



Doc. 12076

5 November 2009

Engaging European diasporas: the need for governmental and intergovernmental responses

Report

Committee on Migration, Refugees and Population

Rapporteur: Mrs Oksana BILOZIR, Ukraine, Group of the European People's Party

Summary:

The rapid pace of European integration and recent events such as the global economic downturn have brought the issue of relations with diasporas and their development potential onto government agendas. However, policy making in the engagement of diasporas as well as in the management of migration, multiple identities and diversity in general have been greatly lagging behind in many Council of Europe member states.

The Parliamentary Assembly calls for the elaboration of national and Europe-wide migration policies that are comprehensive and regard diasporas as vectors of development, promote an institutional role for diasporas through dialogue and regular consultation and offer policy incentives to diaspora communities or representatives willing to engage in homeland development. It proposes various incentives that could enable member states to achieve a right balance between the process of integration of their diasporas in host societies and maintaining links with their homelands.

The Assembly considers that the Council of Europe should play a more significant role in assisting member states to integrate migration into national development policy frameworks and to increase inter-state co-operation on migration management and diaspora engagement. It encourages the Committee of Ministers to, inter alia, work towards the harmonisation of legal provisions in member states' legislation concerning migrant workers in line with the general principles of protection of human rights. Furthermore, it reiterates its call for the establishment, under the auspices of the Council of Europe, of a council of Europeans abroad, a body representing European diasporas at the pan-European level and meeting at regular intervals at a forum of Europeans Abroad.

A. Draft resolution

1. Migration from other continents and from eastern to western Europe has long existed and will continue to spread as long as disparities remain between living standards, incomes and political situations. However, policies to manage the many challenges and opportunities that emerge with these movements have been lagging behind.
2. The Parliamentary Assembly has been engaged in dealing with the issue of Europeans living abroad and their links to their homelands for the last 15 years. It regrets that in the particular aspect of the establishment of links with European diaspora communities, policy-making has been lacking.
3. There is nevertheless a growing understanding in Europe that labour mobility, if well managed, can be advantageous both for destination countries and countries of origin. How best to manage mobility, multiple identities and diversity in a way that can maximise engagement of diasporas both in countries of origin and host countries, is a challenge that governments need to tackle today.
4. The Assembly considers it essential to strike and maintain a right balance between the process of integration in the host societies and the links with the country of origin. It is convinced that seeing migrants as political actors, and not only as workers or economic actors, enhances the recognition of their capacity in the promotion and transference of democratic values. The right to vote and be elected in the host countries, as well as the opportunity of diasporas to take part in the democratically governed European non-governmental organisations can endorse an accountable and democratic system of governance in their home countries. Policies that grant migrants the rights and obligations as citizens or residents in both countries should therefore be encouraged.
5. The Assembly regrets that, notwithstanding its long-standing calls to revise the existing models of relations between expatriates and their countries of origin, relations between member states of the Council of Europe and their diasporas abroad are far from being harmonised. Many member states from central and eastern Europe are only beginning to recognise the potential development and other benefits of engaging their diasporas in a more institutionalised manner, especially in the context of the current global economic crises.
6. The Assembly reiterates that it is in the interest of member states to ensure that their diasporas continue to actively exercise the rights linked to their nationality and contribute in a variety of ways to the political, economic, social and cultural development of their countries of origin. It is convinced that globalisation and growing migration may have an impact on host countries in many positive ways by contributing to building diverse, tolerant and multicultural societies.
7. The Assembly acknowledges that states have particular responsibilities towards their expatriate communities where such communities form a significant national minority in another state. However, it disapproves of all forms of political manipulation of diaspora communities, including as a means of promoting expansionist policies. For example, the Assembly maintains that any large-scale passportisation should be regulated by bilateral agreements between the states concerned and must abide by the principles of international law.
8. In the light of the above, the Assembly calls on the member states of the Council of Europe to focus on elaborating migration policies that are comprehensive and regard diasporas as vectors of development, to promote an institutional role for diasporas through dialogue and regular consultation and to offer policy incentives to diaspora communities or representatives willing to engage in homeland development.
9. In particular, the Assembly encourages member states, as countries of origin, to adopt the following policy incentives:
 - 9.1. civil and political incentives:
 - 9.1.1. develop institutions and elaborate policies for maximum harmonisation of the political, social, economic and cultural rights of diasporas with those of the native population;
 - 9.1.2. ease the acquisition or maintenance of voting rights by offering out-of-country voting at national elections;
 - 9.1.3. involve diasporas in policy making, in particular concerning the issues of nationality and citizenship, and political, economic, social and cultural rights;

9.1.4. gather information on nationals living abroad and allow them to have their own representation in domestic politics, through the creation of ministries of representation for diasporas;

9.1.5. use the channel of embassies and consulates abroad for building confidence with diasporas through the provision of specific services and useful information;

9.1.6. promote diaspora networks and associations by drawing up a road map for supporting their establishment, and discuss the ways home and host countries can become active partners with diaspora networks;

9.2. fostering return:

9.2.1. put in place policies to encourage permanent or temporary return and promote “brain gain”;

9.2.2. create all necessary conditions for diasporas willing to return to their home countries to foster adaptation and ensure full enjoyment of their taxation, retirement and other economic benefits;

9.2.3. facilitate the movement of diasporas (multiple entry visas, long-term residence permits, entry concessions for diasporas with host country nationality);

9.3. encourage remittance flows through pro-active legislative and regulatory policies, which avoid the application of double taxation, create proper legal and regulatory frameworks allowing effective use to be made of remittances in various investment areas and link remittances to other financial services (savings accounts, loans, social insurance, etc.);

9.4. promote diasporas’ entrepreneurship through transparent customs and import incentives, access to special economic zones and to foreign currency accounts, and inform them about investment opportunities;

9.5. develop policies of efficient recognition of diplomas and educational certificates obtained outside the country of origin.

10. The Assembly encourages member states, as countries of destination, to:

10.1. review migration policies with a view to according migrants greater rights and obligations, harmonising as much as possible the rights of non-citizen diasporas with those of citizens in the host countries;

10.2. consider the possibility of granting migrant workers the right to vote and to stand in local and regional elections after a residence period of five years;

10.3. adopt a more flexible legal framework that offers regular migrants the possibility of unrestricted movement between country of origin and destination country whilst preserving their immigrant status in the destination country;

10.4. elaborate policies allowing migrants to participate in the development process in countries of origin; promote training and manpower-raising skills and programmes, transfer of competence, know-how and flows of foreign capital and conduct development projects coupled with development aid;

10.5. actively involve members of diaspora communities in the elaboration of integration programmes for labour migrants;

11. The Assembly encourages the international community, and in particular the International Organization for Migration (IOM) and the International Labour Organization (ILO), to stay actively involved in the issues relating to diasporas and development. In particular, it calls upon relevant partner organisations to:

11.1. clarify the different concepts, classifications and definitions concerning diasporas with a view to harmonising the concept at European level, taking into account the evolving and dynamic nature of the concept of diaspora;

11.2. facilitate collaboration between diaspora organisations, including professional organisations, and other European development non-governmental organisations through incentives such as partnership funds, which could make it possible for the mainstream development agencies and the diasporas to engage with each other;

11.3. encourage collaboration among academic institutions and support international research projects related to diasporas and the migration-development nexus issues.

