EU Migration Policy towards Arab Mediterranean Countries and its Impact on their Labour Markets

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Thematic Background Paper
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Labour Markets Performance and Migration Flows in Arab Mediterranean Countries: Determinants and Effects

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For more information on the Study
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Abstract

The paper proposes to analyse to what extent emerging EU common immigration policy, including the EU’s new “Global Approach to Migration” can match the Euro-Arab Mediterranean labour market’s needs and demands while fostering and consolidating cooperation in the Euro-Arab Mediterranean context.

To this end, the paper outlines and assesses, in its first section, the gradual emergence of a harmonised EU framework on economic migration. More particularly, it sheds light on the general context of EU migration policy, probes into the development of a common labour migration strategy, and then analyses the nexus between the Global Approach to Migration and economic immigration policy since 2005.

In the second section, the paper reassesses the current tools and instruments aimed at implementing the Global Approach to Migration and examines whether they are applicable to Arab Mediterranean Countries. It discusses in detail the dynamics and trends of highly-skilled migration in the Euro-Mediterranean context and evaluates the pertinence and added value of the Blue Card. It also looks at how temporary migration schemes and integration policies might evolve into viable instruments while incorporating the Global Approach into the Euro-Arab Mediterranean context.

In the third section, the paper evaluates whether and to what extent the Euro-Mediterranean Partnership, as a multilateral framework for relations between the EU and Arab Mediterranean Countries, has integrated migration issues, and to what extent the European Neighborhood Policy, which gave new impetus to the Euro-Mediterranean Partnership, embodies at bilateral and regional levels the Global Approach to Migration.

In its final part, the paper offers some conclusions regarding EU labour immigration policy and its potential and expected impact in Arab Mediterranean Countries. Moreover, it highlights some recommendations and policy options for reinvigorating present tools and policy tracks in the Euro-Arab Mediterranean region. More precisely, the paper recommends the emergence of clearer migration orientation line at the EU level with a view to adopting a more coherent and consensual approach towards Arab Mediterranean Countries. It also advocates refining and improving the comprehensiveness as well as the specificity of the Global Approach to Migration by developing certain tailored policies to the region and devising specific institutional and legal tools adapted to EU-Arab Mediterranean labour mobility. Moreover, the paper advocates the contextualisation of the Global Approach to Migration at a bilateral level between EU member states and Arab Mediterranean Countries and recommends monitoring current and previous bilateral experiences so as to evaluate costs and benefits as well as extract best practices for cooperation.
Highlights

The paper discusses to which extent emergent EU labour and immigration policy developments in conjunction with EU’s Global Approach to Migration (GAM) can match the Euro-Arab Mediterranean labour market’s needs and demands. Moreover, it assesses against which policy, economic and legal benchmarks cooperation mechanisms and opportunities in economic migration and mobility could be developed and consolidated.

The Euro-Arab Mediterranean context is currently the theatre of groundbreaking opportunities in the field of migration. It is noteworthy that the Global Approach to Migration takes into consideration important realities at work in the Euro-Mediterranean region and has a particularly promising potential. In addition, the current nexus between the European Mediterranean Partnership and the European Neighbourhood Policy (ENP) could serve as an institutional platform that integrates the GAM objectives, hence paving the way for more proactive cooperation patterns in the migration field.

Notwithstanding this favourable context which predisposes the two shores of the Mediterranean towards more cooperation, the following objectives at EU, Euro-Arab Mediterranean and bilateral levels are still to be attained:

- Striving towards more policy convergence at the EU level and in the Euro-Mediterranean context;
- Encouraging the emergence of proactive patterns in immigration/emigration policies in the Euro-Mediterranean region;
- Developing a more symmetrical “needs- and demand-based” economic migration approach in the EU-Arab Mediterranean context;
- Refining the GAM and ensuring its comprehensiveness and inclusiveness potential;
- Assessing the efficiency and adequacy of instruments envisaged by the GAM, and how, if duly implemented, they could, indeed, respond to the needs of both sides of the Mediterranean;
- Encouraging more skilled migration in the Euro-Arab Mediterranean and devising tailored policy and legal instruments to this end.

More particularly:

- Empowering institutions and legal channels addressing the recruitment of labour on both sides of the Mediterranean;
- Easing access to work permits in the EU space and inside the EU;
- Encouraging visa and institutional policies that favour temporary patterns of migration and mobility;
- Refining temporary migration programs and making them more attractive by guaranteeing social rights and the portability of benefits even if such programmes are only part and parcel of a wider labour strategy;
- Improving the recognition of educational degrees in the EU and creating more institutional and legal synergies between academic institutions from either side of the Mediterranean;

Concretising and contextualising the GAM by

1. Initiating bilateral and regional consultative processes (RCPs) on how to launch as well as implement mobility partnerships and circular migration schemes in the Euro-Arab Mediterranean countries;
2. Giving prominence to bilateral initiatives which match the GAM objectives between EU member states and Arab Mediterranean Countries;
3. Monitoring current bilateral experiences in the Euro-Mediterranean context and identifying positive gains and outcomes so as to enhance and encourage prevailing and future cooperation mechanisms.
Introduction

At the end of the 1990s, empirical research and policy debates revolving around the effect of emigration on the economic development of origin countries received additional impulses.

Until that time a common consensus had prevailed: the impact of migration on economic development was considered more positive than negative, and was thought to be the result of two divergent forces. The first negative force was brain drain which not only involved the departure of educated migrants, but also the natural selection of the most brilliant and risk-prone among the pool of potential migrants. The positive force was remittances which were considered to be beneficial both for the aggregate economy and for the migrant’s family (Kapur 2005, Adam and Page 2005). It was commonly argued that remittances alleviated poverty, increased schooling levels and reduced child labour and were useful for the sending country’s balance of payments. Moreover, the debate concentrated on the likely profitable use of remittances, mostly employed in consumption and for buying a house or a piece of land, and only partially for productive investments. Policy interventions tried to favour the allocation of remittances in more productive assets by granting loans to start a business or to buy a house even before the migrant’s return to the origin country.

Two lines of research have, however, cast doubt on this common vision pertaining to the effects of migration on the origin country: on the one hand, the negative effect of brain drain and, on the other, the positive effects of remittances were both questioned.

The “brain drain-brain gain” literature (Stark, Helmenstein and Prskawetz 1997, 1998; Mounford 1997; Beine M, Docquier F., Rapoport H., 2001, 2003) shows how the augmented probability of successful emigration among the more educated stimulates investment in education among potential migrants. The result is an increase in the number of educated workers in the origin country. While part of this labour force will eventually migrate, a more educated labour force, beneficial to the growth and long-term development of the country, will remain in the country, and thereby attract foreign investments.

The other strand of literature highlights the negative effects of remittances on short- and long-term growth (Chami et al 2005). The negative effect consists in reducing the incentives for participation in the labour market and hence brings about a subsidized economy.

Nevertheless, it is noteworthy that whereas empirical evidence on the second point exists, evidence revolving around the brain gain effect is very limited (Faini 2006). Thus, a widespread view is that migration is good for the migrant and for his/her close family because it alleviates their poverty, but it is not positive in the long run either for the migrants’ relatives or for their country. By creating a subsidized economy, it forces future workers to follow emigration patterns as employment prospects in the origin country remain slight.

In the light of these doubts, the compromise on which the migration policies of the above-mentioned destination countries was based was no longer valid. Permanent migration was accepted by destination countries even if they “wanted labour more than people”. Still, in many instances, various difficulties in migrant integration both in society and in the labour market were striking. Also, some third-country nationals were more successful than others in integrating into the society of destination countries. The long-term costs that the host country had to bear in integrating foreign migrants were compensated for, it was believed, by short-term benefits in the goods’ market.

Furthermore, host countries had already many problems induced by immigration: competition in the labour market (no significant evidence exists on negative effects caused by migration on native wages and only weak evidence exists on its effects on native employment); the cost for the welfare state (no evidence of welfare shopping, evidence of a larger than average use of welfare, but not if the
individual characteristics of the migrants are considered) and assimilation (significant evidence that they do not economically assimilate with natives) which results in difficult economic and social integration.¹ Thus, the North had the need to revise its immigration policy. New evidence related to the negative effect of permanent migration in the sending countries offered the opportunity to revise migration policies to give more legitimacy to an approach whose pillars rest on satisfying the destination countries’ labour demands whilst solving the permanent migration dilemma.

The “Global Approach to Migration”,² promoted by the European Union (EU), could, in our opinion, match this new spirit of cooperation provided it develops and follows up with concrete instruments to enhance a three-way approach redefining the movement of people in origin and host countries, and hence providing a better response to pending challenges and bringing benefits to all participants in the migration process: the non-migrants in the origin and host countries, and the migrants themselves.

Still, the underlying proviso is that migration has to be a positive sum game and that some of the previous habits have to be altered. The fact that the European Council declares that “both challenges and opportunities of migration for the benefit of all is one of the major priorities for the EU at the start of the 21st century” (European Council Conclusion December 2006) shows that changes are indeed taking place in the way that migration policy is shaped. So the 2006 European Council stresses the need to give “consideration to how legal migration opportunities can be incorporated into the Union’s external policies in order to develop a balanced partnership with third countries adapted to specific EU Member States’ labour market needs”, and to explore “ways and means to facilitate circular and temporary migration…”.

These preliminary statements notwithstanding, it is important now to better understand how current political, institutional and legal elements in the Euro-Arab Mediterranean context could converge so as to define the premises and applicability of the Global Approach Paradigm. It is worth noting here that mobility trends induced by legislation, which previously constrained the migrant’s natural propensity to circulate freely, need to be revised in the light of new incentives. Hence, an assumption that has to be verified is whether promoting temporary migration could mitigate spontaneous illegal migration, reduce brain drain and contribute to eliminating the subsidized economy effect. Furthermore, more efforts should be invested in assessing whether international cooperation – in this case, EC/EU relations with the southern shore of the Mediterranean – might not foster a more positive climate for such a change.

In the light of these observations, this paper proposes to analyse to what extent the new orientation guidelines in the EU immigration and labour policy can match Arab Mediterranean countries’ (AMC) labour markets and, more generally, their development needs. To this end, the paper will outline and assess, in the first section, the gradual emergence of a harmonised EU framework on economic migration. It will describe the general context of EU migration policy, dwell on the development of a common labour migration strategy, and then analyse the nexus between the Global Approach to Migration and economic immigration policy since 2005. This section will also analyse if and to what extent the new Global Approach is – at least in theory – an integrative process that could adequately meet the needs and demands of the Euro-Arab Mediterranean zone while providing a viable ground for a comprehensive dialogue on economic migration.

¹ See the OXREP 2008 monographic number vol 24, 3 or Venturini A., 2008, ILO
² On the necessity of developing a real “Global Approach to Migration” see the European Council Conclusions of December 2005 and the appendix “Global approach to migration and Priority Actions focusing on Africa and the Mediterranean”. But the content of the conclusions are quite weak with regard to the Global Approach concept. For a more developed approach see: European Council Conclusions, December 2006 and the Commission Communication, “The Global Approach to Migration one year on: Towards a comprehensive European migration policy”, COM (2006)735
In the second section, the paper will reassess the current tools and instruments aimed at implementing the new “Global Approach to Migration” and will ask whether they are applicable to Arab Mediterranean countries. It will particularly discuss the pertinence, implementation and “added value” of highly-skilled migration and the Blue Card Directive, temporary migration and integration policies as viable instruments to embody the Global Approach in the Euro-Arab Mediterranean context.

In the third section, the paper will assess to what extent the Euro-Mediterranean Partnership, as a multilateral framework for relations between the EU and Arab Mediterranean countries, has integrated migration issues, and whether the European Neighborhood Policy, which gave new impetus to the Euro-Med partnership, incorporates, at bilateral and regional levels, the “Global Approach to Migration”.

In its final part, the paper will offer some conclusions regarding EU labour immigration policy and both its potential and expected impact on Arab Mediterranean countries. Moreover, it will recommend some ways to reinvigorate present tools and will suggest new tracks for EU-Mediterranean policy developments. It will furthermore hint at policy options that could be used for the sound management of mismatches between labour supply and demand and for the elaboration of more balanced relations between the EU and the Arab Mediterranean in migration and labour policies.

1. EU migration policy - How have labour policy considerations emerged?

1.1 The general context

This section focuses mainly on the development of a common EU migration policy and shows how the recent EU labour policy framework emerged in the light of the Lisbon Agenda (2000).

The term “common European migration policy” is the outcome of a long period of development with three main phases: a significant lack of cooperation in migration-related issues at the European level gave way to informal, then formal intergovernmental cooperation culminating in the communitarisation of asylum and migration policy with the Treaty of Amsterdam in 1999.

Generally speaking, factors that have motivated EU member states to coordinate in the field of migration policy are related to the increase in challenges posed by mounting migration pressures, labour-market demands, and the necessity of cooperation in the wake of increasing EU integration and enlargement drives. Since the inception of the EU, major efforts have been invested in ensuring the cohesiveness of European countries’ legislative and policy frameworks with a view to harmonising migration policy areas and, consequently, to transferring state competences to the community level. The extent to which such harmonisation attempts have succeeded will be assessed at a later point in this section.

It is of capital importance to note in this regard that EU integration and the suppression of internal border controls have prompted an increasing need for a common migration policy and a common labour strategy to deal with external and internal pressures.

Although the Treaty of Rome establishing the European Economic Community in 1957 did not provide for any explicit policy in migration, it provided for freedom of movement for workers (article 48 and 49) and for the foundations of a common economic space (Kicinger and Saczuck: 2004, 9).

Another impetus for cooperation on migration policy within the EEC was the Single European Act in 1986 which set as a goal the establishment of a market without internal frontiers ensuring the free movement of capitals, goods, persons and services. Against the background of increased mobility, free

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3 Notably the increase in irregular migration, the need to manage migration flows and mobility as well as the free flow of workers, human trafficking, and socio-economic costs of asylum.
movement and the suppression of internal border controls, closer coordination in migration among European states became imperative.

The Schengen Agreement concluded in 1985 (followed by the Schengen Implementing Convention in 1990) came into force in 1995. This Convention abolished controls at the EUs internal borders and provided for some additional measures related to visa issues, asylum and police. Although the Schengen Agreement refers to third-country nationals and to frontier crossings, it leaves more intricate issues related to residence permits and citizenship to national governments.4

1.2 The development of a labour migration strategy in the framework of the EU common migration policy (1992-2005)

A pivotal moment in the development of a common EU migration strategy was the signing of the Treaty of Maastricht in 1992. The latter established the right of EU citizens to move and reside freely in a common space. Its major breakthrough was that it integrated intergovernmental cooperation on immigration and asylum-related issues into the third pillar of the EU (Justice and Home Affairs). While this treaty enhances freedom of movement for EU citizens, it makes clear that third-country nationals are not to be beneficiaries of these developments and that issues related to immigration and asylum will be dealt within the third pillar.

