

TEMPORARY AND CIRCULAR LABOR MIGRATION BETWEEN SPAIN AND COLOMBIA

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INTRODUCTION

Due to recent climatic events in Colombia, which were very probably triggered by the global climate change, many houses and livelihoods were destroyed and many people were forced to migrate. Indeed, since the late 1970's, important pattern changes in the climatic event El Niño-Southern Oscillation (EN-SO) have been observed. This climatic event is composed of El Niño and its counterpart La Niña. It manifests itself in a temperature variation of the ocean's surface. The main reason for this is thought to likely be the global climate change induced by the emissions of greenhouse gases by mankind, even if the possibility of a random fluctuation has not yet been totally discarded (IPCC, 2007). When the coupled atmosphere-ocean event EN-SO appears, this happens in two phases. Typically, the first one to occur is El Niño, which warms the surface of the ocean by a few degrees. Generally, this climatic event happens more or less every five years and has important consequences on most of the continents. In the United States of America, for example, the winters are drier and warmer in north-western, north-midwestern and north-mideastern regions during "El Niño-years". Tropical cyclones are also influenced and the rainfall pattern is greatly disturbed. In opposition to El Niño, La Niña is a climatic occurrence during which the average surface temperature of the equatorial Eastern Central Pacific Ocean lies a few degrees lower than usual. Once again, the climate of various regions is affected by this. In Colombia, specifically, the rainy seasons tend to last longer during "La Niña-years". This climatic phenomenon is provoked by strong winds which have been created along the coasts of South America due to a pressure difference between the eastern and the western Pacific Ocean triggered by the unusual temperature of the ocean surface.

This climatic disturbance of the usual rainfall pattern forced many people to migrate, as they could not carry on their usual agricultural activities. Many find themselves in situations where their vulnerability to both poverty and climatic events increases dramatically. In an attempt to increase the resilience of the people affected by the climatic consequences of La Niña in Colombia on the long run, a labour migration programme has been implemented between Spain and Colombia by the International Organization of Migration (IOM) in cooperation with Fundació Pagesos Solidaris (FAS), a Spanish agricultural union. The project, named "Temporary and Circular Labour Migration Project" (TCLM), facilitates temporary migration to Spain in order to work in the agricultural sector for a limited time. This project is being funded under the AENEAS programme of the European Union. It has been quite successful in trying to create a triple win situation for all involved parties: the receiving state, the sending communities and the migrants themselves. Temporary circular migration has proven quite successful in various cases and this chapter will assess its implementation in the bilateral agreement between Colombia and Spain.

1. COLOMBIAN FLOODS 2010-2011

1.1. Course of events

Colombia was affected by very serious floods in 2010 and 2011. La Niña, combined with Hurricane Tomas, triggered an unusually heavy rainy season. Such important rainfalls, which started in June 2010, had not been registered in Colombia for 40 years. According to the Office for Coordination of Humanitarian Affairs (OCHA) from the United Nations, more than 3 million people

(3.9 million according to the OCHA)¹ got affected by the floods and ensuing landslides between April 2010 and April 2011 (OCHA, 04/27/2011). Between September 2011 and beginning of December 2011 alone, 145 people died (OCHA, 12/15/2011). However, the rain did not stop and after almost 11 months of continuous rainfalls, floods and landslides were still affecting large parts of Colombia in June 2011. After only a few months of rest for the land and the people, the rain started again in September 2011, as it was time for the usual start of the rain season. Even if the rainfalls were not as heavy as the former year, the registered intensity of this rainy season was still seven times stronger than it normally would have been during an average year. Concretely, this can be translated into damages amounting to several billion dollar. Alone for the year 2011, estimations amount to more than 5 billion dollar. In 2011, the Central Emergency Response Fund (CERF) from the OCHA “coordinated the mobilization of \$6.6 million in CERF allocations and \$1.6 million in ERF resources to help 211,000 people”². In 2010 the Colombian government made a credit request of 150 million dollar to the World Bank which was granted (World Bank, 2010).

According to a report issued by the Panamerican Health Organization on November 29th, 2010, the 2010 floods and the ensuing landslides affected people in 28 of the 32 Colombian provinces. The most affected areas as identified by national catastrophe answer groups are the following: Bolívar, Magdalena, Córdoba, Sucre, Chocó, Nariño, Cauca, Norte de Santander and Arauca. The people that were most affected were internally displaced people (IDP) that were displaced as a result of the violent conflict between the Colombian government and peasant guerrilla groups such as Fuerzas Armadas Revolucionarias de Colombia (FARC).