B. Draft recommendation

1. The Parliamentary Assembly refers to its Resolution ... (2009) on engaging European diasporas: the need for governmental and intergovernmental responses
2. The Assembly welcomes the work undertaken in recent years by the Committee of Ministers, and in particular the European Committee on Migration, on issues concerning migration and development and co-development and migrants working for development in their countries of origin.
3. It recalls in this context its own contributions on the role and rights of diasporas in European societies: Recommendations 1410 (1999) and 1650 (2004) on the links between Europeans living abroad and their countries of origin, Resolution 1462 (2005) and Recommendation 1718 (2005) on co-development policy as a positive measure to regulate migratory flows, Recommendation 1500 (2001) on the participation of immigrant and foreign residents in political life in Council of Europe member states, and Resolution 1618 (2008) and Recommendation 1840 (2008) on the state of democracy in Europe: measures to improve the democratic participation of migrants.
4. The Assembly is convinced that the Council of Europe has good potential to contribute to the current policy debate on managing mobility, multiple identities and diversity of societies in Europe. In particular it can play a significant role in assisting member states to integrate international migration into national development policy frameworks and to increase inter-state co-operation on migration management.
5. In the light of the above, the Assembly recommends that the Committee of Ministers:
 - 5.1. concentrate its actions on the harmonisation and subsequent liberalisation of legal provisions in its member states' legislation concerning migrant workers in line with the general principles of protection of human rights. To this end, it invites member states to speed up the ratification of the European Convention on the Legal Status of Migrant Workers (ETS No. 93);
 - 5.2. instruct the European Committee on Migration to:
 - 5.2.1. define the status, rights and obligations of diasporas in Europe, both in their countries of origin and in host countries;
 - 5.2.2. elaborate policy guidelines to encourage greater engagement of European diasporas in development projects in countries of origin;
 - 5.2.3. carry out a study on the experience of member states in setting up government offices for diasporas and also the experience of providing for voting rights of diasporas and other political participation mechanisms;
 - 5.2.4. help build national capacities in terms of knowledge and research, as well as human and administrative capacities;
 - 5.2.5. assist member states to develop partnerships between diasporas and between countries of origin and host countries to enable greater involvement of diasporas in development projects.
 - 5.3. design and introduce a pan-European harmonised system of collecting statistics on the nationals of Council of Europe member states living in other countries;
 - 5.4. give further consideration to the establishment, under the auspices of the Council of Europe, of a council of Europeans abroad, a body representing European diasporas at the pan-European level, which could organise at regular intervals a forum of Europeans abroad.

C. Explanatory memorandum by Mrs Bilozir, rapporteur**Table of contents**

I. Introduction	6
II. Diasporas: an evolving concept	7
III. The positive role of diasporas	8
IV. Government responses at national level	11
V. International and inter-governmental responses: the ways forward	18

I. Introduction

1. Migration flows to European countries, including from eastern to western Europe, have assumed significant proportions in the contemporary world. However, countries' policies to manage the many challenges and opportunities that emerge with these movements have been lagging behind developments.

2. The Parliamentary Assembly and notably its Committee on Migration, Refugees and Population has been engaged in dealing with the subject of Europeans living abroad and their links to countries of origin for the last fifteen years. In this context, your rapporteur recalls the Assembly's Recommendations 1410 (1999) and 1650 (2004) on the links between Europeans living abroad and their countries of origin, as well as Resolution 1462(2005) and Recommendation 1718 (2005) on co-development policy as a positive measure to regulate migratory flows, Recommendation 1500 (2001) on the participation of immigrant and foreign residents in political life in Council of Europe member states, and the recent Resolution 1618 (2008) and Recommendation 1840 (2008) on the state of democracy in Europe: measures to improve the democratic participation of migrants. It is regretful that the numerous Assembly recommendations for the revision of emigration policies, establishment of institutional links with expatriate communities and promotion of greater involvement of expatriates in policy making have largely gone unheeded.¹

3. Relations between European diasporas and their homelands in Council of Europe member states range from strong and institutionalised to loose and informal, without much effect of efforts to harmonise institutionalised relations at the pan-European level. There is nevertheless a growing understanding in Europe that labour mobility, if well managed, can be advantageous for destination countries and bring significant benefits to the countries of origin. How best to manage mobility, multiple identities and diversity in a way that can maximise diaspora engagement both in countries of origin and host countries, is a challenge that governments need to tackle today.

4. Efficient utilisation of the potential of diasporas is particularly essential for economies in transition. Many member states from central and eastern Europe have relatively large, well-organised, highly educated and broadly successful diasporas. Armenia, Lithuania and Serbia may be mentioned as the most obvious, but also Poland, Ukraine, other Baltic countries and former Yugoslavian republics have significant diasporas in Europe and elsewhere.² While at political level, diaspora communities in countries such as Bulgaria and the Baltic States have provided strong political support at the highest leadership level after the collapse of communist regimes, the potential that diaspora communities offer in terms of development has – apart from a few exceptions – been grossly underused. The financial flows initiated by the diasporas have been almost exclusively used for subsistence, consumption and philanthropic purposes rather than productive investments, export expansion, new technologies and development in a broad sense.

5. Nevertheless, especially in the context of the current global economic crisis, European governments are beginning to increasingly recognise the potential development and other benefits of engaging their diasporas in a more institutionalised manner. Faced with today's harsh economic realities, a growing number of countries are seeking or are beginning to seek ways to capitalise better on their links with national diasporas and to multiply the impact of remittances, promote the transfer of skills and technologies and help reinforce the political engagement of diaspora communities in their home countries. What is so far missing, however, is reflecting these tendencies at policy-development and implementation levels.

¹ In particular the recommendations contained in Recommendations 1410 (1999) and 1650 (2004) on the links between Europeans living abroad and their countries of origin and Resolutions 1618 (2008) and 1840 (2008) on the democratic participation of migrants in Council of Europe member states.

² Freinkman, L, Role of the diasporas in transition economies: lessons from Armenia, The World Bank, 2000, posted online in Munich Personal RePEe Archive (MPRA) Paper No 10013, <http://mpr.ub.uni-muenchen.de/10013/>

6. Host countries are also becoming increasingly aware of the role that diaspora communities play in helping new migrants integrate into their host society, while encouraging them to maintain contacts with their countries of origin. It is being realised that, if properly supported, guided and encouraged, diasporas can be an important element in enhancing migrants' participation and increasing their contribution to their host society. Diasporas can likewise be instrumental in assisting migrants with returns.

7. Your rapporteur is also convinced that well-integrated migrants and diasporans (members of a diaspora) are better equipped to invest in home country development. Conversely, the involvement of diasporas in the development of their home country may facilitate integration in the host country, provided those activities are developed in partnership with other actors in the host society.

8. It is for these reasons that your rapporteur considers it important to raise once again the issue of European diasporas in the Assembly. Her objective is to look at how European diasporas in Europe interact with their homeland and host country, and analyse the benefits that both countries can derive from this dual role. She also proposes some relevant policy recommendations to governments in both home and host countries and looks at the role that the Council of Europe could play in promoting harmonisation of policies, transnational collaboration and rights-based action.

9. Your rapporteur wishes to underline that, whereas previous related Assembly reports have talked about "European expatriates" or "Europeans abroad", she is in favour of using the term "European diasporas", keeping in mind the general evolution of the concept in recent years as well as its distinction from temporary migrants.

II. Diasporas: an evolving concept

10. There is no agreed definition of diaspora;³ the concept is complex and evolving in time. It was originally used notably in relation to communities which had been forced to move and had lost homelands, such as Jews following the destruction of the Second Temple in 586 BC, African slaves, Armenians after the First World War⁴ or various communities from central and eastern Europe during and after the Second World War.

