



International migration and relations with third countries: European and US approaches

Jan Niessen and Yongmi Schibel (eds.)

France

Raphaële Magoni, MPG

Project supported by the German
Marshall Fund of the United States



International migration and relations with third countries

FRANCE

Raphaële Magoni, Migration Policy Group

**This report is part of the publication “International migration and relations with third countries: European and US approaches”
Supported by the German Marshall Fund of the United States**

Migration Policy Group, May 2004

FRANCE

Raphaële Magoni, Migration Policy Group

Over the past few years, the French government has attempted to curtail irregular movement to the country and to remove illegal migrants from the territory more efficiently. The ensuing realisation that "zero immigration" could not constitute a realistic option may have been one of the reasons that led France to show more generosity with regard to its development policy, by providing populations with even more opportunities in their countries of origin in order to reduce incoming migration flows. In fact, French development policy is based on the notion of "co-development" and comprises a number of programmes. The multiplicity of initiatives and the complex nature of interaction between the various actors in this field leads to a certain lack of transparency, and it is, therefore, difficult to determine to what extent projects are guided by French national interests and to what extent they stem from real concerns about the development of countries of origin and the well-being of their populations. This conflict between national interests and the promotion of development is also reflected in the French position at the GATS negotiations concerning Mode 4, where national labour market interests tend to take precedence over the free movement of service providers.

1. The Justice and Home Affairs agenda

France has recently adopted a stricter attitude towards immigration control: for example, a new law was adopted in 2003¹ tightening the conditions of entry and residence of foreign nationals. This followed the adoption of a Domestic Security Law² which already represented a move towards concerns in the field of Justice and Home Affairs at European level, such as the fight against terrorism. At the same time, deportation efforts against overstays and the undocumented have been increased, as shown by the following figures: from January to November 2003, the number of foreigners sent back to their country rose by 14.7% compared to the same period in 2002. Altogether, 32,010 illegal immigrants were returned to their country of origin, stopped at the French border or sent back to other Schengen countries. They were mainly from Algeria, Morocco, China, Iraq, Senegal, Ivory Coast, Turkey, Tunisia, Cameroon and Pakistan³. The French Minister of the Interior aims to deport 20,000 to 30,000 illegal immigrants a year - approximately the number entering France every year⁴. The new law on immigration also extended the permitted period of detention for undocumented foreigners from 12 to a maximum of 32 days. By the end of this period the government hopes to have identified the immigrant, and to have received permission from the relevant home country to return him/her.

France has, in addition, played a crucial role in ensuring that certain aspects of immigration law at European level have become more repressive. At France's initiative, in 2001, a Directive was adopted on the mutual recognition of decisions for the expulsion of third-country nationals⁵. The aim of this Directive is to ensure that an expulsion order issued by one Member State may be carried out by another Member

¹ Law n° 2003-1119 of 26 November 2003.

² Law n° 2003-239 of 18 March 2003.

³ "22000 étrangers expulsés en huit mois", Charlotte Rotman, Libération, 30 September 2003

⁴ BBC News, <http://news.bbc.co.uk/2/hi/europe/2989637.stm>

⁵ Directive 2001/40/EC on the Mutual Recognition of Decisions for the Expulsion of Third-Country Nationals, 28 May 2001.

State where the subject of the order has sought refuge in another Member State. Moreover, France strongly supported the establishment of "a centre for rationalising return operations, which would aim at facilitating joint operations, including establishing a protocol laying down the procedures and the practical aspects of such flight operations"⁶ in the framework of the Return Action Programme adopted by the JHA Council on 28-29 November 2002 and aimed at improving the exchange of Member States' best practice for the return of illegal immigrants to countries of origin. This JHA Council also adopted the EU Return Plan to Afghanistan allowing for co-operation at the operational level regarding the repatriation of Afghans but also permitting Member States to carry out the forced deportation of Afghans whose stay was no longer justified by protection or humanitarian needs, and who refused to return on a voluntary basis. France took this opportunity to carry out forced deportations despite the fact that several NGOs had reported high security risks in Afghanistan.⁷

France has signed a large number of readmission agreements with third countries and is currently negotiating further agreements. The French Minister of the Interior visited Mali in February 2003 and supported the signature of a bilateral readmission agreement, which was rejected by the Malian government. During his visit to Senegal in December 2003, the Minister advocated "reciprocal assistance" and reached an agreement with the Senegalese authorities. According to this agreement, Senegal is to simplify the deportation of illegal Senegalese migrants living in France by facilitating their readmission. Concluding this agreement was essential for France, as of 632 readmission requests made to Dakar in 2002, a positive response was received for only 26%.⁸

Table 1: Readmission agreements concluded by France⁹

Algeria	IP A
Argentina	Signed A-C
Bolivia	IP
Brazil	Signed A-B-C
Bulgaria	Signed A-B-C
Chile	Signed A-C
Costa Rica	Signed A-C
Croatia	Signed A-B-C
Czech Rep.	Signed A-B-C
Ecuador	Signed A-B-C
El Salvador	Signed A-C
Estonia	Signed A-B-C
FYROM	Signed A-B-C
Guatemala	Signed A-C
Honduras	Signed A-C
Hungary	Signed A-B-C
Latvia	Signed A-B-C
Lithuania	Signed A-B-C

⁶ Daphné Bouteillet-Paquet, "Passing the Buck: A Critical Analysis of the Readmission Policy Implemented by the European Union and its Member States", in *European Journal of Migration and Law* 5: 2003, p. 373.