As precipitation was five to six times heavier than during a normal rainy season, the logical consequence was that the rivers flooded over as they could not carry all the rain water anymore. As it had been raining with such intensity and for such an extended period of time, the soil was totally saturated and unable to drain the overflowing water from the rivers. Consequently, the natural drainage of the flood waters was compromised, accentuating the instability of lands and resulting in numerous landslides in areas that were normally not prone to such problems.

1. <http://www.unocha.org/annualreport/2011/col> (07/10/2012)

2. Ibid.

Heavy rainfall continued to affect Colombia until April 2011. The rain finally stopped after almost 11 months, which is not without reminding of the 5-year-long rainfall occurring in the Nobel-prize winning novel “One Hundred Years of Solitude” by the Colombian author Gabriel Márquez. Therefore, the affected areas had only a few months to recover before the rainy season started again in September. This means that it rained during what normally is the dry season in Colombia and that this extended rain season almost merged with the next rain season. Once again, important human and material losses were registered. A state of emergency was declared for the whole country and \$178 million was made available by the Colombian government. However, the damages were estimated to more than \$5 billion (UPI, 2011).

1.2. Governmental response

In an attempt to rapidly identify the needs of the affected population, the Hydrology, Meteorology and Environmental Studies Institute (IDEAM), the Geographic Institute Agustín Codazzi (IGAC) as well as the National Statistics Department (DANE) issued a common report on August, 30th, 2011 aiming to identify the affected areas and people and the most appropriate response to use the devastation. The government hoped to use the report to allocate aid funds in the most efficient way possible. This report³ defined areas that are at risk and high-risk of flooding under normal conditions: around 9.2% of the Colombian territory has been deemed to be periodically flooded, representing 10,508,251 ha.. It also states that during the floods of 2010 and 2011, 20,718,175 ha. were affected nationwide, which represents an area twice as large. This takes into account cultivated land, exploited forests and land used to feed cattle. In total, 2,510,858 families were affected by the floods and the landslides.

The common report issued by IDEAM, IGAC and DANE highlights the first needs of the affected people, especially in terms of health, water, emergency medical assistance, hygiene, protection, food aid, education and lodging. To prevent epidemics, such as cholera, it is especially critical to distribute water filters and to educate the population on how to use them. This may prevent epidemics such as cholera. The health issue is identified as the most pressing one to tackle. This is why the Organización Panamericana de la Salud/Organisation mondiale de la santé (OPS/OMS)

3. IGAC & IDEAM & DANE (2011), “Reporte Final de Áreas Afectadas por Inundaciones 2010-2011”

Colombia has decided which actions must be prioritized. This includes intensifying the surveillance of epidemics and their development, better quality of and access to drinking water and strengthened action on waste management, food manipulation, hygienic infrastructure of housing and disposal of solid excrements.

The damage done to the infrastructure, housing, and agricultural land throughout the floods forced many people to leave their homes and migrate. In an attempt to mitigate the impact of unplanned migration from Colombians to both national and international destinations, the European Commission, in cooperation with IOM Colombia and PagoSolidarios implemented a temporary and circular migration project between Colombia and Spain. The Temporary and Circular Labour Migration Project (TCLM) is an innovative and unique project funded by the European Commission and implemented in Spain and Colombia with the help of the IOM Colombia. The project started in December 2006 and finished in December 2008. According to the IOM 1,519 Colombian workers took advantage of this project through the IOM until 2007⁴. In one of his background paper⁵, the Global Forum on Migration and Development in Athens 2009 states that “8,115 Colombians have benefited from the programme under TCLM”. They were selected by the IOM in Colombia. Most of them are people that have been affected by recurring natural disasters, such as the eruption of the Galeras volcano or the 2010-2011 floods. These people receive assistance to go to Spain to work in seasonal agricultural for a maximum time of nine months. When their visa expires, they must return to Colombia. They may be re-eligible to return to Spain if they successfully comply with all conditions set by the programme. The main reason to link the TCLM project to environmental migration is that those who lost all their means of subsistence to the floods and landslides may earn some money in Spain in order to reconstruct their lives in Colombia as well as acquire new skills that they may use to contribute to the country's development. At the same time, this alleviates the pressure on the soil from Colombian territories that are trying to recover from the 2010 and 2011 floods. The resilience of the people sent to Spain is increased and they are less dependant on the

climate to survive and sustain a certain standard of living. This may help to avoid unplanned forced migration which can cause additional damage to both the concerned populations and the territories of destination. The following section will deal thoroughly with this project, its objectives and achievements as well as its advantages and flaws.

