased owing to the lack of domestic manpower.

In the Maghreb region, migration and remittances have reportedly had an impact on poverty reduction and income stability. Nonetheless, emphasis has to be put on the fact such an impact varies substantially as time is passing by. Moreover, the individual recipient of remittances is the one who decides how to use the money. In other words, remittances do not have a predictable cause-and-effect relationship. Nonetheless, some studies have already shown that remittances may have an impact on the growth rate of real per capita income in such origin countries as Morocco and Tunisia.

When the inflows of remittances started to grow in the MENA region, the income of the bottom Q (i.e., one fifth of the population that belongs to the poorest social strata) has grown faster. The IMF and the World Bank tried to explain the increase in income in the bottom Q of MENA populations, taking into account that in other regional settings this increase did not take place.

In Egypt, the welfare of the bottom Q in Egypt decreased in 1990-1991. Remittances seem to have had little impact on poverty reduction in this country. This assumption needs however to be correlated with the consequences of the Gulf War which led to the repatriation of roughly one million Egyptians, mostly coming back to the rural areas of their country of origin. This return to rural areas in Egypt had a certain bearing on the agricultural sector and on the standards of living of people living in rural areas. The 1991 Gulf War affected between 2 to 4,5 million migrants in the MENA region.

In Morocco, poverty affected rural and urban areas during the 1990s, although remittances increased substantially. This would induce us to think that the impact of remittances on poverty reduction is not necessarily obvious, because:

- the increase in income seems to be, more often than not, beneficial to people above the dire poverty line;
- below-the-poverty-line populations in MENA countries are also characterised by high fertility rates having a strong bearing on the subsistence of the household.
- those who remit money to their origin countries do not necessarily belong to the poorest strata of the population.

Comments from the audience stressed that migration is not a solution to underdevelopment and, more importantly, that remittances cannot be viewed as the only contributory factor to poverty reduction in MENA countries. Remittances may have an impact on the overall economy, along with good infrastructures, good monetary policies, sound fiscal policies, but do not constitute per se the only way of tackling the resilient problem of poverty.

Readings:

- Abdellaziz Testas, "Maghreb-EU Migration : Interdependence, Remittances, the Labour Market and Implications for Economic Development", *Mediterranean Politics* 6 (3), 2001: 64-80.
- John Page & Linda van Gelder, "Globalization, Growth and Poverty Reduction in the Middle east and North Africa, 1970-1999", Paper presented at the Fourth Mediterranean Development Forum: Amman, Jordan, 7-10 April 2002.

Migration Policies in South Mediterranean Countries: Convergence and Divergence with European orientations

Ibrahim Awad

In order to bring out the ways in which migration policies in Mediterranean countries of the southern shore may converge or not with European policies, two policy frameworks for labour migration policies in sending and destination countries will be designed. The frameworks are gleaned the concerns expressed and measures already adopted by the two groups of countries. However, it is not the contention here that these objectives were effectively realized or that all measures necessary to their achievement were adopted and implemented. The assumption is that in the light of the two frameworks, the convergence of discrepancies between policies of immigration and emigration countries may be identified and analysed. Our concern is with economic migration, in other words with labour migration, policies.

I. Migration (Immigration) policies in European receiving countries: As far as European receiving countries are concerned, three main objectives may be identified to their migration policies. These are the protection of their labour markets, ensuring competitive and fair labour markets and the conduct of sound activity. In what follows, after a brief explanation of the rationale of each objective, the policy measures used to attaining it are pointed out.

1. **Protection of labour markets:** The first concern of destination countries seems to be the protection of their domestic labour markets from declaredly unwanted immigration flows. The assumption is that this protection would help preserve jobs for national and community workers. The visa regimes, readmission agreements, return programmes are all measures which are supposed to converge towards the protection of destination countries' labour markets.
2. **Ensuring competitive and fair labour markets:** This objective seems to reflect the political culture of European receiving countries, with its emphasis on equality before the law. By definition, law is territorially applied. However, a practical aspect to this objective bears underlining. By granting immigrants the same labour rights enjoyed by nationals, differences in labour costs disappear, or at least are reduced. In the final analysis, this means preserving national and community workers against unfair competition, originating in deficient terms and conditions of work for immigrants. In other words, the realization of this objective would improve the competitiveness of national and community workers. Equality measures in labour codes and provision on

family reunion contribute to the realization of the objective. Regularization processes of illegal immigrants also participate to attaining the objective of competitive and fair labour markets. The assumption is that by acceding to the status of legal residents, previously illegal migrants would automatically be entitled to equality of treatment provided by labour codes. This would raise the cost of their labour and thus result in more competitive and fair labour markets.

3. **Conduct of sound economic activity:** The shortage of labour in countries on the northern shore of the Mediterranean is an uncontested fact. Various schemes are put in place with a view to meeting the enterprises' demand for labour and thus ensuring that sound economic activity is not threatened. Seasonal and temporary migrants' programmes and annual quotas are among these schemes. However, the existence of illegal immigrants in the northern shore countries is a witness to the insufficiency of policy measures so far formulated and implemented.

II. Migration (Emigration) policies in Mediterranean countries on the southern shore: Five main objectives could be identified to labour emigration policies in sending countries on the southern shore of the Mediterranean. These are realizing equilibrium in the domestic labour market, fighting illegal emigration, the maximization of the economic benefits of emigration, ensuring the welfare of emigrants and meeting demand in receiving countries. As for receiving countries, after a brief explanation of the rationale of each objective, the policy measures used to attaining it are pointed out.

1. **Equilibrium in the domestic labour market:** To ensure equilibrium in the domestic labour market, some countries may encourage labour emigration. This is the declared objective of Egypt. However, others countries, such as Morocco, adopt a neutral attitude declaring not to use emigration for purposes of balancing the labour market. Yet other countries, such as Algeria since the mid-1970's, entirely prohibit emigration. Concluding bilateral agreements on temporary or seasonal migration and measures for training or retraining potential emigrants could contribute to this objective. Other policy measures include keeping the holders of specific skills from migrating others may also keep the holders of some skills from migrating. With respect to this objective, it may be noted that some measures would encourage the increase in the volume of migration, while others would ensure that the domestic labour market does not face shortages in skills and qualifications. It may also be pointed out with regard to this objective that the development cooperation policy of the European Union, in the framework of the Barcelona process, aims at promoting economic growth through trade liberalization and

other measures. Growth would result in increased demand for labour, thus contributing to labour market equilibrium.

2. **Fighting illegal emigration:** Fighting illegal emigration is an objective dictated by internal and external considerations. Internally, public opinion denounces the fate of would be migrants who lose their lives in illegal migration journeys or are deported from European Mediterranean countries they clandestinely enter. Externally, the latter countries exert pressure so that countries on the southern shore more effectively control their coasts to prevent illegal emigration of their citizens or of third country nationals transiting in their territories. To realize this objective, policy measures include control of exit and entry from and to their territories, and licensing and control of recruitment agencies so as to clamp down on criminal rings which swindle and victimize aspirant emigrants. Other measures also comprise the signature with northern shore countries of readmission agreements, whereby emigration countries commit to readmit to their territories all illegal migrants, or just their citizens, having departed from their territories. Joint patrol controls of seacoasts and the establishment of camps for potential transit emigrants are other measures resorted to by some southern, in cooperation with northern shore, countries.
3. **Maximisation of economic benefits of migration:** Remittances constitute very important sources of foreign exchange for countries such as Morocco and Egypt. To maximise the economic benefits of migration for the national economies of southern Mediterranean countries, preferential exchange rates for remittances and foreign currency accounts provisions have at times been introduced. Fiscal incentives, preferential custom duties and investment opportunities have also been designed to maximise the positive impact of migration on the economies of sending countries. It is noteworthy that policy measures specifically addressed to migrants are put into question. In this perspective, policy measures should only aim at reducing the cost remitting savings to countries of origin. Maximizing the volume of remittances and the optimization of their use should respond to the same policy measures intended for domestic savings in general.
4. **Ensuring the welfare of emigrants:** This objective is about the protection of national emigrants and guaranteeing their rights in destination countries. It also is about reinforcing the links of emigrants and their families with their countries and culture of origin. To realize this objective, embassies and consulates exercise to a greater or lesser extent their function of diplomatic protection in favour emigrants. Labour attachés,

where they exist, serve migrant workers. Sending countries have also concluded social security agreements with European countries of employment. The provision of Arabic language and religious education are other policy measures put in place, for instance, by Morocco. Other policy measures intended to preserve and facilitate links include the organization of vacation camps for children of migrants. Facilitating large scale journeys by road for migrants returning for vacations during the summer period is an example of a major operation carried out by Morocco in support of their migrant community in Europe. As far as ensuring welfare is concerned, it may be noted that the conduct of sending countries will differ according to whether emigrants are regular or not. In the former case, workers have the same rights as those granted to national workers, even though, in practice, discrimination may still exist. In this respect, sending countries can support their emigrants resort to the judiciary. With regard to irregular migrants, sending countries can intervene to preserve the rights that have accrued to migrants pursuant to work they have effectively carried out, in addition to guaranteeing their human rights.