11. With globalisation and expansion of labour mobility and increasing migration in the past few decades, the concept has acquired new dimensions: in 1986 Gabriel Sheffer identified modern diasporas as "ethnic minority groups of migrant origins residing and acting in host countries but maintaining strong sentimental and material links with their countries of origin – their homelands".⁵ Today it is commonly agreed that modern diasporas, regardless of their degree of integration in the host society, are complex and heterogeneous communities that are bound by a common attachment to their countries of origin, their values and development. Owing to their hybrid identities, diasporas have become important stakeholders with capacity to influence socio-economic development in both their host and home countries.

12. What distinguishes modern diasporas from temporary labour migrants is their status of being more permanently settled⁶ as well as their sharing of a self-awareness or diasporic consciousness: they identify with each other as members of a dispersed identity group with continuing common ties to the homeland⁷.

13. All the same, labour migrants are key components in the organisational and developmental dimensions of diaspora groups and their support organisations today. They often gather together in compact communities in their host countries, prompted by the need to create mutual aid systems to overcome day-to-day social and economic difficulties. In this connection, diaspora communities are acquiring a particularly important role acting as migrants' collective organisations.

14. Membership in a diaspora group is not static and can fluctuate as the interest of individuals in their homeland grows or dwindles. It may also vary with the degree to which potential diasporans are effectively

³ The term Diaspora comes from the Greek words "to sow" and "over", as in the scattering of seed, and for them it meant the "seeding" of Greek colonies in distant lands "Diaspora" is often used as a collective noun ("the scattered"), referring to a dispersed people, but it is also used in the plural, as there are many different peoples who are dispersed among different countries. Your rapporteur therefore prefers to use the plural form when referring to the various and varied diaspora communities in and from Europe.

⁴ Koser, Kh., *International Migration: a very Short Introduction*, Oxford University Press, 2007, p. 25.

⁵ Sheffer, G., *Modern Diasporas in International Politics* (1986), quoted in ⁵ Koser, Kh., *International Migration: a very Short Introduction*, Oxford University Press, 2007, p. 25.

⁶ Usher, E. (IOM), *The evolving role of diasporas*, Refugee Survey Quarterly, Vol.24, Issue 3, UNHCR 2005.

⁷ Birkerhoff, J.M., *Creating an Enabling Environment for Diasporas' Participation in Homeland*, George Washington University, 2008.

integrated in the life of their host countries. Likewise, second and third generations of diasporas grow up speaking different languages, and their world view is inevitably influenced by the experience of living in different societies and cultures. In some cases they focus more on their lives in host countries and may hardly have any interest in the reasons that caused their ancestors to resettle or in the current situation of their country of origin.

15. Diaspora communities from one city, region or country living together in the same host country often come together in formal organisations. These organisations take a variety of forms: they may be professional associations, for example bringing together migrant doctors, lawyers and teachers (for example the Hungarian Medical Association in America), or they may be organisations based on common interests such as sport, religion, gender, social issues, charitable work, and development. These can also be investment groups, affiliates of political parties, humanitarian relief organisations, schools and clubs for the preservation of culture, virtual networks, and federations or associations. Home Town Associations (HTAs) are a specific type of organisation bringing together people from the same town or city and focusing their activities on the development of their hometown. The interests and capacities of these diaspora organisations vary enormously. Some are powerful and capable networks; some have a significant impact in one particular town or village; some operate sporadically on a very limited scale and some seem to exist in name only.

16. The globalisation of the world economy has greatly expanded the means by which diasporans – as individuals and associations – can become and remain actively involved in the economic, cultural, social and political life of both their home and host countries.

III. The positive role of diasporas

i. Diasporas' engagement in their country of origin

17. Changing migration patterns and trends, as well as increasing globalisation, communications and technological advances are laying the foundation for new methods of engagement by and with diasporas. Besides the more traditional assistance to their home countries and regions through remittances or foreign direct investment, new fields of diasporic activity are developing. These range from new professional networks for the exchange of knowledge and skills, local development initiatives through micro-enterprises and other community infrastructural support, lobbying and advocacy in policy design and implementation, to the public display of people's homeland attachment. Diasporas often serve as a main force for modernisation in countries of origin and can even influence the strategy of development of whole regions. In this expanded context, it is important that governments view diasporas not merely as financial investors but as strategic development partners.

18. The most direct and immediate impact to the development of home countries nevertheless comes out of diaspora engagement at family and community levels, notably through remittances. In several countries, diasporas contribute significant proportions to their homeland's GDP. Cash remittances are the most obvious, although remittances in kind are also important. For example, in 2008, Ukraine received 19 billion euros of remittances from abroad, which forms 18% of the country's GDP.⁸ Globally, remittances outpace official development assistance, for example by USD 167 billion in 2006 according to the World Bank estimates. They are expected to exceed USD 300 billion in 2009.⁹

19. However, while remittances directly augment the income of recipient households, they do not reduce the need for foreign development aid and direct investments. The current climate of economic downturn and the growing loss of jobs have led many diaspora and migrant donors to reduce the remittances they send to their families, and have increased labour migrants' return to their home countries. According to World Bank estimates, remittances are bound to decrease by up to 6% worldwide in 2009. This poses a serious threat to the states and communities dependent on such transfers.

20. Governments and multilateral agencies such as the World Bank, the International Monetary Fund (IMF), and the Inter-American Development Bank (IADB) have only recently begun to think systematically about the actual and potential contributions of diasporas to the development and reduction of poverty in the countries of origin.¹⁰ Several Council of Europe member states or observers, among them the United

⁸ Presentation of Mrs Hartyanyi at the meeting of the Committee on Migration, Refugees and Population on 23 June 2009.

⁹ Swing, W. L., IOM, presentation at the Migration and Development Series seminar on "Peacebuilding: The Role of the Diasporas", UN Headquarters, New York, 28-29 April 2009.

¹⁰ Newland, K and Patrick, E., *Beyond remittances: the Role of Diasporas in Poverty Reduction in their Countries of Origin*, Migration Policy Institute, Washington DC, 2004, p. 29.

Kingdom, United States, France, Sweden and Denmark, are now working closely with their diaspora organisations to mobilise and maximise remittances for the benefit of development projects back home.¹¹

21. Nevertheless, remittances constitute only one vehicle for diasporas' influence on the development of their home countries. For many countries, diasporas are a major source of foreign direct investment (FDI), market development, technology transfer, tourism, political contributions, and more intangible flows of knowledge, progressive attitudes, and cultural influence.

22. Significant investment in the country of origin by diaspora investors can be a push factor for market reforms and/or for strengthening institutions in a country of origin. Diasporans play an increasing role in developing business opportunities and community services in a large number of member states. A number of web-based diaspora networks now facilitate commercial investments and community service by their members for the benefit of home countries. It is through this type of creative global exchange of information and ideas that new and exciting initiatives are developed.¹²

23. Diaspora homeland investments are crucial to less economically developed member states with relatively weak institutions, increased political risks, high levels of corruption and low incomes. While such factors would likely discourage the non-diaspora foreign investors, diasporans in general are more likely to invest in economies that others would consider high-risk, simply because they have knowledge and relationship opportunities that other investors lack. They can also combine this knowledge with the skills, knowledge, and networks they have cultivated abroad, yielding important synergistic advantages.¹³

24. The social and political activities of diasporas may have even greater prospects for the development of their home societies. Although these are more difficult to assess than economic contributions, they affect attitudes towards human rights, women's economic rights and the advancement of political participation, the value of education for girls, the prevention of the use of violence to resolve political disputes, etc. In central and eastern Europe, diasporas have played a significant role in the promotion of human rights and democracy in the last two decades. As democracy affords a more conducive environment for diaspora's political engagement, and more opportunities for policy influence in the homeland, these social and political activities are likely to grow.