⁷ Ibid. p. 374.

⁸ *Migration News Sheet*, January 2004, p.6.

⁹ Sources: <http://www.poptel.org.uk/statewatch/semDOC/file/NEW/readmis2.htm> and http://www.europarl.eu.int/workingpapers/libe/104/default_en.htm

Mexico	Signed A-C
Morocco	IP A
Nicaragua	IP
Pakistan	IP
Panama	IP
Paraguay	Signed A-C
Poland	Schengen
Romania	Signed A-B-C
Slovakia	Signed A-B-C
Slovenia	Signed A-B-C
Sri Lanka	IP
Switzerland	Signed A-B-C
Tunisia	IP A
Uruguay	Signed A-C
Venezuela	Signed A-B-C

A = Provisions relating to the readmission of nationals of the contracting parties

B = Provisions relating to the readmission of third-country nationals

C = Provisions relating to transit for return purposes

IP = In preparation

Schengen = agreement signed with all Schengen States

French Official Development Assistance

Although France seems to have adopted a stricter attitude towards immigrants' countries of origin, it opposed, during the June 2002 EU Summit in Seville, the proposition for the withdrawal of Official Development Assistance (ODA) from countries which do not co-operate fully in the fight against illegal immigration and the return of unauthorised migrants. However, France's ODA stood at only 0.36% of GNI in 2002, far from the United Nations target of 0.7% of GNI. In fact, French aid declined by nearly half between 1994 (0.64% of GNI) and 2001 (0.32%). Nevertheless, the country has committed itself to an increase in order to raise ODA to 0.5% of GNI by 2007 and 0.7% by 2012.¹⁰

It appears that French aid does not focus to a large extent on poverty, as French ODA shows a clear discrepancy between poverty reduction and the allocation of resources. In fact, France allocates a smaller share of its development aid to Least Developed Countries (those classified by the United Nations as particularly vulnerable) than to middle income countries. Today, Africa, and particularly migrants' countries of origin situated in the French-speaking Maghreb and Sub-Saharan Africa, are the main beneficiary of French ODA. However, this has only been the case since French Polynesia and New Caledonia, which used to be the principal recipients of French assistance, ceased to be eligible for ODA on January 1, 2000. This lack of attention to poverty reduction on the part of France is also reflected in the sectoral allocation of bilateral funds: in 2000, France spent 1.47% of its bilateral aid on basic education, 0.53% on basic health and 3.47% on water and sanitation.¹¹ The OECD/DAC peer review of France has consequently insisted on the need to prioritise

¹⁰ OECD, "DAC Countries Begin Recovery in Development Aid: 5% Increase in 2002", http://www.oecd.org/document/42/0,2340,en_2649_201185_2507754_119690_1_1_1,00.html

¹¹ *The Reality of Aid 2002*, An Independent Review of Poverty Reduction and International Development Assistance, The Reality of Aid Project, J. Randel, T. German and D. Ewing (ed.), Development Initiatives, p.192, available at <http://www.realityofaid.org>

poverty alleviation, particularly through increased aid for basic social sectors, which is currently considered as too weak an element in the country's ODA.

The review also highlighted the fact that French ODA is often linked with political, macro-economic, or technical conditions imposed on the receiving country. "For France, as for other donors (bilateral or multilateral), recourse to the principle of conditionality has always been considered legitimate. Besides the fact that the position of the donor naturally authorises it to make assistance conditional on how it will be used and the policies that govern it, donors also view conditionalities as a guarantee of aid efficiency, or, in the case of tied aid assistance (largely practised by France), the efficiency of direct counterparts."¹² Indeed, more than a third of French bilateral aid is tied to the purchase of goods and services from France.

