POLICY BRIEF November 2023

FEPS FOUNDATION FOR EUROPEAN PROGRESSIVE STUDIES



BRIDGING THE GAP BETWEEN EU MIGRATION AND DEVELOPMENT POLICIES

TOWARDS AN UPDATED POLICY COHERENCE FOR DEVELOPMENT APPROACH

ABSTRACT

Migration policymakers often desire to use development cooperation to manage while development experts migration, insist that development policy should be first and foremost about the Sustainable Development Goals. This policy brief examines how this approach is reflected in the current reform of the Common European Asylum System (CEAS) and other policy initiatives, to what extent the current use of development cooperation for migration management is in line with the SDGs, and whether and how the controversies between the two policy areas can be overcome. It concludes that the EU's current migration and asylum policies are at odds with the SDGs and the EU's Aid Effectiveness Agenda, both in spirit and in practice, for example when it comes to the use of conditionality. The policy brief posits that a progressive migration policy could even argue for the instrumentalisation of migration policy for development goals: promoting fair and well-regulated migration arrangements to foster economic and social development.

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This Policy Brief was produced with the financial support of the European Parliament. It does not represent the view of the European Parliament.

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Copy editing: Rosalyne Cowie Layout: Hanno Schreiber

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KRB deposit number: D/2023/15396./33 ISBN: 978-2-931233-45-0

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1. Introduction

The EU's migration and development policies are permanent construction sites. For many years, migration and asylum policies have been marked by ongoing disputes over, among other things, fair burden sharing and the externalisation of borders and asylum. The EU's development cooperation, on the other hand, has been the subject of constant re-evaluation of its funding and implementation. But particularly contentious is the interface between these two policy fields. Migration policy actors, for example, have a strong interest in instrumentalising development cooperation for the management of migratory movements. Development experts, on the other hand, insist that development policy has and must pursue independent goals and that financial resources for development can and should only be used for genuine development policy goals. In view of the growing migration challenges, it is to be expected that the pressure from migration stakeholders on development actors will increase and that conflicts over these policy areas will intensify.

From a progressive perspective, it must be asked what exactly the contradictions of the two policy areas are, and to what extent the current use of development cooperation for migration management is in line with sustainable development goals (SDGs). Finally, it is to be discussed whether and how the controversies between the two policy areas can be overcome. This policy brief concludes that there is no need to develop new principles. These have long been available with the concept of policy coherence for development (PCD). In the Maastricht Treaty of 1992, the EU agreed on the PCD principle and has reaffirmed it repeatedly since then, including in the Lisbon Treaty of 2009 and in the European Consensus on Development of 2017, which aimed to implement the SDGs. However, this approach needs to be updated to focus more on migration partnerships.

Against this background, this policy brief (1) summarises current trends in European asylum

and migration policy and EU development policy; (2) analyses current policy challenges at the interface of migration and development policy; and (3) argues for an update and consistent use of the PCD approach.

2. Current trends in European asylum and migration policy and EU development policy

The two policy areas under consideration here – EU migration policy and EU development policy – have been controversial at both national and European levels in recent decades, making it difficult to agree on a common policy. However, the degree to which the two policies are contested differs.

2.1 Sharp disputes over asylum and migration policy

For many years, European asylum and migration policy has been characterised by an inability to reform and political deadlock, and it has been ill-equipped to deal with the challenges of migration policy, such as fair responsibility sharing when it comes to asylum seekers. This was clearly demonstrated in 2015-2016, when EU member states could not agree on a common reception approach for mostly Syrian refugees, and only a few states accepted refugees on a large scale. Moreover, the EU could not guarantee that all member states would comply with existing standards for the reception and accommodation of refugees. This was evident in places like Greece, where since 2015-2016 the right to asylum was temporarily suspended, illegal pushbacks at sea emerged and humanitarian standards in the reception centres fell so dramatically low that disasters like the Moria fire in September 2020 were almost inevitable.

In September 2020, the European Commission tried to strike a liberating blow, with its proposal for an asylum and migration package: the New Pact was supposed to break the long-standing deadlock in EU policy, resulting from the highly

diverging migration interests of the member states and the lack of solidarity among them, and allow for a fair distribution of refugees in the EU.¹ The reform proposal was a complex package of directives and regulations aimed at reconciling the various positions of the member states. The main aim of the reforms was to reduce the number of asylum applications through increased cooperation with third countries and increased security at the EU's external borders and to find a solution for the distribution of refugees in the EU.