5. **Meeting labour demand in European countries:** Demand for labour exceeds labour supply in European countries. This well known fact is behind the objective of encouraging labour migration in countries such as Egypt. To this end, agreements on annual quotas, seasonal and temporary migration are concluded. These are the same agreements pointed out under the objective of “Conduct of sound economic activity”, within the European countries’ immigration policy framework. However, as also indicated under the same objective above, the existence of illegal immigrants in the northern shore countries is a witness to the insufficiency of the policy measures so far formulated and implemented. It has been alleged that the number of foreign workers admitted through numerical quotas in receiving countries is lower than the actual needs in specific sectors of industry. Other policy measures could have been attempted. Medium- and long-term demand for skills could be explored in order to adapt and reformulate educational and training policy measures so as to create the required labour supply. India in the Information and Communications Technologies (ICT) sector provides a good example of educational and training at the service of labour supply for the domestic and external labour markets. It should be underlined, however, that matching labour demand and supply is dependent upon close cooperation between receiving and sending countries. In this respect, the Integrated Migration Information System Project (IMIS), an Italian technical cooperation project executed by the

International Organization for Migration (IOM), is worth pointing out. The project is about making possible the automated matching of job opportunities in Italy with Egyptian potential migrants. Nevertheless, the results of this project, started in 2001, have been modest so far.

The former are policy frameworks for labour immigration and emigration policies drawn up in the light of declared objectives and policy measures that are in place or have been put in practice in the past. Some policy measures that have not been attempted but could prove useful for achieving the declared objectives have also been pointed out. However, there are yet other policy measures that could contribute a great deal to the realization of the objectives. They relate to policies of sending and receiving countries and expand the policy frameworks to measures of macroeconomic and sectoral nature. They bring out the crosscutting character of labour migration policies.

Readings:

- Ibrahim Awad, “*Labour Emigration from Morocco: Processes, Policies and Institutions*”. Manuscript prepared for the **ILO Interdepartmental Programme on Labour Migration**, June 1995.
- Ibrahim Awad, *Labour Migration and Development in the Mediterranean Basin: a Review of Issues*. Geneva, ILO/IOM, 1999.
- Commission of the European Communities, **Green Paper on an EU Approach to Managing Economic Migration** (presented by the Commission). Brussels, 11.1.2005, COM (2004) 811 final.
- Philippe Fargues, “*Migration and Mobility in the Euro-Mediterranean Area: A Problem for Governments, a Solution for Populations?*”. Paper presented under the title “Middle East and North African Migration to Europe: Making a positive sum game of it” at the symposium on **Immigration, Ethnic Communities, and Host Societies: Perspectives from Europe**. Florida International University, Miami, 14-15 May 2004, Center for Transnational and Comparative Studies.

Wider Europe and the Legal Treatment of Migration and Mobility in the Euro-Mediterranean Area

Peter Bosch

In Spring 2005, the European Commission will communicate a document related to migration and development, focusing more specifically to legal migration, remittances, and diasporas. This communication will be written while taking into account the priorities mentioned in The Hague Programme which was adopted at the European Council in Brussels in November 2004. It gives an outline about how the EU is going to develop its policies over the next five years. This is a key document. It puts an enormous emphasis on asylum and migration issues, and on the relations of the EU with third countries. It also emphasises the need to grant third-country nationals, legally residing in the EU, the same rights as those granted to EU citizens.

There will be an outflow of the European labour market, of an average of one million people per year between 2010 and 2030. 20 million people will leave the European labour market. This will have an impact on the competitiveness of EU enterprises. Migration needs to be viewed as a possible solution to this problem. But this is not a popular solution among all EU Member States, from a political point of view. However, the EU needs to put forward this solution and needs to gather as many data as possible in order to support this argument. This is where CARIM comes in.

On the migration area, some legislations have also been put in place regarding the free movement of third-country nationals in the EU, family reunification, admission of foreign students and researchers. Integration is also being considered. The EC is now trying to give in the field of migrants' integration policy some guidance.

On the legal migration issue, there is a need for debates and large consultations. In January 2005, a Green Paper for admission purposes will be presented, containing various questions regarding integration, admission procedures, labour mobility, the management of foreign labour, readmission agreements, relations with third countries. Suggestions are hence needed and third countries' officials, as well as professional associations, trade unions and so forth, are most welcome to contribute.

On the illegal migration issue, the June 2002 Seville European Council can be viewed as a political landmark. Since then, there has been an appeal to all third countries' governments to work jointly to prevent further loss of human lives in the Mediterranean. This policy should be taken more seriously than it has been so far. Partnership with third countries is hence a necessary step to prevent this tragedy. This partnership is all the more necessary as third

countries need assistance in dealing with the inflows of migrants, for they too have become destination countries.

On the asylum issue, in the next five years, the European Council has decided that this area will be dealt with by a qualified majority (i.e., the co-decision principle). This means, for example, that two or three Member States can no longer block EU legislation. By 2010, it is reasonable to say that hopefully a common harmonised EU asylum policy will be born.

As far as European protection programmes are concerned. The EC's position on camps in Morocco, Tunisia and Libya is clear: the EC does not support the creation of camps and will not support it. However, there is a need for international protection in many parts of the world, including Africa. Third countries should be assisted in their efforts to provide international protection to people fleeing conflicts. This protection, as defined in the Geneva Convention, should be provided as close as possible to the regions or countries from which these people come. Applying the Geneva Convention is a prerequisite to providing international protection. Third countries providing international protection should not be left alone. There have been tough debates on this issue among Member States and on November 2nd 2004, the General Affairs Council concluded that there would be EU protection programmes as well as resettlement programmes, i.e., people benefiting from such protection programmes may be resettled in EU Member States. In fact, people will be offered a shelter in a third country but also the opportunity to claim asylum from the third country itself. Those who will be granted asylum status, under the supervision of the UNHCR, will be eligible for the resettlement programme. Thus, they will be allowed to come to the EU Member States who agreed to participate in such programmes, for their participation in resettlement programmes is optional. These programmes cannot be assimilated to the creation camps because camps are viewed as being in a unhealthy and unsafe places. Camps do exist and those existing in some third countries are absolutely dreadful. Nonetheless, if there is a possibility to upgrade the living conditions in such camps, then the EC can do something.

Following Peter Bosch's presentation, consultations with the audience took place. They focused on the above-mentioned document that will be communicated in Spring 2005 by the European Commission on migration and development, and focused on three priorities:

1. Diasporas' or transnational communities' contribution to the development of their countries of origin.

2. Remittances' impact on development. The EC has been asked to find ways of lowering the costs of remittances and to make them more reliable, and to foster the impact of remittances on growth and development.
3. Brain drain. The recruitment of highly-skilled labour from developing countries should also address the developmental needs of third countries. Debates with EU Member States have taken place on this tricky issue.

Readings :

- Council of the European Union, Brussels European Council 4/5 November 2004 – Presidency Conclusions, 14292/04, Brussels, 5 November 2004.
- Council of the European Union, Communication from the Commission to the Council and the European Parliament: Integrating migration issues in the European Union's relations with third countries - Draft Council conclusions on migration and development, 8927/03, Brussels, 5 May 2003.

Migration and the Emergence of New Patterns of Interdependence between the EU and MENA Countries

Jean-Pierre Cassarino

The adoption of the European Neighbourhood Policy (ENP) has reinforced the gradual reshaping process of the Euro-Mediterranean Partnership (EMP) which started five years ago, following the 1999 Tampere European Council.

Concomitantly, the need to address migration and asylum issues in a comprehensive and integrated way, the so-called cross-pillar approach, was critical to reframe the patterns of partnerships and cooperation with some Mediterranean non-member countries. The ENP, and the action plans communicated in December 2004 by the European Commission, are illustrative of this gradual reframing process and of the fact that migration and asylum issues constitute a top priority in the context of the external relations of the EU with MENA.

As far as migration issues are concerned, the European Neighbourhood Policy (ENP) cannot be viewed as being the cause of new patterns of interconnectedness between the EU and MENA countries; rather, it constitutes a transitory and adaptive product (i.e., a product which responds to short-term priorities that are defined in the framework of long-term objectives) which will evolve as new incentives and instruments are found to secure the participation of Mediterranean third countries in the joint management of migration flows.