Voluntary Return Programmes

This approach based on the allocation of aid to countries of origin in order to promote "stay-at-home" development and reduce migration flows, has been accompanied by a system based on voluntary returns and as a result, several voluntary return programmes have been created since the 1970s. In 1977, a programme called *Aide au retour* was launched, which consisted of granting ca. €1,525 to every foreign worker willing to leave the country. In 1981, when the Socialists came to power, this allowance was tripled and coupled with conventions signed with companies in the process of restructuring, particularly in the automobile industry. Later, in 1984, a grant for the reintegration of workers was introduced and run by the *Office des Migrations Internationales* (OMI): this scheme, called *Aide Publique à la Réinsertion* (APR) and still running today, concerned legal foreign workers from all countries at risk of losing their job or unemployed for less than three months. Migrants who are eligible under these conditions can benefit from a lump sum of €3,049 granted by the government to facilitate their reintegration into their country of origin. Their travel expenses are borne by the state and they are entitled to unemployment benefit or to a state allowance. The efficiency of the measure has, however, proven to be limited: 550 Malians took advantage of the offer in 1984 but only one in 1993. Another scheme, known as *Invitation à Quitter la France* (IQF), was launched in 1991 and concerns migrants from all countries whose application for a residence permit has been rejected: the state covers their travel expenses and grants each returning adult €153. IQF concerned 575 people in 2001.¹³ *Rapatriement Humanitaire* (RH) was created in 1992 for all foreigners who are destitute and in distress: they are entitled to the same as those eligible under IQF. RH concerned 562 people in 2001.¹⁴

However, these measures only affected a small number of people and were not sufficient to solve the problem of illegal migration: consequently, following the Regularisation Act of June 1997, 80,000 illegal migrants (*sans papiers*) were granted legal status by the government. Financial assistance was provided for illegal migrants from Mali, Morocco and Senegal who were obliged to leave France: the *Contrat de Réinsertion dans le Pays d'Origine* (CRPO) included an allocation of €686 per returning adult, travel expenses and the offer of a 3-month paid professional traineeship in France, as well as the possibility, at a later stage, to receive a multiple-

¹² "The hint of a recovery?", Amélie Canonne, Observatoire Permanent de la Coopération Française (OPCF) on behalf of the Centre de Recherche et d'Information pour le Développement (CRID), 2001, in *ibid*.

¹³ *Pratiques et politiques d'aide au retour au niveau européen. Analyse de la situation française*, Olivier Kaba and Eric Force, PMIE and pS-Eau, November 2002.

¹⁴ *Ibid*.

entry visa (for 3 months each time), on the condition that their reintegration into their home country was successful (the success was to be determined by OMI). Despite this, few people signed this contract. An inquiry on the possibility of granting legal status to illegal immigrants concluded that voluntary return programmes were limited in their effect due to the unwillingness of the people concerned to leave France: these programmes could, therefore, only be suitable for the small number of people who, indeed, wished to return to their country of origin. In fact, amnesties tend to raise hopes among immigrants, who, when confronted with negative decisions, resort to all possibilities for appeal and are disinclined to consider the option of voluntary return. The inquiry concluded that although voluntary return programmes (which have shown positive results in terms of quality) should be maintained, it was necessary to acknowledge that they could not constitute a means to reduce the number of illegal immigrants: compared to the size of this population, immigrants participating in voluntary return programmes could only represent "a drop in the ocean".¹⁵

2. Migration for development

The policy of migration control, implemented by the government since France brought a halt to the entry of foreign labour in 1974, has encouraged migrants to settle in France permanently. Progressively, their relatives have joined them through a process of family reunification and, as migrant communities are becoming an established part of French society, aid sent to countries of origin, initially in the form of regular remittances, focuses less on the needs of family members but increasingly supports collective projects. This situation has led the French government to use the co-development approach - a notion which appeared in the 1980s meaning "cooperation for development" - in relation to migration. Co-development is based on the idea of valuing the contribution migrants can make to the development of their countries of origin and of involving civil society in this process. It was thus a promising tool which was to provide stable migrant communities with the opportunity to play a more important role in the development of their home countries. This approach was developed progressively and was eventually formulated as a policy in the late 1990s.

As early as 1975, the *Agence Française de Développement* (AFD) - known at the time as *Caisse Centrale de Coopération Economique* - launched a programme to finance professional training in Algeria. Algerians living in France could receive training and then return to Algeria and in turn provide training to workers there. This programme was also conducted with Morocco and Senegal on a very small scale. During the oil crisis, as economic difficulties arose, France attempted to develop the programme to raise the number of returning Algerians. It was brought to a halt in the 1980s as it was increasingly being confused with voluntary return programmes.

The objective of French policy progressively evolved from encouraging legal or illegal migrants to return home, to stabilising potential migrants in their countries of origin. Hence, the concept of co-development was eventually developed as a policy in the 1997 report written by Sami Naïr¹⁶, who at the time was responsible for the interministerial mission on migration and co-development. This report, entitled "a co-development policy linked to migratory flows" was based on the principle that

¹⁵ Commission d'enquête sur les régularisations d'étrangers en situation irrégulière, Paul Masson and José Balarelo, rapport 470 (97-98), Tome I.