At this stage, cooperation in migration-related issues remained intergovernmental as EU member states were disinclined to transfer national competences and decision-making to the community level.5 It became clear though – despite this disinclination – that the elaboration of a common European migration policy was not achievable without the communitarisation of some national competences.

The Amsterdam Treaty, which came into force in 1999, marked the beginning of the era of communitarisation in EU migration, and provided the foundations for the current migration policy-making at the EU level.6 Areas pertaining to immigration, asylum and to the free movement of persons were transferred from the third to the first EU pillar (community level). The main impetus underlying the treaty was that with the creation of an area without internal borders, there was an obvious need to devise common frameworks regulating external border crossings, asylum and immigration. From an analytical point of view, the Amsterdam Treaty laid the foundations for certain legal frameworks in the domain of legal migration and stated that employment is a matter of high salience. But the Treaty does not provide clear measures pertaining to labour migration,7 nor to long-term border crossings.8 In short, the legal foundations regulating labour migration remained rudimentary at this stage.

Considered as the cornerstone for a common European immigration and asylum system, the Special Tampere European Council (1999) adopted various policy orientations and priorities in the four realms: partnerships with countries of origin,9 the development of a common EU asylum system, the

4 It was only in the Dublin Convention (1990) signed as an intergovernmental agreement that The first foundations for further legislation concerning asylum claims within the EEC were established.
5 Thus, although the Maastricht Treaty started the process of harmonization among EU countries, diverse national legislative frameworks in the area of migration were still predominant.
6 The Treaty of Amsterdam foresaw a five-year transitional period (May 2004) in order to delegate power to the Community level in major migration matters.
8 This is relevant to the movement of third-country economic migrants.
9 In the wake of the Tampere programme, regulations and partnerships making sure that migration becomes a main and overarching element in policy-making dialogue within the EU and between the EU and origin countries were put in place. We cite for instance, Regulation no. 491/2004 of the European Parliament and of the Council of 10 March 2004 which established a programme for financial and technical assistance to third countries in the realms of migration and asylum (AENEAS).
fair treatment of third-country nationals, and the management of migration flows.

It should be noted that the EU was more concerned at this stage with consolidating the pillars for migration management with a view to creating “a genuine European area of justice”\(^{10}\) than with focusing intently on a common labour strategy arising out of migration flows.

A common thread linking the development of the EU’s migration policy and a common labour market is the Lisbon Strategy, 2000.\(^{11}\) Since this date, increasing attention has been given over to relating integration policies to employment and labour, examining immigration in the context of demographic ageing and skill shortages, and devising policies that take legal migration channels to respond to labour needs into consideration.

Hence, in March 2000, the Lisbon European Council fixed full employment as a long-term objective to foster EU economic growth.\(^{12}\) The Lisbon agenda is thought to have devised a new approach to the European social and economic agenda by confirming that jobs were a key element to sustainable EU development and economic competitiveness.\(^{13}\) In this framework, it became evident that to maximize labour supply and reach these ambitious employment rate targets, the European Employment strategy\(^{14}\) should take into consideration the labour and economic features of immigration, and that these features should be considered as a strategy that could encourage skills and mobility. In its Communication on a Community Immigration Policy, in 2000 the European Commission underlined that more attention should be given to the potential contributions of third-country nationals in the EU labour market and that “channels for legal immigration to the Union should now be made available for labour migrants.”\(^{15}\) The Communication called furthermore for the detection system for any labour shortages, in both skilled and unskilled domains, that might hinder EU competitiveness on a global scale, and called for a new look at the appropriateness of past immigration policies, and for the development of a coherent community immigration policy.

In December 2000, the Nice European Council, which launched the Social Agenda (2000-2006), stressed the issue of quality as a fundamental objective of European Employment Strategy, and called for more coherence across EU pillars and dialogue so as to address labour-market challenges. Moreover, in March 2002, the Barcelona European Council, which called for a reinforcement of the EU Employment Strategy, fixed objectives targeting the promotion of skills and mobility across the EU and called for the setting up of policies for full employment.


\(^{11}\) It is however worth keeping in mind that one impetus which has prompted the development of a common European migration policy was the establishment of the freedom of movement of labour which goes back to the Treaty of Rome in 1957. In fact, the need for a consistent labour migration strategy at an EU-wide level is one of the pivotal points which inspired the development of several legislative and policy-making measures so as to ensure and regulate labour force mobility. After the establishment of the European Union, priority was given to policy-co-ordination at the European level and to the necessity of developing national employment policies that match European interests. Since then, EU’s socio-economic agenda has increasingly focused on the development of a community-based labour market.


\(^{14}\) The Luxembourg European Council in November 1997 launched the European Employment Strategy (EES), also known as 'the Luxembourg process' whose aim is to reform the EU economic agenda and meet challenges posed by the labour market's needs and demands. The Lisbon strategy was a further step in this direction. The objectives fixed by this strategy revolve around full employment, quality of work and productivity.

Although the EU Commission highlighted the necessity of linking EU competitiveness with labour migration and providing more rights to third-country nationals, this proposal – although duly acknowledged by the EU Council – did not result in immediate concrete action.\(^{16}\) Another important point to highlight is that since decisions relating to migration were taken on a unanimity basis, controversial issues that did not enjoy full consensus were relegated.

The Seville Council in 2002 focused on fighting against irregular migration and stressed readmission, hence emphasising member states’ preoccupations with migration governance and security issues rather than with economic immigration. The Conclusions of the Council aimed specifically at incorporating third countries as EU partners in migration management. Thus, the conclusions urged that EU cooperation with third countries include a clause entailing joint migration management, and readmission in the case of illegal migration.

However, the Thessaloniki European Council in 2003 tones down this approach. In addition to stressing the necessity of creating common frameworks on visa policies and documents of third-country nationals, the council focuses explicitly on integration policies, and argues that migrant integration leads to social cohesiveness and welfare.\(^{17}\) Nevertheless, there is no emphasis on creating new legal migration channels, and focus is directed towards the integration of existing migrants.

On the other hand, more emphasis is laid – especially in the communications of the European Commission – on strengthening the link between labour migration and integration policies, whilst taking into account the EU’s job and skill shortages: integration becomes “even more important and topical today as the economic and social aspects of demographic ageing become more significant”. Hence, “access to the EU employment market for immigrants and refugees” now embodies “an essential component of the integration process.”\(^{18}\)

Another important development was the Green Paper adopted by the EC on an EU approach to managing economic migration which aims at convincing EU institutions, EU member states and civil society actors of the positive impact of recruiting third-country nationals.\(^{19}\) The Hague Programme,\(^{20}\) adopted in 2004 and active until 2010, further stresses the need to develop policies for the integration of legal migrants. Employment is specifically recognized as a key prerequisite for the integration of third-country nationals.

Assessing these developments we conclude that a milestone in the development of a common EU migration policy and associated labour considerations is the gradual – albeit precarious – linking of EU labour strategy with migration and integration policies. In the light of these attempts at reforming the EU economic agenda, it was inevitable that the link between immigration and employment needed

\(^{16}\) In 2001, the Commission adopted a proposal for a Directive dealing with “the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities”. However, the directive has not been adopted.

\(^{17}\) The Communication on immigration, integration and employment consecrated the need for developing a common migration governance approach so as to address the needs of the European labour market. See for instance, Commission issues Communication on immigration, integration and employment, 2003, http://www.eurofound.europa.eu/eiro/2003/07/inbrief/cut030701n.htm.


\(^{20}\) The Hague Programme outlines 10 objectives for the European Union so as to strengthen the area of freedom, security and justice in the next five years. For more information, see “The Hague Programme: 10 priorities for the next five years” http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/116002_en.htm.
to be enhanced and that reducing employment gaps in the EU meant devising immigration and integration policies tailoring EU needs. In order to increase and manage the freedom of movement of labour, more effort had to be made to ensure the existence of rights and facilities “by community law” (Vandamme: 2004, 441). This is why more sophisticated legislative instruments were devised in order to regulate labour movement and to give access to employment in the framework of migration and integration.21 The Directive providing for free movement of third-country nationals who have acquired long-term resident status (2003/109) is thought to be one of the instruments which have increased “the pressure on the EU to move towards a common position on economic migration” (Guild: 2007. 1).

Despite these developments, while progress is made on the integration of third-country migrants working within the EU, a structured labour-migration strategy targeting legal economic immigration and the first entry of third-country migrants for employment activities faced much resistance in the EU Council. Therefore, a more concrete approach on how the latter could benefit EU economic competitiveness remains underdeveloped. This was particularly evident in the following illustrative cases.

In July 2001, the Commission presented a proposal drafting conditions and rules of admission for the entry and residence of migrants for the purpose of paid employment and self-employment activities.22 Nonetheless, the Commission had to withdraw this proposal in 2006.

The difficulty of adopting common legal positions with regard to labour migration among member states was particularly conspicuous in the Hague Programme (Carrera: 2007, 4). Indeed, the European Council made clear at this stage that labour immigration was a national competence and that adopting common legal positions with regard to labour migrants was still far-fetched. Also, in 2007, the Commission proposed the adoption of a common sanctions for employers recruiting third-country nationals without employment permission in 2007. Yet this proposal faced strident opposition and has not been adopted 23

In sum, the European Commission’s emphasis on developing a common labour migration framework has been at odds with the desire of EU member states to retain their prerogatives in this sphere and to resist a communitarian policy which would circumscribe or curb national decision-making. These inherent tensions at the EU level not only hindered the elaboration of a common EU labour strategy, but have indirectly got in the way of identifying and responding to labour-market needs in the Euro-Mediterranean region.

1.3 The interconnectedness between the Global Approach to Migration and economic immigration since 2005: an integrative or partial process?

Since 2005, the interconnectedness between establishing and regulating legal migration channels, a more holistic approach to migration, and a more coherent EU labour strategy with regard to economic immigration have all been stressed, especially by the European Commission which has actively promoted the “Europeanisation” and the “continuous reinvention of the European strategy” in the domain of regular migration (Carrera, 2007: 3).

21 Legal instruments are devised to recognize rights such as access to employment and to education/training, and equality of treatment. See for instance council directive 2003/86 on the right to family reunification, council directive 2003/109 concerning the status of third-country nationals who are long-term residents and council directive 2004/83 on minimum standards for the qualifications and status of third country nationals. EU legislation on anti-discrimination also endorses this framework (directives 2000/43/EEC, directive 2000/78/EEC).


On the one hand, more attention is paid to the need to regulate migration flows in order to fight irregular migration and address challenges linked to European demographic gaps and their repercussions on labour markets. For instance, in December 2005, the Commission issued a Policy Plan on Legal Migration which further set out the roadmap that the EU would embark on in order to concretise the Hague Programme. The policy plan explicitly addresses policy features and legislative measures related to economic migrants such as the conditions of entry and residence of economic migrants. More specifically, it puts forward five legislative proposals on economic immigration and divides economic migrants into four categories: highly qualified workers, seasonal workers, remunerated trainees and intra-corporate transferees. It also encourages circular migration as a strategy that responds to “labour needs in Member States while contributing, through eventual return, to the development of countries of origin and offering skills and other gains to participating migrants.”

On the other hand, there is increasingly a sense that a common EU migration policy must encompass the needs of origin countries and should resort to new cooperative mechanisms which are founded more on a global than on a solely EU-based approach. This is why the Global Approach to Migration in December 2005 highlights the need for a multilateral path as migration patterns have defied geographical and narrow institutional arrangements. The document draws attention to “how best to share information on legal migration and labour-market opportunities.” However, it is disputable on which grounds this approach is “global”: in its geographic scope, or in the sense that it intends to take into consideration the interests of all parties or all the stages of the migration process, including the root causes of migration? If this is the case, and, however, enlightened this approach may be, concrete instruments that encompass these objectives are precariously defined and are at least partially missing. In the following paragraphs, the main shortcomings of the Global Approach as a framework that could provide an adequate platform for the Euro-Arab Mediterranean zone will be briefly outlined. This critical appraisal is very important inasmuch as it allows us to ascertain why this approach needs to be refined in helping manage labour and migration exigencies.

Upon analyzing the 2005 approach to migration which puts forward legislative proposals revolving around four categories of economic migrants (highly-qualified workers, seasonal workers, remunerated trainees and intra-corporate transferees), one is first inclined to inquire whether the Global Approach to Migration only partially addresses economic migrants’ profile and flows, and whether it would really be able to lay the foundations for a holistic approach dealing with all economic emigrants, including those low and the medium-skilled who are not seasonal workers. It is clear that the inherent tensions at the EU level, and more precisely, the tensions between the EU Commission and the EU member states, partly explain and justify the incompleteness of the approach. Still, it is striking that the approach as it has been defined to date cannot provide a comprehensive mechanism that responds to all migration imperatives and realities in the Euro-Arab Mediterranean zone.

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25 This communication envisaged, for the period from 2007 to 2009, the adoption of four specific directives on labour immigration which tackle simplified admission procedures and conditions for certain categories of migrants: highly skilled migrants, seasonal migrants, remunerated trainees and intra-corporate transferees.
27 This approach draws upon the importance of developing a global approach that would highlight cooperation among regions. See Antoine Pecoud and Paul de Guchteneire, “Introduction: the Migration without Borders Scenario,” p. 25 in Migration without Borders: Essays on the Free Movement of People, (UNESCO-Bergahn books).
In a wider perspective, whilst studying the evolution of the EU common labour and migration strategy that culminated in the Global Approach to Migration, it must also be asked to what extent the origin countries’ needs have been taken into consideration in drafting the major milestones of EU migration policy. In fact, though promising, the Global Approach is not presently endowed with sufficient components to remedy both policy gaps in the origin countries and the root causes of migration. It is important to recall here that the European Council, in its conclusions regarding a comprehensive European Migration policy in 2006, underscored the fact that: “the migration and development agenda will be intensified by increasing coherence between the Union’s various policies, including their financial instruments, with a view to addressing the root causes of migration.”

However, so far, no transversal approach providing the missing link between the EU and origin countries’ labour needs and demands and taking into account the root causes of migration against the backdrop of EU-Arab Mediterranean countries economic cooperation has been sufficiently developed.