To start with, what does the European Neighbourhood Policy (ENP) precisely add to the Euro-Mediterranean Partnership (EMP), in the field of migration? The ENP does not question the dominant vision according to which reinforced trade exchanges and economic liberalization may constitute a substitute to migration. The main novel aspects of the ENP seem to lie in the attempt to :

- Conditionally link financial aid and trade concessions to the adherence, on the part of migrants' countries of origin and transit, to the migration management agenda. Since the June 2002 Seville European Council, the participation in the joint management of migration is part of a "global development package" that should give third countries a major stake in the EU internal market.
- Adopt an *ad hoc* approach to migration management, based on the principles of "differentiation" and "progressivity". In other words, the cooperation with *each* third country, in the field of migration management, is to be assessed individually, and economic assistance should be granted on the basis of the effective progress made by each third country. The ENP is based on additional incentives (e.g., law-enforcement

cooperation, technical assistance, visa facilities, possible entrance quotas for temporary workers...) to encourage third countries to play the 'efficiency card' in the field of migration management;

- Further externalizes the migration management policies of the EU.

How and why has the joint management of migration flows, contained in the ENP, consolidated?

To account for the factors that contributed to the consolidation of the joint management of migration flows, we should not limit ourselves to the various developments which occurred, at the level of the EU, in the wake of the European Council in Tampere, Seville, Laeken, Brussels. We need also to look at the wider context, for the migration management agenda stems from a dominant consensus which has consolidated following the numerous consultative meetings that were organized since the mid 1990s onwards (e.g., Geneva Migration Group, the Berne Initiative...). In the Mediterranean area, the inter-ministerial dialogues (5+5 dialogue) on migration and development were critical to consolidate the migration management agenda. In the same vein, as far as Mediterranean third countries are concerned, their participation in such regional consultative meetings was conducive to enhanced credibility in dealing with migration movement, at a time when their actual willingness to participate in the management (and control) of migration flows was overtly questioned by some EU Member States (e.g., at the June 2002 Seville European Council). Moreover, linking trade concessions to the adoption of measures aimed at tackling the problem of illegal migration is not a new idea, if we consider that it was already mentioned in the New International Regime for Orderly Movements of People (NIROMP) that Bimal Gosh put forward in a consultative meeting in 1997. The European Neighbourhood Policy (ENP) draws in many respects on the NIROMP. It also draws on Philipp Martin's "migration hump" model but aims to its contraction, i.e., by acknowledging the "migration hump" phenomenon, the EC envisages to contract the bell-shaped line which appears on the graph of the migration hump, through enhanced technical and financial cooperation in the field of border controls.

Finally, why and how have Mediterranean origin countries been responsive to the joint management of migration flows?

It is important to recall that the main thrust of the ENP lies in offering third countries a stake in the EU internal market, but not accession or membership. In contrast with some Central Eastern European countries, which became members of the EU, "conditionalities" constituted a cornerstone of the monitoring instruments aimed at securing the long-term social, economic

and political reforms adopted by the governments of these countries. Despite their drastic impact on social and economic stability, such reforms were viewed and presented as a necessary step leading to the final accession of these countries in the European Union.

In the case of Mediterranean non-members countries, the prospect of acceding to the EU is not and will not be contemplated. It is probably for this reason that conditionalities have virtually disappeared from the ENP action plans which were communicated in early December 2004 by the European Commission to the Council. In fact, conditional measures would have made sense if Mediterranean non-member countries were given more than a stake in the EU internal market, i.e., accession. For lack of conditionalities, the action plans refer to “mutual commitments” between the EU and each Mediterranean partner country. Moreover, despite the fact that the four freedoms, contained in the ENP, are unlikely to be extended to South Mediterranean partner countries, at least in the short and medium terms, we can wonder why some South Mediterranean partner countries have been responsive to the joint management of migration flows. There are four main reasons which may account for their participation:

- By adhering to the joint management of migration flows, Mediterranean third countries acquire stronger international credibility. They also expect some preferential treatment and some compensation in terms of official development aid and foreign direct investments (FDIs), visa facilitation, entrance quotas and so forth.
- The joint management of international migration in the Mediterranean has been conducive to patterns of interconnectedness. In other words, the growing externalization of EU migration policy, as well as the active participation of some Mediterranean non-members countries in the control of the EU external borders, has turned some Mediterranean third countries into special partners in the fight against illegal migration. Third countries’ governments intend to capitalize on their special status and strengthened leverage in the context of the Euro-Mediterranean Partnership.
- The joint management of international migration strengthens the “managerial centrality” of the state (i.e., the undisputable regulator) and, consequently, the legitimacy of its regime. This point raises the issue of how the European institutions will further democratization, as well as the respect of human rights, and the rule of law in MENA partner countries; these constitute priorities that are mentioned in the ENP action plans.

To date, the responsiveness of Mediterranean third countries to the joint management of international migration has been mainly characterized by the adoption of repressive measures against undocumented migrants transiting through their territories, as well as against their own

citizens wishing to leave their country by illegal means. Reinforced border controls have also led to unprecedented patterns of strategic cooperation in the framework of joint sea-borne operations in the straits of Gibraltar and Sicily (Neptune project), and the Canary Islands. Despite enhanced bilateral cooperation in the temporary admission of their nationals abroad (i.e., through numerical quotas), the migration-development nexus has become weaker, during the last two and three years, owing to the prominence of security concerns.

The joint management of migration flows is being conducive to new patterns of interconnectedness which were non-existent in the framework of the Euro-Mediterranean partnership. Nonetheless, although the effective management of migration flows has become a shared priority, in the context of the European Neighbourhood Policy, its security-oriented objectives have been more responsive to the short-term key priorities of the EU than to the long-term challenges of migrants' countries of origin. Today, given their empowered position and stronger leverage, some Mediterranean third countries are now in a position to formulate a reversed (i.e., South-North) approach to the management of migration that would better respond to the challenges with which they are currently faced. In other words, this means that in the long term the effectiveness of the joint management of migration flows will be dependent on its capacity to address, in a coherent and credible manner, the development challenges of migrants' countries of origin.

Readings:

- League of the Arab States, "International Migration in the Arab Region and Suggestions for Key Actions", in United Nations Department of Economic and Social Affairs, *Third Coordination Meeting on International Migration*, 27-28 October 2004, New York.
- Council of the European Union, *Intensified Cooperation on the Management of Migration Flows with Third Countries*, 11450/03, Brussels, 15 July 2003.

MENA Migrants as Actors of Development in their Countries of Origin and Destination

Michael Collyer

Four issues were raised during the presentation:

1- *Emigration and the brain drain.* A paper published by the IMF in 1998 provided a range of new insights into the actual quantity of the brain drain. A survey published recently by the OECD provided a whole range of interesting statistics. Human capital is fundamental to economic development. Areas where human capital will be lacking are assumed to be challenged. This assumption is not always true if we consider that there are other things which are important to development. The geographical and social distribution of factors is also important. In the MENA region, brain drain has become a central issue. Algeria is certainly illustrative of the extent to which the brain drain is affecting development. Statistics show that between 250,000 and 400,000 managers and high placed university professors left Algeria in the last decade. The above-mentioned OECD survey shows that nationals and foreigners in the working age group. More than half foreign nationals entering the labour market in the UK, over the last ten years, had tertiary education. They are defined as highly skilled migrants by the OECD. Available statistical data show that countries of destination tremendously benefit from the brain drain.

Enhanced development in countries of origin, and international migration regulations could contribute to reducing this brain drain. However, reinforced immigration controls do prevent the immigration of the highly skilled, particularly in the UK where there is an active encouragement of the migration of highly skilled individuals which tends to diminish the potential of the brain drain. Training programmes are also taking place for highly skilled migrants and for capacity-building activities. Return of highly-skilled qualified migrants to their country of origin is also presented as a solution to tackle the brain drain. The TOKTEN (Transfer of Knowledge To Expatriate Nationals) which started in the mid 70s and which has continued so far. Also, the IOM runs the Migration for Development in Africa (MIDA) programme. Finally, UNESCO has a range of programme for the return of temporary migrants.

2- *Return migration.* Human and financial capital are essential to secure the return of individuals to their countries of origin. Some data have been produced showing that when migration leads to the gradual deskilling of the individual migrants, the skills may compromise the return prospects of the migrants once they return back home.

The geography of return migration is worth mentioning. Past surveys have demonstrated that people rarely return to rural areas, for people tend to invest the skills they acquired abroad in urban areas, more often than not.