¹⁶ *Rapport de bilan et d'orientation sur la politique de codéveloppement liée aux flux migratoires*, Mission interministérielle "Migrations/Codéveloppement", Ministère des Affaires étrangères, Paris, 1997.

migrants are important actors in the development of their countries of origin, and that their contribution in development should be valued and encouraged. Members of the legal migrant community living in France should, therefore, be used as a vehicle of assistance to their countries of origin by helping them to support local development initiatives, and by giving them the means to return and establish businesses at home and use the skills and experience gained in France to foster the development of their country. In the framework of co-development conventions, foreign workers and students would have the possibility to receive education and training in France provided the skills acquired were used to promote the development of their country. According to this policy, migration flows were to be organised so that migrants would come to France on a temporary basis only and would return to their country of origin once their training had been completed.

Sami Nair's report was fundamental as it officially acknowledged the role of migrants in the development of their countries of origin. However, his approach was strongly criticised as it appeared to many NGOs to justify a modification of French immigration law and to constitute a means of controlling migratory flows. This was partly due to the publication of the report at a time of heated national debate on immigration law, and in particular on the regularisation of illegal immigrants (see above). Therefore, the proposals were perceived as an alternative for illegal immigrants who were not eligible for regularisation: co-development could, according to the report, represent an opportunity for them. In addition, it was argued that the development of countries of origin would not lead to an automatic decrease in migration flows. Rather, development has been shown to lead to an increase in migration, at least in the short-term: this phenomenon is known as "migration hump".

Of course, this policy also required the co-operation of countries of origin, and co-development conventions were signed with Senegal and Mali in 2000. The latter includes a €2.6 million budget to support various local development projects designed to make the region more attractive and reduce migration flows. Discussions have begun with Morocco on the possibility of such a convention.

Additionally, several programmes supporting business initiatives in migrants' countries of origin were launched as part of this co-development "strategy". Two countries were essentially targeted: Mali and Senegal. Thus, the *Programme Développement Local et Migration* (PDLM) was established in 1995 with the co-operation of several NGOs and is run by the Ministry for Social Affairs, the Ministry of Foreign Affairs and the OMI. It is targeted at legal and illegal migrants from Mali, Mauritania and Senegal. It supports the reintegration of migrants into their country of origin by allocating them a €3,660 maximum grant to create a business and by ensuring technical and managerial support of the migrants' project for one year. This grant is not allocated systematically and depends on the quality of the project proposed. It is available to migrants who have spent at least 2 years in France. Contrary to voluntary return programmes, this system requires careful and personal support for migrants and is, therefore, not intended for large-scale use.

During his official visit to Mali in October 2003, the French President reiterated his support for a "development of activities which will allow Malians to stay in their country".¹⁷ As a matter of fact, France has decided to double (from €3,600 to €7,000) the grant for Malian immigrants willing to return. This grant is also available to illegal Malians living in France, whose number is estimated at around 40,000. However, the return programmes have never been very successful, even though, with the financial

¹⁷ "Le Mali compte sur le codéveloppement pour gérer les flux migratoires", B. Breuillac, *Le Monde*, 4 November 2003.

incentive, the number of Malians agreeing to return has doubled from 42 in 2002 to approximately 100 in 2003. As far as Senegal is concerned, according to the agreement concluded with that country at the end of 2003, France is to issue more entry visas to Senegalese nationals. France will also cover travel and accommodation costs of highly skilled Senegalese nationals residing in France for the purposes of temporary development missions in their home country. Additionally, assistance to voluntary return for small development projects will be doubled (up to €7,000). However, the agreement also includes the establishment of systems required to prevent illegal migration from Senegal: bilateral police co-operation will be increased through the creation, in Senegal, of a border police and a national security department, as well as the training of over 400 civil servants.

The *Programme Co-Développement Migrations* (PCDM) is similar to the PDLM but targeted at legal and illegal migrants from Romania. It includes professional training for its beneficiaries and is financed by OMI. In 2003, this programme was extended to cover migrants from Moldavia (this aspect of the programme is partly co-financed by the European Refugee Fund). The *Programme Migrations et Initiatives Economiques* (PMIE) was initiated in 2001. It is funded by the Ministry for Social Affairs and the Ministry of Foreign Affairs, and is run by an NGO called pS-Eau. It assists legal and illegal migrants from Africa who wish to establish a business in France or in their country of origin (whether they stay in France or return) by orientating them towards relevant structures in terms of training, technical assistance, funding, etc. The PMIE also funds feasibility studies for migrants' projects. This initiative has resulted in the creation of a network, the *Groupe d'Appui à la Micro-Entreprise* (GAME) which brings together 14 specialised organisations working in ten different countries in partnership with local organisations, in order to inform and assist migrants who would like to establish a business in their country of origin. The GAME has produced a handbook entitled "Se réinstaller et entreprendre au pays" (going home and doing business) which was published in 1999.¹⁸