In the near future, more serious reflection should be given to asking how the Global Approach might not only mirror EU labour and migration needs, but also those of the origin countries and – on a deeper level – the root causes of migration at both ends. Moreover, consultative processes in the EU-Arab Mediterranean zone should identify how the Global Approach could be equipped with more powerful and specific instruments capable of respecting this double dynamic:

1. Address the totality of economic emigrants;
2. Devise a transversal problem-solving track which not only reflects a demand-driven approach to migration based on EU labour needs, but that is also based on the acknowledgement that a holistic approach to migration should integrate the needs and priorities of origin countries.

These reservations notwithstanding, it is important to draw attention to the promising potential of the “Global Approach to Migration” and to underscore the fact that since the re-launching of the Lisbon Strategy in 2005, major emphasis has been laid on revisiting the link between the management of legal migration channels, economic immigration and development.

Thus, the Employment Guidelines (2005-2008) adopted by the EU Council in the summer of 2005 accentuated the need to stimulate growth and employment as well as to reduce employment discrepancies for EU citizens as well as for third-country nationals. The Guidelines also specifically addressed labour-migration governance as key elements in filling in gaps lurking beneath labour-market needs in the EU (EER, 2008:43).

In December 2006, the Brussels European Council underlined the necessity of developing legal migration policies that line up with national priorities and that tackle future labour and development needs. Also, the High Level Conference on legal immigration which took place in Lisbon in September 2007 stressed the need to manage migration flows in the light of integration, economic competitiveness and development.

Whilst recognising that migration has become an established fact, more recent EC communications lay further emphasis on the link between migration-management and labour-migration orientations, in the context of a long-term and more global approach. As migration has become one of the key issues determining the EU agenda and EU labour-market needs, the understanding of the necessity for further convergence between EU member states and third countries in legal and labour migration developments is gaining momentum. Thus, in the Commission’s Communication in 2007 on the European Interest: Succeeding in the Age of Globalization (European Commission, 2007), the following is stressed:

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29 Presidency Conclusions of the Brussels European Council (December 2006), “A Comprehensive European Migration Policy”.

30 Communication from the Commission to the European parliament, the Council, the European Economic and Social
“In a Europe with no internal borders, the changing demands of an ageing society and a labour market in constant evolution have challenged established assumptions about migration from outside the EU. A new global approach is needed so that migration strikes the right balance between the risk of labour market shortages, economic impacts, negative social consequences, integration policies and external policy objectives.”

The 2008 Communication on *A Common Immigration Policy for Europe: Principles, Actions and Tools* focuses on ten principles grouped under three main headings: prosperity, solidarity and security. The principles stress the importance of strengthening the relationship between legal immigration and the socio-economic development in the EU, emphasizing solidarity among the member states and devising partnerships with the countries of origin and transit, and lastly, ensuring that the rules governing legal immigration are met and that illegal immigration is efficiently curbed. The Communication specifically targets immigration in relation to “future labour and skill shortages” with a view to increasing “the EU’s growth potential and prosperity”. It furthermore addresses the link between “the employment and social impact of migration of third-country nationals” in the framework of a common immigration policy, and stresses that “economic immigration in the EU will need to be assessed” by taking into consideration “the match between skills of the immigrants and national labour market needs”. Also, the importance of creating legal migration and integration channels for permanent and temporary migrants and of matching skills with labour market needs is underscored. More importantly, this document establishes that “the most important contribution of immigration to the EU economy and competitiveness will be to help, alongside and as an essential complement of the Lisbon Strategy for growth and jobs, to fill in arising and future labour and skill gaps on the EU labour markets.”

Another important aspect is that labour migration in the Communication is considered as a typology of legal immigration to the EU, thus consolidating the link between managing legal flows of migration and labour considerations.

Another important benchmark linking EU common migration policy to labour considerations is the “Pact on Immigration and Asylum” that the French Council Presidency proposed in 2008. The pact suggests encouraging legal migration against a backdrop of employment and education, and stresses the importance of circular migration and knowledge and skill transfer as a fundamental EU labour strategy. To these ends, special emphasis is laid on the conclusion of “EU-level or bilateral agreements with the countries of origin and of transit containing, as appropriate, clauses on the opportunities for legal migration adapted to the labour market situation in the Member States…”

(Contd.)
A major watershed in the EU strategy on economic immigration has been the new focus on highly-skilled migration. Highly-skilled migration has to do not only with the EU’s needs for highly-skilled migrants, but also with the EC’s attempt to address labour immigration in certain sectorial fields since previous proposals which targeted third-country immigrant labour have not been received with enthusiasm.

In October 2007, re-emphasising the importance of fostering jobs and growth and the contribution of migration to EU economic competitiveness, the Commission’s proposal for a Directive on a EU Blue Card has underlined the importance of highly-qualified employment and the necessity of attracting highly-skilled migrants in the international competition for skills and talents. The proposal, which is anchored in the Lisbon Strategy as well as in the broader framework of the EU strategy on economic immigration, adopts a “needs-based approach”. Its objectives are not only to enhance the EU’s economic competitiveness and optimise the flexibility of labour markets, but to increase the positive impact of highly-skilled migration on developing countries.

2. Instruments for implementing Global Approach

After having reviewed the policy developments in the EU’s labour migration framework and elaborated on the nexus between the latter and the Global Approach to Migration, we will now look at some specific instruments designed to implement certain aspects of the Global Approach to see how and to what extent they are relevant to the Euro-Arab Mediterranean framework and to fostering a sustainable migration partnership between the EU and Arab Mediterranean countries (AMCs). This section will particularly address highly-skilled migration and the Blue Card as well as the circular migration schemes.

2.1 Highly-skilled migration and the Blue Card in the Euro-Arab Mediterranean context

This section will particularly address the Blue Card and its implications for Arab Mediterranean countries. For this purpose, it will first look at highly-skilled migration in Europe, and its patterns, and will elaborate on the factors that attract highly-skilled employment to the EU. For this purpose, it will first examine the skill level of AMC migration in Europe, trends, locations and the reasons behind the successful attraction of highly-skilled migrants. Then this section will inquire into the possible match of the labour demand in the North and the labour supply in the South so as to understand if the idea of the Blue Card originates from a real need derived from both labour markets in the origin and host countries. Finally, it will describe the Blue Card’s contents and its various implications for Arab Mediterranean countries. For instance, the Commission proposed the adoption of a common set up of sanctions against employers recruiting third-country nationals without employment permission in 2007. Yet this proposal faced strident objections. See Communication (2007) 247.

The EU blue card is a special work and residence permit that could be acquired by highly-skilled migrants in the EU. The entry conditions are a work contract, a relevant travel document, sickness insurance, and for certain professions certain documents proving that the highly-skilled migrant meets legal prerequisites and qualifications.

In order to avoid the negative effects of skill drain in origin countries, it proposes ethical recruitment procedures, limiting of active recruitment procedures in origin countries afflicted by brain drain, as well as encouraging circular, and thereby return migration.

It is important to clarify that “highly-skilled” not only refers to the level of education and competences but also to the “actually degree of profit that the immigrant will bring to the receiving state.” (Carrera 2007, 2).
characteristics in order to reach some conclusions as to whether the instrument is suitable and attractive enough to satisfy the need for highly-skilled migration to Europe and whether it will attract highly-skilled migration from AMCs.

2.1.1 Skill level of migrants and their location

It is important at this stage to stress that the idea of the Blue Card is based on a real need derived from economic systems in both origin and host countries. Europe is made up of many different countries and different labour markets, but at the aggregate level the data presented by the European Employment Report 2008 stresses that third-country nationals and in particular immigrants from Arab Mediterranean countries for the most part hold unskilled positions. In the EU, 55% of third country migrants hold low-skilled positions, 30% have medium-skilled positions and fewer than 15% are in highly-skilled positions. Among AMC workers, while the percentage of the highly-skilled is lower, the share of the low-skilled becomes 60% (see Fig.1).

Figure 1: Skill level of non-EU born aged 15-64 by region of origin in the EU, 2007

As Fig.1 shows, skilled migrants in Europe are mainly from North America (70% of recent immigrants are highly-skilled), and Eastern Europe (38% of recent Eastern Europeans immigrants are highly-skilled). Recent immigration from the AMCs has not improved the scenario. On the contrary, the “more recent” immigrants, those with less than seven years of residence in the destination countries, include a higher percentage of low-skilled migrants.

We can always question the accuracy of the data, that is whether the skill level should be measured by education level or by job type, but the message remains similar even if we change data source and look at education level (International Migration Outlook, SOPEMI, 2008, p.58). From a European point of view, whereas on average 25.3% of the immigrants in the OCDE countries hold tertiary
education, in Europe only the United Kingdom (35%)\textsuperscript{45} and recently Ireland (41%) with its economic development and its investments in high-tech industries, stand high among OECD countries. With these two exceptions, all other European countries range in between 24% (Sweden) and 11% (Austria) and this consequently implies a negative immigrants’ qualification effect, namely a downgrading of total skill production (see Table 1).\textsuperscript{46}

\begin{table}
\centering
\begin{tabular}{|l|l|l|}
\hline
Country & Immigrants with tertiary education attainment\% & Immigrant qualifications effect \\
\hline
Austria & 11.3 & -9.8 \\
Italy & 12.2 & -14.1 \\
Greece & 15.3 & -7.5 \\
France & 18.1 & -1.2 \\
Portugal & 19.3 & -5.8 \\
Spain & 21.8 & -3.3 \\
Switzerland & 23.9 & 1.4 \\
Sweden & 24.1 & -3.4 \\
Australia & 25.7 & -5.7 \\
United States & 25.8 & 2.5 \\
New Zealand & 31.0 & -3.2 \\
United Kingdom & 35.0 & 0.7 \\
Canada & 37.9 & 5.7 \\
Ireland & 41.0 & 6.0 \\
\hline
All Countries & 25.3 & \\
\hline
\end{tabular}
\caption{Percentage of immigrants with tertiary education and its impact, circa 2001}
\end{table}

\textsuperscript{45}Considering its longstanding tradition of high-level education open to foreigners, and its internationally spoken language.

\textsuperscript{46}Norway has a high rate as well, but it has a large Nordic migration which is classified as extra-European.

\textsuperscript{47}National Background paper Algeria Boukla-Hassan R., Talahite F. Also H. Khelfaoui (CARIM R.R.2006/4) shows how much more skilled are the Algerian immigrants in the USA and in Canada as well as the distribution of immigrants coming from the Middle East and North African (MENA) regions where the skill positions dominate over the unskilled positions.

2.1.2 Where do skilled AMC migrants go?

Migrants from Arab Mediterranean countries follow two distinct patterns, with the Maghreb migrants going mainly to Europe and in particular to France and the Mashreq ones going mainly to Arab and non-European countries. Recent, more educated outflows are changing direction with an increase of emigration from the Maghreb countries toward other European countries and Canada and the US and also some Arab countries. This is the case of Algerian migrants\textsuperscript{47} where UK (41%), US (53%) and
Canada (61%) have the largest share of educated migrants. The same is true for Tunisian migrants who experienced an increase in the education of emigrants and emigration to Arab countries: the share of emigrants in Arab countries has increased from 12% in 2005 to 25% in 2008,\(^{48}\) a similar pattern emerging with Morocco.\(^{49}\) The Mashreq emigration to the Gulf has a long tradition. At least 80% of Egyptian migrants work in Arab countries where at least 40% hold highly-skilled jobs.\(^{50}\) An interesting finding is that Egyptian migrants in the Gulf countries and in North America are more skilled than Egyptian migrants to Europe, and 55% of highly-skilled Egyptians going to OCDE countries migrate to North America.\(^{51}\)

The difference is striking too in the case of Lebanon. Thus, 46% of total migrants are in the US, Canada and Australia; 19% in Europe; 9% in other southern countries and 27% in the Gulf countries, and 45% of emigration from Lebanon is highly skilled.

In short, the main destination countries for skilled migrants from the AMC countries are the US, Canada and the Gulf countries.

2.1.3 Factors attracting foreign skilled migrants

Skilled migrant location is decided by the different job opportunities available to migrants in various labour markets and by the different channels of access to these opportunities.

The first factor in attracting foreign skilled migrants is language, which gives easier access to information, better selection and makes the immigrants’ quality of life less strenuous. The United Kingdom and Ireland in Europe and the US, Canada and Australia hold an advantage here because skilled migrants – even if educated in the country of origin – are frequently fluent in English, which is the most widely-spoken language. But this is not always the case in AMCs, where French is also spoken.

The second factor is the educational system, which attracts foreign students and thus potential migrants. The United Kingdom, the US and Canada have a long tradition in higher-educational training, attracting not only third-country nationals, but also a large number of European students. France, similarly, attracts students from the former colonies.

The third factor is the result of the special economic and political ties which derive from historical relations frequently connecting two countries, as for instance those ties between Germany and Turkey. Such connections make it easier to find a job and reduce the cost of migration.

The aforementioned three ease the migration of educated labour, but the main driver of attraction is the skill-wage premium offered in the destination country, which pushes skilled migrants from many countries, including continental European ones, to choose the US, the UK etc, where wage dispersion is large and wage skill premium higher. Inside the OCDE countries skilled migrants workers tend to go where the higher and wider number of jobs are offered, where one of their languages is spoken and, if possible, to a society where it is easier to settle thanks to a long tradition of international communities. This creates a large supply in the US and the UK, channeled by selective migration policy.

A selective immigration policy is made by the quota system which selects migrants according to skill gaps and thus creates a process of virtuous immigration in the destination country. The lack of a selective immigration policy in continental Europe is only one, but not the main cause, of the prevalence of low- and medium-skilled migration. When for instance, in the 1990s, the German

\(^{48}\) National Background paper Tunisia, A.Mahjoub.  
\(^{49}\) National Background paper for Morocco, L.Jaidi.  
\(^{50}\) National Background paper for Egypt J.Wahba.  
\(^{51}\) Nassar ASN 2008/9, Table 6.
government tried to attract Indian engineers, the wage premium was not rewarding in comparison with competing offers available in countries where the cost of migrating was, in any case, lower given the previous immigration tradition.

So if the European Union want to attract more skilled migrants it has of course to start with a selective migration policy, a necessary though not a sufficient condition to bring about skilled inflows. Other instruments including student programmes, degree recognition and bilateral agreements will also have to be implemented if a higher-skill wage premium is impossible given the wage structure of the economy.52

2.1.4 Supply and demand match in the Mediterranean

In the future, Europe will undoubtedly need skilled labour. The CEDEFOP report (Future Skill Needs in Europe 2008), even if it was written before the current economic global recession, is relevant for understanding the long-term direction of European labour demand. Although the current deep recession will probably change national growth paths and will alter sector distribution and productivity, the main findings of the modeling will not be affected. Thus, in the course of the coming five years more skilled labour will be needed. Whichever scenario is considered, a decline in low-skill demand (-1.9%) will be compensated for by an increase in medium- (1%) and even more in highly-skilled labour demand (2.4%).53 (See Figure 2).