2. TEMPORARY CIRCULAR LABOR MIGRATION PROJECT

Catalonia is the Spanish province with the highest rate of migration workers: more than 21% of the migrants living in Spain are living in Catalonia (IOM, 2009). This can be explained by the fact that agriculture is the province's most important economic sector and that many low skilled workers are needed. Skilled migrants and Spanish citizens tend to be rather reluctant to take on those jobs. Consequently, in 2006, 74,1% of those employed in the agricultural sector were foreigners (IOM, 2009). The main agricultural union of Catalonia, Unió de Pagesos de Catalunya (UP), has long been able to recognize the potential of this occurrence and has decided to put it to use for the common good. It started by helping to recruit potential workers and to facilitate their stay. In 2001, it was decided that an official and well-constructed project needed to be implemented in order to further develop this recruiting process. This is why the UP founded Fundació Pagesos Solidaris (FAS), a foundation aiming to support the development of rural communities from different countries on different levels: social, economic and humanitarian. To achieve those goals, UP promotes cooperation between rural communities from different perspectives by, for example, providing support and assistance to the environmental migrants from Colombia who are coming to Spain. Pagesos Solidaris' approach is based on co-development, a philosophy elaborated by Sami Nair in his 2007 *Report on the outcome and tendencies of the co-development policy related to migration flows*. Co-development is “a proposal for integrating immigration and development in a way that migration fluxes will benefit both the country of origin and the country of destination. This is a consensual relationship between two countries that will allow migration to the country of destination not to imply an equivalent loss in the country of origin” (Magri, 2009). In order to implement this co-development the FAS divided its work in two parts: recruiting the migrants in their country of origin and further supporting them in various ways once they arrive in Spain. The temporary and circular migration system is seen by some as a way

4. <http://www.iom.int/jahia/Jahia/facilitating-migration/pid/2017> (07/10/2012)

5. Global Forum on Migration and Development (2009), “Background Paper; Roundtable 2: Migrant integration, reintegration and circulation for development; Session 2.2 Reintegration and circular migration – effective for development?”

to achieve co-development (De Moor, 2010). IOM is working in cooperation with FAS on this project which is funded by the European Commission in the framework of the AENEAS programme, which supports temporary circular migration.

2.1. Project implementation

The IOM Colombia is taking care of the selection of workers in Colombia. As the work in Spain is either fruit-picking and/or conditioning those fruits, the project targets low skilled workers for seasonal agriculture work. This enables many people to apply for the migration program. As many people have been affected by the 2010 and 2011 floods in Colombia and have seen their whole means of subsistence disappear in torrents of water, this is particularly attractive for affected farmers and internally displaced Colombians. The IOM is basing its selection criteria on how big their involvement in their home community is. As a concrete example on how the selection process works, we can look at Usaquén, a community located in the Bogotá province. The selection committee located there tends to favour people already involved in small productive businesses. This way, the administrative and financial skills as well as the agricultural techniques they learn in Spain can directly be applied to their business upon their return, augmenting their productivity and stimulating the local economy. The higher the involvement of the individuals in their community of origin, the more likely they will return to Colombia after the expiration of their work permit and visa. It would completely “undermine the credibility and the benefits for the entire community” (Magri, 2009) if a large amount of selected migrants decided to overstay their welcome and thus harm the ones applying later. Secondly, the probability that remittances will be invested in projects which benefit the whole community is higher. Lastly, the whole community may also benefit from the skills the migrants learned overseas if they decide to put those skills to use for the public good once back home. The skills migrants may learn abroad are the following: 1,519 people were trained by the IOM in basic technical skills, 1,021 in financial skills and 322 in leadership and local development⁶.

Remittances remain the private property of the migrants. Therefore, nobody can force the migrants to spend their money to fund community projects instead of using remittances for personal purposes. However, a study by the Alma Mater University has shown that even if for the first two

or three years remittances are mainly used to pay off private debts or improve the living conditions the migrants might be willing to channel their money toward productive projects in subsequent years that benefit not only the migrant and the migrant’s family but also the whole community (Magri, 2009). Thus, the selection process is really important to the success or failure of the whole project. The project only makes sense if the migrant comes back as initially planned and puts to good use skills learned overseas.

Globally, the opportunity to engage in the TCLM is perceived as a community project rather than a personal project by the local people (Magri, 2009). Migrants often feel peer pressure from the communities of origin, as their participation to the programme impacts on the sustainability of the project. Also, in IOM interviews with migrants (IOM & European Union, 2010) it appears that they feel some kind of commitment to the community, to those which were not given the opportunity to go abroad. This fact increases the probability they will use their remittances to fund community projects (Magri, 2009).