These programmes are intended to focus on the quality of returns rather than on their quantity. They provide a certain amount of assistance to aid migrants reintegrate into society. Nevertheless, although the current programmes represent interesting opportunities for migrants, they are far from perfect: indeed, development implies assistance to all potential business creators, not only migrants, and those who meet specific criteria, for example, regarding the length of time spent in France. Additionally, it is doubtful that those immigrants, who have been persuaded to return after having worked illegally in low-level jobs in France, will make good entrepreneurs: in 2001, 53 % of the migrants involved were part of IQF or RH procedures, while only 47 % were "spontaneous" returns (i.e. people with a residence permit). Furthermore, these programmes have failed to entice immigrants to return to their country of origin, their potential for expansion is limited and they have not yet led to a stabilisation of the population. They may be perceived by migrants in particular as a way in which to "humanise" returns, in that they represent a method of return rather than a genuine means to develop commercial activities in the countries of origin. The current French visa policy also casts doubt on the willingness of the state to allow the circulation of migrants, necessary for development projects. Finally, a major flaw of the co-development approach, as previously mentioned, is that economic development does not automatically prevent migration, since poverty is not the sole factor influencing people's wish to migrate.

¹⁸ *Se réinstaller et entreprendre au pays. Petit guide pratique pour l'appui aux migrants porteurs de projets économiques*, O. Kaba and S. Nédélec eds., pS-Eau - Collective work, 1999.

The question of remittances is also an important aspect of co-development. A large percentage of the funds transferred by migrants is intended for the support of their family and is spent on consumer goods. Remittances are not usually invested in productive activities. Therefore, their direct impact on economic development and growth is limited. However, even though there is no proven direct link between remittances and development, their positive effects cannot be denied as they do improve the living conditions of the local population. For example, remittances from Malian migrants have been used to build health centres, schools, roads, etc. The majority of the total volume of remittances made by migrants living in France passes through unofficial channels. This appears to be the case with Chinese migrants, who make most of their remittances through informal organised networks or through middlemen¹⁹. Among official channels of remittances, banks are the most commonly used, although this largely depends on the nationality of the migrants concerned. Moroccan migrants make most of their remittances through Moroccan banks, but migrants from Mali and Senegal tend to use different methods.

Table 2: Remittances made by Malian and Senegalese migrants in France²⁰

Channel of remittance	% of answers (among the 82% of migrants who make remittances)
Bank	7
Post Office	15
Middleman	56
Other	7
Total	82

France is attempting to facilitate, and lower the cost of, transfers. Three banks - the *Banque de l'Habitat du Sénégal*, the *Banque de l'Habitat du Mali* and the *Banque des Ivoiriens de France* - already offer a special transfer scheme to Senegal, Mali and the Ivory Coast and undertake more than 400 transfers a day, with significantly lower fees than private money courier services.²¹ Additionally, during his visit to Senegal in December 2003, the French Minister of the Interior proposed the establishment of an inexpensive money transfer system to enable Senegalese nationals to make remittances at an advantageous rate. The Minister will soon launch a tender in order to determine which French bank will host the new system. Moreover, if remittances are aimed at financing small local development projects, the initiators should also be permitted to benefit from loans with more favourable conditions guaranteed by the French government to develop small businesses: consequently, according to the new scheme, when the money transferred is used to finance a development project in the country of origin, the initiator will have the possibility of benefiting from a loan issued at a reduced rate of interest.

As a matter of fact, access to bank loans in their country of origin is often problematic and costly for migrants. France is, therefore, particularly interested in ensuring an optimal use of remittances by providing additional contributions, particularly with a view to supporting the establishment of small businesses. This approach coincides

¹⁹ *La circulation des nouveaux migrants chinois en France et en Europe*, Ministère de l'Emploi et de la Solidarité, 2002.

²⁰ Source: *Epargne des migrants et outils financiers adaptés*, CIMADE EUROPACT ABPCD study, June 1998.

²¹ *World Migration 2003*, IOM, p.230.

with the concerns highlighted in a 2002 report by several migration experts²² revealing that, although remittances have considerably improved the life of Malians and added schools and clinics, they do not seem to have led to the establishment of large numbers of businesses. The same statement led the pS-Eau to develop a scheme called *Investissement à distance* in Senegal and Mali within the framework of the PMIE, to allow migrants to use their savings as a guarantee to obtain a loan in order to establish a business in their country of origin. *Crédit Mutuel du Sénégal* and *BICIM (Banque Internationale pour le Commerce et l'Industrie du Mali)*, a subsidiary of *BNP Paribas*, are involved in this project. Loans are granted in local currency, for a maximum amount of €7,600 in Senegal. The loan may be used to launch economic projects in towns (e.g. small businesses) but also in rural zones (e.g. purchase of farming equipment). Interest rates are kept low in order to allow for repayments. To ensure the soundness of the projects launched on the field, Ps-Eau relies on the members of the GAME located in the countries concerned. This system is likely to expand to other African countries.