![Fig. 2 Scenarios compared: expansion demand by qualification, 2006-15, EU-25*](source: CEDEFOP, Future Skill Needs in Europe, p. 63.)

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52 All this section draws upon the CARIM database and in particular table 1 of the CARIM annual report 2006/7.
53 Data refers to table 7 page 60 of the report.
This modeling considers both replacement demand and the additional demand which will take place in the economy. If the additional demand were more sensitive to the ongoing recession, the replacement demand which is mainly determined by exits from the labour market induced by retirement will constitute the larger component (80% of total demand) and, the highest-skilled position, (legislator and professionals) 61% (See Table 2).

So, the overarching inference is that if European countries want to remain competitive, given the high cost of labour, it is imperative that they turn towards more skilled production. This applies especially to southern European countries which still specialize in labour-intensive products, characterized by unskilled immigration and which do not risk the displacement of native workers in the labour market, but which rather risk, in the short term, being overtaken in the goods market by eastern and fast-growing emerging economies.

On the other hand, we note that AMCs, instead, produce skilled labour and that an excess supply of educated workers is noticeable. In Egypt for instance the labour force participation rate has a V shape with the highest participation rate among the illiterate and the university-educated both in urban and rural areas (Assaad, 2007). The young male (15-29) unemployment rate is however increasing with the level of education (Amer 2007), and is frictional for the level below middle school and increases for general secondary, technical secondary, post secondary institute and university (and above) where it reaches 25% of the total labour force. What is even more important is that, in the last 20 years, it has increased from 15% to 25% with the increase in the investment in education.

### Table 2  Projected employment change by country and occupation, 2006-15 (000s)

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<th>3</th>
<th>4</th>
<th>5</th>
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Source: CEDEFOP, Future Skill Needs in Europe

This modeling considers both replacement demand and the additional demand which will take place in the economy. If the additional demand were more sensitive to the ongoing recession, the replacement demand which is mainly determined by exits from the labour market induced by retirement will constitute the larger component (80% of total demand) and, the highest-skilled position, (legislator and professionals) 61% (See Table 2).

So, the overarching inference is that if European countries want to remain competitive, given the high cost of labour, it is imperative that they turn towards more skilled production. This applies especially to southern European countries which still specialize in labour-intensive products, characterized by unskilled immigration and which do not risk the displacement of native workers in the labour market, but which rather risk, in the short term, being overtaken in the goods market by eastern and fast-growing emerging economies.

On the other hand, we note that AMCs, instead, produce skilled labour and that an excess supply of educated workers is noticeable. In Egypt for instance the labour force participation rate has a V shape with the highest participation rate among the illiterate and the university-educated both in urban and rural areas (Assaad, 2007). The young male (15-29) unemployment rate is however increasing with the level of education (Amer 2007), and is frictional for the level below middle school and increases for general secondary, technical secondary, post secondary institute and university (and above) where it reaches 25% of the total labour force. What is even more important is that, in the last 20 years, it has increased from 15% to 25% with the increase in the investment in education.

---

54 The demand for new workers induced by age exit.
55 The demand for new jobs.
The lower unemployment rate of the less educated is usually explained by the lower reservation wage of the low skilled who accept any job offered to them. In this case the decrease in the unemployment rate of illiterates, and the increase in the unemployment rate of the more educated is the result of a mismatch between labour supply and national labour demand, which affects all educational levels above the middle school and which also touches technical education and post-secondary education and university education. It is important to stress that high unemployment among university students is frequently explained by the lack of integration between the direct need of the labour market and the general increase in human capital. The higher unemployment rate among the highly educated is common to all AMCs (see summary Table 3.3.1 of the Final Report of the Study) and in Morocco, Tunisia and Algeria is a very recent phenomenon. Not all the educated unemployed are ready to emigrate, and not all those women who are unemployed are ready for a big move: many of them, as in Egypt, are in search of a job in the public sector, while, instead, in Lebanon the wage premium abroad pushes both men and women, both unemployed and employed towards migration.

In Europe, there is already an excess demand for skilled labour that is not satisfied by the domestic supply and satisfied only partially by the labour supply coming from Eastern European countries. In the not so near future labour supply from the new accession countries will not be available for migration anymore, and, as could have been predicted before the recent recession, there will be open demand for high and medium-skilled migrant labour. The Arab Mediterranean countries can thereby be the appropriate pool for recruiting foreign-skilled labour because there is an explicit labour supply and, at the moment, a lack of adequate demand for educated workers.

If the quantity demanded seems to match the quantity supplied, the second problem is the question of whether the quality of the human capital produced in AMCs is the type of quality needed in Europe. A wide-spread complaint in AMCs is that the increase in education has been obtained through a reduction in the quality of the educated, which could also explain high unemployment there.\(^{56}\)

But one of the weaknesses of the educational systems in the MENA region is the type of specialization among the highly-skilled which is overly concentrated in the humanities and social sciences (76.2% of the university students are in the humanities and social sciences in Egypt, 75% in Morocco, 60% in Lebanon, 57.4% in Syria, 56% in Algeria, 50% in Tunisia)\(^{57}\) with too little attention devoted to vocational training. According to G. Corm (2009)\(^ {58}\) in the MENA region the total share of student who went through vocational training in 1999 was only 20%, while, for instance, in Turkey the corresponding number was 47%. This is an important point to recall in matching supply on one side of the Mediterranean and demand on the other.

Table 2 presents an accurate analysis of likely demand by profession as it could arise in each European country and the modeling of the CEDEFOP research also specifies the demand by sector and skill level. If it is difficult to make forecasts because of the present economic crisis and the near impossibility of measuring its course, it is possible to say that, if in the short run total demand declines and the economy settles on a less-skilled growth path, this effect will be temporary, and the CEDEFOP forecast will only be postponed for, at most, two years. These remain then important pointers for future tendencies.

Given demand on the one side and supply on the other the policy approach will not be to train workers for emigration, applying the Filipino model, but to use some trained workers in the origin countries for (temporary or more permanent) positions in the European labour market. The excess supply of skills (unemployment) is very large thus brain drain is not typically a danger.

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\(^{56}\) National background paper Egypt, J.Wahba, 2009.  
\(^{57}\) World Bank 2009, “Shaping the Future”, p.44.  
The economic moment seems also propitious for Europe to attract skilled migrants. After all, North American labour markets, in particular the US’s, are seeing workers laid off at all levels, and open demand for skilled migrant has already declined there. Then too, the economies of the Gulf countries – while not all seeing the same rapid fall off in production – is postponing investments and reducing growth plans and therefore reducing open demand for foreign labour. European states are hardly in a better position. But their labour markets are less flexible. Thus the queues of unemployed are not as long and some sectors are still growing: comestibles, for example. Hence, labour demand in Europe is falling at a slower pace. If Eastern European countries recover more quickly from the recession there will then be open demand for additional skilled workers.

After analyzing the trends and the dynamics of highly-skilled migration in the Euro-Arab Mediterranean context, it is important to look at the Blue Card and determine whether it could provide a solid instrument to satisfy the need for highly-skilled migration in the EU and the demand for labour stemming from Arab Mediterranean countries.

2.1.5 The Blue Card: is it attractive enough to satisfy the need for highly-skilled immigration in the Euro-Arab Mediterranean context?

The EU Blue Card directive was adopted by the Council in May 2009 as part of a plan for defining and facilitating “the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment”. It is important to keep in mind that the Directive is in line with the Lisbon Strategy objectives that aims at addressing skill shortages and the labour needs of EU member states with a view to making the EU labour market more competitive and fostering economic growth. Hence it has to be interpreted as a logical extension, as well as a major component of the EU economic migration strategy.

The Directive lays the foundations for admission for highly-skilled migrants, the issuance and withdrawal of the Blue Card, highly-skilled migrants’ economic and social rights and, finally, their residence in EU member states. For the sake of clarity, it defines the EU Blue Card as “the authorisation bearing the term ‘EU Blue Card’ entitling its holder to reside and work in the territory of a Member State under the terms of this Directive”.

The EU Blue card is valid for a period of one to four years, with the possibility of renewal, and it is contingent upon the following five admission conditions: a “valid work contract” or a “binding job offer” of at least one year in one EU member state; the presentation of a “document attesting fulfillment of the conditions set out under national law for the exercise by Union citizens of the regulated profession”; the presentation of a valid travel document or an application for a visa; the presentation of evidence of an application for health insurance; and for the issuer to be satisfied that the applicant does not “pose a threat to public policy, public security or public health”.

Furthermore, the card grants the EU Blue Card holder equal social and economic rights as nationals in various areas, namely working conditions, freedom of association; education, training and recognition of qualifications; a number of provisions in national law regarding social security and pensions; access to goods and services, including procedures for obtaining housing, information and counseling services; and free access to the entire territory of the member state concerned within the limits provided for by national law. It also recognizes that “favourable conditions for family

60 See Article 2 entitled “Definitions, paragraph (c) in the directive under Chapter I.
61 See Chapter II, Article 5 in the Directive.
62 See Article 14 entitled “equal treatment” under Chapter IV.
reunification and for access to work for spouses should be a fundamental element’. Moreover, it makes sure that “the gross annual salary [...] shall not be inferior to a relevant salary threshold [...], at least 1,5 times the average gross annual salary” in the concerned EU member state.

It is important to stress that the Blue Card has various advantages. Thus, it provides for a minimum level of legal and policy harmonisation among EU member states regarding highly-qualified employment. It also creates the mechanisms for a fast-track procedure enabling highly-skilled migrants to take up highly-skilled employment. Moreover, it bestows favourable rights to highly-skilled migrants in terms of mobility inside the EU, equal treatment with nationals regarding social assistance, tax benefits and recognition of diplomas, and access to the labour market. Finally, it envisages more flexible procedures allowing family reunification and work access for spouses. It is important to add that it establishes “implementing measures” and reporting obligations; hence suggesting that the policy instrument is to be assessed and monitored.

However, the Blue Card as an instrument for the promotion of highly-skilled migration has inherent weaknesses that we will not dwell upon extensively. It must suffice here to mention the following concerns:

− The Blue Card project is conditional upon a contract or work offer and does not provide a right of first entry for a highly-skilled migrant (Guild: 2007, 4). This suggests that the EU has failed to reach a minimal consensus and a level of harmonisation on the conditions for first entry and the residence of economic migrants who come for the purpose of employment or self-employment;

− Although it bestows upon its holder various economic and mobility rights, it also presupposes various restrictive prerequisites that limit its attractiveness. For instance, in the case that temporary unemployment should occur for a period exceeding three consecutive months or if it occurs more than once, the EU Blue Card is withdrawn;

− The fact that it gives more privileges in terms of family reunification to the highly-skilled migrants who have not lived in the EU, as opposed to third-country nationals who are established residents of the EU is controversial;

− More importantly, it is not clear whether and how the Blue Card is an instrument that excludes or paves the way for an EU citizenship and if the Blue Card is to be understood in this way, how do divergent citizenship laws in EU member states and the Blue Card complement each other?

− Although it explicitly targets the necessity of avoiding brain drain and of establishing ethical recruitment procedures so as to “minimise negative and maximise positive impacts of highly skilled immigration on developing countries in order to turn ‘brain drain’ into ‘brain gain’”, concerns have been raised about whether the Blue Card could negatively impact on origin countries as no sufficient empirical work has been done on the effects of brain drain and how the latter occurs;

− From a broader angle, the Blue Card raises the question of whether future migration trends in EU labour immigration would be more focused on highly-skilled and selective migration. In this regard, analysing the Blue Card as an instrument for the implementation of the Global Approach to Migration casts doubt on the Globality of the Approach itself. This is why it has been argued that Europe needs instead “a common policy for all types of labour migration, be it unskilled, semi-skilled or highly-skilled” (Baldwin-Edwards, 2009, 135) and not partial instruments addressing specific migration aspects;

63 See Preamble Article 23.
64 See Chapter VI or Final Provisions of the Directive.
65 See Chapter IV, Article 13 of the Directive.
66 See Preamble Article (22) of the Directive.
Despite the fact that the EU Blue Card Proposal has been adopted as Council directive, the UK, Denmark and Ireland did not adhere to the proposed approach. Moreover, the UK has already a quite efficient system of skilled labour recruitment. This not only draws attention to the lack of coordination and difficulties relating to shaping a common European labour migration policy, but also casts some doubt upon the credibility of the EU Blue Card as a policy instrument capable of pooling all EU actors together.

2.2 Seasonal work, temporary and circular migration

The second feature promoted by the Global Migration Approach is the idea of “temporariness” and “circularity” in migration. This section will examine the added value of circular and temporary migration schemes in the framework of the Global Migration Approach and more specifically in the EU-Arab Mediterranean framework.

2.2.1 Trends and dynamics of temporary movements

According to the OCDE definition, “temporary migrants” covers many conditions: seasonal workers, trainees, international students, exchange visitors, researchers, artists, tourists, service providers, installers etc. It is very difficult then to compare data because single cases are classified in different ways in each country. The data provided by the OCDE on this issue is thereby incomplete for the reason mentioned above.

Data collected shows, however, the sheer scale of temporary movements, which are 3 times larger than permanent migration. It is important to note that seasonal workers represent 23% of all temporary flows. Seasonal migration features in agriculture, but also in the tourist sector. The demand for seasonal workers is, in general, larger than the number of visas granted by the government. Thus temporary jobs are usually done by holders of a student or tourist visa (in Table 3 they are termed “working holiday makers”). In addition, when well-organized yearly jobs can be done in shifts and so shared between two or more workers.

The idea of expanding seasonal migration opportunities both for skilled and unskilled workers is in line with the circular vision of migration. However, supply and demand in this field needs more coordination if irregular employment is to be avoided and demand anticipated.

The idea put forward by the Commission to favour circular migration begins with the devising of an institutional framework. Institutions should thus change so as to favour this type of movement, which have, to date, been constrained by restrictive migration legislation in destination countries. The history of European migration has shown that if migrants are free to exit and re-enter they tend to maintain a strong attachment with the country of origin and keep to a model of circular migration whereby migration is not perceived as permanent. The changed institutional setting which took place in Northern Europe in 1973 after the beginning of the recession transformed temporary migration to Germany, France and Belgium into permanent migration precisely because of the changes in migration policies. The reduction in the number of new entry permits granted by host countries reduced first of all the number of exits and pushed immigrants to settle and to become more integrated in the destination countries (the number of demands for citizenship increased)67.