3- *Diasporas*. The emphasis was mainly put on the effect of diasporas on economic and political development. As far as economic development is concerned, diasporas play a role in maintaining the flows and significance of remittances. At the same time, attention needs also to be paid to associations and to their contribution to development at home. The Moroccan association “Migration & Développement” is a good example of how migrants can actively be involved from abroad in the development of their villages of origin, by financing the building of roads, dams, electric poles. Migrant associations are also important to sustain the regular inflows of remittances to origin countries, over time. Migrants’ associations also allow remittances to be better distributed at a local level, for they can contribute to financing local projects and this may be a good example to follow if we want to enhance the impact of remittances on development at home. The role of private companies and banks in transferring remittances is also significant. Such flows do represent a substantial amount of resource for these companies which explains why they are very much interested in tapping in this.

Some origin countries have adopted measures aimed at encouraging migrants to remit a part of their savings. For example, the Eritrea government taxes migrants 2 per cent of their income. But this practise is not part of the measures that MENA countries have adopted to attract remittances. Rather, MENA countries have encouraged the inflows of remittances by keeping in touch with their expatriates, by reinforcing the cultural linkages with the émigré communities and by providing information about how cheaply remittances can be transferred.

Maintaining contacts with expatriates is clearly profitable for certain countries. There three different forms of political participation on the part of diasporas:

- In most countries, migrants have to return to their country to vote;
- In some cases, they may vote in consulates;
- In few countries, migrants elect their own representatives from abroad, this is the case of Algeria, Croatia and Haiti.
- Diaspora may also part in unofficial political activities, lobbies and outlawed opposition movements trying to destabilise the origin countries.

4- The potential development effects of temporary labour migration schemes.

When talking about temporary migration schemes, people think also about the GATS Mode 4 that has been proposed by the World Trade Organisation. Following a survey conducted by the

World Bank, perhaps less than 1 per cent of international migration occurs under GATS Mode 4, for it is for the highly skilled and generally it takes place from North to South. Mode 4.

The issue of temporary labour migration lies in designing schemes that provide “win-win-win” solutions. Temporary migration schemes respond to the economic needs of receiving countries. For sending countries, these schemes are closely linked to the brain drain problem which was mentioned before; the temporary dimension would offset the potential brain drain effects. For migrants, such schemes seem to fit the projects of migrants as well. Nonetheless, if we take into account the life cycle of remittances, we realize at the outset that for migrants to be in a position to remit a part of their incomes to their country of origin, at least three-four years of residence in the host country would be necessary. Finally, to ensure the “temporariness” of labour migration schemes, incentives have been designed to create an incentive for migrants to return at the termination of their job contracts. Some suggested that part of the salaries should be paid back home, but this incentive seems too prescriptive. Another possibility lies in making return conditional to obtaining a new contract in the host country. This has been put into practice by the Canadian government. Another possibility which is more positive lies in paying a proportion of the taxes that have been charged by the host government on the temporary migrant once return takes place.

Readings:

- Michael Collyer, “The Development Impact of Temporary International Labour Migration on Southern Mediterranean Sending Countries: Contrasting Examples of Morocco and Egypt”, *Working Paper* n. T6, Development Research Centre on Migration, Globalisation and Poverty, August 2004.
- Kevin O’Neil, *Using Remittances and Circular Migration to Drive Development*, Migration Policy Institute, June 1 2003.

Social, Civil and Political Rights of Migrants and the Fight against Discrimination

Philippe de Bruycker

The discussion focused on the legal mechanisms that have been implemented since the October 1999 Tampere European Council onwards, to grant third-country nationals rights and protection against discrimination.

To start with, the fair treatment of third-country nationals is part and parcel of the four main objectives contained in the conclusions of the Tampere European Council. In fact, these focused on:

- 1- Partnerships with third countries;
- 2- A common European asylum system;
- 3- The fair treatment of third-country nationals legally residing in the EU; calling for enhanced integration of migrants as well as for the development of measures against discrimination and racism;
- 4- And the management of migration flows.

As far as the “fair treatment” of third-country nationals is concerned enhanced non-discrimination in economic, social and cultural life has been underlined, as well as the adoption of measures against racism and xenophobia. These measures regard only third-country nationals legally residing in the European Union (EU); they aim at granting legally resident third-country nationals “rights and obligations comparable to those of EU citizens”.

The Tampere framework was critical to address the question of the treatment and integration of resident third-country nationals in the EU. Concomitantly, this question has been dealt with in the context of an evolving Community immigration policy.

The Commission Communication on a Community Immigration Policy was issued on 22 November 2000. In accordance with the “near equality” principle, the Commission states that “persons admitted should enjoy broadly the same rights and responsibilities as EU nationals (e.g., the right to reside, receive education, and work, as well as to enjoy non-discrimination vis-à-vis the citizens of the State of residence) but these may be incremental and related to the length of stay provided in their entry conditions.

Furthermore, the Commission advocates the principle of differentiating rights according to length of stay. The Commission notes that this principle has a long tradition in the Member States and is referred to in the Tampere Conclusions. The Commission states that it is “clear

that a hard-core of rights should be available to migrants on their arrival, in order to promote their successful integration into society. The Community should explore how this core of rights might be extended with the length of stay with a view to coming to broadly comparable arrangements across the Union.” It adds that “agreement would be needed on the rights and obligations to be provided for at each stage, based on the principle of equal treatment with nationals, and these should be cumulative leading to those of long-term residents”.

In relation to the *integration of third-country nationals*, the Commission notes the importance of the fair treatment of third-country nationals and the need “to ensure that migrants benefit from comparable living and working conditions to those of nationals”. A number of specific matters are addressed. First, the legal framework and other actions being proposed to fight discrimination and xenophobia will need to be complemented by specific integration programmes at national, regional and local level. Second, members of society - be they nationals or migrants - have rights and responsibilities. The Commission states that “[t]he provision of equality with respect to conditions of work and access to services, together with the granting of civic and political rights to longer-term migrant residents brings with it such responsibilities and promotes integration”. In this context, the Commission states that the Charter of Fundamental Rights of the EU “could provide a reference for the development of the concept of civic citizenship in a particular Member State (comprising a common set of core rights and obligations) for third country nationals”. The Commission suggests that enabling the acquisition of such a citizenship “after a number of years might be a sufficient guarantee for many migrants to settle successfully into society or be a first step in the process of acquiring the nationality of the Member State concerned”.

The Commission’s proposal for a Council Directive concerning the status of third-country nationals who are long-term residents was presented in the Spring of 2001. It sought to introduce a Community-wide long-term resident status for third-country nationals. It also sought to confer on the long-term resident a right of residence and required Member States to grant long-term resident status to third-country nationals who have resided legally and continuously for five years in the territory of the Member State concerned.

However, it is important to recall that granting rights and reasserting the responsibilities of legally residing third-country nationals does not mean that the latter may have access to nationality, for the acquisition of a Member State’s nationality remains a national matter. This important point qualifies the assumption according to which Member States have surrendered a part of their sovereignty since the entry into force of the Amsterdam Treaty which contains specific provisions on entry and residence, including the treatment of migrants. Member State

nationality is and remains separate from the granting of rights to migrants residing in the EU. Furthermore, in the European Union, Union citizenship is, formally, a status composed of rights and obligations set out in Part Two of the EC Treaty. Such citizenship is seen as complementing and not replacing national citizenship. This complementary dimension is confusing and vague when it comes to fully and effectively apply the “near-quality” principle which states that there is a need for “comparable” treatment of lawfully-resident third country nationals to “EU citizens.”

The debates also focused on the UN Convention on the protection of the rights of all migrant workers and members of their families, adopted on 18 December 1990, and entered into force in July 2003. No EU Member State has so far ratified this convention and, given that it grants protection to all migrant workers, whether legal or illegal, this situation will not change.

Readings:

- Commission of the European Communities, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on immigration, integration and employment, COM (2003) 336 final, Brussels, 3 June 2003.
- John Handoll, “The Status of Third-Country Nationals Residing on a Long-Term Basis”. Paper presented to the First European Congress for Specialist Lawyers in the Area of Immigration and Asylum in Europe (Brussels, December 2000).

Demographic Complementarities and Mobility between the MENA and Europe

Philippe Fargues

Do demographic prospects call for the resumption of labour migration between the MENA and Europe? Both regions are currently witnessing imbalances in age pyramids and population dynamics, that have an impact on the contract of the generations and the labour market but work in opposite directions. In the MENA, rapid demographic growth of young adults translates into non sustainable pressures on labour markets, while in Europe rapid ageing translates into shrinking working age populations. The issue is whether migration of young adults from the MENA (surplus) to Europe (shortage) is a solution for containing the demand of employment in the former and maintaining the supply labour in the latter.

I— Demographic imbalances

In Europe, a durable population decline at working ages will happen if natural demography is not compensated for by immigration. Numbers of population aged 20 years and above for the next 20 years, i.e. until 2025, depend upon two and only two factors: the age pyramid in 2005 (already known), and the level and age structure of future migration (unknown).