25. Diasporas may play an influential role in the electoral processes in their homelands. For example, diaspora support to homeland political campaigns may influence electoral outcomes. In some countries, this leads political candidates to campaign in diasporas' countries of residence even when those diasporans cannot vote or tend not to vote.

26. Diasporas are increasingly involved in lobbying and advocacy. Some host countries are becoming aware of the potential benefits of having diasporas as partners in areas such as the design and implementation of development policies *vis à vis* the home country. Other lobbying and advocacy initiatives by diasporas have influenced, for example, specific trade agreements between host and home countries such as between southern European and northern African countries.¹⁴

27. Diaspora lobby groups increasingly engage in direct communication with third-party states and international organisations, in effect bypassing their homeland and host state governments. Diasporas are thus becoming perceived as transnational political entities, operating "on behalf of their entire people", and capable of acting independently from any individual state, be it their homeland or host states.¹⁵

28. Diasporas have the potential to make powerful contributions to peace and reconciliation. They can contribute to post-conflict recovery and development through financial and economic contributions, political and technocratic leadership as well as institutional capacity-building by expatriate professionals that return temporarily to their homeland. Similarly, they can contribute to peace and reconciliation processes, and can support civil society networks and educational projects promoting their causes.¹⁶ Diaspora involvement in political changes may help to avert violent conflict by promoting and funding non-violent forms of opposition. Such influence may come from grass-roots organisations, and also from individual leaders within diaspora

¹¹ *Ibid. op.cit.*, Newland, K and Patrick, E., *Beyond remittances: the Role of Diasporas in Poverty Reduction in their Countries of Origin*, Migration Policy Institute, Washington DC, 2004, p. 30.

¹² Usher, E. (IOM), *The evolving role of diasporas*, Refugee Survey Quarterly, Vol.24, Issue 3, UNHCR 2005.

¹³ Brinkerhoff, J.M., *Creating an Enabling Environment for Diasporas' Participation in Homeland*, George Washington University, 2008, p.5.

¹⁴ Usher, E. (IOM), *The evolving role of diasporas*, Refugee Survey Quarterly, Vol.24, Issue 3, UNHCF 2005.

¹⁵ *Ibid. op. cit.*, Usher, E. (IOM), *The evolving role of diasporas*, Refugee Survey Quarterly, Vol.24, Issue 3, UNHCF 2005.

¹⁶ Lopes, C., opening address at Migration and Development Series seminar on "Peace building: The Role of the Diasporas", United Nations Institute for Training and Research, April 2009.

communities such as religious, ethnic or business leaders, journalists, scholars, artists and performers able to reach large segments of the population.

29. But the reverse is also true. Diasporas have contributed to conflicts in nearly all regions of the world, including Kosovo, Turkey, and Northern Ireland.¹⁷ Sheltered from the daily consequences of violence, they are often more uncompromising than their counterparts who remain in countries of origin. Their support may be direct, providing financial, manpower, arms and transport, to groups involved in violent conflict in their countries of origin, or indirect, via remittances that are used locally to fuel conflicts and undermine development and peace building efforts. Members of diaspora communities may also contribute to ongoing conflicts by providing skills for insurgent groups, such as computer programming, demolition, fundraising, or financial management.

30. Some diaspora organisations and individuals seek no personal return on investment, but rather pursue charitable enterprises. Such enterprises range from very small-scale, one-off efforts of community groups to more organised and durable efforts; from the donations of single individuals to powerful networks of like-minded donors.¹⁸

ii. *European diasporas' engagement in host countries*

31. Diasporas' relationships with their host countries are shaped by a wide set of variables. These may be demographic, influenced by the total size of a particular diaspora group in the host country, their geographic concentration or the socio-economic status of the diaspora group. They may relate to the proximity and ethnic, political or other linkages of the host country to homeland. Or they may relate to the political relationship between the host state and the diaspora group, i.e. be influenced by the extent diaspora groups are participating in society, by the degree of how much refugee and migration policies disadvantage members of the diaspora population, to what extent their political activities towards homelands are supported and by many other factors.

32. The depth of integration in the host country is often of direct relevance to the extent and nature of diasporas' contributions to their home country. A migrant who feels settled and accepted in the host community can expend less effort on his or her own well-being and devote more time, energy and resources for the home community.¹⁹ In this respect, citizenship rights in host countries play an important role: for instance, Ukrainian diaspora groups in Canada, who can enjoy citizenship rights not enjoyed by their fellow migrants in France, Germany or the United Kingdom,²⁰ tend to be much more active and more vocal in relations with their homelands.

33. One of the key positive roles played by diasporas in their host countries is helping new migrants to integrate in their new environments while also helping them maintain contacts with their countries of origin. Migrant workers frequently encounter various infringements of their rights both when moving away from their own country and on arrival in their host country. As a rule, the deterioration of migrants' living conditions in European countries stems from legal uncertainty and growing inequality of access to social welfare. They also have to cope with psychological factors, which relate to language barriers, loss of usual social networks and other type of social and legal problems. Ukrainian migrants, for example, often need social and psychological support to adapt to the new living environment in the host country. Their educational needs – ranging from learning the language to establishing Ukrainian schools – are not always sufficiently satisfied. Nor is their need for objective information about the current political and economic situation in Ukraine adequately met. In addition, such vitally important social and legal issues as working and housing conditions, public health issues, and the payment of retirement benefits abroad have not been resolved. Additionally, legal protection and the regularisation of the status are important unresolved issues for irregular migrants.

34. However, if properly supported, guided and encouraged, diasporas may serve as an important tool for helping their compatriots adjust and adapt to their host societies. Voluntary organisations such as the "Ukraine-World" Association, the Ukrainian Worldwide Co-ordinating Council and Ukrainian Mutual Aid in case of Ukraine play an important role in this process. For instance, Ukrainian Mutual Aid directs its efforts at working mainly with the latest wave of Ukrainian diasporas, predominantly migrant workers. By coordinating

¹⁷ Newland, K and Patrick, E., *Beyond remittances: the Role of Diasporas in Poverty Reduction in their Countries of Origin*, Migration Policy Institute, Washington DC, 2004.

¹⁸ Ibid. op. cit., Newland, K and Patrick, E., *Beyond remittances: the Role of Diasporas in Poverty Reduction in their Countries of Origin*, Migration Policy Institute, Washington DC, 2004.

¹⁹ Usher, E. (IOM), *The evolving role of diasporas*, Refugee Survey Quarterly, Vol.24, Issue 3, UNHCR 2005.

²⁰ Despite the fact that Ukrainians have been living in these countries for over half a century already, the overwhelming majority of them do not have the citizenship of their host country and have been treated more like immigrants than diasporas until now.

the activities of voluntary organisations in Ukraine and within the Ukrainian diasporas, co-operation with home and foreign governments, business community and non-profit organizations, these associations uphold the economic, political, legal, ethnic and cultural interests of Ukraine and Ukrainians abroad. Partly state-funded or working entirely on a voluntary basis, such organisations now act as a unifying force, providing the foundation on which strong ethnic communities develop.

35. Nonetheless, no matter to what extent diasporas can play the positive role, the real difference regarding the respect of migrant workers' rights, their integration or return is made at the levels of government policy development and implementation. Both sending and receiving countries should develop mutually beneficial and coherent policies in which diasporas can play a constructive role.

IV. Government responses at national level

36. European governments today are faced with the challenge of how best to manage the complexities of mobility, multiple identities and diversity in a way that can maximise diaspora engagement both in home and host societies.