If regulations shape the duration and the type of migration, a change in regulation versus a more flexible pattern should increase the number of temporary migrants staying abroad. Seasonal migration is just one of the many types of temporary migration. Also, contracted migrations, which could be designed so as to meet the workers’ needs, are another form used by companies for special projects.

67 See Venturini 2004, section 5.
Nevertheless, it must be stated that temporary migration cannot be the only solution for the supply pressure of the AMCs. As Venturini (2008) has shown, the migratory potential due to excess supply is too large to be solved by repeated migrations. With the use of a stock-flow model, we can calculate the flow excess supply as the difference between the low supply and flow demand (as replacement flow demand and as additional flow demand) and even the absolute excess flow supply which takes into account the usual traditional (permanent) annual emigration outflows. What is left, the absolute excess supply in term of flows is too large to be solved only through repeated emigration as Table 4 shows. This would, for example, mean that each year in Morocco 126,000 and in Egypt 72,000 workers would leave temporarily, and if economic conditions remain the same, the following year the same people would leave temporarily for a second year abroad and the new entrants for the first time with a total of 252,000 for Morocco and 144,000 for Egypt and so on.

Table 3 Inflows of temporary labour migrants, selected OECD countries, 2003-2006

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Thousands</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working holiday makers</td>
<td>442</td>
<td>463</td>
<td>497</td>
<td>536</td>
<td>21</td>
</tr>
<tr>
<td>Trainees</td>
<td>146</td>
<td>147</td>
<td>161</td>
<td>182</td>
<td>7</td>
</tr>
<tr>
<td>Seasonal workers</td>
<td>545</td>
<td>568</td>
<td>571</td>
<td>576</td>
<td>23</td>
</tr>
<tr>
<td>Intra-company transfers</td>
<td>89</td>
<td>89</td>
<td>87</td>
<td>99</td>
<td>4</td>
</tr>
<tr>
<td>Other temporary workers</td>
<td>958</td>
<td>1,093</td>
<td>1,085</td>
<td>1,105</td>
<td>44</td>
</tr>
<tr>
<td><strong>All categories</strong></td>
<td>2,180</td>
<td>2,360</td>
<td>2,401</td>
<td>2,498</td>
<td>100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>Per 1,000 population (2006)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Australia</strong></td>
<td>152</td>
<td>159</td>
<td>183</td>
<td>219</td>
<td>10,7</td>
</tr>
<tr>
<td><strong>Austria</strong></td>
<td>30</td>
<td>27</td>
<td>15</td>
<td>4</td>
<td>0,5</td>
</tr>
<tr>
<td><strong>Belgium</strong></td>
<td>2</td>
<td>31</td>
<td>33</td>
<td>42</td>
<td>4,0</td>
</tr>
<tr>
<td><strong>Bulgaria</strong></td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0,1</td>
</tr>
<tr>
<td><strong>Canada</strong></td>
<td>118</td>
<td>124</td>
<td>133</td>
<td>146</td>
<td>4,5</td>
</tr>
<tr>
<td><strong>Denmark</strong></td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>6</td>
<td>1,1</td>
</tr>
<tr>
<td><strong>France</strong></td>
<td>26</td>
<td>26</td>
<td>27</td>
<td>28</td>
<td>0,5</td>
</tr>
<tr>
<td><strong>Germany</strong></td>
<td>446</td>
<td>440</td>
<td>415</td>
<td>379</td>
<td>4,6</td>
</tr>
<tr>
<td><strong>Italy</strong></td>
<td>69</td>
<td>70</td>
<td>85</td>
<td>98</td>
<td>1,7</td>
</tr>
<tr>
<td><strong>Japan</strong></td>
<td>217</td>
<td>231</td>
<td>202</td>
<td>164</td>
<td>1,3</td>
</tr>
<tr>
<td><strong>Korea</strong></td>
<td>75</td>
<td>65</td>
<td>73</td>
<td>86</td>
<td>1,8</td>
</tr>
<tr>
<td><strong>Mexico</strong></td>
<td>45</td>
<td>42</td>
<td>46</td>
<td>40</td>
<td>0,4</td>
</tr>
<tr>
<td><strong>Netherlands</strong></td>
<td>43</td>
<td>52</td>
<td>56</td>
<td>83</td>
<td>5,1</td>
</tr>
<tr>
<td><strong>New Zealand</strong></td>
<td>65</td>
<td>70</td>
<td>78</td>
<td>87</td>
<td>21,1</td>
</tr>
<tr>
<td><strong>Norway</strong></td>
<td>21</td>
<td>28</td>
<td>22</td>
<td>38</td>
<td>8,2</td>
</tr>
<tr>
<td><strong>Portugal</strong></td>
<td>3</td>
<td>13</td>
<td>8</td>
<td>7</td>
<td>0,7</td>
</tr>
<tr>
<td><strong>Sweden</strong></td>
<td>8</td>
<td>9</td>
<td>7</td>
<td>7</td>
<td>0,8</td>
</tr>
<tr>
<td><strong>Switzerland</strong></td>
<td>142</td>
<td>116</td>
<td>104</td>
<td>117</td>
<td>15,7</td>
</tr>
<tr>
<td><strong>United Kingdom</strong></td>
<td>137</td>
<td>239</td>
<td>275</td>
<td>266</td>
<td>4,4</td>
</tr>
<tr>
<td><strong>United States</strong></td>
<td>577</td>
<td>612</td>
<td>635</td>
<td>678</td>
<td>2,3</td>
</tr>
<tr>
<td><strong>All countries</strong></td>
<td>2,180</td>
<td>2,360</td>
<td>2,401</td>
<td>2,498</td>
<td>2,6</td>
</tr>
</tbody>
</table>

**Annual change (%)**

StatLink: http://dx.doi.org/10.1787/427045515037

Source: OECD database on International Migration
## Table 4 Absolute excess supply

<table>
<thead>
<tr>
<th>Year</th>
<th>Year</th>
<th>Supply Inflow into employment</th>
<th>Exit flow from employment</th>
<th>Additional demand</th>
<th>Total Flow Demand</th>
<th>Internal Excess Supply</th>
<th>Emigration out.flows</th>
<th>Absolute Excess Supply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tunisia</td>
<td>2005</td>
<td>113,000</td>
<td>35,000</td>
<td>48,000</td>
<td>83,000</td>
<td>30,000</td>
<td>4113/9,000</td>
<td>26,000/21,000</td>
</tr>
<tr>
<td>Morocco</td>
<td>2006</td>
<td>310,000</td>
<td>92,000</td>
<td>30,000</td>
<td>122,000</td>
<td>188,000</td>
<td>60,000</td>
<td>128,000</td>
</tr>
<tr>
<td>Egypt</td>
<td>2006</td>
<td>938,000</td>
<td>150,000</td>
<td>624,000</td>
<td>774,000</td>
<td>164,000</td>
<td>92,811</td>
<td>72,000</td>
</tr>
<tr>
<td>Algeria</td>
<td>2005</td>
<td>357,000</td>
<td>37,000</td>
<td>12,000</td>
<td>49,000</td>
<td>308,000</td>
<td>42,000</td>
<td>266,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>2006</td>
<td>837,000</td>
<td>240,000</td>
<td>130,000/ 430,000</td>
<td>370,000/ 670,000</td>
<td>597,000</td>
<td>51,590</td>
<td>400,000 or 100,000</td>
</tr>
</tbody>
</table>


Source: Venturini, 2008.

### 2.2.2 Policy changes

Still, even if the temporary migration programmes do not solve the demand for income and jobs among potential migrants, some changes have to occur in the near future so as to improve this option, making it more beneficial and more appealing. The main weaknesses of all forms of temporary migration programmes lie in the fact that they are not designed to grant any old-age pension to the worker. All contributions (social charges) paid by the employer and the employees are lost because migrants do not reach the minimum period, which in general in Europe is 15 years, namely the minimum number of years of contribution necessary to receive a pension in the host country.

If the minimum vesting period is important for determining a minimum pension level necessary to live in the host country, it reduces the incentive for those types of contracts which grant an annual income in the country of origin for a short period in a host country. To transform temporary migration into a long-lasting form of migration, a revision of the payment and cash of the social contribution paid by the migrants and the firm should be made into a personal social account attached to the migrant that he/she can fill whilst working in different periods and maybe also in different countries. The portability regulation that allows migrants to receive their pension in the country of origin has to be integrated with special treatment for temporary workers which allows a reduction of the vesting period and an obligation to cash the pension in the sending country.

Furthermore, easier visa policies have to be devised in order to facilitate the mobility of temporary migrations so that agencies are encouraged to favour this option.

Special attention could be devoted to students and to trainees. Participation in the educational system of the host country varies a lot. Table 5 shows how the participation of foreign students differs in the host educational system. Thus, this varies from 2% in Italy to 18% in Switzerland, with even larger variations if advanced research programmes are considered: 40% in the UK and 3.4% in Italy. As part of a future employment strategy, the presence of foreign student has also to be enhanced because it is a prerequisite for cooperation between workers of different origins and better future social integration.
Table 5: Table International and/or foreign students in OECD Countries, 2000 and 2005

<table>
<thead>
<tr>
<th>OECD Countries</th>
<th>International Students As a percentage of all tertiary enrolment</th>
<th>Foreign Students As a percentage of all tertiary enrolment</th>
<th>Number of Students 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total tertiary</td>
<td>Total tertiary</td>
<td>Foreign Students</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>International Students</td>
</tr>
<tr>
<td>Australia</td>
<td>17.3</td>
<td>20.6</td>
<td>211 300</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>177000</td>
</tr>
<tr>
<td>Austria</td>
<td>11.0</td>
<td>14.1</td>
<td>34500</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>27000</td>
</tr>
<tr>
<td>France</td>
<td>10.8</td>
<td>n.a.</td>
<td>226500</td>
</tr>
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<td>236500</td>
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<tr>
<td>Germany</td>
<td>n.a.</td>
<td>11.5</td>
<td>259800</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>204600</td>
</tr>
<tr>
<td>Ireland</td>
<td>6.9</td>
<td>n.a.</td>
<td>12900</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>12900</td>
</tr>
<tr>
<td>Italy</td>
<td>n.a.</td>
<td>2.2</td>
<td>44900</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>n.a.</td>
</tr>
<tr>
<td>New Zealand</td>
<td>17.0</td>
<td>29.9</td>
<td>69400</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>40900</td>
</tr>
<tr>
<td>Spain</td>
<td>1.0</td>
<td>2.5</td>
<td>45600</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>17700</td>
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<tr>
<td>Sweden</td>
<td>4.4</td>
<td>9.2</td>
<td>39300</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>19900</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>13.9</td>
<td>17.3</td>
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n.a.: means not available.
1. International students are defined on the basis of their country of residence.
2. International students are defined on the basis of their country of prior education.
3. Percentage in total tertiary underestimated because of the exclusion of certain programmes.
4. Excludes private institutions.


2.3 Integration policies of permanent migrants

An additional and fundamental component of the EU Global Approach to Migration revolves around integration policies. After having taken into consideration economic integration, we notice obvious discrepancies between the migrant and the native worker who have similar characteristics in terms of wage compensation and job options.

A survey of wage assimilation results for Europe (Venturini, 2009) shows an open under-assimilation in southern and in northern European countries. Although the findings of research papers are various, we can group the causes of under-assimilation into several causal groups: insufficient human capital, limited knowledge of the language of the destination country, the economic cycle at entrance, negative selectivity upon return, and the existence of national differences.

68 If the human capital is not adequate, migrants integrate in the labour market at a lower level than natives (for instance in France Granier Marciano 1975) and the increase of their wage during their working life is lower. Frequently, only the human capital acquired in the country of destination has a positive effect (in Denmark Neilson, Rosholm, Smith 2000; in the Netherlands Kee 1994).

69 For linguistic proficiency see in UK, Chiswick 1991, Dustmammm Fabbri 2003 favouring the economic upgrading.

70 Migrants who enter destination countries in periods of recession (negative cycle) as wage carrier have limited prospects (in Canada: Bloom, Grenier, Gunderson 1995, in Sweden:Bevelander and Scott, 1996) or as changes in the types of jobs available take place (technological change) requiring more linguistic skills with regards to available jobs mainly in the service sector (see for instance in Sweden and Denmark: Rosholm, Scott and Husted,2000).
The causes of under-assimilation are, however, not easy to tackle. Integration policies in the host country such as language courses and training courses have had a very limited effect. Probably more binding programmes have to be envisaged such as linguistic tests for a permanent residency permit and training courses. The selection of migrants will reduce cases of under-assimilation and remains one of the few options available in this field. But as under-economic assimilation frequently means under-social assimilation, the selection of migrants does not insure against social exclusion, which is affected by income level and by the education level of workers.

It is important to stress that policies used to reduce the number of under-assimilated foreigners, and the incentive return policies for the unemployed have already shown their inefficiency as unemployed migrants do not go back home. If host countries are keen on revising their migration policies so as to reduce the number of permanent migrants but not the number of workers, a solution is to combine more temporary migration schemes which insure a return on human capital to the origin country with more efficient integration policies optimising the long-term migrant’s integration in the host country.

After having studied how and to what extent highly-skilled migration, temporary circular-migration schemes, and integration policies could empower the promoted Global Approach to Migration in the Euro-Arab Mediterranean Framework, we will now look more closely at the Euro-Mediterranean framework and the European Neighborhood Policy, and evaluate whether they are adequate instruments capable of refining the Global Approach to Migration and the EU’s external migration policy at both bilateral and regional levels in the Euro-Arab Mediterranean migratory and economic space.

3. The Euro-Mediterranean framework and the European Neighborhood Policy: Adequate tools for an external migration policy?

The need for “a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit” was already stressed in the Tampere European Council’s conclusions (1999). Thus, the latter emphasizes that “this requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights, in particular rights of minorities, women and children”. In many respects, those general objectives, considered as causes of undesirable immigration to the EU, match the Euro-Mediterranean Partnership’s (EMP) declared aims.

However, paradoxically, the consideration of migration issues both in the Barcelona Declaration and in the Euro-Mediterranean Association Agreements (EMAA)s between the EU and Mediterranean Partner Countries was quite limited, except in the field of non-discrimination with regard to legally residing migrant workers (see Appendix). Whereas, in the most recent EMAAs, cooperation in the field of illegal migration is stressed (this is particularly clear in the EMAA with Algeria), migration remains part of a social dialogue to be held between partners with no particular incentives, and not of the economic cooperation. Only in the last few years, after the Summit marking the first ten years of the Euro-Mediterranean Partnership (1995-2005), have migration issues come to the fore in Euro-Mediterranean co-operation, with a new pillar of cooperation in Justice and Home Affairs.

