

Thematic Panel :

« Integration policies and the role of national and local actors in the countries of origin and the receiving countries »

Synthesis document by

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Provisional version -18 September 2002

1. A joint approach to integration policies ?

The integration of migrants in the host society became an objective of migration policies of the European States in the 1980s last century as it became clear with time that the foreign nationals were there to stay.

During a lengthy initial phase, integration policies were developed by the immigration States mostly unilaterally, with very little coordination between them and the countries of origin, this is quite understandable as these policies had (and still have) very close links with the more generous mechanisms of the Welfare state with its strong national characteristics in Europe.

The strongly “national” dimension of integration policies became clearly apparent as – in the mid – 1980s – the member States turned towards an ever stricter coordination in policies to regulate the inflows (admission and control). This led to the present situation where there

is a remarkable diversity in the legal status and socio-economic insertion conditions of the migrant populations and those stemming from immigration in the different countries of the European Union.

It is only recently that this diversity in the integration of immigrants started to be seen as an ethico-political problem (because of unequal treatment within the European Union) and a practical one as well (as differences in integration policies can turn into asymmetrical pull factors for future migrations). In October 1999, the Heads of State and the government of the EU included better integration of the “third country nationals residing legally in the territory of its member States” amongst the objectives of Community action regarding migration.

“A more energetic integration policy should aim at providing rights and obligations comparable to those of the European Union citizens.

This policy should also enhance non-discrimination in economic, social and cultural life and set up measures to combat racism and xenophobia”.

In line with this meaningful change (whose tangible repercussions are still limited, for the moment : see para 2) it became increasingly clear within the EU that it was important to tackle the question of integration through a dialogue with the authorities of the countries of origin whose potential influence on the social, cultural and economic insertion process of their nationals residing abroad is far from negligible.

The debate on the timeliness of having bilateral integration policies moved forward especially within the Euro-Mediterranean context where the association agreements provide a normative and institutional infrastructure, potentially appropriate to start a dialogue

between the countries of origin and the receiving countries on the socio-economic insertion conditions of the migrants.

From the legal viewpoint, the important aspect of such a dialogue is the principle of non-discrimination as clearly established in the Euro-Mediterranean agreements³.

From the institutional viewpoint, a decisive aspect is represented by the working groups on social and migration matters set up by the Association Councils.

Whilst recognizing the importance of such bilateral frameworks (which should put the EU in touch with each third country participating in the Partnership), it is also clear that a concerted approach on integration should also take place on a regional level of dialogue and action on the same themes. Thus the launching by the Vth Euro-Mediterranean Conference of Ministers of Foreign Affairs (Valencia 22-23 April 2002) of a “Regional Cooperation Programme on justice, to combat drugs, organized crime and terrorism and cooperation on issues linked to the social integration of immigrants, migration and circulation of persons” is to be welcomed as an extremely important new approach”. The Framework Document approved in Valencia defines the objectives of the new regional integration programme : “... Social integration of immigrants and enhancement of their status in the host countries and of their ties with their countries of origin.

- a) In liaison with the existing and future community and national programmes and with due respect to the bilateral agreements and provisions of association agreements concluded or to be concluded between the Mediterranean partners and the European Union, strengthen actions for social insertion and family regroupings of the nationals of Mediterranean partners who reside legally in the member States, bearing in mind national legislation and future community legislation, promote actions pertaining to non-discrimination in economic, social and cultural life.

- b) Strengthen the rights of nationals of Mediterranean partners and intensify the struggle against racism and xenophobia through appropriate means.
- c) Promote partnerships between countries of origin and host countries so as to valorize the migrants' contribution to the regional or local development of their country of origin".

The implementation of this enormous programme doubtlessly represents a crucial challenge today, the heterogeneous Euro-Mediterranean context from the migration viewpoint does not exclude – on the contrary – adding a sub-regional initiative to the open-door-approach of Euro-Mediterranean cooperation on the integration of migrants and of communities stemming from immigration. The western Mediterranean is thus a privileged framework in view of the relative homogeneity of its migration issues.

2. Recent trends in integration policies in the European Union

The recent setting up of an institutional context to enhance dialogue on integration in the Euro-Mediterranean, especially the western Mediterranean, is obviously not enough to make substantial and truly shared progress.

It should not be occluded that the tangible aims of the host countries and of the countries of origin did not often converge or at least did not coincide. Two different phases should be distinguished.

In the first phase, approx. at the end of the 1970s and the beginning of the 1990s, the main immigration States of continental Europe – with a belated awareness that foreign nationals were there mostly to stay – set up integration policies which, even through widely different

from each other, generally aimed to construct strong, or even exclusive, ties of belonging, with the new components of their populations.