Travel arrangements that need to be made such as visa, purchase of the flight ticket, etc. are taken care of by the TCLM project. Once the migrants arrive in Europe, the project continues to support them by finding a place to stay and providing them with further information about issues such as the Spanish health care system. The project also provides general assistance in case any problems should arise. Before the departure to Europe, activities and workshops are organized to inform the migrants about the living and working conditions in Spain. This exercise explains the social and cultural context and provides a general view on how their life will be in Spain. This is done so that migrants are able to integrate themselves in the best possible and efficient way. The consequences of failing to comply with the expiration date of their visa as well as the benefits that they receive are again clearly explained and stressed to reduce the risk of migrants deciding to stay in Europe.

The goal of the project is to enable Colombian workers to gain knowledge and experience as well as specific skills so that they may establish a business when coming home and produce economic gain for themselves, their family and the whole community (IOM, 2010). The ultimate goal is the increased resilience of Colombian farmers and IDPs toward changing climatic conditions (De Moor, 2010). By enabling migrants to develop more diversified livelihoods, they lessen the probability that they will one day be forced to move due to slow-onset climate change or severe climatic event.

6. [http://www.iom.int/jahia/Jahia/facilitating-migration/pid/2017\(07/10/2012\)](http://www.iom.int/jahia/Jahia/facilitating-migration/pid/2017(07/10/2012))

2.2. Evaluation of the project

2.2.1. A triple-win situation?

The TCLM project in the Colombian flood case is being used as an adaptation strategy to climate change. According to many official reports, among them the Mauritius Workshop on circular migration (2008), there is a triple-win situation. But some critics, such as Piyasiri Wickramasekara of the Global Union Research Network (GURN), imply that benefits may have been exaggerated (Wickramasekara, 2011). He recognizes some benefits of circular labour migration but challenges the idea of a triple-win situation on the grounds that the foundations of the argument are weak. Wickramasekara questions the assumed preference of migrants for circular migration as well as the benefits for employers and especially the benefits for the communities of origin. Further criticism of temporary circular migration is the lack of legal protection for migrants. In an attempt to address this issue, the TCLM project informs migrants about their rights and duties before and during their involvement in the project through workshops and activities. The more informed migrants are, the more probable they will make the most appropriate decisions (IOM, 2008). The next big issue is the risk of circumvention of the authorized stay by migrants. In an attempt to counter the fact that some migrants might want to stay in Spain after their visa expired, the migrants participating in the scheme have to present themselves at the Spanish embassy in their country of origin within one month of the expiration date of their visa. Failure to do so would result in them being disadvantaged if they ever wish to re-enter the circular migration program. Also, migrants who comply with the set rules for at least two years are registered on a special database and are given priority whenever they apply again for the same migration program or even a permanent worker visa. This mechanism aims at increasing the attractiveness for those migrants to play by the rules.

Despite those issues, according to the philosophy of co-development, the temporary and circulatory migration system is trying to create a triple win situation for migrants, their communities and country of origin and the receiving state. The benefit for each actor will be analysed in the following sections.

2.2.1.1. Migrants

The benefit for the migrant is quite clear. By moving to a country with higher wages, migrants increase their income and are able to send remittances to their family. This in turn improves their living conditions if they can, for example, build

a house, buy indispensable tools or open a small business. The skills they learned abroad⁷ may eventually enable them to open, create or expand some kind of small business in their community of origin. This will promote the local economy as well as increase the resilience of the migrants and their family to any environmental change. In Usaquén, the IOM noted that, on average, each migrant came back home with savings which can range between €350-2,300. The resilience of the environmental migrants is also an important point. By going abroad, migrants diversify their income through the money earned abroad but also through the possibility to apply their new skills in their activities. They are able to better face environmental degradation and ensuing loss of subsistence means. Consequently, they become less dependent on their environment and can adapt more easily to changing environmental conditions, be it slow-onset change or more sudden events.

2.2.1.2. Community of origin

The benefits for the community have been partially explained in the above section. Migrants strengthen their sense of commitment to the people who stayed in their community of origin, as they feel they were privileged by being chosen for the project (Magri, 2009). They invest their money gained abroad in projects which will ultimately benefit the whole community. Also, their newly-gained skills, which could be called 'brain gain' in opposition to 'brain drain', and experience will help them set up economic activities that promote the local economy, thus prompting development. In the specific case of Colombia, migration also enables the territories affected by the floods and landslides to recover, which takes some time. Replanting the land right away may be unproductive, as precious minerals have been washed out, leaving the land infertile. If the people from the affected areas do not use the land for a few months or even years, this will allow it to recover more quickly and more thoroughly. Upon their return, not all migrants will pick up their agricultural activities again, as they will have gained new skills that they might prefer to apply, for example by opening a new business.