(Contd.)

71 It means that the more talented go back and the less qualified remain. Migration literature has usually assumed that migrants are positively selected, namely that the best move. Still this does not necessarily mean that the more educated move. For a given level of observable characteristics, the unobservable variables which positively effect the wage equation affects positively too the probability of leaving. This is the case in Italy and Germany (Venturini Villosio 2008, Massey Constance 2003) and is one of the explanation of the lower assimilation.

72 Even after controlling for language, human capital, years since migration and the economic cycle a national fixed effect remain which probably leads back to the social capital of the migrants or to a form of discrimination – be that discrimination open or otherwise.
The European Neighbourhood Policy launched in 2003 raised new expectations in the Euro-Mediterranean context, as a result of which new cooperation methods and funds have been made available. In the following section, we will assess to what extent the present conjunction of EMP (as multilateral track) and ENP (as a bilateral scheme) incorporates the Global Approach to Migration’s objectives in a more systematic way than in the previous EMP era, and could thereby pave the way for a more proactive cooperation in the Euro-Arab Mediterranean space.


Launched in 1995, the Barcelona Process provided for an institutional framework for multilateral cooperation between the EU and its Mediterranean neighbours with a view to creating a common space of “prosperity, stability and security”. Through the Barcelona Declaration, partners proclaimed their commitment to a free-market economy and to democratic governance around the Mediterranean basin. The objective aiming at the establishment of a zone of peace, prosperity and stability in the Mediterranean region without any prospect of formal EU membership was emphasised. In order to meet those far reaching objectives, the Euro-Mediterranean Partnership was implemented through a limited number of regional programmes and through the Association Agreements concluded between the EU and each of the Mediterranean Partner Countries involved in the Barcelona Process (among them, Tunisia, Morocco, Algeria, Egypt, Palestine Lebanon and Jordan). 73 In the Barcelona Declaration establishing the Euro-Mediterranean Partnership, migration was only mentioned in the chapter on the “Partnership in Social, Cultural and Human Affairs” 74 in the following terms:

“They acknowledge the importance of the role played by migration in their relationships. They agree to strengthen their cooperation to reduce migratory pressures, among other things through vocational training programmes and programmes of assistance for job creation. They undertake to guarantee protection of all the rights recognized under existing legislation of migrants legally resident in their respective territories.

In the area of illegal immigration the decide to establish closer cooperation. In this context, the partners, aware of their responsibility for readmission, agree to adopt the relevant provisions and measures, by means of bilateral means or arrangements, in order to readmit their nationals who are in an illegal situation”.

3.1.1 The Euro-Med Partnership’s objectives

Each of the Euro-Mediterranean Association agreements concluded in the framework of Euro-Mediterranean Partnership relies on three pillars: political cooperation and security, economic and financial cooperation, and cooperation in the field of human and social affairs and culture. According to the EMAA’s aims, a free-trade area between partners should be established over a transitional

73 We note that until now no EU-Syria Association Agreement has come into force.

74 According to the Barcelona Declaration, the partners agreed to establish a partnership in social, cultural and human affairs with a view to bringing peoples closer together, promoting understanding between them and improving their perception of each other. This partnership is based on the delicate compromise between, on the one hand, the existence, recognition and mutual respect of diverse traditions, cultures and civilisations throughout the Mediterranean and, on the other hand, the promotion of common roots: to this end, the Barcelona Declaration and its work programme emphasise: the importance of intercultural dialogue, and of dialogues between religions; the importance of the role the media can play in the reciprocal recognition and understanding of cultures; the development of human resources in the area of culture: cultural exchanges, knowledge of other languages, implementation of educational and cultural programs that respect cultural identities; the importance of health and social development and respect for fundamental social rights; the essential contribution civil society can make to the Euro-Mediterranean partnership and the need to strengthen the instruments of decentralized cooperation to encourage exchanges between those active in development; cooperation in the field of illegal immigration, the fight against terrorism, drug trafficking, international crime and corruption.
period of twelve years. This economic “negative” integration process would imply free trade in industrial goods and the progressive liberalisation of trade in agricultural products as well as the future liberalisation of trade and services.

This process is expected to be complemented by political, economic, social and cultural cooperation. The EMAA with Algeria, which was the latest to be signed, also includes a chapter on cooperation in the field of Justice and Home Affairs.

Upon reading the main objectives pursued by the Association Agreements, it is clear that migration or human mobility was not the principal focus of the Partnership at the time the EMAAs were drafted. The EC-Algeria Association Agreement is a noticeable exception in this respect because article 1§2 among other objectives includes the “facilitation of human exchanges, particularly in the context of administrative procedures”. Here visa and admission procedures are targeted (see article 83 of the EC/Algeria AA).

Notwithstanding these remarks, “The EMP is centred on the Economic and Financial Partnership and on the expected positive effects of the establishment of the Euro-Mediterranean Free trade Area (EMFTA)” (Brach, 2007).

Regarding migration, the Barcelona Declaration’s implicit rationale, as drawn from the above quotations, was that migratory pressures should be tackled through job creation and development, combating illegal immigration and protecting the rights of legal immigrants. But no specific policy with regard to the migration challenge and its various dimensions was foreseen. The rationale was to tackle the root causes of migration such as unemployment and to cooperate in the field of illegal migration. The establishment of schemes for legal migration is certainly the missing link here.

Indeed, while the Free Trade Area to be established includes the liberalisation of the movement of goods, services and capitals, it is important to note that workers, not to say people, were not granted the same freedom of movement, even as a distant goal. At best, regular social dialogue shall be used to find ways to achieve progress in the field of free movement of workers alongside equal treatment and social integration. This reflects the static position taken by the partners regarding the liberalisation of labour force circulation at the time of the drafting of the EMAAs. It has to be recalled that at the time of the entry into force of the first EMAA, the Schengen rules were being implemented by most EU countries and admission of third-country nationals for economic purposes was officially banned.

Nevertheless, to the extent that the EMP will succeed, it is supposed to have an impact on migratory flows in the region, addressing the root causes of migration such as economic disparities

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75 Negative because it implies removal of trade obstacles.
76 April 2002; in entered into force in September 2005.
77 See articles 1 of the AA in the Appendix.
78 The ones with Tunisia, Morocco and Jordan were signed before the so called “communitarisation” of the legal basis related to migration by the Amsterdam Treaty in 1999 and thus before the Tampere Summit which set the milestones of European common policy, including the cooperation with third countries. While the ones with Egypt, Lebanon and Algeria were signed afterwards, it is worth noticing that they all include more extensive provisions in relation to cooperation in the field of illegal migration, even for Algeria a full Chapter on Cooperation in the field of Justice and Home Affairs.
79 They acknowledge the importance of the role played by migration in their relationships. They agree to strengthen their cooperation to reduce migratory pressures, among other things through vocational training programmes and job creation programmes. They undertake to guarantee protection of all the rights recognised under existing legislation of migrants legally resident in their respective territories. In the area of illegal immigration they decide to establish closer cooperation. In this context, the partners, aware of their responsibility for readmission, agree to adopt the relevant provisions and measures, by means of bilateral agreements or arrangements, in order to readmit their nationals who are in an illegal situation. To that end, the Member States of the European Union take citizens to mean nationals of the Member States, as defined for Community purposes.
EU Migration Policy towards Arab Mediterranean Countries and its Impact on their Labour Markets

and unemployment (Aubarell, and Aragall, 2003). According to this theory, progressive development and economic integration in the Mediterranean region would, in the long run, ensure job creation and increase the quality of life in southern Mediterranean Countries. Meanwhile, in the short term and due to economic adjustments, negative effects such as job loss are expected, which could intensify migration pressures. Still, with regard to migration, no specific measures addressing those effects were foreseen.

This section will not evaluate the success of the Euro-Med partnership as a co-development project. Suffice it to say that scholarly work has already addressed this aspect. Nevertheless, it should be stressed that a consensus has emerged on the weakness of the democratization process, as well as of the human dimension of the Partnership. More specifically, external political factors have undermined this process.

Despite the enlightened and ambitious goals of the Barcelona Declaration regarding the building of bridges across the Mediterranean, no concrete measures regarding mobility of people are provided for in the EMAAs.

3.1.2 The Euro-Med Association agreements (EMAA) and Migration

In this section, we will further explore the EMAA’s content. This will substantiate our statement regarding the absence of dynamic objectives for human mobility in the EMAA, and will give us the opportunity to show how each EMAA has a somewhat different approach towards migration.

Indeed, some provisions of the EMAA concluded with the Maghreb countries (Morocco, Algeria, Tunisia) reflect the peculiar relations that these countries have with European countries with regard to migration. The most recently concluded EMAAs, meanwhile, give, as we have already mentioned, more emphasis to the need for cooperation in the field of “illegal” migration but remain silent on a comprehensive approach to migration.

Beyond that, the Euro-Med framework provides for a privileged institutional framework in which dialogue on migration may be conducted at various political levels. This institutional framework has also provided the channels through which the ENP has progressively been implemented since 2003.

The EMAA dealt with migration issues under Chapters dedicated to “cooperation in social and cultural matters”. In those chapters, some specific provisions related to migration are set out.

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80 See the Sustainability Impact Assessment Study of Euro-Mediterranean Free Trade Areas carried out by the Institute for Development Policy and Management of the University of Manchester.


83 For an exhaustive overview of those provisions, please refer to the tables in the Appendix. Here when we do not refer to one of the EMAAs in particular we make use the EC/Tunisia Association Agreement provisions, which was the first to be signed and served as a model for the negotiation of the others.
The first important point to make is that, contrary to the expectations raised by the Barcelona Declaration regarding the establishment of a full-fledged Euro-Mediterranean Free Trade Area, the free movement of workers is not enabled by any of the Association Agreements.

In the following subsections, we will deal with specific provisions regarding migration (a), and give an overview of the institutional mechanisms through which the social dialogue regarding migration is supposed to take place (b).

**a) Substantial provisions**

Cooperation in the field of illegal immigration is seen as part of the partnership in only three of the EMAAs: with Algeria, Egypt and Lebanon. It is important to note that all those that were signed after or during 2001 tackle this aspect. This, for sure, reflects the priority set by the European Council on the fight against illegal immigration and echoes the European Council’s Seville Conclusions in June 2002. In these conclusions, the European Council urges “that any future cooperation, association or equivalent agreement which the European Union or the European Community concludes with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration”. In the other EMAAs, no direct commitment to cooperate in the field of illegal migration and readmission is made, and the fight against illegal immigration is part of the social dialogue in which the parties are committed to engage on a regular basis.

In the field of legal migration, provisions regarding the rights of migrants already residing legally in EU (or in a partner country) are set out. Yet, binding provisions subject to interpretation and enforcement by the European Court of Justice and national courts of the partners countries are only given for the Maghreb countries. According to the first article under Title VI of those EMAAs, the treatment accorded by each Member State to workers of Tunisian/Moroccan/Algerian nationalities employed in its territory shall be free from any discrimination based on nationality, as regards working conditions, remuneration and dismissal, relative to its own nationals. Temporary Tunisian, Moroccan, and Algerian workers are also envisaged. Again, they benefit from a non-discrimination clause solely in the field of working conditions and remuneration. It is to be stressed that Tunisia/Morocco/Algeria shall accord the same treatment to workers who are nationals of a Member State and employed in its territory.

Furthermore, workers from Tunisia/Morocco/Algeria and any members of their families living with them shall enjoy, in the field of social security, treatment free from any discrimination based on nationality relative to the nationals of the Member States in which they are employed. All periods of insurance, employment or residence completed by such workers in the various Member States shall be added together for the purpose of pensions and annuities in respect of old age, invalidity and survivors’ benefits and family, sickness and maternity benefits and also for that of medical care for the workers and for members of their families resident in the EU Community. The workers in question

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84 Title VIII Cooperation in the field of Justice and Home Affairs – Cooperation for prevention and control of illegal immigration article 84.
85 See Title VI Cooperation for prevention and control of illegal immigration (art. 68-70).
86 See Title VI Chapter 3 Cooperation for prevention and control of illegal immigration (art. 68-69).
87 Egypt AA was signed in June 2001, Lebanon AA in 2002 and Algeria AA in April 2002.
88 See article 69 AA-Tunisia, AA-Morocco and article 72 AA-Algeria. “Dialogue shall cover in particular all issues connected with: (c) illegal immigration and the conditions governing the return of individuals who are in breach of the legislation dealing with the right to stay and the right of establishment in their host countries”.
89 The concept of social security shall cover the branches of social security dealing with sickness and maternity benefits, invalidity, old-age and survivors’ benefits, industrial accident and occupational disease benefits and death, unemployment and family benefits.
shall receive family allowances for members of their families who are resident in the Community, and shall be able to transfer freely to Tunisia/Morocco/Algeria, at the rates applied by virtue of the legislation of the debtor Member State or States, any pensions or annuities in respect of old age, survivor status, industrial accident or occupational disease, or of invalidity resulting from industrial accident or occupational disease, except in the case of special non-contributory benefits.

In fact, upon reading the specific provisions related to workers, it is clear that the agreements acknowledge the presence of immigrant workers in the EC (also reciprocity in rights for EU citizens in one of the partner country is foreseen) and consolidate their rights as far as they are legally residing in one member state, the scope of the non-discrimination principle being larger for residents than for the temporary workers.

It is only the Agreement with Algeria, article 83, which foresees the necessity to facilitate the movement of persons between the partner countries. But this facilitation is foreseen in the framework of mutual cooperation in the field of irregular migration with no concrete objectives or measures.

It is worth noting that no considerations for labour needs or the nature and quality of permit of stay or procedures or conditions for admission are included in the EMAAs. Indeed, reducing migratory pressure through social cooperation is one of the priorities in the field of social cooperation (“root cause approach”). In the social field, projects and programmes shall be carried out in any area of interest to the parties: “Reducing migratory pressure, in particular by creating jobs and developing training in areas from which emigrants come; resettling those repatriated because of their illegal status under the legislation of the state in question”.