The countries of origin, the States of the Maghreb in particular, whilst striving to improve the socio-economic insertion conditions of their nationals, more or less openly opposed more advanced forms of integration, this was an understandable defence of origin and allegiance networks, with politico – symbolic and economic motivations (based on the not always well founded idea that full integration would necessarily lead to a reduction in transfers to the country at origin).

The next phase, from the first half of the 1990s up to the present, was characterized, not only in the Mediterranean, but also on a worldwide level, by an easing in the attitude towards integration by the main emigration countries.

As it became pragmatically clear that some of the processes were irreversible, several great sending countries such as Mexico and Turkey recognized the principle of double nationality.

During that same period several widely different countries of origin underwent similar changes to redefine priority objectives in emigration policies, with greater attention being paid to hitherto neglected aspects such as channelling the transfer of foreign currency towards productive employment and combating the most harmful forms of the skill/brain (drain).

During those years, deep changes affected immigration currents towards Europe (increase in family migrations and currents of asylum seekers ; expansion in the market of illegal migrations) and affected the integration policies and even the very idea of integration.

Nearly all the EU countries have tightened their legislation on family regrouping. Attitudes were very different on the issue of obtaining nationality. Several countries of continental and northern Europe with an old immigration tradition, eased their legislation and practices in these matters. In most South European countries (Greece, Italy and Portugal), criteria for naturalisation became stricter. There is a paradox here, but only apparently so : these same South European countries which often very strongly resisted a full and final acceptance of long established foreign communities, could, or would not, at the same time, oppose the more or less massive regularisation of irregular residents.

Within this diverse and dynamic setting, the European institutions have tried to play – especially since the Tampere summit meeting – a harmonizing role. The main points of EU integration strategy, that of the Commission principally, can be summarized in 4 points :

- a) gradual opening of legal admission channels for third country nationals for economic reasons (Council's draft proposal on conditions of entry and of stay of third country nationals for paid employment or for the exercise of an independent economic activity (COM/2001) (final 0386 of 11th July 2001) to satisfy the labour needs of the European economy and also to provide alternative outlets for illegal migrations.
- b) harmonisation of the national status of third country nationals who are established in a stable manner and for a number of years in the EU territory (Council's draft directive on the status of third country nationals who have been in residence for a long time). (Final COM/2001) (127, 13th March 2001). The Commission proposes the recognition of the freedom to circulate within the European Union for immigrant workers affected by this proposal.
- c) Harmonisation of national rules on family regrouping, considered as a subjective

right and an essential integration instrument (Council's draft directive on the right to family regrouping. (final COM/1999) 638 of 1st December 1999, subsequently modified : COM/2002/0225 of 2nd May 2002).

- d) Launching vast action to combat discrimination, identified as one of the most serious obstacles to a profound and harmonious integration (2000/750 EC decision of 29 June 2000 of the Council setting up a Community action programme to combat discrimination. 2001-2006. 2000/78/EC directive of 27 November 2002 pertaining to the creation of a general framework for equal treatment in employment and at work ; 2000/43/EC directive of 27 November 2000 on the implementation of the principle of equal treatment between persons without any distinction of race or ethnic origin.

This aspect of EU action on integration is the only one so far to have become crystallized through normative texts of a binding nature. It must be noted that the other three axes of the Commission's strategy on integration did not work because of a lack of joint political will from the governments of the member States. Despite official assurances, negotiations on proposals on admission and on the status of third country nationals who have been resident for a long time, have lead nowhere so far and still seem very far away from their goal. As for the modified draft directive on family regrouping issued in May 2002 by the Commission at the request of the European Council in Laeken (14-15 December 2001), it represents – from the viewpoint of rights granted to migrants – a very faint version of the preceding text, this situation and the imbalance it may produce are obviously recognized by the member states (even by those where today they have the most restrictive measures).

It is interesting to note that the Danish presidency decided to organize, in July 2002, a conference on the integration of migrants in Europe, explaining that the “conference's objective was to prepare a report on best practices, to show that after Sevilla it is not just a question of Keeping people out”.

Despite the lack of concrete results so far, discussions in Europe are fully underway and initiatives follow each other rapidly in succession.

3. The « Governance » of integration : the role of local authorities and civil society

We have so far considered the national and supranational (European) level in elaborating migrant integration policies by highlighting the factors which point to a common approach in this sector (par. I) and some of the impediments to this goal. If we look at integration policies and also bear in mind their concrete executive dimension, we cannot neglect the considerable role played by the local authorities and civil society organisations in all the European countries.