Additionally, since 2003, the AFD has conducted a programme to assist Moroccans living in France to establish companies in Morocco. Under the terms of this programme, one third of the migrant's project is funded through a bank loan, a third through the AFD and one the remainder through personal savings. AFD funding is provided by the EU, DG Justice and Home Affairs. Although migrants do not have to return to Morocco, they are strongly encouraged to do so. This is a pilot project and the JHA budget for such projects has soared. The AFD is currently attempting to develop a project to allow Malian migrants living in France to save in order to invest in construction in Mali, at the request of Malian migrants. The AFD is also trying to channel remittances towards projects resulting in productive investment.

The issue of brain drain must also be taken into consideration if co-development is to be successful. The intention of co-development is to facilitate the circulation of migrants to allow them to take advantage of training opportunities in France. The skills acquired would then be put at the disposal of home communities once migrants return to their countries of origin. However, the French authorities are currently concerned that this circulation is unidirectional, in that migrants tend to remain in France once training has been completed. For example, there are currently more doctors from Benin in France than in Benin. Migrants' organisations encourage these doctors to engage in voluntary work in their country of origin for one month. This idea is likely to be promoted by the government in the future and to apply also to university lecturers.

Co-development equally operates within the framework of decentralised co-operation. This co-operation between local communities began with town twinning after the second World War, and with the arrival of migrants from sub-Saharan Africa in the 1970s. Since 1992, the law on decentralised co-operation has allowed local communities in France to link with local communities in other countries, by giving local authorities the right to sign agreements containing financial clauses, in France and abroad. The objective of decentralised co-operation is to create and consolidate long-term cultural, technical and economic partnerships between local communities. Today, all French administrative regions, half of the departments and a large majority of towns and cities support almost 6,000 international programmes in 114 countries.

In the city of Montreuil (near Paris), members of the Malian migrant community progressively created migrant organisations after their arrival to conduct local

²² See "Best Practice Option: Mali", P. Martin, S. Martin and P. Weil, in *International Migration*, Special Issue 1 2002, vol. 40, n° 3, pp. 87-102.

development projects in their country of origin. They solicited the financial support of the municipality, which was eventually able to develop its own decentralised co-operation projects with Mali from 1992 onwards. In Montreuil, decentralised co-operation with Mali is now extensive, and projects are designed and carried out in partnership with the local population and NGOs on the field. They are managed by a steering committee on which Malian migrants are represented and can participate in decision-making. Migrants finance up to 20% of the cost of the projects initiated by the municipality, but generally they are not personally involved in these projects. The projects are selected on the basis of collective interest, but are limited in terms of size (for example, a local authority cannot finance the construction of a dam).

Local communities in France enjoy a large degree of autonomy with regard to the choice of country with which they wish to develop a partnership. Additional funding from the Ministry of Foreign Affairs for their projects is facilitated, however, if they coincide with the priorities of national policy, which focuses on Africa and ACP countries as well as other countries where French is spoken (e.g. Vietnam), encourages countries making efforts in the field of human rights and democracy and promotes decentralisation. In 1998, the government provided €8.5 million to co-finance 248 projects representing a total amount of approximately €30 million for local communities in developing countries. Some projects also receive funding from the European Union. Currently, there is a decrease in funding from the state so the various actors involved in de-centralised co-operation must collaborate. The choice of project is, therefore, more limited.

Table 3: Geographical distribution of co-financing in 1998²³

Geographical area	Amount (in thousands of €)
Maghreb	598
Mediterranean Basin	69
Africa (except Maghreb)	3,422
Indian Ocean	360
North America	11
South America	394
Caribbean	17
Western Europe	117
Central and Eastern Europe	679
Eastern Europe (others)	65
Asia (Mekong region + China)	747
Middle East	200
Unallocated	1,901
Total	8,580

²³ Source: "La coopération décentralisée", Ch. Josselin, Ministère des Affaires étrangères, available at: http://www.france.diplomatie.fr/solidarite/soc_civile/pdf/decentra.pdf

Table 4: Sectoral distribution of co-financing in 1998²⁴

Sector	Amount (in thousands of €)	No. of projects
Education and training	562	27
Rural sector	1,172	39
Urban sector	1,929	47
Adm., justice, human rights, culture	151	6
Local administration	231	23
Economy, trade, small businesses	735	22
Health	733	21
Social sector / sociocultural	725	34
Multisectoral on field	2,342	29
Total	8,580	248