These cooperation channels took place in the framework of the MEDA programme. Measures financed under the MEDA programme are selected, taking into account the beneficiaries’ priorities, evolving needs, absorption capacity and progress towards structural reform. The provisions of association or cooperation agreements are also taken into consideration. However, at the regional level almost ten years elapsed before any regional programme was adopted in this field:

- Education and Training for Employment92 (2004-2007, €5 million), a project managed by the European Training Foundation to support MPCs in the design and implementation of technical and vocational education and training policies with the ultimate goal of promoting employment (the only Euro-Mediterranean project in the area of employment so far);93
- The EuroMed Migration I (2004-2007, €2 million) aimed to promote analysis and cooperation on questions linked to migration, and the social integration of immigrants. The project developed four research programmes: migration, transfers and development; Transit migration; border management; Diaspora and countries of origin. A database with information on migratory flows in the Mediterranean region has been created and studies were conducted on different areas, such as the Annual Report on Mediterranean migration.

90 Article 71 EMAA EC/Tunisia – Same provision in the EMAA EC/Morocco – See also article 73 of the EC/Algeria EMAA which covers a larger scope of priorities related to migration. See article 82 of the EMAA EC/Jordan, articles 63 of the EMAA EC/Egypt and Lebanon.
92 http://www.meda-ete.net.
93 For a report on this project, see Regional cooperation in education and training: the whole is more than the sum of its parts, European Training Foundation, http://www.meda-ete.net/meda-ete-web.nsf/opennews/6e32398ad71a0646e1257474002b341f/SFILE/10%20MEDA-ETE%20project_Main%20achievements%20-%20FINAL%20-%200050509.pdf.
b) Institutional dialogue in social matters

At the outset, the EMP was basically designed as a process to create a framework for multilateral as well as bilateral dialogue and cooperation. It has undoubtedly generated positive effects since it has brought various partners together and has managed to maintain a regular pace of dialogue even in cases of rising tensions between the Mediterranean countries. Social dialogue takes place at the same level and according to the same modalities as the political dialogue foreseen in the EMAA, which leaves various possibilities open.94

Each EMAA foresees a regular social dialogue which includes migration matters, however; the reciprocal minimal commitment targets the social aspects of migration and does not make an economically- or labour-centered dialogue mandatory.95

According to the EMAAs, the social dialogue with regard to migration is supposed to be conducted on “ways to achieve progress in the field of movement of workers and equal treatment and social integration for the one residing legally in a host country”.

Each EMAA institutes an Association Council96 which meets once a year at the Ministerial level and has decision-making power.97 The Council is supposed to adopt provisions to implement the principles stated in the agreement and adopt detailed rules for administrative cooperation providing the necessary management and monitoring guarantees for the application of the provisions. The Association Committee98 deals with the day-to-day implementation of the EMAA and meets at the level of officers. Specific sub-committees or working groups on specific issues may be created. The EMAA with Tunisia, for instance, establishes a working group with a view to monitoring social cooperation. In the framework of the EMAAs with Tunisia, Morocco, Egypt, Lebanon a specific working group on migration and social affairs has been established. Those institutional bodies are privileged places through which the EMP is enacted and monitored. For those of the Mediterranean countries which take part in the European Neighbourhood policy, they are also a place for dialogue and the monitoring of the Action Plans.

In short, if we were to evaluate the Euro-Med cooperation in this field after the first ten years, we would infer that “the Barcelona Declaration remains the normative ideal […]. Instead, the day to day implementation of the EMP has concentrated essentially on the economic basket, apparently confirming the perception that European political objectives were ill-defined from the outset”.99 Many

94 Article 5 EMAA’s: Political dialogue shall be established at regular interval and whenever necessary notably: (a) at ministerial level, principally within the Association Council; (b) at the level of senior officials representing Tunisia, on the one hand, and the Council Presidency and the Commission on the other; (c) taking full advantage of all diplomatic channels including regular briefings, consultations on the occasion of international meetings and contacts between diplomatic representatives in third countries; (d) where appropriate, by any other means which would make a useful contribution to consolidating dialogue and increasing its effectiveness.

95 See article 69 of the EC/Tunisia EMAA and correspondent provisions in the others agreements.

96 See article 78 EMAA Tunisia. Composed by EU Council and Commission members and members of the partner country government.

97 Until now, our research substantiates that only propositions of ‘Decisions’ related to the coordination of social-security systems are currently discussed in the Association Councils (Tunisia, Algeria, Morocco and Israel). Those decisions, not yet adopted, will specify the scope of the social security system that is covered for the exportation of benefits. It is important to note that in conformity with the EMAA, the family members of workers may benefit from family allowance only if they reside in an EU country.

98 See article 81 EMAA Tunisia. Composed by EU Council and Commission members and members of the partner country government.

observers would thus agree that the EMP in its socio-cultural pillar did not live up to the expectations that the Barcelona Declarations raised in November 1995. This is particularly relevant for migration issues as in this field no real progress has been made since 1995 at the Euro-Med level. According to observers, “there is a need to review established migration policies, given current trends in migration to Europe” in the framework of the Euro-Med partnership (Aubarell & Aragall 2003). In this regard the balance between “policies to control migration and the need for labour” has still not been found.\(^\text{100}\) Thus, taking into account these gaps, the EU was invited to “reconsider the human dimension of its Euro-Mediterranean partnership.” (Kuehnhardt, 2005). Moreover, there is consensus that “migration policies at the EMP level have not been effective enough to develop a common Euro-Mediterranean strategy” (Aubarell et al, 2009). This is not to deny though that at the national level, some frameworks through bilateral cooperation implement policies which to some extent match the Global Approach.\(^\text{101}\)

3.2 The 2005 five-year Work Programme and the European Neighbourhood Policy – an opportunity for a “Global Approach to Migration” with Arab Mediterranean partners?

A new impetus inspired by the “Global Approach to Migration” promoted by EU stakeholders has been seen in the framework of the Euro-Mediterranean Partnership since 2005, both as a consequence of the new pillar on cooperation in Justice and Home Affairs and of the implementation of the European Neighbourhood Policy. In this context, it is important to recall that much has been said on the externalisation and extra-territorialisation of EU migration policies. This “remote control approach” aimed at transferring EU internal security preoccupations onto third countries and more particularly neighbouring countries.\(^\text{102}\) However, in this section, we will not touch upon these aspects but will concentrate, instead, on the “root-cause approach”\(^\text{103}\) which is better anchored in developmental concerns. We argue that that the ENP, while externalising the EU’s labour needs, meets, to some extent, the labour needs and demands of sending countries. This aspect finds its expression in some ENP actions which emphasise legal migration opportunities to the EU. It is also there in the EMP five-year program which acknowledges that “Migration, Social Integration, Justice and Security are issues of common interest in the Partnership, and should be addressed through a comprehensive and integrated approach,” and emphasises that the Euro-Mediterranean partnership will enhance co-operation by promoting legal migration opportunities and facilitating the legal movement of individuals as important factors aiming at encouraging economic growth and improving cooperative channels between countries.

3.2.1 The Five-Year Work Programme: A new approach at a multilateral level

The Five Year Work Programme of the Barcelona Summit (28 November 2005) called for enhanced cooperation in the fields of Migration, Social Integration, Justice and Security through a comprehensive and integrated approach.

\(^{\text{Contd.}}\)


\(^{\text{100}}\) On this apparent contradiction between the need for labour in EU and the unwillingness to solve that need through legal immigration policies see J-L Reiffers, “L’impact de l’élargissement de l’UE sur les partenaires Méditerranéens”, 7th Annual FEMISE Network AMCinar, April 2003.


\(^{\text{103}}\) See Aubarell et al 2009, 14.
This chapter contains 6 objectives:

a) Promote legal migration opportunities: the facilitation of the legal movement of individuals, recognising that these constitute an opportunity for economic growth; the fair treatment and integration policies for legal migrants; and the facilitation of the flow of remittance transfers and an attempt to deal with “brain drain”;

b) Reduce significantly the level of illegal migration (trafficking in human beings and loss of life through hazardous sea and border crossings);

c) Pursue the modernisation and efficiency of the administration of justice and facilitate access to justice by citizens;

d) Reinforce judicial cooperation (including on cross-border issues);

e) Facilitate solutions to problems arising from mixed-marriage disputes and child-custody cases and encourage cooperation in accordance with the principle of the UN Convention of 1989 on the Rights of the Child and national legislation;

f) Promote the ratification and further implementation of the relevant UN conventions on combating organised crime and drugs, and improve cooperation by law enforcement agencies.

To contribute to these objectives, it was decided to:

a) Hold a Ministerial meeting to discuss all issues pertinent to migration;

b) Develop mechanisms for practical cooperation and sharing experiences on managing migration flows humanely, (deepen dialogue with countries of origin and transit and explore options for providing assistance for countries of origin and transit);

c) Promote schemes for safer, easier, less expensive channels for the efficient transfer of migrants’ remittances;

d) Develop ways to assist capacity building for those national institutions in partner countries dealing with expatriates;

e) Promote legal migration opportunities and integration of migrants;

f) Enhance cooperation to fight illegal migration. This cooperation should involve all aspects of illegal migration, such as the negotiation of different kinds of readmission agreements, the fight against human trafficking and related networks as well as other forms of illegal migration, and capacity building in border management and migration;

g) Develop contacts, training and technical assistance for judicial and legal professionals, building on the EuroMed Justice Programme;


During the 8th Euro-Mediterranean Conference of Ministers of Foreign Affairs held in Tampere in November 2006, Ministers underlined the need to “strengthen the management of migratory flows in a comprehensive and balanced manner beneficial to the peoples in the whole Mediterranean region while respecting migrants’ rights,” and to intensify cooperation on all aspects of migration between all parties concerned, including the fight against trafficking in human beings and “negotiations of different kinds of readmission agreements.” The Ministers decided to organise Euromed Ministerial meeting on migration in 2007. The 9th Euro-Mediterranean Meeting of Ministers of Foreign Affairs, held in Lisbon on 18 and 19 November 2007, stressed “the need for continued progress by

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105 Agreed Conclusions of the 9th Euro-Mediterranean Meeting of Ministers of Foreign Affairs, Lisbon, 5-6 November 2007,
all Partners to achieve the strategic goal of optimising the social and economic benefits of migration for countries of origin, transit and destination, as well as continued cooperation in efficiently tackling illegal immigration.” Ministers mandated the senior officials to reflect on ways and means to increase the added value of regional cooperation in the fields of Justice and Security in accordance with the Five Year Work Programme. The conclusions also mentioned two other international initiatives, the Rabat Euro-African Ministerial Meeting on Migration and Development, held 10-11 July 2006, as well as the EU-Africa Ministerial Meeting on Migration and Development, held in Tripoli 22-23 November 2006.

Under the Portuguese Presidency, the First Euro-Mediterranean Ministerial Meeting on Migration was held in Albufeira (Algarve) on 19 November 2007. During this meeting, political and operational conclusions were approved. Facilitating legal movement is considered as one of the key elements of the cooperation “being aware of the globally positive effect of legal migration in terms of development.” It was therefore proposed to “analyse the possibilities of facilitating and simplifying legal migration procedures for workers in demand, in order to improve legal channels for migration.” These efforts would focus on “different categories of legal workers and could also include different forms of mobility such as circular and temporary migration, taking into account the needs of the Euro-Mediterranean countries labour markets as well as in terms of development.” “The needs of the countries of origin in terms of transferring competences and alleviating the consequences of the brain drain that migration can represent” and “the possibilities of facilitating and simplifying legal migration procedures for workers in demand, in order to improve legal channels for migration” were also taken into account. A series of measures were adopted, such as a working group on migration aspects of the labour market, the introduction of training courses for migrant workers, pre-departure professional training and linguistic courses for potential migrants; a seminar on the transfer of funds and micro-credit opportunities; training courses for the countries of transit on methods for the detection and identification of false or falsified and counterfeit identity and travel documents; enhancing capacity building related to departure flows and a strengthening of the relationship between fighting illegal migration and the respect for relevant international instruments. The Ministers made a commitment to hold regular meetings, through the establishment of task forces at the level of senior experts and officials to implement all the actions and supervise their progress.

Also, the link with migration and development in the partnership is stressed with the need to address the root causes of migration particularly poverty, unemployment, and the development gap. Those conclusions show that a shift in the realm of migration and its link with development and labour needs has occurred in the Euro-Mediterranean space – at least at the rhetorical level.

On November 3-4 2009, the Euro-Mediterranean Ministers of Foreign Affairs held in Marseille agreed that “important steps need to be taken in 2009 to implement the Barcelona Five Year Work Programme and the declaration of the Paris Summit in order to advance the regional integration process.” A work programme for 2009 was therefore adopted, including “Developing a genuine social dimension”.

As regards migration, the Ministers stated again that migration should be an integral

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part of the regional partnership. Legal migration, migration and development and the fight against illegal migration were to be addressed through a comprehensive, balanced and integrated approach, as well as the launching of EuroMed Migration II (2008-2011, €5 million), aiming at strengthen the Euromed cooperation in the management of migration, so as to build up the MPCs’ capacity to provide an effective, targeted and comprehensive solution for the various forms of migration.

In the following section, we will show how the European Neighbourhood Policy instruments have reinvigorated the Euro-Med framework in the realm of migration.

3.2.2 The European Neighbourhood Policy: Which added value to Migration?

Against the backdrop of the Euro-Mediterranean Partnership and the post-2004 EU enlargement, a new framework regulating external relations emerged: the European Neighbourhood Policy (ENP). The latter has built on the existing Euro-Med partnership and has refined it by adding new incentives (a “stake in the internal market”) and a new financial instrument: some countries are invited to use legal tools such as bilateral agreements and to adopt the *acquis communautaire* through a soft method of coordination (the so-called Country reports and Action Plans) in the various fields of cooperation. Some of the Mediterranean Partners take part in the ENP and have agreed on Action Plans with their EU partners with a view to developing strengthened cooperation in various fields. In the case of the European Neighbourhood Policy, the regional dimension is still taken into account, but more emphasis is put on bilateral relationships, mainly through Action Plans – which are instruments adapted to each country’s needs and willingness to move in the direction hoped for by the EU. This approach seems to favour more in-depth collaboration in migration matters, while also creating competition at the EMP level.

In its launch phase, the European Neighbourhood Policy raised new expectations regarding human mobility among EU neighbours. Contrary to the initial EMP which mainly addressed the integration of third-country nationals and the fight against irregular migration, the Neighbourhood Policy accentuates the importance of an integrated approach to migration in EU-Arab Mediterranean relations including the movement of persons. In the Action Plans, new opportunities for legal economic migration are envisaged as part of a balanced approach and a positive option for both origin and host countries. Thus, the ENP strengthens the foreign agenda of migration and introduces mutual commitments with a view to developing incremental joint migration management in the “illegal” but also the legal aspects.