If no migration takes place between 2005 and 2025, numbers of population of the aggregated EU25 will decrease below 40 years of age (young active), stagnate between 40 and 60 (old active) and increase above 60 (retirement). The admission of Turkey with its younger and faster growing population would slacken the decrease of young active population, but would not curb ageing. It would have an impact on the demography of the aggregated European Union but not on that of individual member states.

In the MENA, demography has dramatically changed during the last two decades. An unexpectedly sharp decline in the birth rates has occurred throughout the region, which will translate into relaxed demographic pressures on labour markets starting from 2010-2015. The population aged 20-29 will increase by 2.5 million in the aggregated Mediterranean countries of the MENA between 2005 and 2010, by only 0.3 million in 2010-15, and it will decrease by 0.8 million in 2015-20.

Without waiting its impact at working ages, the fall in MENA birth rates has already produced a far-reaching change. Young adults have today the lightest ever demographic burden: low burden in children (current fertility is low) and low burden in old persons (recent fertility was high). This situation is often regarded as a “demographic window of opportunity” favourable to investing in development rather than meeting the demand effect of population explosion, under

the condition that the level of employment and income makes it possible to save and invest. Otherwise, the low family burden among the youth will simply increase their freedom of movement, i.e. their availability for emigration.

II— Permanent migration and demographic replacement

A UN Study on “replacement migration: is it a solution to declining and ageing populations?” (2000) brought about some confusion in the understanding of the demographic impact of migration. Stating that demographic trends in the more advanced countries (MACs) were ageing et depopulating and assuming that less developed countries (LDCs) were huge pools of potential emigration, the study provided estimates of the level migration from LDCs required to compensate for negative trends in MACs. If the goal is to maintain the potential support ratio [15-64 / 65+] in the aggregated EU15 from 2000 until 2050, 674 million immigrants would be required, i.e. an annual average of 14 million. The result is absurd because the goal is absurd because ageing is universal and affects immigrants as well as natives: the higher the number of immigrants called for replacing aged natives, the higher the call for new immigrants to replace aged former immigrants. Permanent migration can help to maintain the size of the population, notably at working ages, but it offers no solution to ageing, an ineluctable process which calls for economic (increased productivity of labour) or ethical (revising the contract of the generation) solutions.

The contract of the generations in a multi-ethnic context is asymmetric. As pointed out by Sauvy half a century ago, age pyramids of permanent immigrants and natives differ. Immigrants form a younger population, due to their higher fertility and higher concentration at the beginning of the adult life cycle (most migration takes place shortly after the working life has started). It results in asymmetric inter-generational transfers: predominantly to the benefit of young persons among immigrants (schools, maternity hospitals...) and old persons among natives (pensions, old ages medicine, ...). Because immigrants and natives are tied by a single social security system, inter-generational transfers (from active to dependent ages) translate into inter-ethnic asymmetric transfers: from adult natives to young immigrants and from adult immigrants to old natives. It has been said that ethnic tensions could thus be fostered by age group competition.

III-- Temporary migration and labour markets

“Ageing” refers to two distinct processes. The first is the lengthening of the duration of life which affects the contract of the generations and cannot be offset by migration in a sustainable

way. The second is the far below-replacement birth rates recorded in Europe during the last four decades. When post WWII baby-boomers will get into retirement they will not be completely replaced by new generations on labour markets. There will be sector shortages to which immigration might bring a solution. In many cases, future needs can already be identified.

Temporary migration can offer a solution for the benefit of all parties. For the receiving side, it responds well temporary skill gaps while avoiding cultural tensions that are inherent in the integration process. For the sending side, it may maximise the volume of remittances and may make the migration of brains a gain instead of a loss thanks to the additional skills brought back home by return migrants. For the migrants, it makes it possible to earn income in a high wages country and to spend it in a low prices one. The condition for temporary migration schemes to work well is a freer circulation of persons.

The paradox of the Chinese Exclusion Act is a case in point. During two generations, from the 1980s until the 1940s, the immigration of Chinese male workers in the United States was barred, as well as their access to the US citizenship. The Chinese population of the US was logically fated to vanish. Surprisingly, this is not what happened: its size as well as its age and sex structure were maintained over the whole period. How was it possible? The only possible explanation is old Chinese workers were continuously smuggled out the US and replaced one-to-one by young Chinese workers smuggled in from China. One can guess that they decided to do so because it was in their own interest as well as in the interest of the community left behind in China.

Readings:

- United Nations Department of Economic and Social Affairs, *Replacement Migration: Is It a Solution to Declining and Ageing Populations?*, United Nations, New York, 2000.
- Michael S. Teitelbaum & Jay Winter, *A Question of Numbers. High Migration, Low Fertility, and the Politics of National Identity*, Hill & Wang, New York, 1998 (Conclusion).

Legal Systems of the MENA Confronted with an Emerging Phenomenon: Immigration and Transit

Azzouz Kerdoun

Most of the MENA countries, around the Mediterranean, have signed partnership agreements with the EU, including the legal dimension of international migration.

The three main issues were raised during the presentation:

- the legal framework concerning emigration to Europe;
- the legal system pertaining to illegal migration and transit;
- the legal instruments related to the defence of human rights.

The migration policies that appeared at the end of the 20th century are illustrative of the complexity inherent in the management and controls of migration flows. Migration has become a multifaceted phenomenon which can hardly be controlled effectively and which increasingly challenges state sovereignty and state accountability in dealing with illegal migration and asylum, from a humanitarian point of view.

In the Maghreb countries, migration is an old phenomenon. In early times, the main motivation to migrate was labour-seeking. Today, the Maghreb countries have become immigration countries, hosting population coming from Sub-Saharan countries, for labour purposes. The legal dimension of these immigration patterns to Maghreb countries

Migration from the Maghreb countries to Europe were legally framed by bilateral agreements between European and Maghreb countries. These outflows contributed to economic growth in Europe, particularly to France, Germany, and Belgium. To give an example, the Evian accords, signed between France and Algeria, contained some provisions related to the free circulation of labour. A protocol was also signed in 1964 with a view to determining the number of admitted Algerian labour migrants in France. In 1968, another agreement fixed quotas of Algerian labour migrants.

The migration of the Moroccans was initially regulated and channelled, under the French protectorate, by a Dahir (e.g., law) adopted in 1938 which was abrogated by a subsequent Dahir, dated 1949. The 1949 Dahir set up the creation of a migration office which centralized labour demand coming from destination countries. Various conventions on labour migration were subsequently signed with Germany (1963), France (1963), Belgium (1964), and The Netherlands (1969). The objectives of these conventions were to facilitate the recruitment procedures of Moroccan labour migrants and to protect their rights in destination countries.

Unlike Morocco and Algeria, Tunisia has opted for quite a different migration policy. 96 per cent of Tunisian labour migrants are settled in four European countries (France, Italy, Germany and Belgium). Two thirds of the Tunisian émigré community are located in France. Today, legal labour migration from Tunisia to Europe constitutes a tiny share of the whole migration flows to Europe.

Until 1974, the labour migration from Maghreb countries to Europe was regulated by a conventional legal framework which was mutually binding. As of 1973, following the oil crisis, this framework changed radically and led to the demise of the above-mentioned conventional legal framework. The decline in industrial growth and the rise in unemployment accounted for the tightening of immigration policies in many European countries. The 1977 Stoleru law in France was a consequence of these policies, which also encouraged the return of migrants to their countries of origin. However, the return policies were not successful. As of 1986, visas were imposed following the adoption of the Schengen convention. This visa policy generated rules that had a certain bearing on the growth in irregular and undocumented migration.

A legal system responding to irregular migration was hence needed. Since the ban on immigration, the illegal migration phenomenon has grown. Maghreb countries have gradually become transit countries for Sub-Saharan migrants en route to the EU. By transiting through the Maghreb countries, these migrants (men and women) may also find some opportunities to find a job in their transit countries.

In Algeria, all foreign citizens residing or transiting through Algeria are subject to specific legal provisions. For example, in 1988, a decree was adopted by the Algerian government regarding specifically the residence status of French citizens living in Algeria. Other legal provisions, having a more general impact, were also adopted regarding all foreigners living in Algeria (e.g., the 1966 *ordonnance*, the 1981 law on the recruitment of foreign workers).

Importantly, whether the migrants is legally or illegally living in Algeria, their legal protection is guaranteed. Nonetheless, owing to the recent difficult events that hit Algeria during the last decade, the protection of illegal foreigners is extremely restricted in Algeria. Readmission procedures have taken place, in cooperation with the illegal migrants' countries of origin.