At the heart of the Commission's proposals was a new balance of interests: those member states that did not wish to take in asylum seekers themselves were assured that they would be able to compensate for this by making other financial and administrative contributions to the EU's migration policy. The number of asylum applications should already be reduced at the external borders. This was to be achieved through a preliminary examination of asylum applications at the EU's external borders, the introduction of a multilevel solidarity mechanism to take account of different stress situations and the Europeanisation of return, including the creation of the necessary institutional structures.

The Commission's proposals have been discussed since then: the countries on the EU's southern borders continue to call for European solidarity in responsibility sharing; while the governments of the Visegrád countries and Austria remain opposed to any compulsory distribution of asylum seekers or recognised refugees. The Scandinavian countries and other EU states have also done a U-turn, following election victories for conservative and farright forces, and have increasingly called for restrictive asylum policies.

Despite these fundamental differences, however, the EU member states agreed on two regulations: the asylum procedure regulation (APR) and the asylum and migration management regulation (AMMR) in July 2023.² Against the backdrop of rising refugee numbers and the challenges posed by the reception of refugees from Ukraine, the majority of member states saw the need to reinvigorate the EU reform process and demonstrate the Union's capacity to act. This process is far from complete: the trilogue on APR and AMMR between the Commission, the Council and the Parliament has only just begun; and there are many hurdles before these regulations and other EU legislation can enter into force. This applies not only to the two key regulations mentioned above, but also to almost all other legal acts of the pact: the Eurodac and screening regulations and the recast of the Single Permit Directive are also still being negotiated in or between EU institutions. Only the regulations on the Union Resettlement Framework, the Qualification Regulation and the Reception Conditions Directive have been provisionally agreed.³ So far, just the regulations on the revised Blue Card Directive and the Voluntary Solidarity Mechanism have entered into force, and the EU Asylum Agency and the EU Return Coordinator have been established. The skills and talent package has been merely proposed by the Commission. All in all, the European Commission expects the current negotiations to be concluded by February 2024 and the pact to be adopted in April 2024. With the recent council agreement on the Crisis Regulation, this ambitious timetable looks more feasible than previously thought.

Complementing these legal reforms, the European Commission (mainly supported by Italy and the Netherlands) has recently initialised an agreement with Tunisia, presenting it – apparently in discontinuity with the past – as a comprehensive agreement, and promising the North African country substantial EU financial support in return for cooperation on migration policy. Given its broad scope, this agreement is expected to set the tone for future EU migration policy, not only in view of its total volume of nearly €1 billion, but also in terms of the agreed areas and mechanisms of cooperation.⁴ Nevertheless, there are a number of structural elements in this agreement that are questionable

Bridging the gap between EU migration and development policies. Towards an updated policy coherence for development approach

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EU policymakers increasingly make use of development cooperation instruments and funds to leverage readmission, ease reintegration, tackle migration root causes such as unemployment and reinforce borders.

from a progressive perspective. These include the informality of the cooperation, the legal nature of the agreement (not contractual, but subcontractual, nonjusticiable political agreements) and the lack of transparency in the negotiation process, which is not in line with the participation procedures prescribed in the EU treaties. In addition, the EU External Action Service (EEAS) and relevant EU Directorates-General, such as European Neighbourhood and Enlargement Negotiations (DG NEAR), were not sufficiently involved in the process.

The general criticism of this agreement (as with many previous EU Mobility and Migration Partnerships) is that the EU-Tunisia deal has been driven primarily by the national interests of individual EU member states (here: Italy), such that the focus is more on reducing unwanted migration than on addressing the root causes of forced displacement and irregular migration, and that the costs of such agreements are high: a further erosion of international asylum and human rights standards and law; a likely encouragement for smugglers; a greater dependence on autocrats; and a weakening of EU institutions.

2.2 Contentious instrumentalisation of development policy

Controversies within the policy area of development cooperation are less pronounced and usually more of a technical nature, for example, when it comes to funding structures. However, there is fundamental criticism of development policy itself: actors from the extreme right question the need for global solidarity and would rather see development funds spent domestically; whereas the extreme left, particularly from the so-called Global South, often sees development policy in a colonial tradition and argues that it does not dismantle uneven global power structures and sometimes even calls for their abolishment.

