IMIS-BEITRÄGE

Heft 40/2012

Herausgegeben vom Vorstand
des Instituts für Migrationsforschung
und Interkulturelle Studien (IMIS)
der Universität Osnabrück

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Gefördert durch die Robert Bosch Stiftung

Eingesandte Manuskripte prüfen vom Wissenschaftlichen Beirat
benannte Gutachter.

Mai 2012
Druckvorbereitung und Satz: Jutta Tiemeyer/Sigrid Pusch, IMIS
Umschlag: Birgit Götting
Herstellung: STEINBACHER DRUCK GmbH, Osnabrück
ISSN 0949-4723

SPECIAL ISSUE

The New Politics of International Mobility

Migration Management and its Discontents

edited by

Martin Geiger and Antoine Pécoud

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Preface

In November 2010, a conference on ›The New Politics of International Mobility‹ was organized at the Institute for Migration Research and Intercultural Studies (IMIS) at the University of Osnabrück, followed by a workshop on ›Disciplining Global Movements – Migration Management and its Discontents‹.

Supported by the German Robert Bosch Foundation and IMIS, these events brought together more than 200 leading experts, scholars, researchers and practitioners for academic and practice-oriented debates on emerging trends in migration politics. Since the mid-1990s, ›migration management‹ has become a catchword to refer to a range of new initiatives pertaining to international migration and human mobility. One of the core beliefs behind these new approaches is that migration, if ›managed‹ in a properly and orderly manner, can be turned from a ›problem‹ to a beneficial process that will serve the interests of all: sending and receiving countries as well as migrants themselves. Yet, despite the popularity of such assumptions and the increasing references to the notion of migration management, very little is known on its political implications, ideological foundations and practical consequences.

This volume brings together a selected number of key contributions from the conference and the workshop. They reflect their truly international and comprehensive nature, which saw participants from some 20 countries gather and engage in critical discussions on the issues raised by migration management. We hope that this book, along with the debates that took place in Osnabrück in November 2010, will contribute to shed light on the crucial questions that surround the ways in which the cross-border movements of people are addressed by states and the international community.

As guest editors we would like to thank the Robert Bosch Foundation for its generous financial support. We also cordially thank all authors to this volume as well as Sigrid Pusch and Jutta Tiemeyer, who prepared the manuscript for publication, and Maren Mikulla for her proofreading.

Osnabrück and Paris, 1 December 2011

Martin Geiger and Antoine Pécoud

Abbreviations and Designations

AI	Amnesty International
AVR	Assisted Voluntary Returns
BMZ	Federal Ministry for Economic Cooperation and Development/ Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (Germany)
CEPOL	European Police College
CIC	Citizenship and Immigration Canada
CIM	Centre for International Migration/Centrum für Internationale Migration (Germany)
EC	European Community
EDA	European Defence Agency
EPA	Economic Partnership Agreement (Japan)
EU	European Union
EUROJUST	European Union Judicial Cooperation Unit
EUROPOL	European Union Law Enforcement Agency
EUROSUR	European Border Surveillance System
EUSC	European Union Satellite Centre
Frontex	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
GARP	Government Assisted Repatriation Programme (Germany)
GCIM	Global Commission on International Migration
GFMD	Global Forum on Migration and Development
GIZ	German Agency for International Cooperation/Gesellschaft für Internationale Zusammenarbeit (Germany)
GMG	Global Migration Group
GTZ	German Agency for Technical Cooperation/Gesellschaft für Technische Zusammenarbeit (Germany)
HRW	Human Rights Watch
IAMM	International Agenda for Migration Management
ICEM	Intergovernmental Committee for European Migration
ICM	Intergovernmental Committee for Migration
ICMC	International Catholic Migration Committee
ICMPD	International Centre for Migration Policy Development
ICPD	International Conference on Population and Development
ICVA	International Council of Voluntary Agencies