As far as Morocco is concerned, its foreign population is heterogeneous. Illegal migrants come not only from Sub-Saharan Africa, but also from remote parts of the world. Morocco is a transit country for migrants en route to the EU. The living conditions of illegal migrants in Morocco have been recently studied by an ILO report. Unlike Algeria and Tunisia, Morocco has a

migration legal framework which applies to the various patterns of migration. There exists a law which regards the entry and exit of foreigners. In this field, Law 02-03 was adopted by the Moroccan Kingdom in November 2003. Law 02-03 comprises three titles:

- entry and residence of foreigners in Morocco;
- penal provisions related to emigration;
- irregular immigration and transitory provisions.

Law 02-03 abrogates the above-mentioned 1949 Dahir. Until the terrorist attacks in Casablanca, dated 16 May 2003, the response of the Kingdom of Morocco concerning illegal migration was quite lenient. As of May 2003, the attitude of the Kingdom changed. Illegal migrants (whether these are Moroccan or of foreign origin) are subjected to severe sanctions which reflect the adaptive process of the Moroccan legal framework.

As far as Tunisia is concerned, various legal provisions regulate the residence and entry of foreigners on the Tunisian territory. Tunisia signed bilateral agreements with some Maghreb countries. For example, conventions were signed with Libya (in 1961 and 1973), with Algeria (1963) and with Morocco (1966). Nonetheless, the Tunisian legal framework is mainly oriented towards the emigration of Tunisian citizens. Regarding illegal migration, Tunisia ratified in 2003 the UN Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, which was adopted in November 2000 and which entered into force in January 2004.

Together with the adoption of legal provisions against the illegal migration and migrant-trafficking, the Maghreb countries have been gradually involved in bilateral cooperation with European countries with a view to countering illegal migration flows. It has to be said that although there exist provisions concerning the protection and integration of migrants legally residing in the EU, in the context of the Euro-Mediterranean Partnership, there is no provision regarding the protection of illegal migrants living in Europe and working on the black market. This situation needs to be tackled, from a legal point of view, as it questions the willingness of the European institutions to protect the rights of migrants living in the European territory.

The social basket of the Barcelona process should include concrete provisions concerning the mobility of labour. South Mediterranean countries are very critical regarding the fact that the circulation of labour is not specifically mentioned in the third basket of the Barcelona process. On 19 February 1992, Spain and Morocco signed a readmission agreement on the repatriation of all illegal migrants living in Spain and having transited previously through Morocco.

However, the full implementation of this agreement has been made conditional by Morocco to debt relief and further investments.

Finally, concerning the international legal instruments related to the defence of migrants' human rights, emphasis has to be put on the United Nations Convention for the Protection of All Labour Migrants and their Family Members, which entered into force in July 2003. The main objective of this convention lies in securing the human rights of migrants, whether the latter live legally or illegally in a host country. Morocco, Egypt, and Algeria ratified this convention. It gives a broad definition of the labour migrant and enumerates various categories of labour migrants. The convention makes a distinction between legal and illegal labour migrants, and guarantees minimum fundamental rights. The convention also envisages the creation of monitoring mechanisms aimed at controlling the effective protection of labour migrants. In this respect, a committee of 18 experts monitors the actual implementation of the convention on the part of the signatory states.

The asylum law is certainly the most reflective indicator of how states view the protection of fundamental rights. Protection should in theory be granted to all the people under serious threats. The debates focused on the confusing relationship between asylum and migration, as well as between the status of asylum-seekers and migrants. By assimilating asylum-seekers to a fake migrant, asylum claims have gradually been underrated. The audience also stressed the need to better address

Readings:

- United Nations General Assembly, *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*, adopted on 18 December 1990.
- Official Journal of the European Communities, *Convention Implementing the Schengen Agreement of 14 June 1985*, 22.09.2000.

Mobility of Labour and the Relocation of Employment in the Mediterranean Area

Heba Nassar

The performance of labor markets generally reflects the performance of the economy as a whole. The Arab world has entered a new phase after the decline in the oil prices since 1981, *the post oil boost period*. The most important characteristics of this period is the contracted financial revenues for oil exporting countries and the inability of indebted Arab countries to pay back their external debt. Consequently, the Arab world faced deteriorating economic conditions in the early 1980's and significant structural imbalances. Real GDP growth rates fell to about 3.2% for all Arab countries on average in the 1980's in comparison to a real annual growth rate of 5.5% in the second half of the 1970's. This period witnessed significant structural imbalances in favor of the distribution sectors and the services sector, whose share of GDP rose from 63.6% in 1975 to 74.9% in 2001 on average.

Balance of payments in the Arab world witnessed significant deficit due to deteriorating terms of trade, which fell from an average of 107.3 in 1985 to an average of 86 in 2001 due to the increase in the prices of imports and the high dependence on imported goods, whose prices increased significantly, while the price of the main export good for Arabs, oil, fell (Hafez,1999). Declining oil prices had a major impact on the Region, both for the oil-exporting and the non oil exporting countries, through the impact on remittances and external financial flows. Additionally, the region suffered from macroeconomic instability and structural inefficiencies over the period 1981-1995. Public sector ownership was extensive, while private investment was taking place in uncompetitive areas, trade regimes were protective and regulations limited the entry of the private sector into most sectors (Nabli, 2002).

Gross national product (GNP) per capita decreased by 1% annually in the 1980's on average, which is the highest rate of decrease of GNP per capita in the world with the exception of African Sub Saharan Countries. Over the last two decades, most Arab countries have embarked on economic reform programs with the aim of reducing the budget deficits. As a result, inflation rates have fallen significantly in the period from 1995 to 1998 compared with the period from 1985 to 1994. Although the growth rate of GNP per capita stopped declining in the 1990's, it only increased at an average of no more than 1% per year over the same period. This rate is significantly lower than the rates of South East Asian countries and Latin American

countries and even lower than the prevalent rates among countries that suffered severe economic crises like Russia, Brazil, and East Asia during the nineties.

Savings and investment rates in the Arab countries are generally lower than in other areas, especially East Asia, excl, the oil-exporting countries .

The relatively low savings rates in the region were accompanied by an insignificant increase the average investment rate by 1.1% in the 1990's. This increase was concentrated in Algeria, Egypt, Lebanon, Mauritania, Morocco, Tunisia, and the UAE. GDP per capita growth in the region averaged only 1.5 percent annually during the 1990s, higher than during the 1980s (less than 0.1 percent annually).

Hence after almost two decades of economic adjustment, Arab countries face unemployment rates that are higher than all other regions of the world (with the exception, of Sub-Saharan Africa). Several studies showed that the collapse in investment was the reason for the shallow growth rates for the majority of countries inspite of the average increase of total factor productivity (TFP) growth by 1.3 percent annually during the 1980s (Nabli,2002). Additionally accumulation and productivity have proven to be in opposite directions. In accordance to Nabli, the 1970s pattern of growth was characterized by higher levels of accumulation accompanied with declining productivity, in many of the economies within the region as Egypt, which almost doubled its rate of physical capital accumulation and more than doubled its rate of human capital accumulation, but faced a decline in total factor productivity growth by about one-quarter. Morocco and Algeria also doubled their rate of accumulation, but total factor productivity TFP growth turned from positive (4.6 percent in Morocco, 1.4 percent in Algeria), to negative rates. Moreover it was also proven in this study that the improvement in productivity and factor allocation over the 1990s has failed to generate a competitive private sector investment, which was characterized by an inward orientation rather than an outward orientation and could not contribute to the employment generation process (Nabli,2002)

Unemployment is concentrated among the age group of youth (15-25 years). This is so for 80% of unemployment in Egypt as well as Jordan. Most of these young unemployed (70%-80%) are first-time job seekers. Chances of finding work for young people are much lower than for adults (Godfrey,M.2003). Youth unemployment rates exceed adult unemployment rates, as young people lack substantial working experience and hence they spend considerable time in looking for an appropriate job. Moreover young people have not acquired the occupational skills required by the labour market and lack 'on-the-job training. Hence there is greater propensity to quit the jobs and there is greater turnover.

Youth are concentrated in the informal sector and are generally found engaged in casual occupations, vulnerable to lack of access to resources, including land, skills, knowledge, capital and social connections and access to institutions, markets and public services. Hence young people are particularly vulnerable to poverty.

Labor migration is considered a way of relieving the national job market of pressure. .

Arab Gulf was generally attractive for Arab and foreign labor since the 1940's. The Gulf countries had small populations and large financial resources. The earliest communities of immigrants were the Palestinians who first went to Kuwait between 1948 and 1950 following the declaration of the State of Israel. They formed the seed for skilled and specialized labor in both the government and private sector. Later, many Yemenis immigrated to Saudi Arabia looking for better trade and handicraft opportunities. The Yemenis were followed by a few Egyptians that shortly turned into a massive flow of labor particularly in the direction of Iraq following the start of its war with Iran in the early 1980's. The 1970's were generally the decade where migration grew to include many nationalities such as the Sudanese, Syrians, Jordanians, and others (Fares,2003).