Of course the importance of such a role varies depending on the degree of institutional decentralisation in each EU country, but the trend is doubtlessly increasing and is in line with the new challenges of integration policies within the present context, the growing complexity of migration phenomena affecting contemporary Europe (blurring of distinctions between spontaneous and forced migrations ; breakdown of the classical schema ; male migration followed by female/family migration, spreading of multiple forms of shifting/circular/temporary migration, etc...) as well as the extraordinary proliferation of places of origin (beyond the post-colonial migration circuits) necessitate adapted and flexible integration policies from the public authorities the classical linear model, which ideally led to naturalisation through intermediate stages of family regrouping and obtention of a permanent residence permit, no longer necessarily caters for the fundamental needs of all migrants.

We shall revert to the change in this paradigm and its concrete implications for integration policies, what needs to be stressed is the growing heterogeneity of migration currents

towards Europe which require different responses in integration policies. Such a differentiated approach can be obtained only through a more important role being played by the local authorities in the implementation and the design of integration policies.

Doubtlessly the instruments adapted for the harmonious insertion of a seasonal worker in the Andalusian countryside will not be the same in order to facilitate the satisfactory integration of a youngster stemming from immigration and living in a French suburb or for a North Africa minor who arrived on his own in a large Italian town.

If a certain degree of decentralisation is necessary to elaborate integration policies suitable for the needs generated by complex and greatly changing migrations, we must not forget the real danger (often already apparent) of such decentralisation leading to excessive and unfair disparities in treatment within the same national framework. The definition on a supranational level (European or Euro-Mediterranean level if possible) of minimum insertion parameters on some crucial aspects (health and compulsory education for example) would surely help to shape the system of integration policies in the European Union like a pyramid of well-balanced governance and not like a confused, unequal and potentially unfair mosaic.

Migrations are a complex phenomenon, a “social fact” as described by sociologists. Integration itself cannot be considered as a process wholly steered from above, and totally determined through institutional policies. Successful integration greatly depends on the behaviour of the social actors ; the migrants and immigrant communities ; and the host society with its regroupings and its organisations. These forms of behaviour, even though mostly spontaneous, can be influenced to a certain degree at different levels by public decision makers. In recent European history, there are several examples of collaboration between public authorities and private organisations on integration policies.

In a Mediterranean Europe characterized by sparsely spread welfare systems, the role played by religious and non-religious benevolent organisations in helping and in the initial integration of new immigrants, has often been decisive. Dangerous excesses should be avoided (with the privatisation of essential public services which could deprive the democratic authorities of important levers in migration policy) and public-private integration partnerships could be encouraged usefully on a national and European level.

It is not only benevolent organisations which may be called upon by the institutions to play a role in integration. In the intensive industrialization phase of the 1950s and 1960s of the last century, in several European countries, large scale enterprises were often entrusted with important tasks pertaining to integration, especially in housing.

In many member states today (concentrated in the south of the continent) where there is a renewed demand for foreign, not necessarily qualified labour, there is renewed interest in this type of collaboration, even though promoting the assumption of responsibility by employers for the integration of their neo-immigrant employees is legitimate and timely, extreme solutions should be avoided which could create illiberal forms of personal dependence between the immigrant worker and the employer.

4. Integration of immigrants and integration between the society of origin and the host society

In view of what has been said so far, what joint approach could there be between the countries of origin and the host countries bathed by the western Mediterranean on the integration of migrants ? Numerous signals from both shores (but more amplified from the European side) seem to discourage such a perspective. But if you look beyond the plane trying to detect deeper lying trends, then encouraging elements can be seen which could

suggest a possible convergence.

The era where the strongly “Integrationistic” will of some countries of origin opposed and sometimes clashed with persistent pretensions of sovereignty expressed by some countries of origin is hopefully finally over. Of course differences of opinion and conflicts of interest still persist but attitudes have softened somewhat.

The host countries show interest in temporary forms of migration but this is an old and dangerous illusion in view of the breakdown of the “Gastarbeitermodell” in the 1970s.

This time there is no question of forced mass repatriation (an unacceptable and unrealistic option for political and economic reasons) ; it is rather a question of creating conditions to effectively allow a great proportion of these emigrants to return and who, according to opinion polls, express the wish to return sooner or later.

The countries of origin, at the same time, are increasingly more aware of the fact that a large proportion, or even the majority, of their emigrated communities have no thoughts of coming back definitively but this does not necessarily mean breaking off the links or stopping financial transfers.

