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Session VI: Strengthening regional and inter-state co-operation in the area of migration management for the benefit of stability and security.

Distinguished Excellencies, ladies and gentlemen,

It is my privilege to be invited to speak about **building effective migration management institutions and structures involving all relevant stakeholders in both a national and regional perspective**. I would like to express my thanks to the organisers of this economic and environmental forum and the Greek host and chairmanship of OSCE for enabling this important event.

I have enjoyed the benefit of having been involved in strengthening capacities to manage migration for more than 10 years in ICMPD. I will share with you a few of my observations on building effective migration management institutions and structures involving all relevant stakeholders and supporting regional cooperation.

What is capacity-building? The World Customs Organisation defines capacity building as *"activities which strengthen the knowledge, abilities, skills and behaviour of individuals and improve institutional structures and processes such that the organisation can efficiently meet its mission and goals in a sustainable way."*

I would emphasise that capacity building is strengthening **good governance**.

As an example of capacity-building, I will now describe how capacities to develop a national migration strategy and policy can be supported, means of implementation, and help on the way to get it to work.

Talking about migration and migration policies means firstly that we are predominantly speaking about a matter of **state sovereignty**. It is the state that determines who can enter its territory, who can remain there and who has to leave.

But, where to start and where to end, when the migration problems and **challenges** the state is facing are overwhelming and the resources are scarce, or even very scarce? When co-operation among the authorities and with other countries does not work? When **mixed migration flows**

calls for targeted and specific responses to illegal border crossings, smuggling, trafficking, asylum, non-authorised entry and stay, un-declared labour, exploitation of labour migrants. When, in addition, also some of the own citizens who left have become irregular migrants abroad, sometimes in large numbers?

What is the **response** in the field of capacity-building? To have eight or more responses, supported by eight or more different capacity-building projects? Ideally not. The key word is **comprehensiveness**. Comprehensive migration policy approaches. One of the buzz words of today, in a number of EU policy documents, but also in the UNHCR 10 point action plan.

What to focus on in a capacity-building project promising a comprehensive response to migration challenges?

What is the migration situation and what are the migration challenges? What are the existing responses by the authorities? Start with a **gaps and needs assessment** by the experts to get a comprehensive overview of the legal, administrative and institutional framework of migration and asylum management.

This stage can easily fail, for obvious reasons. We are talking about issues close to **state security**. How do the experts achieve the trust, confidence and openness of the beneficiary country (another capacity-building jargon) to make a proper gaps and needs assessment?

In ICMPD we have seen very good results being achieved in projects applying the **methodology of state-to-state experience exchange or state-to-state knowledge transfer**. Let me illustrate the situation like this – if two brain surgeons get together, they understand each other. If two migration experts having developed responses to similar migration challenges start to share their experiences, they also understand each other. It gets even better when the knowledge and experiences are shared on an equal level. We have the crucial “ice breaking” migration experts, who create invaluable co-operation contacts on bilateral and regional levels. I will come back to the issue of co-operation in another context. But, the test here is if there are common agreements among experts and beneficiary on the identified gaps and needs.

Many of the OSCE countries, being countries of origin, transit and destination, at the same time, are presently facing **immigration** as well as **emigration challenges** of both a **regular** as well as **irregular** nature, with links to **trafficking in human beings** and **crime**. How to tackle this?

By streamlining and delivering support in two overarching priority areas: **1. Control over the irregular movement to persons to and from the country and 2. Support and facilitation of legal movement of persons to and from the country.**

Support can be training, strategy development, material support and equipment, or ideally a combination of these.

The relevance of formulated **national migration policies and strategies** are increasingly stressed by the EU in its relations with third countries. Let's focus on this point for a while and go through the elaboration step by step.

For instance, in my own country, Finland, the Migration Policy Programme of the Government says that **migration policy values** are the values of the society as a whole: rule of law, furthering the implementation of human and fundamental rights, combating racism and discrimination, promoting real equality, the best interests of the child, the principle of good governance and other legal principles in administration and transparency.

Against the background of the values of the society, to comprehensively address the priorities, the **measures** for reform of legislation, procedures, institutional set-up, equipment, human capacities (training) are then formulated within the following areas, for instance:

- Immigration for purposes of labour, studies or family
 - visa, admission policies, residence
- Emigration
 - labour attaches, links to emigrant communities, returnees and their re-integration
- Asylum
 - access to procedures, country of origin information, reception facilities
- Integration
 - support to municipalities
- Fight against irregular/illegal migration
 - return, border control, detention facilities, penalisation of smuggling
- Fight against trafficking in human beings
 - victims protection (granting of residence permits), referral systems,
- Fight against labour exploitation
 - labour inspections

Some are urgent priorities and some long-term priorities. Rome was not built in one day. Moreover, newer civilisations were visibly built upon older civilisations in that city. Similarly, a migration strategy needs to be refined and amended regularly.

In the development of a migration policy, the sovereignty of the state is limited by the obligations of the state under international law, the 1951 Geneva Convention, human rights instruments, the UN smuggling and trafficking protocols, etc. Of absolutely practical relevance to the work of migration officials are human rights, such as respect for family life, privacy, freedom from cruel and degrading treatment, as well as the importance of paying particular attention to the needs of vulnerable groups, children and women.