Migration to the Gulf in the 1990's reveals a clear decline as one of the mechanisms in absorbing the local labor. This was due to the following:

- The decline in the oil prices played a major role in the rise of returning labor from the Gulf area. Numbers returning grew with the second Gulf crisis. The events of the early 1990's in the Gulf heightened the impact of return of Arab labor. In addition to the return of many Egyptians from Iraq, about 300,000 Kuwaitis entered Jordan and Yemen received about 830,000 returned immigrants mostly from Saudi Arabia. Unemployment rose in all the labor exporting countries especially Jordan, Yemen, and Egypt (Abdel Latif, 1992).
- Gulf countries restructured the government spending priorities to limit the government's debt and the budget deficit and reduce employment opportunities. Real GDP growth fell back to 2.5% during 1993-1997 in the Gulf countries compared with 9% at the end of the 1980's, which affected prospects for growth and employment. As a result most Gulf countries resorted to external borrowing to face the deficits in budget and in balance of payments, which was between 3% and 5% in 1996. Consequently, investment spending fell from 20-25% in the first half of the 1980's to 7-10% in the first half of the 1990's. This affected new employment opportunities and the demand for incoming labor (Khoury, 2003). As a result to reducing

government spending, and government wages, open unemployment also emerged among university degree holders. Some estimates have evaluated it to be more than 14% on average in these countries. However, official statistics only show 5% in Bahrain, 1.6% in Kuwait, and 1% in the United Arab Emirates (UAE). These statistics are low because of the disappearance of real unemployment by means of hidden unemployment (Economic and Social Committee for Western Asia, 2001).

- Due to the increasing unemployment rates among nationals in the Gulf countries, labor markets of the Gulf Cooperation Council (GCC) countries adopted two policies: a rapid expansion of government jobs to employ local citizens and the extensive use by private business of foreign workers.

The GCC's own citizens filled 26 percent all jobs in 1995, down from 33 percent in 1985 and 61 percent in 1975. Only 5.9 percent of the Kuwaiti labor force worked in private business in 1995. In the UAE, only 8.7 percent did so. The rest, more than 90 percent in both countries, held public sector jobs. In the public sector, Kuwaitis and Emiratis tend to be biased toward office jobs, particularly in the military, teaching, non-science professions and in senior management. Most private sector jobs are occupied by foreigners. The number of private sector jobs filled by local citizens does not exceed 2 percent of the total in either Kuwait or the UAE. However, the local population is growing by over 3 percent a year and more women are also working. The result has been increasing numbers of people wanting jobs. From 1985 to 1995, the number of working-age Kuwaitis grew by 6.2 a year Qataris by 5.2 percent and Emiratis by 5.5 percent. Regional and international factors such as the two Gulf wars, the 1983 Manakh stock market crash affected sharply the labor market (ERF,2002).

- Hence, Gulf countries tried to install a better balance between natives and expatriates by reducing expatriate numbers and changing their composition. The percentage of labor force in these countries is high because of the young average age, while they constitute a small portion of total labor force. In the private sector in Kuwait, UAE, Qatar, and Bahrain native workers are no more than 20% of the total. Gulf countries have placed limits on the percentage of expatriates to total labor in national projects differentiated in accordance to nationalities. In 1995 Saudi Arabia started placing restrictions and a policy to replace foreign labor with native. This policy has affected the incoming Arab labor. For example, the Egyptians were not issued work permits and their numbers in Saudi Arabia decreased from 900,000 in 1995 to 669,534 in 1997. The policies included specific professions where only natives were to work, and where permits were not renewed for foreigners who worked in these professions. In addition, many

organizations in Saudi Arabia faced financial difficulties and halted their construction work. The Kuwaiti government also started in 1995 executing the national plan to restructure the population composition, controlling the numbers of foreigners in Kuwait. Qatar is working in the same way to *Qatarize* the jobs as part of their economic reform efforts. In fact, foreign employees were contracted in all ministries and public establishments by 10%. Qataris are also limiting the numbers of foreigners in managerial and supervisory work in order to absorb the Qatari laborforce (Osama Hamed, 1997). GCC countries plan to top up the wages of their citizens and subsidize businesses that hire Gulf nationals or introduce taxes to increase the cost of employing foreigners. Additionally the UAE has set up specialized units in private businesses to train nationals and create links between the Ministry of Labor and Social Affairs and private businesses to create jobs for nationals.

- Moreover Arab labor faced fierce competition from Asian labor. Projects that followed the “key in hand” method grew commissioning Korean or Pakistani contractors that brought workers for limited durations that ended when the project was complete. They would live in isolated residential compounds and their financial cost was limited. This migration also included utilities workers and housemaids from Thailand, the Philippines, Sri Lanka, Bangladesh, India, and Pakistan. They were completely depended on for this field without Arab competition (Ghantous, 1994).
- On the other hand, the role of multinational companies in migration has become more important in shaping migration flows. This type of labor flows follows different regulations and gradually separates their workers from their societies. The growing role of multinational companies led to a category of culturally distinct employees that are compatible with all countries where the company operates. Different systems apply to these employees and they gradually become detached from their societies, and their traveling among countries is determined by their companies and not by traditional immigration laws. The role these multinational companies play in migration in Arab countries is greater than their role in other parts of the world because of the globalization nature of several sectors in the Arab Region such as trade, transportation, finance, and oil. Their demand on workers follow international standards, consequently, the nature and sources of migration to these countries was divided into migration of costly qualified foreign skill and Arab/Asian migration of less skill workers (Fares, 2003). Hence, in the 1980’s, the percentage of Arabs out of total incoming labor dropped from 75percent in 1975 to 56 percent in 1985, and to almost 30 percent leaving great room for Asian migration.

- Globalization will lead to new distinct forms of migration. Among these forms is migration without departing the original country. Some companies resort to utilizing local labor in a climate that resembles work and life in the recipient countries. In doing so, they depend on communication means as is the case in India. , Hence Arab labor face less migration opportunities to the Gulf states not only due to the diminishing economic capabilities, the completion of the infrastructure stage and the replacement by national labor force, but also because of the increasing orientation to new economy in the areas of communication and information, which reduces the need for unskilled labor and increases the need for high specific skills usually unavailable among nationals or neighboring countries nationals(Fares,2003). The Region faces in the last years new forms of migration, including migration in place, where some companies would employ local labor force in a work environment similar to that in receiving countries, through the use of communication. In addition, technology has helped create new types of work and there has become a need for more studies on what is so called “E-Labor”.

Readings:

- Noel Gaston & Douglas Nelson, “Multinational Location Decisions and the Impact on Labour Markets”, 5 April 2001 (manuscript).
- Mehdi Abbas, “Globalization, Migration and the Arab World” in *Arab Migration in a Globalized World*, IOM, Geneva, 2004.

Gender and International Migration in the MENA Countries and Europe

Ruba Salih

The presentation focused on the analysis of the ways in which gender mobility and equality issues are being addressed in the current Euro-Mediterranean Partnership (EMP). The aim is to assess the re-conceptualisation of migration and mobility that has been shaped in the European Neighbourhood Policy (ENP) vis-à-vis the lived experience of women's transnational migration.

Despite the emphasis on migration, the ENP suffers from the same limitations of the Schengen philosophy when it comes to its conceptualisation of migration. On the one hand, there is the desire to reinforce the Barcelona process by fostering the free movement of capital and goods. However, as regards the free movement of people, tightened policies were adopted having a strong bearing on women's access to mobility. The underlying philosophy is that the integration of legally residing migrant communities in the EU is presented as contingent upon the EU Member States' capacity to prevent further illegal migration. Illegal migration is constructed as a challenge to the integration of legal migrants already settled in the EU.

Despite its emphasis on the construction of an enlarged area of free exchange, the EU does not overcome the classic state-based understanding of membership and citizenship. The transnational dimension of migration and growing interconnectedness that is occurring within the Mediterranean, is providing new opportunities for political and cultural action, contributing to processes of democratisation of both the countries of origin and destination. Women of the diasporas, first and second generations, are central actors of new practice of citizenship, which challenge the traditional understanding of membership that lies at the basis of the European approach. It is thanks to the construction of social political and transnational spheres that the diaspora engenders, that we could observe the disintegration of borders and boundaries. These ways of constructing a Euro-Med partnership *from below*, and the central roles of women, constitute a central feature of international migration that needs to be further supported by the EU and the Euro-Med process.