2.2.1.3. Receiving country

The benefit for the receiving country, in the case of Spain, is that it is provided with workers to fill a gap in the agricultural labour market. As mentioned above, the jobs in the agricultural sector that the Colombian environmental

7. See Section 2.1. Project implementation for the kind of skills migrants learn abroad

migrants are taking are seldom taken up by available domestic workforce. Therefore, it is wrong to assume that these migrants are working at the expense of someone else: they are only filling a void. The Spanish legislation, as seen above, is very clear on this point: the employer has to make sure that no other worker residing in Spain wants to take up the job.

2.2.2. Implementation in other countries

Implementing a similar project in other countries is possible and could yield many benefits. Circular labour migration can support development, relieve demographic and unemployment pressure in developing countries as well as fill gaps in the workforce in developed economies if there is a real need for labour and a legislative framework guaranteeing rights for migrants. As stressed previously, the legislative framework has to be adequate to allow migrants to easily adapt to the changing employment situation. Spain's legislation allows a quick worker quota adjustment to the changing economic and labour conditions.

To implement a similar project in other receiving states, Rush (2005) points out that some conditions need to be fulfilled. In his publication, six essential points can be identified. Castle (2006) summarises them as follows:

- “The strict enforcement of immigration and employment laws, especially against employers who illegally employ migrants and/or violate minimum wage and employment regulations.
- The regulation of the cost at which migrants are made available to employers through, for example, the charging of monthly work permit fees for each migrant employed.
- The implementation of effective labour market tests, i.e., of mechanisms that create incentives for employers to recruit migrant workers only after all reasonable efforts have been made to recruit local workers.
- The regulation or at least the monitoring of the migrant recruiting industry with an eye to controlling migrants' costs of migration.
- The protection of migrants' rights by making work permits portable within certain sectors or occupations after a certain period of time.
- Mixed incentive-enforcement measures to facilitate the return home of migrants whose temporary work permits have expired.”⁸

Spain has implemented most of these measures through its laws and regulation. The TCLM program in Spain is considered overall a great

success both for the Colombian migrants and the Spanish agriculture sector according to the IOM but other find it quite hard to measure exactly its impacts, as only few people have been involved (Mc Loughlin & Münz, 2011). States that wish to implement a similar project should take into account the previous points.

Some limitations to the application of a temporary and circular migration project between two countries do exist. The most obvious one is that the communities of origin where this project is implemented should not be permanently uninhabitable. Therefore, the implementation of such a project is best suited for cases like Colombia, where the land needs some time to rest but offers to the returning migrants the possibility to continue living on and from it. It is also quite clear that the amount of people who can take advantage of this project is rather limited. As the economies from developed states need only a limited number of low skilled workers from third countries, the number of people who can enrol in this project is also limited.

3. POLICIES AND LEGAL FRAMEWORK ON TEMPORARY AND CIRCULAR LABOR MIGRATION

The Global Forum on Migration and Development, which took place in 2008, issued the following statement: “Temporary labour migration can work to everyone's advantage if it is legal, protective and linked to real labour needs. [...] In the absence of a functional multilateral system, bilateral arrangements have been found to operate effectively in certain countries. [...] Joint arrangements between origin and destination countries, particularly for lower-skilled migrants, can help enforce the laws to protect temporary migrants and enhance their contribution to their families and home communities” (GFMD, 2008). The UN Secretary General's Report on International Migration and Development highlighted this already in 2006: “[...] there is potential for these programmes to result in beneficial synergies for migrants, countries of origin and countries of destination” (UN, 2006). Other international organizations such as the UN Department of Economic and Social Affairs, the Global Commission for International Migration and the World Bank have also issued positive statements on this topic (IOM, 2008). It can therefore be said that a number of relevant worldwide organizations agree on the advantages of a temporary and circulatory migration system which would fill the labour gap in a national economy while contributing to the development of

8. S. Castle. 2006. “Guestworkers in Europe: A Resurrection?” (pp.747-748).

an other one. This system of cooperation between countries has not yet been fully exploited.

3.1. Spain

The Spanish position regarding temporary and circular migration is quite advanced compared to those of other member states from the European Union. The Plan Estratégico de Ciudadanía e Integración (Strategic Plan for Citizenship and Integration) which has been elaborated by the Spanish Ministry of Work and Social Affairs in 2007-2010 highlights this. This plan aims at using migration as a tool of co-development between the country of origin of the migrant and the migrant itself (De Moor, 2010). Spain was able to recognize the importance of cooperation between local governments and the benefits it can generate both in the country of origin and the country of destination if the remittances are channelled in the most effective way.