These changes in attitude are painfully making their way around the Mediterranean and are opening the door for an innovative approach to migrants integration policies ; a new approach as the method is negotiated by the States on both sides of the shore. It is a new method because its substance is based on an idea of integration far removed from the idea which prevailed in Western Europe since the irresistible spread of this term in the last decades of the last century.

It is therefore an idea which no longer sees integration as a linear insertion process of an individual or a minority social group into a much bigger group but as a much more

complex interaction between two communities, the community of origin and the host community, this is a bi-directional interaction which does not exclude circular movements (with a more or less long periodicity), with an entrepreneur or a trader going off for a few days or an artist on tour ; or a seasonal worker going off for a few weeks or a few months ; or a research worker or a technician going off for a few years etc..., and coming back for good.

With this new idea, the delicate but essential task of the national, regional and local authorities of the country of origin and the host country is to create firstly legal and institutional conditions and then economic and social ones so that this integration of societies through the migrants may truly take place. It is therefore up to the decision-makers and administrations of both parties to create a migration space which is clearly regulated but reasonably open to enable the migrants to use both their human and financial resources on both sides. It is only through a progressive empowerment of the migrants themselves that an optimal allocation of the positive effects of migration can be obtained.

What does this mean in concrete terms ? The answer is to highlight three innovative types of experience in the last few years in the Western Mediterranean.

These are mostly recent practices whose assessment as “good practices” is perhaps premature and in any case provisional. Some of these practices were interrupted because of other factors or because of changes in the political majority in one of the countries concerned which makes a final assessment impossible. Despite all this, these solutions appear promising and worthy of further endeavours and experimentation.

The three types of practices to which attention should be drawn, - without trying to be exhaustive – are as follows :

a) practices to improve the circulation of persons for short periods of stay so as to limit the phenomenon of irregular entries and stays within EU territory. The rules developed within the framework of the Schengen Agreements, which were incorporated into the European Union legal system in 1999, through the Amsterdam treaty, impose tight and rigid controls on the trans-Mediterranean circulation of persons. For some socio-professional categories (students, small traders, researchers, artists, etc...) it seems clear that these controls, instead of effectively preventing unauthorized immigration, actually encourage it, as the deprivations and hardships of an irregular stay are often preferred to the risk of not obtaining a visa the next time. It is precisely to avoid a proliferation of these “overstayers” that some countries, with France in the lead, have experimented, successfully it seems, with greater flexibility with the Schengen rules for some categories from some of the Maghreb countries. This experiment should doubtlessly be carried on and continued on a European level.

b) practices to select emigration candidates for employment purposes, so as to maximize the utility of migration itself both for the sending country and the receiving country. In contrast with most countries of continental Europe, the countries of Mediterranean Europe, except France, openly admit their need for foreign labour, with medium and even low levels of qualification (in agriculture, in domestic service, in hotel and catering, etc...) In the last few years, these needs were met to a great extent by workers from the South Mediterranean countries (even though East Europeans accounted for a growing percentage of the employment seekers in the 1990s both in Spain and Italy) These two countries recently even undertook initiatives to select workers from the Maghreb to admit them to their respective territories for economic reasons.

The labour agreement between Spain and Morocco signed in Madrid on 25 July 2001 has not been followed up so far because of the generally strained relations between

the two countries. The system of privileged quotas for some nationalities, launched by the Italian government in 1998, was successfully tried until 2001. This is a promising practice which deserves to be assessed carefully and later promoted. Hopefully the present deadlock on the Italian side (the decree for programmed entries for 2002 has not yet been adopted) will be only short lasting and this model will spread throughout Europe adapting itself to the specific conditions and requirements of each host country. It might be important to point out that some countries of origin have shown interest in admission mechanisms which could provide a training period “before leaving” which could improve structural integration between the national labour markets and the individual integration of migrants directly involved.

c) Practices to encourage an active return of migrant workers, by encouraging the use of their old age pension as a resource for the development of their country of origin.

More than “ordinary” transfers, the pension can become an important resource for the productive insertion of migrants in their societies of origin and for the activation of micro-circuits of economic development, there is no need to dwell on this theme as it was specifically discussed by another thematic panel. A policy of valorizing pension contributions to encourage early return and to promote independent economic activities in the country of origin could find a clear and solid basis in specific provisions of the association agreements.

To transform this fundamental right into a lever to encourage a productive return to the country of origin, it would be enough in general to allow the migrant who wishes to return and to invest in the country, to capitalize the contributions which have accumulated so far, this again would be an empowerment strategy for the migrant which would contribute directly and tangibly to the ideal of co-development.