37. Most Council of Europe member states are simultaneously countries of origin and destination. Therefore their national migration policies need to encompass a holistic view on managing inflows and outflows of migrants. For this particular reason, your rapporteur deems it necessary to suggest government responses that contain both aspects and emphasise their inter-linkages.

38. Government policies and practices in Council of Europe member states reflect the diverse views and methods of engagement, ranging from symbolic to very concrete. The context in which member states are reaching out to their diasporas is unique, given the socio-historical background of origin and destination countries. Whereas the majority of "older" member states have long-standing institutionalised relations with their expatriates; many "newer" member states from central and eastern Europe are only beginning to recognise the potential development and other benefits of engaging their diasporas in a more institutionalised manner.

39. Your rapporteur finds it regrettable that after years of calls by the Assembly, relations between member states and their diasporas abroad are far from being harmonised at European level. There is nevertheless a clear trend for the countries of origin to court their nationals and descendants of nationals who are living abroad. In a number of recent member states, such as Bulgaria, Estonia, Latvia and Lithuania, diaspora communities have provided political leadership at the highest level after the collapse of the communist regimes. Several other states have established ministerial-level ties for fostering relations with their diasporas.

40. However, as mentioned in the introduction, the development potential of diaspora communities has in general been much underexploited, and the remittances generated by diasporas are predominantly used for the purposes of consumption, education and health. Other types of financial flows, such as direct business investments, investment in capital markets and charitable contributions are particularly dependent on the existence of a conducive economic environment in the country of origin. In many parts of Europe, corruption and political manipulation still inhibit potentially lucrative and sustainable contributions to development aid, much as they do to any type of foreign investment. Active business support and productive investment programmes are suitable governmental responses to these problems. Albania can be cited as one such positive example. The country has recently elaborated a National Action Plan on Remittances with a view to encourage formal channels of remittances and directing remittances towards productive use and investment in Albania.

41. In order to fully benefit from diaspora contributions and devise better policies, all member state governments should first and foremost be aware of the size of their communities abroad and have collected information about their profiles. It is not an easy task, given the large number of labour migrants from central and east European countries residing abroad illegally. Profile-mapping is also rather complex. For instance, whereas first generation diasporans may be keen to contribute to their home country's development through financial investment and/or remittances, later generation diasporas may prefer to contribute through a transfer of knowledge and skills. Better knowledge of varying profiles may enable more successful targeting of activities and policies.

42. Most importantly, however, governments need to consider the shifting migration policy perspectives which have emerged during the globalisation process since the 1990s. Whereas earlier generations of migrants in Europe left their homelands to take up permanent residence in a particular country, the revolutionised communications and transportation, flourishing cross-border mobility and trans-nationalism

(which has redefined individual and family identities) have rendered the traditional classification of countries of origin, transit and destination obsolete.

43. Unlike the traditional flows of relatively unqualified manpower, migration today includes the movement of highly qualified professionals, entrepreneurs, academics and young persons seeking employment experience abroad. Therefore, home countries have every interest in retaining links with these people and encouraging their return. At the same time, economic disparities and demographic imbalances between developed and developing countries are increasing, and smuggling and trafficking networks are developing to service a fast-growing irregular migration industry.²¹ In this context, states are increasingly challenged by the tensions between preventing brain drain and controlling the activities of diaspora communities on one hand, and not limiting their potential economic contributions on the other.

44. These evolutions require understanding of migration as an unavoidable feature of the contemporary world, which means that European states need coherent policies that take into account the potential of human mobility while attempting to strike a balance amongst many conflicting and competing interests, such as migration facilitation and migration control, diversity and cohesion, state sovereignty and human security.

45. Migrant communities on the whole, and diasporas in particular, are highly interested partners, provided their opportunities are credible, the environment is conducive to their involvement and benefits are recognised by both home and host countries. In order to improve policies towards diasporas, it is essential that European governments recognise:

- the important role that the double or multiple belonging of diasporas can play in bridging cultures and contributing to European cultural and religious diversity;
- the changing migration patterns as well as the increased potential of diasporas as strategic development partners;
- the heterogeneity of expectations and skill levels of diaspora communities and representatives, and the necessity to refrain from applying one-fit-all responses.

46. Particularly in the current situation of global economic downturn, governments should attach greater attention to the importance of creating policies that benefit migrants who choose to support various development initiatives in their countries of origin. These policies need to build on the skills and talents of diaspora communities and their members for the purpose of achieving better integration in the countries of residence and development in the countries of origin.

47. It is also essential for governments to publicise positive images of diasporas contributing to their home country's development in order to reduce often-prevailing negative perceptions of immigration in host countries. The French Government's co-development policy, which labels immigrants as development actors bridging home and host countries or as ambassadors facilitating the development of bilateral relations,²² is one such positive example.

48. Your rapporteur distinguishes four broad areas of diaspora engagement policies, upon which governments could build their strategies. These include:

- instituting a comprehensive and multi-sector approach to managing migration and development at a national level;
- generating policy incentives for diasporas at political, economic and trade, educational and cultural levels;
- fostering dialogue and partnership with diaspora communities;
- building national capacities to facilitate engagement.

²¹ Sethi, M. (IOM), Engaging European diasporas: the need for consistent government responses, presentation at the meeting of Committee on Migration, Refugees and Population on 29 June 2009.

²² Working with the diaspora for development, background paper prepared by the Government of Belgium for the Global Forum on Migration and Development, Roundtable 2: "Remittances and other diaspora resources: increasing their net volume and development value", Brussels, 9-10 July 2007, p.4.

i. Coherent migration management

49. Diaspora policies should be viewed within a holistic concept of migration management and development, which should also integrate health, education, public sector reform, private sector development, national security concerns and the reinforcement of legal and administrative frameworks.

50. Migration is a multi-faceted phenomenon, which implies a policy coherence approach involving all sectors of social and political life. In practice and as a matter of policy development, international migration must be seen in its entirety – that is, as a phenomenon that involves political and economic institutions of the countries of origin, destination and transit as well as migrants themselves. It should encompass all economic, political or even environmental components of migration, whether legal or illegal. Any measure taken by a country towards a migrant or group of migrants must be approached within this overall context and considering its impact on other countries. Circular migration should be endorsed in order to prevent the negative consequences of irregular migration and brain drain. Migrants need to be provided ways and means that enable them to move fairly easy between their countries of origin and destination in an orderly manner.²³

51. In order to maximise diasporas' development impact, it is important that home countries integrate diaspora initiatives in the planning of development and national poverty reduction strategies, both at the national and local levels. Development policies should be coherent in relation to home and host countries.

ii. Policy incentives

52. Governments can play a catalytic role in creating an environment conducive to diasporas involvement through offering various policy incentives. These may include civil and political, economic, social, educational, tax benefits or various other forms of incentives.

a. Civil and political incentives

53. Diasporas are constituencies that are marginalised from the homeland. In order to help diasporans and diasporas remain engaged, policies such as the extension of citizens' political rights, organisation of diaspora summits and diplomatic visits to diaspora organisations in their host countries should be encouraged. More than other resources, these policies extend moral support/encouragement to the diaspora by legitimising them as homeland contributors and influencers.