Spain's policy on migration has historically been favourable to temporary migration. The Organic Law N° 4/2000: Article 39; Implementing Regulation: Articles 77-80 (De Moor, 2010) allows workers from countries outside of the European Union to live and work in Spanish territory. Some conditions need to be fulfilled for the law to be applicable and migrants cannot stay more than nine months in Spain within the same year (12 consecutive months). Also, employers must make it certain that no worker already legally residing in Spain can take over the job (IOM, 2009) and that the position is indeed needed within the Spanish economy. Quotas are being determined by the Spanish state regarding the number of migrants already in its territory and the provisional need for low skilled workers each year and may vary depending on the economic situation of the country. These quotas are first proposed to the countries with which Spain has signed a bilateral agreement aimed at facilitating access for citizens of those countries to the Spanish labour market. Up until now, Spain has signed bilateral agreements on migration with Colombia, Ecuador, Morocco, Nigeria, the Dominican Republic, Poland, and Romania. The bilateral agreement between Spain and Colombia was signed in 2001. The configuration of the Spanish economy makes it essential for Spain to import workers from third-countries at periodic moments of the year. Indeed, a lot of low skilled workers are needed to help in the harvest of agricultural products. Workers already legally residing in Spain often do not want to take over these jobs. The workers from third countries are therefore only recruited for some sectors of the economy, as defined by the

Royal Decree (2393/2004) (De Moor, 2010), to counter the shortage of willing workers. However, as the harvest only takes place a few months a year, they would become unemployed as soon as the harvesting season is over and instead of supporting the Spanish economy, stress it. This is why Spain favours temporary and, above all, circular migration. The greater flexibility of the Spanish legislation in regard to changing the work place also works in favour of seasonal migration, as it allows the migrants to move on as soon as one harvest is over and seek an other work place.

3.2. Europe

On the European level, the European Commission is favourable to a harmonization of the different national legal frameworks regarding the implementation of a project similar to TCLM. This can clearly be seen by the elaboration in 2005 of a Policy Plan on Legal Migration (European Commission, 2005). This plan aimed at fighting irregular migration by allowing greater integration of the selected migrants and thus trying to make illegal migration less attractive. This Policy Plan was however not able to convince the member states and the five legislative instruments it contained did not have the expected impact. The 2005 Policy Plan was followed by the European Pact on Immigration and Asylum adopted by the European Council in October, 2008. The introduction of this pact states that "Although real progress has been achieved on the path to a common immigration and asylum policy, further advances are necessary". In 2009, the Council adopted the Stockholm Programme which highlighted once again the European Commission's commitment to the Policy Plan on Legal Migration from 2005. Yet, the only directive that has been implemented until now is the Council Directive 2009/50/EC of May 25th, 2009. This directive, also called the "Blue Card Directive", allows high-skilled workers from third-countries to live and work in the European Union with the exception of Ireland, the United Kingdom and Denmark. Even this directive is found to be "rather a symbol of good-will than than a strong measure for attracting highly-skilled migrants" (Meyer, 2010).

The lack of commitment from the different member states regarding a common legal framework on seasonal circular migration can partly be explained by the feeling of most states that the migration issue is directly related to their sovereignty. They do not want to leave the decision power to another authority, as they fear a loss of control over who lives in their national territory. However, the evolution that has been

observed at the European level, starting in 2005 with the Policy Plan on Legal Migration, has continued with a directive on seasonal migrants proposed in 2010⁹. The explanatory memorandum of the directive proposal clearly states that “This proposal forms part of the EU’s efforts to develop a comprehensive immigration policy. The Hague Programme of November 2004 recognized that “[l]egal migration will play an important role in enhancing the knowledge-based economy in Europe, in advancing economic development, and thus contributing to the implementation of the Lisbon strategy”. This directive proposal, called the “Single Permit Directive” has been adopted in December 2011. It established rights for workers from third countries residing within the European Union. In May 2011, the European Union started a consultation on migration and climate change. This consultation influenced the revision of the EU Global Approach on Migration from November 2011. This shows that the European Commission is interested in implementing a common legislative framework to facilitate the mobility of temporary and circular migration and recognizes the advantages that this can bring to European national economies if correctly implemented.