Beyond these extreme ends of the debate, the most controversially discussed issues are the instrumentalisation and conditionality of development aid.5 Usually, making development aid conditional on, for example, good governance or human rights objectives draws a lot less criticism than instrumentalising it for objectives beyond development and for other policy areas. Particularly for migration and asylum, EU policymakers increasingly make use of development cooperation instruments and funds to leverage readmission, ease reintegration, tackle migration root causes such as unemployment and reinforce borders. This directly contradicts the 2017 New European Consensus on Development, which is the EU's current guideline for its development policy and related activities, as well as its response to Agenda 2030 and a commitment to implement the SDGs.

This intertwining of policies is also reflected in the EU's main development funding instrument: the "Neighbourhood, Development and International Cooperation Instrument (NDICI) - Global Europe".⁶ It brings together various previous instruments and has earmarked almost €80 billion for 2021-2027, which represents an increase of 12% compared to the previous budget period. This illustrates that cooperation with third countries outside the EU is growing more important. In addition to spending targets on issues like human development or climate change, the instrument also contains a spending target on the "management and governance of migration and forced displacement" of 10% of the total, which might not be strictly development oriented. This is also reflected in the fact that not all NDICI funding is supposed to be reportable as official development assistance, but just 93%.⁷

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EU migration and asylum policy aims to curb arrivals, but instead of promoting good governance – which has been shown to lessen emigration – it focuses on borders and disrupting mixed migration routes.

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3. Policy challenges at the interface of migration and development policy

Obviously, current EU migration and asylum policies conflict with international development objectives and principles, such as the SDGs and the aid-effectiveness agenda. These contradictions are also reflected in the EU's own development policy, which is aligned with the aforementioned agreements both in spirit and in practice. This results in a number of challenges, both within development policy and beyond.

In its consensus on development,⁸ the EU commits itself to the Busan partnership for effective development co-operation's common principles:⁹ (1) ownership of development priorities by developing counties; (2) a focus on results; (3) partnerships for development; and (4) transparency and shared responsibility. However, many aspects of the EU's migration and asylum policies, particularly its external dimension, run counter to that:

 The EU's measures to prevent mixed migration flows to the EU itself, for example, include the fortification of borders in West Africa, or in the case of Niger, even support the criminalisation of migration.¹⁰ This is not in line with the Economic Community of West African States and the African Union's policy objectives of furthering freedom of movement between their respective member countries, but disregards the negative impact of the EU's measures on these objectives. The selection of target countries based on their location along migratory routes also does not respect developing countries' ownership of their development priorities, but puts EU migration control objectives first.

- 2) EU migration and asylum policy aims to curb arrivals, but instead of promoting good governance - which has been shown to lessen emigration¹¹ – it focuses on borders and disrupting mixed migration routes. This comes with a lack of tangible efforts on migration-related SDGs, such as reducing the cost of remittances (Target 10.c),¹² and thus, increasing their already worthwhile development impact. Combined with return and reintegration programmes, which come with a high cost per person¹³ and have a very low development impact, this paints a picture of clear disregard for evidence and effectiveness. This stands in contrast to the focus on results and sustainable impacts as main drivers of development policymaking called for in the Busan principles.
- 3) Partnerships are central themes in both EU development and migration and asylum policy. However, the strong reliance on conditionality in migration and asylum policy to further return and readmission, and this being integral to so-called migration partnerships, hollows out this important principle. This not only weakens the EU's normative base but also has so far not yielded the desired results in terms of return rates, despite heavy political investment. This short-sighted leveraging of partnerships with strong aspects of conditionality compromises the EU's reputation as a reliable development partner.¹⁴
- 4) Additionally, these migration agreements touch on development policy issues but are not public and, as non-legally-binding documents, not subject to parliamentary scrutiny.¹⁵ This is not in line with principles of transparency and accountability to all citizens.