54. A number of approaches to encourage maintaining identity with a home country have been tested, one of which is dual (or multiple) citizenship. Approximately 80 countries worldwide allow dual citizenship; however, the policies and practices on dual citizenship vary, and there are arguments both in favour and against them.²⁴ European countries like Finland, France, Hungary, Ireland, Italy, Portugal, Sweden, Switzerland and the United Kingdom allow multiple citizenship from among the Council of Europe member states. Several other member states, including Austria, Belgium, Denmark, Estonia, Germany, Latvia, Luxembourg, Malta, the Netherlands, Poland and Slovenia, make exceptions for children born abroad. Most, nevertheless, request these second generation emigrants to make a declaration of desire to retain citizenship or to apply for definitive citizenship once they come of age. Countries such as Latvia and Poland allow their citizens to become citizens of a foreign state, but the authorities will only recognise their Latvian or Polish citizenship respectively. Spain makes exceptions for countries with which it has dual citizenship treaties.

55. Diasporas often face with the problems of limited rights of entry and residence, and may require visas to return to their country of origin. They may also be ineligible to invest, hold the rights of inheritance and property. These factors present a challenge to their integration and democratic participation in their host societies.²⁵ Some countries already started implementing such policies. In Ukraine, for example, the members of diasporas and their families are eligible to receive an official certificate granting them the status of "Ukrainian abroad", which allows them to enter and exit the country of origin without a visa.

²³ Global Forum on Migration and Development, Contribution of the Council of Europe, CDMG (2007) 32, Bruxelles, 9-11 July 2007, p.5.

²⁴ Hammar, T. (1985). "Dual Citizenship and Political Integration." *International Migration Review* 19(3): 438-450 and Marc Morjé Howard (2005). "Variation in Dual Citizenship Policies in the Countries of the EU." *International Migration Review* 39.3: 697-720.

²⁵ *State of democracy in Europe: measures to improve the democratic participation of migrants*, report by the Committee on Migration, Refugees and Population, Assembly Doc. 11625, 6 June 2008, p.18.

56. It would therefore be desirable to offer diasporas the opportunity to maintain close ties with their country of origin, as well as exercise wider economic, electoral and other political rights in the host countries by arranging maximum harmonisation of diasporas rights with those of native citizens'. This would enable governments both to take full advantage of the fruits of the experience of diasporas (including their financial assets, their organisational skills and their patriotism) and to turn the latter into a genuine lever of influence over the development of their countries of origin. Clearly, one cannot expect help from the diasporas if they are not given real opportunities to influence the situation in their countries of origin.

57. That being said, it is equally important that any policy of extending political rights to nationals living abroad on a large-scale basis should abide by the principles of international law and be governed by bilateral agreements between the states concerned. Your rapporteur recalls that the Parliamentary Assembly has consistently protested against the practice of giving out passports and conferring citizenship to residents of foreign states in pursuit of expansionist policies.²⁶ She also recalls the recommendations on national minorities in inter-state relations issued by the OSCE High Commissioner on National Minorities in June 2008, which provide that states should refrain from taking unilateral steps, including extending benefits to foreigners on the basis of ethnic, cultural, linguistic, religious or historical ties that have the intention or effect of undermining the principles of territorial integrity.

58. Your rapporteur also recalls the Assembly's position as regards encouraging host countries to promote integration of migrants by reducing residency requirements for acquisition of nationality for five years or less, while ensuring that other requirements, such as naturalisation tests, language tests, income and housing requirements, fees and oaths do not become unduly onerous in terms of their number and conditions.²⁷ The Assembly has also requested ensuring that countries do not impose unreasonable impediments to obtaining nationality on second- or later-generation migrants.

59. Another measure that relates to identity and which may indirectly attract diaspora involvement in both their country of origin and host country includes the right to vote.

60. Although there is a tendency worldwide for political rights to be given to emigrants, many states – including Council of Europe members – remain hostile to the enfranchisement of their expatriates. An example is that of Ireland, whose millions of expatriates still have no right to vote. This should be seen in the context of the mass emigration from Ireland and the huge diaspora community which potentially vastly outnumbers the domestic population of Ireland. Other countries do not open polling stations in certain countries where an insufficient number of voters are registered. Opponents raise significant ethical and constitutional issues, such as whether individuals should be able to influence policies to which they are not subject to, or whether they should have representation without taxation.

61. As regards diasporas' voting rights in their host countries, the Assembly is in favour of granting migrants the right to vote and the right to stand in local and regional elections after a residence period of five years or less.

62. Only four countries in Europe – Croatia, France, Italy and Portugal – allow their citizens abroad not only to participate actively in some electoral processes, but also enable them to elect their own representatives to the national legislature. This practice is clearly aimed at reinforcing external voters' link with the national political community, enabling promotion of their own legislative agenda and direct intervention from an overseas viewpoint in the debates and processes of political decision-making on topics of national interest. Each case has its own particular features, of course. In 2007, the Croatian diaspora occupied 6 seats (3.9%), the French diaspora 12 seats (3.6%), the Italian diaspora 12 seats (1.9%), and the Portuguese diaspora 4 seats (1.7%) in their home country legislature²⁸.

63. Besides the political participation through voting and standing for election, democratic participation in home and host societies also includes the exercise of rights such as freedom of expression, thought, conscience and religion. It can cover freedom of association, including membership of political parties or trade unions and participation in demonstrations. Furthermore, it can include participation in civil society, whether in migrant-dedicated associations or other associations with wider remits such as sports, arts,

²⁶ In its Resolution 1455 (2005) on the honouring of obligations and commitments by the Russian Federation, for instance, the Assembly called on the Russian Federation to cease with activities, such as the issuing of Russian passports to inhabitants of the Georgian regions of Abkhazia and South Ossetia, which may – directly or indirectly – undermine Georgia's sovereignty and territorial integrity. The Russian Federation used the excuse of protecting its "compatriots living abroad" to invade the sovereign territory of its neighbouring state in August 2008.

²⁷ Resolution 1618 (2008).

²⁸ Sunberg, A., *Diasporas represented in their home country parliaments*, quoted from *Voting from Abroad: The International IDEA Handbook*, 2007.

charity, philosophy or religion. Your rapporteur maintains that granting political rights to migrants is a universal demand, which is also consistent with the principles of democracy and citizen equality.

64. It should nevertheless be underscored that, alongside rights, diasporas and migrants in general also have responsibilities vis-à-vis their host countries: they must accept the laws, customs and values of their host societies. They also have responsibilities to the wider community they live in terms of participating on its development. They may campaign for peaceful change using democratic means, but if they cannot respect the law and the constitution of the hosting country they should leave the country.²⁹

b. Fostering return

65. In a number of Council of Europe member states, brain drain constitutes a growing problem, enforced by the economic crisis. On the other hand, the economic downfall also encourages return to home country. Policies should be put in place to manage these flows, with a view to transforming brain drain into "brain gain". Institutional conditions, including legislation, that facilitate the voluntary return of migrants and diasporas to their country of origin and their reintegration ought to be elaborated. For migrants returning home, essential steps should be taken to ensure that their financial, tax and retirement rights are guaranteed.

66. Even in economically hard times, European states have the important responsibility in offering their citizens sustained economic growth, a favourable business climate and decent working conditions. In creating such conditions and becoming more attractive, countries will not only ensure that migration becomes a choice rather than a necessity, but will also encourage return and circular migration, maximise the impact of remittances and encourage diaspora populations to invest in their homeland.³⁰

c. Promoting investment and entrepreneurship

67. Entrepreneurship is a sphere in which diasporas want to be involved. Not all migrants are predisposed to entrepreneurship, and the very nature of economic activities developed by diasporas relies on their status in the receiving country (regular or irregular, long-term resident, second generation migrant, etc.), the reasons behind the initiative (investment, preparing return, helping the family) and existing opportunities in the home country. Yet if diaspora members happen to have acquired means, knowledge and networks that they wish to use in their home country, home and host governments can provide them with useful help.³¹

68. Home countries willing to promote diaspora entrepreneurship can provide them with customs/import incentives, give them access to special economic zones and to foreign fiscal institutions, and more generally inform them on investment opportunities, for example, through the use of internet. Additionally, since diasporas often obtain most firsthand information about their home countries from their families, quality information on investment opportunities can be provided through local media.