CONCLUSION

One of the main advantages of the TCLM project compared to other migration programs is that it links environmental degradation to development strategies. It tries to create not only a win-win situation between the migrant and the destination country but a win-win-win situation between the migrant, the destination country and the region of origin. The migrants become “agents of development” (De Moor, 2011) through the remittances sent back home and the skills they learn abroad and apply at home. This has been recognized in many official international publications, for example in the UN Secretary General’s Report on International Migration and Development (2006). The degradation of the environment is taken as a starting point to promote development by giving the affected people the opportunity to enhance their skills and knowledge in the hope that this will indirectly trigger economic development at a local level. It tries to turn a negative situation into a positive one. The people who choose to take advantage of the TCLM project may not have done so if their living resources

such as their land and/or housing had not been affected. This can be deduced from the testimonies of migrants involved in this project who are reluctant to leave Colombia. They do not wish to leave their families and friends behind but confess that they nonetheless had to do so because of the financial need of their families (IOM, 2010). Without them leaving and acquiring new skills, the development which has been observed after their return to their home communities would not have occurred.

Furthermore, the rights of the migrants are being better protected as movement takes place within a clearly defined project which accompanies migrants and makes sure their rights are respected. At the same time, all measures are taken so that migrants do respect their duties and do not overstay their welcome.

In the case of Colombia, the objectives of the project have been met and it can be said that the project has been, and still is, successful. The resilience of the Colombian workers to climate change consequences has been increased and the development of the local communities is promoted. The implementation of a similar project between other countries is possible and is even advised in certain cases. For example, a developing country with a climatic event which disturbs greatly, but at the same time only temporarily, the ecosystem and the means of subsistence of the population would be a good candidate for the implementation of a temporary and circular migration project.

Migration, and especially environmental migration, is becoming an international concern. Thanks to globalisation, travelling great distances has become increasingly easy. The number of those who want to increase their income and living standards by migrating and working in countries with more developed economies are seizing their chance in a legal, and sometimes also illegal, way. The global community needs to cooperate and work out a common strategy regarding labour migration so as to provide the migrants with the best possible conditions to enable states to fully benefit from co-development. Temporary circular labour migration would make irregular migration less attractive and would help manage unwanted migration flows. Supply and demand could be better monitored and help international economies to adapt better to the rapidly changing conditions of the global markets. Temporary circular migration can be an asset to adapt to the effects of global climate change but can foremost be a mitigation strategy. International cooperation is required for it to work successfully. Policy-makers need to keep this in mind when mapping the response to the biggest challenge they have ever faced: climate change. ■

9. “Proposal for a directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment”