Beyond contradicting the working principles of development cooperation, the EU's migration

and asylum policy also conflicts with the wider goals and objectives of development policy, as well as other policy areas:

- 1) SDG 10.7 calls for the facilitation of "orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and wellmanaged migration policies". However, the EU openly prioritises narrow and short-term objectives like the reduction of arrivals, increasing return and readmission, as well as containing migration in general. This not only has repercussions for deprioritised development policies, but also opens the EU up to pressure from transit countries. Many of them¹⁶ are aware of the increased bargaining power in relation to the EU when it comes to their new role as gatekeepers, and they do not shy away from using its potential for blackmail in pursuing their own agendas, such as Morocco's quest for acceptance for its occupation of Western Sahara.
- 2) The EU puts much emphasis on shoring up borders and interrupting routes, sometimes arguing that this will also prevent risky trips, exploitation, and deaths at sea and in the desert. However, the opposite is true: disruption of existing migration routes usually leads to a shift to more dangerous ways, such as longer trips by boat and riskier routes through the desert. This, in turn, makes migration more dangerous and expensive.¹⁷ Migrants thus need more resources, both financial and organisational, which, in turn, makes the smuggling of people more lucrative and opens vulnerable migrants to exploitation, abuse and trafficking by groups that are increasingly linked to organised crime. Thus, criminalising migration and border controls does little to enhance compliance with SDGs 16.2 (end abuse, exploitation, trafficking, and all forms of violence against and torture of children) and 16.4 (reduce illicit financial and arms flows, strengthen the recovery and return of stolen

assets, and combat all forms of organised crime).

- 3) By appeasing and giving in to semiautocratic and autocratic leaders in its neighbourhood, the EU legitimises and contributes to cementing questionable regimes, without paying enough attention to other policy goals, such as promoting good governance, democracy and rule of law, as called for in SDGs 16.4 (promote rule of law), 16.6 (effective, accountable and transparent institutions at all levels) and 16.7 (responsive, inclusive, participatory and representative decision-making at all levels). The cooperation with President Aleksandar Vučić in Serbia. President Abdel Fattah al-Sisi in Egypt, President Recep Tayyip Erdoğan in Turkey, President Kais Saied in Tunisia and King Mohammed VI in Morocco, as well as rival heads of militias in Libya, are examples of this.
- 4) The EU also risks damaging its credibility, as more and more societies in the so-called Global South see a disconnect between idealistic narratives around cooperation and values, on one hand, and policies that are driven by the EU pursuing one-sided and narrow migration control objectives, on the other hand. This is not in line with SDG 17.16 (global partnership for sustainable development) and may contribute to the EU being seen as a less-trustworthy partner. In turn, it can count less on its previous partners and allies, as evidenced by the many African countries' reluctance to condemn the Russian invasion of Ukraine.
- 5) Besides, curbing the number of arrivals in the EU be they migrants or asylum seekers is very likely not in the best mid- to long-term interests of the EU. While many policymakers fear the rise of extreme-right parties and worry that progressive migration policies are vulnerable to populist exploitation and instrumentalisation, there is no way around changing demographic realities. Shrinking

and ageing populations in the EU mean an ever-increasing need for immigrant labour of all skills levels.¹⁸ As industrialised countries have this trend in common, the EU can expect future competition for labour to be fierce. Very likely, the current distinction between asylum seekers, irregular labour migrants and sought-after foreign experts will not hold in the future, and EU countries will want to welcome all newcomers. A first sign of this is the fact that, in Germany, 'tolerated persons' - that is, those whose deportation has been temporarily suspended because it is not possible for legal or practical reasons (e.g., illness) - can now, under certain conditions, apply for a residence permit for the purposes of education and work. The potential benefits for European societies and migrants hailing from countries of origin that have young and still-growing populations are tremendous if properly managed - as called for in SGD 10.7 (facilitate orderly, safe, regular and responsible migration and mobility of people).

4. Conclusion

Generally, a more pragmatic handling of migration that aims to respect human rights, while achieving lasting policy solutions, can not only help to manage future migration and displacement due to climate change. It would also help reconcile EU policies with the normative values that are at its core. Constant human rights violations at EU borders, tacit complicity in violations beyond those borders,

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The analysis of current trends and challenges in European migration and development policy clearly shows that the increasing instrumentalisation of development cooperation for migration policy purposes, and the corresponding expansion of financial resources, are highly problematic.



as well as tens of thousands of preventable deaths at sea might not garner large public attention anymore, just like the seemingly racist distinction between white refugees from Ukraine and others from elsewhere is rarely discussed. Nevertheless, this hollows out and undermines the very human rights that are central to the European project, with untold consequences.