Indeed cooperation in the field of justice, security and migration is at the top of the agenda of the ENP. For instance, the European Commission, in its 2006 communication “On strengthening the European Neighbourhood Policy”, identified the following “action points” concerning “mobility and migration”:

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implement the objective of facilitating legal movement of individuals”.

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111 Morocco, Tunisia, Egypt, Lebanon, Jordan.

112 It is noteworthy that Algeria has refused to engage in the ENP process.

113 The EU Commission Communication on “Wider Europe” (2003) stresses that: “The EU should aim to develop a zone of prosperity and a friendly neighbourhood – a ‘ring of friends’ - with whom the EU enjoys close, peaceful and co-operative relations. In return for concrete progress demonstrating shared values and effective implementation of political, economic and institutional reforms, including in aligning legislation with the acquis, the EU’s neighbourhood should benefit from the prospect of closer economic integration with the EU. To this end, Russia, the countries of the Western NIS and the Southern Mediterranean should be offered the prospect of a stake in the EU’s Internal Market and further integration and liberalisation to promote the free movement of – persons, goods, services and capital (four freedoms)”.

facilitating visas, removing obstacles to legitimate travel, e.g. for business, educational, tourism, official purposes;

- ensuring well-managed mobility and migration, addressing readmission, cooperation in fighting illegal immigration, and effective and efficient border management.

In its 2007 communication “A Strong European Neighbourhood Policy”\textsuperscript{115} the European Commission noted that “the promotion of mobility will go hand in hand with the commitment of our partners to increase security and justice and fight illegal migration, with efforts to strengthen our neighbours’ capacity to deal with migratory flows to their countries, and with the security of documents.” Therefore, it urged the EU Council and the European Parliament to adopt “its 2006 ‘package’ on legislative proposals aiming at revising the European Visa policy, ensuring a high level of security within the common area and simplifying the procedures for visa applicants.”

It must be stressed that this issue is one of the priority areas of the ENP Regional Indicative Programme 2007-2013\textsuperscript{116} which identifies a number of concrete projects and programmes.

So the statement that the ENP constitutes an important “policy shift” towards the Southern Mediterranean partners (Del Sarto & Schumacher 2005) on the basis of which the Euro-Med partnership has been re-stimulated is fully warranted in the field of migration.

Certainly the added value of the ENP process is to include, in a multifaceted international perspective, encompassing both the European-receiving contexts and Mediterranean-sending contexts, acts of cooperation enabling bilateral and regular dialogue among the actors. Hence, the ENP framework offers these actors structured and intensive collaboration channels, short and mid term objectives as well as monitoring processes with rewarding perspectives commensurate with each country’s progress. It is, however, worth noting that in the field of migration, some Mediterranean Arab partner are more motivated than other to cooperate.

In the following section, we will show how the ENP integrates legal migration into its objectives and how bilateral relations between the EC and its neighbours are varied.

3.2.3 The ENP and legal migration

Legal migration is part of each of the Action Plans negotiated with the Arab Mediterranean countries included in the ENP (see Appendix where the elements related to migration or movement of persons between the EU and its neighbours are visible). Morocco and Tunisia are certainly the countries with which the Action Plans are the most advanced, but management of migration flows as well as visa facilitations are on each of the partners’ agenda.

The ENP objectives are much more formulated, global and ambitious than those of the EMP. Regarding Egypt and Lebanon it is certainly too early to expect any concrete results with regard to the ENP. With Morocco and Tunisia, expectations could be higher, while for Jordan we must consider that not much has been done, except for information exchange.\textsuperscript{117} According to the Commission follow-up report on Morocco (April 2008), thanks to EC funding supporting the movement of persons,\textsuperscript{118} the level of legal migration from Morocco to EU has slightly increased. The Commission expresses a


\textsuperscript{118} Support to the movement of people (MED/2003/5725).
positive evaluation of the reinforcement of border control by the Moroccan authorities. Nevertheless, the issue of visa facilitation seems to be contingent on several factors including the conclusion of a readmission agreement. The report on Tunisia acknowledges intensification in border control and the fight against irregular migration by the Tunisian authorities, whereas in the field of legal migration, except for avenues permitting dialogue and meetings of experts, outcomes seem less concrete than for Morocco.

So in practice, at the EU level, when it comes to migration and relations with Mediterranean Arab countries, the concrete results are still, with the notable exception of Morocco, quite poor. Indeed, in comparison with Eastern neighbours no strong commitments are taken at the EU level. Reference might be made here to the mobility partnerships negotiated with Moldova or to visa facilitation offered to neighbouring countries.

Regarding the Arab Mediterranean Countries, mutual recognition has been established as a reciprocal interest in labour migration: at least with some of the countries – Morocco, Tunisia and Egypt. Also, some EU member states such as France, Spain and Italy have expressed their readiness to deepen cooperation with Arab Mediterranean neighbours, while other European countries are more reluctant to do so. Some member states show their interest in the bilateral relations that they have established with the origin countries.

It is worth noting that the European differentiated approach towards AMCs could explain the difficulty in finding a common migration policy towards the Mediterranean region at the EU level. Hence, elaborating a more consensual migration policy is crucial since visa policies have become of paramount importance to EU common policy and as some European actors have agreed on the necessity of immigration. A more consensual migration policy towards the Arab Mediterranean Countries might also empower the instruments of European Neighbourhood Policy and endow the Euro-Mediterranean partnership with a more coherent and far-reaching vision.

4. Conclusions and recommendations

The Euro-Arab Mediterranean space is currently the theatre of significant trends and opportunities in the field of migration. On the one hand, the European Union needs highly- and less highly-skilled migrants for short or long periods of stay so as to address its development pathway as well as its economic and social challenges. On the other hand, the Arab Mediterranean Countries face major problems such as high unemployment and the inability to efficiently manage the growth of their labour forces. It is certain that certain European countries have, to some extent, developed policies to respond to these needs. At the EU level, important actors – such as the EU Commission and partially the European Council and the Council of Ministers – are pleading for a renewed approach to migration which finds its finest expression in the “Global Approach to Migration”.

Still, in spite of this economic and social context which predisposes the two shores of the Mediterranean towards more cooperation, regular migration opportunities for economic purposes remain underdeveloped or involve discouraging procedures. This fuels irregular migration and aggravates its negative effects.

In this study, keeping in mind the multifaceted aspects of the Global Approach, we particularly stressed the emergence of proactive patterns in immigration/emigration policies in the Euro-Mediterranean region. Emphasis was also laid on assessing the efficiency and adequacy of instruments envisaged by the Global Approach to Migration, and how, if duly implemented, they could, indeed, respond to the needs of both sides of the Mediterranean.

More precisely, it was argued that if EU countries want to remain competitive in production, it is imperative that they encourage more skilled immigration. Arab Mediterranean countries that produce supply in skilled labour, could thus respond to this demand for highly-skilled migration provided that
the education levels and quality of the labour force is taken into consideration. It was also argued that expanding seasonal and circular migration opportunities both for skilled and unskilled workers in the Euro-Arab Mediterranean context is beneficial to enhancing cooperation opportunities. In addition to that, this study highlighted how the Global Approach to Migration takes into consideration important realities at work in the Euro-Mediterranean region. For instance, the supply of skilled migrants in the Arab Mediterranean Countries, on the one hand, and the demand for temporary migration by the migrants themselves, on the other, pursue to some extent common interests shared with destination countries. These departure points could thereby provide realistic foundations for a more symmetrical “needs and demand-base” labour migration approach.

Furthermore, the paper shows how, in contrast with the EMP process before 2005, the current nexus between the European Mediterranean Partnership and the European Neighbourhood Policy (ENP) could serve as an institutional platform that could integrate the objectives of the “Global Approach to Migration”, hence paving the way for more proactive cooperation at the EU level. At the regional level, the first Euro-Ministerial Conferences on Migration (November 2007) and on Labour and Employment (November 2009) are expected to give prominence to region-wide strategies in these fields.

Indeed, the Euro-Med framework and the European Neighbourhood policy constitute an important reference framework for implementing the Global Migration Approach for various reasons. First, the framework envisages the facilitation of mobility (as an aim though no enforceable provisions are stated), and targets non-discrimination when it comes to third-country workers (with enforceable provisions). In addition to that, the ENP Action Plans provide more constructive avenues for addressing the Global Approach to Migration since they specifically tackle the external aspects of migration. It is true that divergent priorities on each side of the Mediterranean have incontestably obstructed the consolidation of the Euro-Mediterranean framework. Thus, while EU countries focus on joint responsibility and control of migration flows, the origin countries of the Mediterranean fix their attention on development concerns and plead for a facilitated movement of persons and the integration of legal-resident migrants. Nonetheless, it should be noted that the Action plans are adequate methods to strive for more convergence in policy outcomes and bridge the gap in migratory discourses, since they are tailored to the needs of origin and host countries and offer contextual devices to address the divergences.

These observations notwithstanding, many drawbacks undermine an efficient orientation line in the EU’s labour strategy towards the Arab Mediterranean and impede constructive Euro-Arab Mediterranean cooperation.

On the one hand, upon assessing the EU’s level of action, one has to keep in mind that despite gradual harmonization at the EU level in the realm of migration policy and despite the fact that a more unified labour strategy has emerged, divergent national policies still supersede supranational decisions. In addition, overriding national competences take the lead in spite of the Commission’s efforts to communitarise certain labour and migration orientation lines. The Document of the French Council Presidency (2008), which is expected to shape EU legislation and policy orientation in migration issues in the years to come shows that national governments will remain the main actors as far as the proactive side of European immigration policies are concerned. Different national set-ups and labour-market configurations, as well as different labour preferences, delay an intersection of policy outcomes. Moreover, much controversy revolves around the future orientation tracks of a unified EU labour-migration strategy.

119 Already in 2001, the Report of the European Parliament on “the EU-Mediterranean Relations: a Re-Launch of the Barcelona Process”, notes that migration policy must be based on the circulation of workers. It seems that the ENP, at least in its discourse, takes the need for more mobility into account.

120 Key issues are divergences over unanimity voting, limited competences in the field of legal migration, inconsistencies between security concerns and the need for legal migration and mobility.

121 Scenarios oscillate between an approach centred on promoting selective labour migration and building intrinsic and
On the other hand, drawbacks inherent in the Global Approach to Migration get in the way of strengthening EU-Arab Mediterranean labour and migration cooperation. Thus, despite its enlightened approach, with its determination to take into account the root causes of migration, the Global Approach to Migration does not give much space to the role of sending countries. Furthermore, solid literature and empirical evidence supporting the efficiency of the instruments of the Global Approach (the Blue Card, Circular Migration schemes...) and whether they could really be adequate in responding to the needs of the Arab Mediterranean Region are still lacking. Also, there is controversy over whether instruments such as the Blue Card are suitable and attractive enough to satisfy the need for highly-skilled migration to Europe.

Beyond these difficulties, some specific recommendations for more policy convergence in the Euro-Arab Mediterranean framework can be made:

**At the EU institutional level**

Institutional changes in EU decision-making should take place so that a firmer and clearer orientation line emerges at the EU level. In the Lisbon Treaty (2008), the European member states accepted the adoption of legal-migration instruments on the basis of qualified majority voting involving the European Parliament. Indeed, legal migration into Europe will be a predominant topic for the 2009-2014 legislature. This could provide the basis for a more efficient cooperation strategy in migration matters between the EU and the Arab Mediterranean countries.

**At the Euro-Arab Mediterranean institutional and policy-making level**

In order to improve the comprehensiveness of the Global Approach to migration and remedy the gaps left by its instruments, it is important to:

- Empower institutions and legal channels addressing the recruitment of labour forces on both sides of the Mediterranean;
- Ease access to work permits in the EU space and inside the EU (e.g. provide fast-track procedure visas);
- Encourage visa and institutional policies that favour temporary patterns of migration and mobility;
- Refine temporary migration programs and make them more attractive by guaranteeing social rights and the portability of benefits even if such programmes are only a labour strategy, and cannot solve, in the near future, the demand for income and jobs for all potential migrants;
- Improve the recognition of educational degrees in the EU and create more institutional and legal synergies between academic institutions from either side of the Mediterranean.

**At a bilateral level**

The Euro-Arab Mediterranean framework should give prominence to bilateral initiatives which match the objectives of the “Global Approach to Migration”. Positive outcomes at a bilateral level could thus provide a propitious constellation able to convince other reluctant parties to join. Also, monitoring current bilateral experiences, assessing their economic, social and human dimensions, and detecting extrinsic boundaries; an approach favouring intra-EU labour mobility, hence stressing internal labour mobility but establishing strong external borders undermining chances for non EU-labour migrants; a third approach advocating the abolition of both internal and external borders and the promotion of labour mobility and integration within the EU as well as labour mobility originating from non-EU countries.

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122 Egypt-Italy; Morocco-Spain; Mauritania-Spain; Italy-Tunisia; France-Tunisia/Morocco.
positive gains and outcomes should become a policy-making priority so as to enhance cooperation and activate new cooperative dynamics in the Euro-Arab Mediterranean context.

In addition to these recommendations whose overarching aim is to consolidate policy convergence and joint migration management in the Euro-Arab Mediterranean region, the paper strongly advocates the *concretization and contextualization of the Global Migration Approach with respect to the Arab Mediterranean region* through the following tangible measures: initiating bilateral and regional consultative processes (RCPs) in the Euro-Arab Mediterranean context tackling the potential launching and implementation of mobility partnerships and circular migration schemes. These consultative processes should identify concrete and specific collaboration steps, namely under which circumstances mobility partnerships could be launched, how to solve policy divergences hampering such initiatives, and how these partnerships could reflect an integrative migration approach taking into account all categories of migrants. These processes should also define parties’ interests and expectations with a view to forging a transparent dialogue on migration in the Euro-Arab Mediterranean region.
Main references


Policy documents
Association agreements (see appendix)
Barcelona Declaration – November 1995

EC Communications
Communication from the Commission on a Strong European Neighbourhood Policy, COM(2007) 774 final, 05/12/2007

Council Conclusions
The European Council’s Conclusions of October 1999
The European Council Conclusions of December 2005 and the appendix “ Global approach to migration and Priority Actions focusing on Africa and the Mediterranean”.
The European Council Conclusions of December 2006
Directives

Instruments


Memo


Appendix (see Annex separate file)

I. Association agreements concluded by the EC and the EU countries with Mediterranean Partners (Euro-Mediterranean framework)

II. Action Plans with Southern Mediterranean Neighbors in the framework of the ENP
Development Group, Middle East and North Africa Region September 2.