69. Access to land and property is a sensitive issue, especially in post-conflict cases where diasporas demand to recuperate property. In other cases, reforms of land ownership legislation may be an important step to encourage diasporas to invest in agriculture and property reconstruction.

70. All in all, in order to boost investment and create a conducive business environment, home governments need to guarantee the rule of law, and in particular fair access to courts and fair trial, which are particularly important for diasporas who are frequently targeted for their money, and whose investments might be misappropriated.

²⁹ *Migration in an interconnected world: New directions for action*, Report of the Global Commission on International Migration (GCIM), October 2005.

³⁰ *Migration in an interconnected world: New directions for action*, Report of the Global Commission on International Migration (GCIM), October 2005, p. 31.

³¹ Working with the diaspora for development, background paper prepared by the Government of Belgium for the Global Forum on Migration and Development, Roundtable 2: "Remittances and other diaspora resources: increasing their net volume and development value", Brussels, 9-10 July 2007, p. 6.

d. Fostering remittance flows

71. In today's context of global economic crisis in particular, member state governments should design policies that make the transfer of financial remittances more cost-effective.

72. In particular, countries that are traditionally countries of origin should encourage remittance flows through pro-active legislative and regulatory policies. They should, for example, endow their migrants with specific rights, protection and recognition, so as to maximise the income stream from their remittances and involve them in the broader development process.³²

73. Countries of origin and destination should also co-operate with a view to supporting remittance flows and their impact. They should consider measures such as:

- lowering transaction costs and signing agreements on avoiding double taxation, and treating international migrants as investors;
- creating a proper legal and regulatory framework allowing effective use of remittances in various investment areas;
- simplifying and securing the procedures for transfer operations through adapted and transparent banking arrangements;
- encouraging banks to make transfers of savings and welfare benefits in a spirit of genuine competition and at reasonable cost;
- encouraging collective remittances to support community development and the generation of employment opportunities;
- offering financial incentives (such as special loans and interest rates) under economic and social development programmes;
- sponsor research on the patterns and uses of remittances.

e. Promoting education and culture

74. Another desirable diaspora integration policy includes direct assistance through public cultural and information centres for members of the diaspora and migrants, designed to satisfy their educational, cultural and information needs and preserve their distinct ethnic identities. Teaching or maintaining language, culture and identity must be encouraged through the establishment of school or language support networks. However, a great deal still depends on the co-operation of host countries, some of which still consider that retaining one's original language hinders integration and therefore oppose such measures.

75. Diaspora communities who are among the leading internet consumers, also need sites where they can find all the necessary information. At relatively low cost, states could use web technologies to help reinforce social, affective and cultural cohesion and encourage migrants to consider returning to their country of origin.

iii. *Dialogue and partnership with diasporans and diaspora organisations*

76. Partnership with diasporans and diaspora communities is vital: they represent a bridge between countries of origin and destination, and give ownership to the process.

77. One particularly important step in diaspora networking is through creating government structures and initiatives with the purpose of helping diasporas retain strong, effective links with their countries of origin. Many European countries have created special ministerial-level departments responsible for expatriate matters, special offices in embassies, president's offices or specialised agencies. Some European countries, such as Armenia, Bosnia and Herzegovina and Serbia have set up specific ministries of diasporas in order to promote relations with their citizens abroad. For example, in Serbia, the Ministry of Diaspora is tasked with translating new diaspora legislation into concrete practice-oriented programmes; it is currently developing a diaspora strategy and national action plan, which is expected to be finalised in December 2009. In Bosnia and Herzegovina, the Ministry of Human Rights and Refugees is gathering necessary data on diaspora

³² Global Forum on Migration and Development, Contribution of the Council of Europe, CDMG (2007) 32, Brussels, 9-11 July 2007, p.7.

contributions and engaging public and private sector stakeholders in an inter-institutional process to devise a coherent strategy and legislative framework for maximising the impact of such contributions.^{33 34}

78. An important issue from both home and host country perspectives is to identify the profiles of existing diaspora organisations and there should be an attempt to work with all of them. Diaspora organisations are diverse in objectives, size, capacity and experience, and different categories of diaspora organisations need differentiated partnerships.

79. Governments should be encouraged to devise programmes to promote co-operation between cities in countries of origin and voluntary organisations operating in twin towns in host countries. Also government programmes should offer support to build and strengthen diaspora networks that have strong development potential, such as those devoted to co-operation in business or information technology. Events such as trade and investment fairs or diaspora business conferences, and networking tools such as websites may be difficult for smaller and poorer diaspora groups to organise independently.

80. However, national governments are not the only important partners for diaspora groups. Local and regional governments, non-profit institutions and foundations, universities, research laboratories and hospitals in communities of origin are also actual or potential partners in diaspora activities.³⁵ Furthermore, the private sector can contribute to creating new opportunities for business, joint ventures, trade and increased flows of investment.

iv. National capacity-building

81. National policies need to be accompanied by national capacity-building, which should concentrate on the importance of enhancing knowledge, research and human capacities. This requires as a first priority improving data and statistics on issues related to inter-linkages between migration and development (transnational communities, return and circular migration, remittances); enhancing knowledge of the impact of migration policies on development and vice versa; promoting policy dialogue and closer co-operation between migration and development stakeholders at bilateral, regional, inter-regional and global levels; and devising and investing in new pilot projects and programmes to test out in very practical ways how migration can best contribute to development.³⁶

82. It is equally important to develop administrative, financial and technical capacities. The governments of many countries of destination have minimal official structures – or none at all – for relating to diaspora populations in the context of development. Creating an office in the national development assistance agency to relate to diasporas is a step towards a more systematic way of engaging diasporas. The governments of origin countries may have the necessary structures, but often do not have the fiscal capacity to staff them adequately or provide them with operational funds. Donor governments and donor agencies could assist the governments of countries of origin, both technically and financially, to strengthen their diaspora institutions.³⁷

83. Finally, both origin and destination governments that want to work with diasporas on development have a stake in developing the capacity of diaspora organisations to participate in both planning and implementing development activities, and to ensure that diaspora issues are taken into account and have a focal point within their own ministries.³⁸

³³ Bosnia and Herzegovina is the sixth leading remittance country globally; in 2008 alone remittances were estimated to exceed 2.5 billion BAM (1.9 billion USD); and remittances covered one third of the country's foreign trade deficit in the period from 2004 to 2008 and exceeded the volume of Foreign Direct Investment.

³⁴ Sethi, M (IOM), Engaging European diasporas: the need for consistent government responses, presentation at the meeting of Committee on Migration, Refugees and Population on 29 June 2009.

³⁵ Engaging diasporas and migrants in development policies and programs – Their role? Their constraints?, background paper prepared by the Governments of Mexico and the Netherlands in collaboration with the Task Force set up by the Greek Government for the preparation of the third meeting of the Global Forum on Migration and Development, Athens, 4-5 November 2009, p. 1.

³⁶ Sethi, M (IOM), Engaging European diasporas: the need for consistent government responses, presentation at the meeting of Committee on Migration, Refugees and Population on 29 June 2009.

³⁷ Engaging diasporas and migrants in development policies and programs – Their role? Their constraints?, background paper prepared by the Governments of Mexico and the Netherlands in collaboration with the Task Force set up by the Greek Government for the preparation of the third meeting of the Global Forum on Migration and Development, Athens, 4-5 November 2009, p. 11.