The analysis of current trends and challenges European migration and development in policy clearly shows that the increasing instrumentalisation of development cooperation for migration policy purposes, and the corresponding expansion of financial resources, are highly problematic. This is true even though current EU policy is coherent, in the sense that development objectives are consistently subordinated to migration objectives and development funds and instruments are mainly used to reduce irregular flows. However, if EU policy is primarily concerned with serving European interests, and the interests of countries of origin and transit are largely neglected, it is to be expected that neither the EU's migration policy nor its development policy goals will be achieved. The criticism of current EU policy is therefore not that it is incoherent, but that it is not committed to genuine partnerships with countries of origin and transit that leave room for exchange and balancing of interests and are, at the same time, development oriented and committed to the SDGs. From a progressive policy perspective, it is precisely in this sense that greater policy coherence would be desirable.

The guiding principle does not need to be reinvented: it has been present in EU policies for many years, but not consistently. The concept of PCD¹⁹ has been intensively discussed in global development research and policy for decades, driven by the hope of improving the interaction between development cooperation and other development-related policy areas, but implementation was weak. The concept was a response to earlier technocratic approaches to development cooperation. In the 1980s, these were increasingly criticised as ineffective or

even detrimental to development because they placed the costs of development primarily on the developing countries themselves. In addition, in the context of shrinking development budgets, ways were sought to increase the efficiency of official development cooperation, while reducing the negative development impacts of other policies. These discussions were reflected in the millennium development goals (MDGs) of 2000, in particular, in MDG 8, which stated that development cooperation should be accompanied by additional efforts in other policy areas, notably trade policy, debt relief and access to health and technology.

The EU was an early adopter of PCD, and it has been a key element of the Union's development policy for decades. It was first introduced into EU law in 1992 with the Maastricht Treaty, further strengthened in 2009 with the Lisbon Treaty, and had a prominent place in several policy documents. The EU PCD Work Programme 2010-2013 focused on a selected number of policy areas, the impact of which on developing countries was considered most relevant: trade and finance; climate change; global food security; migration; and synergies between security and development.

The post-2015 changes in the global development agenda, in particular, the transition from the MDGs to the SDGs and the 2030 Agenda, led to several changes in the EU's approach to PCD. Since then, PCD has been integrated into the implementation of the 2030 Agenda and the SDGs, the focus of PCD has been broadened in favour of a comprehensive and cross-sectoral policy approach, and PCD reporting has been integrated into the EU's quadrennial report on the implementation of the SDGs.

The adoption of the 2030 Agenda also led to the introduction of the concept of policy coherence for sustainable development (PCSD)²⁰ into the global development framework. PCSD could be defined as an approach to integrate the dimensions of sustainable development into all national and international policies. The

European consensus on development and the 2019 PCD report clarified the relationship between PCD and PCSD, stating that PCD is an important EU contribution to the SDGs (policy coherence for sustainable development is also the theme of SDG 17.14) and the broader goal of PCSD.

Since then, there has been no further Commission document or report on PCD, despite the fact that the background and geopolitical context of the EU's migration and development policies has changed profoundly, with the recovery from Covid-19, the consequences of Russia's invasion of Ukraine, the global food security crisis and, last but not least, the impact of climate change.²¹

An update of the EU's PCD approach is therefore urgently needed to provide guidance for a more coherent migration and development policy. However, to promote a more effective and sustainable EU policy in the future, the concept would need to focus much more on partnerships and cooperation with partner countries on an equal footing.

Ultimately, this would require a rethink: research on the causes of displacement shows that unregulated and irregular migration continues to be driven primarily by violent conflict and a lack of economic prospects. At the same time, research on migration and development indicates that safe, orderly and regular migration is an important driver of development. In academic research, there is broad consensus that ineffective migration policies have negative implications for the development of both countries of origin and destination. but insufficient development is also one of the central root causes of migration challenges. Exactly because of this link, a progressive migration policy could even argue for instrumentalising migration policy for development goals: promote fair and wellregulated migration agreements to foster economic and social development.

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