Migrants' associations based in France, known as *Organisations de Solidarité Internationale Issues des Migrations* (OSIM), play an active role in the development of countries of origin, which has been recognised and encouraged by the co-development policy. They are also involved in the promotion of policies to improve the integration of migrants in France. Migrants have been allowed to create non-for-profit organisations since 1981. Through these organisations, they can apply for public funding for specific projects. Six hundred migrants' organisations are now represented by a national platform called *Forum des Organisations de Solidarité Internationale Issues des Migrations* (FORIM) and created in 2002 through a working group on OSIM and development established within the *Commission Coopération Développement* of the Ministry of Foreign Affairs. The purpose of FORIM is to facilitate the work of its members by providing them with relevant information and training. Additionally, the platform ensures the representation of OSIM in the different interest groups and structures involved in policy-making and recommendations, such as the *Haut Conseil de la Coopération Internationale*, a body charged with advising the government on issues regarding international co-operation and composed of civil society experts, or the *Commissions Mixtes*, which are bilateral meetings bringing together senior French officials and their counterparts in the countries concerned in order to define the main orientations of their co-operation programmes. FORIM also facilitates dialogue and co-operation between OSIM, with organisations abroad, as well as with other actors within civil society and local and national authorities.

FORIM favours the direct involvement of migrants in the development of their countries of origin through the management of a co-financing programme (*Programme d'appui au projets des OSIM - PRA/OSIM*) to support the projects of OSIM in this respect. The PRA/OSIM is funded by the Ministry of Foreign Affairs and led by an examining committee with parity of representation, composed of officials from the Ministry, local authorities and members of OSIM. It can provide up to 50% of the costs of a project (with a maximum amount of €15,000). It aims to adapt OSIM activities to the general development needs of migrants' countries of origin as well as to the priorities of the French development policy. Projects must be carried out in co-operation with an organisation based in the country of origin; they must involve the target population; they must be long-term projects and include an evaluation process. In spite of these numerous activities, FORIM remains a very recent structure, and although the organisation is very promising, any assessment of the extent of its

²⁴ Ibid.

impact on the role of migrants and migrants' organisations in French society would be premature.

Finally, various development NGOs run programmes involving migrants. The *Comité Catholique contre la Faim et pour le Développement* (CCFD), one of the main French development NGOs, launched a *Programme d'appui aux initiatives migrants* in 1999. One of its aims is to help local village organisations and migrants' organisations to co-operate in order to identify, initiate and manage economic activities favourable to local development. This project is funded by the Ministry of Foreign Affairs, the CCFD, local authorities (*Conseil régional du Nord-Pas-de-Calais*) and migrants themselves. It illustrates how the different stakeholders can co-operate to involve migrants in the development of their countries of origin and to support their initiatives.

3. Migration, mobility and trade

The French position in the GATS negotiations, particularly with respect to Mode 4 on the temporary entry of foreigners into the EU to provide services, held that, although during the negotiations France was in favour of specific additional measures supporting the free movement of service providers, it remained wary of the risks of opening its market, particularly for its national labour force and its social security system.

Several stages of negotiations at national level take place in order to prepare the French response to the European Commission's initial proposal. Representatives from the French government, trade unions and employers' organisations meet to discuss the French position. On the whole, French employers' organisations adopt a lukewarm attitude towards Mode 4. NGOs and trade unions have led a campaign against GATS negotiations in general, claiming that an open public debate is necessary. Trade unions are particularly concerned about the ongoing search for low-cost labour illustrated by the trend towards *délocalisation* and they, along with NGOs, believe that GATS represents a threat to the welfare system and salary levels. Consultations with employers' organisations and trade unions are informal: there is no established system for consultation. The Ministry of Finance adopts a flexible stance at negotiations, in contrast to the Ministry of Foreign Affairs and the Ministry of Social Affairs which fear that the system may be destabilised. Generally, the Parliament is not involved in the negotiations. However, MPs may ask questions of the Minister of Trade on particular aspects of the position adopted by the government.

The French position at the EU is subsequently defined through interministerial arbitration. A preparatory meeting with the ministries concerned to define the French position takes place within the SGCI (*Secrétariat général du Comité interministériel pour les questions de coopération économique européenne*). The SGCI's main task consists of coordinating the positions taken by France within the different EU institutions in order to ensure the consistency and unity of the French approach. The SGCI is organised according to the following principle: each ministry is competent for its own area of expertise while the SGCI ensures their coordination. French negotiators must follow instructions elaborated within this framework. SGCI meetings are held once a week, before Committee 133 is due to convene. Following the meeting, a note of instructions defining the official French position is prepared and sent to all the ministries.

Committee 133 on services (an ad hoc committee), composed of administrative experts from the Ministries of Trade of the 15 Member States (in the case of France, from the *Direction des Relations Economiques Extérieures* - DREE), meets every 1-2 weeks and prepares a document which will serve as a basis for discussion. The committee gives France the opportunity to test the approach of other EU countries to determine whether its proposals for modifications will be supported.