³⁸ Idem.

V. International and inter-governmental responses: the ways forward

84. The international community, including organisations such as the International Organization for Migration, the International Labour Organization or the Council of Europe, have an important and multiple task in assisting governments in developing coherent migration and development policies, both at national and international levels.

85. Firstly, there is a need to clarify different concepts, classifications and definitions concerning diasporas with a view to harmonising the concept at international level, taking into account its evolving and dynamic nature. It is also important that the status, rights and obligations of diasporas in Europe, both in their countries of origin and host societies, be defined.

86. Secondly, any international co-operation on migration management should be multi-dimensional and channel migration into regular and humane avenues, including by increasing legal opportunities for labour migrants. Your rapporteur considers it of paramount importance that any co-operation on migration management should be based on a human rights approach, promoting human dignity and equal treatment. The integration of migrants in Europe and respective migration policies have to be based on the principles of enjoyment of human rights and freedoms, democracy and the rule of law while at the same time making it possible for migration to be managed, different nationalities to peacefully co-exist in society and individual characteristics to be respected. Any co-operation on migration management should in general be based on democratic values and, in particular, respect for diversity.

87. Thirdly, the international community has a key role to play in promoting standard-setting. Full advantage should be taken of the existing international legal instruments, consolidating the legal status of migrants. It is important that as many European countries as possible ratify the relevant conventions, and those that have done so should incorporate these instruments into their national legislation and put them into practice.

88. Regrettably, attempts at an international level to strengthen the rights of migrants and diasporas have not been a complete success, and the road to acceptance of a general framework for rights of both regular and irregular migrants at a European level remains long³⁹. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has been ratified by a relatively few number of states. Only three Council of Europe member states have fully acceded this treaty (Azerbaijan, Bosnia and Herzegovina and Turkey). The Council of Europe's own Convention on the Legal Status of Migrant Workers (ETS No. 93) has only been ratified by 11 countries so far. Other Conventions of the Council of Europe having a bearing on migrants have similarly not found great favour from member states of the Council of Europe. The European Convention on Nationality (ETS No. 166) has received 16 ratifications and the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No.144) has received only 8 ratifications. Your rapporteur encourages member states to ratify these instruments as a matter of priority.

89. Fourthly, with its wealth of experience in matters relating to migration and development, the Council of Europe could contribute to the current policy discussions through an elaboration of policy guidelines to encourage greater engagement of European diasporas in development projects in countries of origin. It should further harmonise legislation and practice to protect human rights of working migrants and diaspora members, and encourage, where appropriate, diaspora members in their work for the improvement of democracy and human rights both in their countries of origin and in host countries. Most importantly, it should assist member states to put in place policies and implement specific programmes to encourage permanent or temporary return of qualified expatriates to their country of origin, therefore promoting "brain gain".

90. Finally, international partnerships amongst destination countries, and between countries of origin, transit and host countries are a first step towards the recognition of migrants' positive contribution to development. It recognises responsibility sharing between countries involved in, or affected by, particular migratory movements. The international community should therefore facilitate collaboration between diaspora organisations, including professional organisations, and other European development non-governmental organisations through incentives such as partnership funds, which could make it possible for the mainstream development agencies and the diaspora to engage with each other.

³⁹ *State of democracy in Europe: measures to improve the democratic participation of migrants*, Report by the Committee on Migration, Refugees and Population (rapporteur: Mr John Greenway, United Kingdom, European Democrat Group), Assembly Doc. 11624, 6 June 2008, p.6.

91. Your rapporteur reiterates the idea already expressed by the Assembly in its Recommendation 1650 (2004) that the Council of Europe could serve as a vector for the establishment, under its auspices, of a council of Europeans abroad, a body representing European diasporas at the pan-European level, which could organise at regular intervals a forum of Europeans abroad.

* * *

Reporting committee: Committee on Migration, Refugees and Population

Reference to Committee: Doc 11520, Ref. No. 3450 of 29.5.2008

Draft resolution and draft recommendation unanimously adopted by the Committee on 29.9.2009

Members of the Committee: Mrs Corien W.A. Jonker (Chairperson) (alternate: Mrs Tineke **Strik**), Mr Hakki **Keskin** (1st Vice-Chairperson), Mr Doug **Henderson**, (2nd Vice-Chairperson), Mr Pedro Agramunt (3rd Vice-Chairperson) (alternate: Mrs Luz Elena **Sanín Naranjo**), Mrs Tina Acketoft, Mr Francis Agius, Mr Ioannis Baniyas, Mr Alexander van der Bellen, Mr Ryszard **Bender**, Mr Márton Braun, Mr André **Bugnon**, Mr Sergej Chelemendik, Mr Vannino Chiti, Mr Christopher **Chope**, Mr Desislav Chukolov, Mr Boriss **Cilevičs**, Mr Titus **Corlăţean**, Mr Telmo Correia, Mrs Claire Curtis-Thomas (alternate: Lord Donald **Anderson**), Mr David **Darchiashvili**, Mr Arcadio **Díaz Tejera**, Mr Vangjel Dule, Mr Tuur Elzinga, Mr Valeriy **Fedorov**, Mr Oleksandr Feldman, Mr Relu Fenechiu, Mrs Doris Fiala, Mr Bernard Fournier, Mr Aristophanes **Georgiou**, Mr Paul Giacobbi, Mrs Gunn Karin Gjøl, Mrs Angelika Graf, Mr John **Greenway**, Mr Michael Hagberg (alternate: Mrs Carina **Hägg**), Mrs Gultakin **Hajibayli**, Mr Davit Harutyunyan (alternate: Mrs Hermine **Naghdalyan**), Mr Jürgen Herrmann, Mr Bernd Heynemann, Mr Jean Huss, Mr Tadeusz **Iwiński**, Mr Zmago Jelinčič Plemeniti, Mr Mustafa Jemiliev (alternate: Mrs Oksana **Bilozir**), Mr Tomáš **Jirsa**, Mr Reijo Kallio, Mr Ruslan Kondratov (alternate: Mr Ivan **Savvidi**), Mr Franz Eduard **Kühnel**, Mr Andros Kyprianou, Mr Geert Lambert, Mr Pavel Lebeda, Mr Arminas **Lydeka**, Mr Jean-Pierre Masseret (alternate: Mrs Maryvonne **Blondin**), Mr Slavko Matić, Mrs Nursuna Memecan, Mrs Ana Catarina **Mendonça**, Mr Gebhard **Negele**, Mrs Korneliya Ninova, Mr Hryhoriy **Omelchenko**, Ms Steinunn Valdís Óskarsdóttir, Mr Alexey Ostrovsky, Mr Grigore Petrenco, Mr Jørgen **Poulsen**, Mr Cezar Florin **Preda**, Mr Milorad Pupovac, Mrs Mailis Reps, Mr Gonzalo Robles, Mr Branko Ružić, Mr Džavid Šabović, Mr Giacomo **Santini**, Mr Samad Seyidov, Mrs Miet Smet, Mr Dimitrios Stamatias, Mr Florenzo **Stolfi**, Mr Giacomo **Stucchi**, Mr László Szakács, Mr Dragan Todorović, Mr Tuğrul **Türkeş**, Mrs Özlem Türköne, Mr Michał Wojtczak, Mr Marco Zacchera, Mr Yury Zelenskiy, Mr Andrej **Zernovski**, ZZ... (alternate: Mr Denis **Jacquat**)

N.B.: The names of the members who took part in the meeting are printed in **bold**

Secretariat of the Committee: Mr Neville, Mrs Odrats, Mr Ekström