The existence of a fortress Europe is not to be challenged by the ENP. The liberalization of movements concerns only goods, services and capital, but the free movement of people is not currently under consideration. Rather cooperation seems to focus on the new enlarged external borders of the EU, with a view to reducing migratory pressures. Readmission agreements, at a

bilateral level, were also signed between some Member States and origin countries in the Mediterranean. Neighbouring countries have been called to play a role in the control of the external borders of the EU, in the framework of the communitarisation process of boundaries. Along this process of communitarisation of boundaries, the EU borders turn out to be, as it were, de-territorialized. This process is important to understand the reasons for which some scholars have spoken about the *mise en valeur* of people's mobility, by transforming it into a good that can be exchanged. In Italy, where the only opportunity for entry is through quotas established by the Italian government, we are now witnessing the emergence of a quota system based on ethnic and gender selectivity of perspective migrants. According to his/her cultural and religious characteristics, the potential migrant is selected. The ethnic selection can be performed by the employer by simply the website of the Italian Ministry of Labour and Welfare. Having indicated the language skills required, the preferred profiles, a list of names will be compiled by the Ministry. This constitutes a tool for gender and ethnic selection which enforces a hierarchy of migrants where preferences are increasingly accorded to catholic and white migrants coming from Central Eastern Europe and the Philippines, at the expense, amongst others, single women from the MENA region.

Another limit of the Euro-Mediterranean Partnership inherent in the re-conceptualisation of migration, lies in the fact that migration is still understood in terms of push and pull factors. The natural outcome would consist in tackling the welfare gaps between origin and destination areas, in order to reduce migratory pressures. This approach has been proved to be inadequate to fully capture the dynamics of the new transnational migration and especially the feminisation of migration. At a general, contemporary migration flows to the EU, specifically to Southern European countries, occurred within a frame of socio-economic conditions with respect to the industrial expansion of the 50s and 60s in the EU. Changes occurred both at demographic and economic levels. The increasing need for immigrant manpower should be located in the global processes affected national economies and in the demographic decline of local population. In the 1990s, migrant labour force is employed in highly segmented, flexible and precarious jobs that are not satisfied by local labour supply.

Migrant women are increasingly filling the gaps left by the welfare state in post-industrialised societies, through their often illegal jobs in the domestic sectors. This is a consequence of the fact that the increasing participation of women in the labour market has not brought about changes in the traditional division of roles within the families. Migrant women seem to substitute for European women in their reproductive roles. An old system can be maintained

with a new supply of labour, the so-called “rationalisation of the living sphere”. The need for migrant women is also reflective of demographic trends and the ageing of destination society. Migrant women are to a large extent employed in the domestic and cleaning sectors.

In the course of the late 1980s and the beginning of the 1990s, women started to migrate to the EU individually and often illegally. In today’s France, women constitute 41 per cent of the Tunisia immigrant community and 39 per cent of the Algerian immigrant community. In Italy, the number of migrant women from North Africa tripled from 1992 to 1999, and is mainly comprised of Moroccan migrant women. 48 per cent of Moroccan migrant women were in Italy for work reasons, whereas only 43 per cent were in Italy for family reunification.

In Spain, women migrant in the Moroccan immigrant community are either single, widow, divorced or heads of households sustaining their families left behind thanks to their remittances. On this basis, they are able to negotiate their migration without challenging patriarchal structures and family codes.

The factors that motivate MENA women to migrate to the EU are several:

- family reunification;
- unemployment in the region of origin;
- studying abroad;
- escape from cultural and religious pressures.

These factors cannot alone explain women’s mobility and their transnational activities. Indeed, migration is not the result of an individual choice, resulting from a rational economic calculation. Gendered normative rules, international gendered relations, cultural and religious pressures can pose obstacles to individuals’ motivations and subjectivities. Nor can migration be understood solely from within a political economic approach. To fully understand contemporary transnational migration, and its gendered nature, we should develop a meso-level of analysis including three factors:

- the migratory regime between countries of origin and of destination;
- the migratory institutions. These pertain to formal and informal institutional networks;
- the individual migrant whose personal choices are influenced by his/her background and history of the household.

In the case of migrant women from the South of the Mediterranean, not only the material conditions but also the precarious nature of their status as migrants, as well as the cultural social roles attributed to them in both origin and destination societies, impinge upon their socio-economic strategies and the construction of their social personhood within a transnational field. The precarious lives of migrant women are exacerbated by changes introduced in migration laws in some EU Member States. The Bossi-Fini Law in Italy which has bounded the possibility of renewing the residence permit to a job contract, rendering migrants' lives totally subjected to the rules and waves of an increasingly flexible labour market. An unemployed migrant will be subject to expulsion within six months if not reinserted into the labour market. This generates a gloomy scenario for migrant women who are traditionally confined to a particularly flexible, clandestine and private labour market. It may also lead to the intensification of a forced transnationalism of living here and there, as a way of life. Migrant women have had to adapt their strategies accordingly.

A gendered approach reveals how women's possibility to migrate to the EU as single migrants are increasingly jeopardized. This stands in stark contrast with what is envisaged in the Euro-Mediterranean Partnership.

In many European countries, migrant women's political activities varies with their entry status. While their economic conditions and insertion in the labour market are usually linked to their initial conditions and often perpetuate these initial conditions.

It has to be said that it is extremely difficult for a migrant woman to obtain a visa as a single. Furthermore, women who joined their husbands in the EU, may risk expulsion in case of divorce. This situation has a strong bearing on the mobility of migrant women. There is also the idea in Europe that migrant women belong to "disadvantaged cultures" is being reflected in normative rules which in turn reinforce this subordination. To give an example, the fact that migrant women, who came to Europe through family reunification, are not allowed to participate in the local labour market, immediately after their arrival but after a determined period of time (2 or 3 years). This normative rule depicts migrant women as being dependent on their husbands and turns out to be discriminatory against migrant women.

This shows that it is crucial to take into account discourses and practises which define an attempt to control the terms and possibilities of women across the Mediterranean. An analysis of transnationalism should be able to show the ways both the gender concepts of citizenship (women and body) and the status they are accorded in the host country, forge impede and shape their movements across boundaries.

The ways in which migration and migrants are conceived in the Euro-Med Partnership (EMP) and the ENP do not take enough into account the transnational dimension of migrants' lives and identities. Transnationalism is acknowledged in the economic sphere. As a matter of fact, remittances are viewed as a tool for development. Transnational practises (remittances, investments and so forth) have been always a character of these international migrants. However, in the last few years, through the process of globalisation, some migrants have been engaged simultaneously in two countries, e.g., residing in the host country while investing in the country of origin. Migrants are viewed as a resource by their origin countries and the latter have also maintained strong ties with their expatriates and diasporas.

How the EMP has been received by women from the MENA region?

The role of women, in general, and migrant women particularly should be better taken into account in the framework of the EMP. Moreover, women activists also argue that the whole Barcelona Process took place without associating women NGOs, especially from the Southern shore of the Mediterranean. New initiatives were recommended in 2001 by the Foreign Affairs Minister of the EMP; these initiatives were aimed at taking into account equal opportunities in all areas of the partnership. Women do consider the EMP as an important tool to enhance their rights. In the reading material entitled "The Integration of Women's rights into the Euro-Mediterranean Partnership", the emphasis put on women's economic role only and the silence on all areas of women's discrimination has to do with the need to "implement the [Euro-Med Regional] programme with respect for religious and cultural values." This means that while the Euro-Med regional Programme will address one relevant aspect of women's lives, it will not challenge the cultural and religious structures that propagate gender inequality.

The EMP should be conducive to further partnership with a view to reinforcing the processes of democratisation in the MENA region, by placing the application of human rights, fundamental freedoms and gender equality at the top of the political agenda. These tools should be acknowledged as important instruments to enforce democratisation. However, there are other forces at work which should also be acknowledged as being vital to the processes of democratisation in host and origin countries. Diasporas in the EU have become increasingly concerned by their rights as migrants, but also by the promotion of human rights, pluralism and the defence of women rights in their countries of origin. The role of diasporas go hand in hand with the growing transnationalisation of migrants' lives. The increasing participation of women in the political life of their European host countries witnesses to the existence of a lively

diasporic community of women whose crucial role should be better acknowledged and encouraged by policy-makers who are in charge of designing the next steps of the EMP.

Readings:

- Rabea Naciri & Isis Nusair, “The Integration of Women’s Rights into the Euro-Mediterranean Partnership: Women’s Rights in Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestine, Syria and Tunisia”. Euro-Mediterranean Human Rights Network, Copenhagen, May 2003.
- Eleonore Kofman *et al.*, *Gender and International Migration in Europe : employment, welfare and politics*, Routledge, London, 2000. (Chapter three)