In the **implementation** of the measures:

- Identify the main responsible authority and how to develop effective, operational **cooperation between different units *within* (intra-agency) and *between* (inter-agency)** the migration and border authorities and with the Ministry of Foreign Affairs.

- Develop systems for registration of all children at births and of identities
- Develop regionally harmonised statistical data collection methods and sustainable system of data gathering mechanism (also relevant for policy monitoring!);
- Develop information management support IT mechanisms for operational purposes, in accordance with data protection standards;
- Enhance capacity building for development of permanent training systems;
- Ensure sound budget lines in national budgets for increase of migration related activities;
- Raise the awareness of migration related issues, including among the parliamentarians;
- Strengthen bilateral, multilateral and regional co-operation¹

We have now talked about the first part of this item “Building effective migration management institutions and structures involving all relevant stakeholders...” let’s look at the second part “supporting regional cooperation...”.

Why are the **co-operation aspects** so important? Because, several of the migration policy objectives can only be achieved through bilateral, regional and multilateral co-operation (effective returns, information gathering, support to emigrants...the list can be made endless.)

Is co-operation easier within the EU? Partly yes, because we have to a certain extent a common way of approaching migration. The EU puts strong emphasis on co-operation with third countries in the field of migration and promotes EU harmonization in the approach to migration also in its relations with third countries. Therefore, it outlines its comprehensive approach to migration policy in seeking co-operation with third countries in words such as “migration routes approach” and “mobility partnerships”. We have the European Pact on Immigration and Asylum and the Global Approach to Migration, European Neighbourhood Policy, and Stabilisation and Association Process, Black Sea Synergy and European Union Strategy for Central Asia. And since three weeks the Prague declaration on Migration Partnerships. In addition, we have the Söderköping and Budapest Processes.

Let’s turn to the CIS region, and mention the strategies and the legal basis established and the affirmative measures taken within the frameworks of the Commonwealth of Independent States (in a format of the interested states), the Euroasian Economic Community, the Collective Security Treaty Organisation and the Shanghai Cooperation Organisation in migration management.

Also intended to support and launch stronger co-operation was the Ministerial Conference on **“Building Migration Partnerships”**, held in Prague on 27 and 28 April 2009 which gathered European and CIS countries.

1. “Migration Management in the MARRI region”, Dr Felicita Medved, MARRI Regional Centre, Skopje 2007.

Turning south, the Euro-Mediterranean Partnership, formerly known as the Barcelona Process, is intended to support co-operation also in the field of migration and within which a new regional project "EuroMed Migration II", is being implemented. We have the Euro-African Conference on Migration and Development (the Rabat Process) as well as the conferences on migration and development co-operation between the African Union and the European Union. In addition, we have the 5+5 Dialogue and the MTM Dialogue (Mediterranean Transit Migration Dialogue).

One of my counterparts in a capacity-building project implemented in the Eastern Neighbourhood said that he sees the informal intergovernmental dialogues, such as the Budapest or Söderköping processes or the Mediterranean Transit Migration Dialogues as kind of a compensation for a slow EU integration process. The processes also support information gathering and analysis. Remember the importance of analysis and information I mentioned earlier? Let me mention that for the Mediterranean Transit Migration Dialogue, the i- Map has been developed, an electronic map that provides access to information on irregular migration along the Southern migration routes to migration practitioners. The extension of the i-map to the East is planned too.

Speaking about co-operation, last but not least, do not forget the political leverage the **policy coherence** approach, for instance linkages to **development co-operation** and involvement of the Ministry of Foreign Affairs, brings with it.

Finally, let me mention **two challenges caused by the current economic crisis**, there are of course many more:

- Long-term objectives have to give way to short-term objectives. The demographic decline as a point of reference gives way to political realities; "foreigners should not take our jobs in hard times, they should return home". And according to our information, irregular migrants are returning home these days because they lost their jobs in the EU.
- So, in consequence, how can countries of origin capitalize on the **brain gain** which the on-going return migration brings back to the countries of origin? How can the re-integration be supported? Are there ways to turn the challenge into an opportunity by policies to support brain gain?

What are the **lessons learned** in implementing capacity-building projects?

- That it is not only the officials in the beneficiary institutions that gain expertise. Also the officials in the institutions providing expertise gain a lot. That brings with it a natural respect for the beneficiary. Contacts are created and co-operation strengthened.
- That inter-governmental dialogues, as migration co-operation tools, support the implementation of national migration priorities and strategies.
- That the impact of a project is the real result – not the expected result declared in nice words in the project description. The initiation of a legal reform process for

- instance, which may have far broader implication than initially anticipated - that is strengthening good governance!
- That indirectly, ICMPD, sometimes characterised as the European service provider promotes a common way of approaching migration in its capacity-building projects, thus indirectly standard-setting.

I fully agree with what is said under the chapter on the way forward in the “Review of the Implementation of OSCE Commitments related to migration by OSCE participating States”. ICMPD, by the way, contributed to the information gathering and data analysis for the Review itself. Under the Way Forward is said: *“As with implementation of standards and elaboration of national policy, a key form of international support to assist States in establishing or strengthening institutions, structures and capacity for effective governance of international migration will be provision of technical cooperation, advisory services and sharing of practical models.”*

Athens, 19 May 2009