BIBLIOGRAPHY

- Abella, Manolo. 2006., "Policies and Best Practices for Management of Temporary Migration". International Symposium on International Migration and Development in Turin, Italy.
- Castle, Stephen. 2006. "Guestworkers in Europe: A Resurrection?". *International Migration Review*, Volume 40, N.4, pp. 741-766.
- Charpin, Anna & Aiolfi, Luca. 2011., "Evaluation of the concrete results obtained through projects financed under AENEAS and Thematic Programme for Migration and Asylum", Letter of Contract N° 2010/254838.
- Commission of the European Communities. 2009. "Mobility partnerships as a tool of the Global Approach to Migration", 13489/09. Brussels: Council of the European Union.
- Council of the European Union. 2008., "European Act on Immigration and Asylum", 13440/08.
- De Moor, Nicole. 2011, "Labour Migration for Vulnerable Communities: A strategy to Adapt to a Changing Environment", COMCAD Arbeitspapiere – Working Papers, No. 101.
- European Commission. 2010, "Proposal for a directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment". Brussels: European Commission.
- European Migration Network (EMN). 2011, "Temporary and Circular Migration: empirical evidence, current policy practice and future options in EU Member States - Synthesis Report". EMN.
- European Union. 2007, "Circular migration and mobility partnerships between the European Union and third countries", Memorandum.
- Global Forum on Migration and Development in Manila. 2008., "Summary Report".
- Global Forum on Migration and Development. 2009, "Background Paper; Roundtable 2: Migrant integration, reintegration and circulation for development; Session 2.2 Reintegration and circular migration – effective for development?".
- IGAC & IDEAM & DANE. 2011, "Reporte Final de Áreas Afectadas por Inundaciones 2010-2011".
- Intergovernmental Panel on Climate Change. 2007, "IPCC Fourth Assessment Report: Climate Change", Working Group I: The Physical Science Basis, Chapter 3: Observations: Surface and Atmospheric Climate Change. Geneva: IPCC. http://www.ipcc.ch/publications_and_data/ar4/wg1/en/ch3.html
- IOM. 2008, "Managing labour mobility in the evolving global economy", Volume 4 – IOM World Migration Report Series.
- IOM 2009., "Temporary and Circular Labor Migration: Experiences, Challenges and Opportunities", Volume 2 – IOM Series of Research into Migration.
- IOM & European Parliament. 2008 "Comparative Study of the Laws in the 27 EU member states for Legal Migration including an assessment of the conditions and formalities imposed by each member state for newcomers – Spain".
- IOM & European Union. 2010. "Historias Circulares", ISBN: 978-958-8575-11-7.
- Kraler, Albert & Cernei, Tatiana & Noack, Marion. 2011. "Climate Refugees. Legal and Policy Responses to Environmentally Induced Migration", Directorate-General for Internal Policies of the European Parliament, Policy Department C: Citizen's Rights and Constitutional Affairs.
- Magri, Nicola. 2009. "Temporary and Circular Labor Migration between Colombia and Spain A model for consolidation and replication", Maastricht Graduate School of Governance, Masters Thesis.
- McLoughlin, Sheena & Münz, Rainer. 2011., "Temporary and Circular Migration: Opportunities and Challenges", European Policy Centre, Working Paper no. 35 , ISSN – 1782-2424.
- Meyer, Nicole Y. 2010, "The European Union Blue Card Directive", University of Twente, School of Management and Governance, Bachelor Thesis.
- Nair, Sami. 1997. "Rapport de bilan et d'orientation sur la politique de co-développement liée aux flux migratoires". Paris : Ministère des Affaires Etrangères.
- Official Journal of the European Union. 2009. "Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment", 155/17.
- Organización Panamericana de la Salud. 2010. "Ola Invernal Fenomeno de la "Nina"
- Parusel, Bernd. Aug 30th, 2008. "Migrants as Agents of Development – a New Dimension of EU Migration Policies?". Edinburgh : the University of Edinburgh.
- Philip, Sjoukje & Van Ollendenborgh, Geert Jan. 2006. "Shifts in ENSO coupling processes under global warming", *Geophysical Research Letters*, 33.
- Ruhs, Martin. 2006, "The Potential of Temporary Migration Programmes in Future International Migration Policy", *International Labour Review*, Vol. 145 (1-2).
- Ruhs, Martin. 2010, "Migrant Rights, Immigration Policy and Human Development". Oxford (UK): University of Oxford.
- Spanish National Contact Point of the European Migration Network & Requena, Miguel & Stanek, Mikolaj. 2010. "Temporary and Circular Migration: empirical evidence, current policy practice and future options in Spain". European Migration Network on behalf of the European Commission.
- TrenberthR, Kevin E. & Hoar, Timothy J. 1996, "The 1990–1995 El Niño Southern Oscillation Event: Longest on Record", *Geophysical Research Letters*, 23(1).
- United Nations' Secretary General. 2006. "Report on International Migration and Development"

United Nations' Office for Coordination of Humanitarian Affairs (OCHA). 2011.. "Inundaciones 2011: Informe de Situación 04". http://www.colombiassh.org/site/IMG/pdf/Sit_Rep_04_15.12.2011.pdf

United Nations' Office for Coordination of Humanitarian Affairs (OCHA). 2011. "Inundaciones 2010-2011: Informe de Situación 27". Reliefweb. <http://reliefweb.int/report/colombia/inundaciones-2010-2011-informe-de-situación-27>

UPI (United Press International). 25 April 2011. "93 in Colombia floods". UPI.

Wickramasekara, Piyasiri. 2011, "Circular Migration: A triple win or a dead end?", Global Union Research Network (the International Trade Union Confederation (ITUC), the Trade Union Advisory Committee to the OECD (TUAC), the ILO's International Institute for Labour Studies (IILS) and the Bureau for Workers' Activities (ACTRAV) of the International Labour Office (ILO)), Discussion Paper No. 15

Wiese, Johanna L. & Thorpe, Katharine. 2010. "Temporary and circular migration: empirical evidence, current policy practice and future options in EU member states", European Migration Network on behalf of the European Commission.

World Bank. 2010. "Colombia/emergencia: US\$150m del BM para atender asistencia humanitaria y reconstrucción". Webworldbank.

Zapata-Barrero, Ricard & Faúndez García, Rocío & Sánchez Montijano, Elena. 2009. "Temporary and circular labour migration: reassessing established public policies", Universitat Pompeu Fabra, Working Paper Series, Number 1

INTERNET

National Weather Service (NWS). 4 Jul 20120. « Frequently Asked Questions About El Nino and El Nina. » Maryland, US : NWS. http://www.cpc.ncep.noaa.gov/products/analysis_monitoring/ensostuff/ensofaq.shtml#DIFFER

UNOCHA (United Nations Office for the Coordination of the Humanitarian Affairs). 2011. « OCHA Annual Report 2011- Colombia. ». UNOCHA.<http://www.unocha.org/annualreport/2011/col>