The French position in the negotiations is rather pro-active and more open than that of other countries: France pushed for more commitments, namely for the sub-category of "contractual service suppliers" to be extended to highly skilled "self-employed" persons, who will consequently be able to enter the EU for up to 6 months. It also supported the idea that "intra-company transfers" should be extended to "graduate trainees", with the implication that a service company with a graduate training programme will be able to transfer its trainees to benefit from a maximum of one year's work experience with an affiliated company in the EU. In addition, a "Most Favoured Nation" exemption, allowing access procedures for the exercise of certain services activities to be facilitated, is granted by France to Francophone African countries, Algeria, Switzerland and Romania for a period of 10 years.²⁵

In the short term, it is unlikely that the French position on Mode 4 will be modified as French experts believe (as does the EU about its own offer) that the French and EU offers on Mode 4 are the most substantial made by the different countries. Currently, therefore, France does not wish to increase its offer. According to French officials from the Ministry of Trade, developing countries' request for an opening of the European labour market to unskilled foreign workers goes beyond what the EU is able to offer. Developing countries should reconsider their ambitions. France does not have an official position on the creation of a GATS visa, which would facilitate the entry of Mode 4 workers by avoiding detailed visa procedures. It seems that French officials are rather reticent about this proposal, as it would put additional pressure on the visa system and the country would be forced to modify its legal system under pressure from a trade organisation.

The French approach to the link between mobility and the provision of services is characterised by two conflicting elements: the fear of increased competition from migrant workers and the need for skilled labour. Nevertheless, France has started diversifying its immigration rules, depending on whether migrants are highly or poorly qualified. New possibilities for French companies to recruit foreigners were introduced in 2002, showing that France is slowly moving from a period where it was aiming for "zero immigration" to a period of controlled immigration to fulfil its economic needs. The OFCE (*Observatoire Français des Conjonctures Economiques*), a governmental study group, published a report in late December 2002²⁶, recommending that the French government do everything in its power to attract more qualified immigrants, indeed at least 100,000 immigrants annually, especially if it wishes to maintain economic growth. The report underlined that France would have difficulty maintaining its present growth rate if it continues to allow the number of qualified workers in certain sectors to fall. As a result of this change, France is now planning to increase significantly the number of foreigners allowed to enter the country - from 50,000 at present to between 100,000 and 200,000 - but also to be selective as to which immigrants would be admitted. The French Minister of the

²⁵ "A quick guide to the GATS and Mode 4", p.21, paper prepared by J. Nielson and D. Taglioni from the Trade Directorate, OECD, for the OECD-World Bank-IOM Seminar on Trade and Migration, Geneva, 12-14 November 2003.

²⁶ Reference is made to this report in "France to encourage immigration", *Dawn*, 7 January 2003.

Interior is known to be favourable to a US-style plan which would set quotas on immigrants, notably according to their profession and country of origin. Indeed, sectors such as construction and information technology are in need of new employees and innovative ideas if they are to continue to thrive. This confirms the idea that France should adopt a more forceful attitude within GATS to promote greater mobility. However, if mobility is increased, immigrants' rights must also be respected.

French immigration policy in relation to foreign relations is characterised, firstly, by a large variety of stakeholders: in addition to the various ministries involved, NGOs, in particular migrants' associations, constitute important actors and have an impact on policies. Additionally, French development co-operation is strongly decentralised, with local authorities developing their own links and solidarity with developing countries. Decentralised co-operation also represents a major means to involve migrant communities in the development of their countries of origin. Secondly, France is involved in a multitude of projects, programmes and initiatives which provide migrants with financial incentives to return. These incentives are complemented by offers of training, managerial and technical assistance, bank loans and advantageous financial transfers, as well as support services for those who wish to create a business in their country of origin. New projects are continuously being developed in this field.

In contrast, French immigration policy has become stricter towards unskilled migrants who are unable to fulfil visa entry requirements: deportations have reached their highest ever level and the government is planning a further increase. Furthermore, France is attempting to conclude several readmission agreements with third countries to accelerate the deportation process. At the same time, France's level of ODA to developing countries falls far short of UN targets and least developed countries are rarely prioritised. Public funds available to organisations supporting international solidarity are currently decreasing. These facts lead to the conclusion that French immigration policy in relation to foreign relations seems to be based on the "carrot and stick" approach: France is pursuing an "instrumentalist" development policy where "development goals are generally linked, if not subordinated, to migration control goals".²⁷ There is, thus, a tendency to perceive migration and development as foreign policy tools. It remains to be seen whether this complex relationship will be productive in the future.

²⁷ F.Pastore, "More development for less migration or better migration for more development? Shifting priorities in the European debate", Migration Europa, CeSPI, December 2003, p.4.

Migration Policy Group
Rue Belliard 205, box 1
B-1040 Brussels
Tel. +32 2 230 5930
Fax. +32 2 280 0925
email: info@migpolgroup.com
www.migpolgroup.com