IGO	Intergovernmental Organization
ILO	International Labour Organization
INGO	International Non-Governmental Organization
IO	International Organization
IOM	International Organization for Migration
IPPR	Institute for Public Policy Research
JICWELS	Japan International Corporation of Welfare Services
Kritnet	Network for Critical Migration and Border Regime Studies
LGBTI	Lesbian, Gay, Bi, Transgender, Intersexual
MDG	Millennium Development Goals
MEDA	Mésures d'accompagnement financières et techniques (EU Funding Programme for Mediterranean States)
NGO	Non-Governmental Organization
NIROMP	New Orderly Regime for Orderly Movements of People
ODA	Official Development Assistance
OECD	Organization for Economic Cooperation and Development
OLAF	European Anti-Fraud Office
OSCE	Organization for Security and Co-Operation in Europe
PICMME	Provisional Intergovernmental Committee for the Movement of Migrants from Europe
RABIT	Rapid Border Intervention Team (Frontex)
RCP	Regional Consultative Process
REAG	Reintegration and Emigration Programme for Asylum-Seekers (Germany)
SIS	Schengen Information System (EU)
SIVE	Sistema Integrado de Vigilancia Exterior (Spanish Integrated System of External Border Surveillance)
TREVI	Terrorisme, Radicalisme, Extrémisme, Violence Internationale (Intergovernmental network of national officials from ministries of justice and the interior in the European Community)
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Program
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
VENRO	Umbrella organization of development non-governmental organizations/Verband Entwicklungspolitik deutscher Nichtregierungsorganisationen (Germany)
VIS	Visa Information System (EU)
WHO	World Health Organization
WTO	World Trade Organization

1 The New Politics of International Mobility. Migration Management and its Discontents

Martin Geiger and Antoine Pécoud

›Migration management‹ has, since the mid-1990s, become a catchword for a range of new initiatives pertaining to international migration and human mobility. A core feature of this political agenda is the recognition of migration as a normal process, and hence the calls to go beyond the mere control of human mobility and proactively seek to organize and steer migration for the benefit of all. This approach has proved to be highly influential in current political thinking about migration. Migration management indeed provides a potential compromise between the often conflicting objectives of states, both within and between governments; it seeks to achieve a balance between the multiple concerns associated with migration, including in particular the need to recruit or export labor, the focus on (under-)development, the rights of migrants, and security. This perspective, often presented as ›holistic‹, challenges the long-standing repressive and control-centered agenda, while also conveying the idea that governments are not alone in managing migration: States would no longer be the sole actors in migration politics and should cooperate with each other, as well as with other actors (such as intergovernmental agencies, international and non-governmental organizations, think tanks and experts), to build the foundations for a truly international governance of migration.

Yet, despite the burgeoning popularity of the concept, very little is known on what migration management is about. Most of the available literature is still concerned with what could or should be done to properly manage migration, rather than with what is actually taking place.[1] Knowledge remains scarce regarding the ›grass-root‹ level materializations of migration management practices, or the more concrete ›real-life‹ implications and consequences of such approaches. This also has to do with the massive knowledge-production strategies pursued by international governmental organizations (IGOs), which lead to a high number of (sometimes influential) publica-

1 Alexander Betts (ed.), Global Migration Governance, Oxford 2011; Philip Martin et al. (eds.), Managing Labor Migration in the Twenty-First Century, New Haven 2006; idem et al. (eds.), Managing Migration: The Promise of Cooperation, Lanham 2006.

tions by institutions as such as the International Organization for Migration (IOM), the World Bank or the United Nations Development Program. Such ›policy relevant‹ knowledge leaves only little room for critical and independent research. The narratives developed by old and new ›migration managers‹ within and beyond the state are therefore hardly questioned, even though many of the supposedly new concepts actually resemble old-standing policy tools in the field of migration politics (as the ›rediscovery‹ of temporary migration programs make particularly clear).[2] Another consequence of such institutional knowledge is to discourage research on the (new) key actors in migration management, precisely those that produce knowledge and that include IGOs, (international) non-governmental organizations (INGOs/NGOs), supranational actors such as the European Commission, new specialized agencies (such as Frontex), think tanks, and individual experts (both local and foreign-based). Yet, the increasing criticism voiced by human rights, refugee and migrant advocacy groups concerning the practices of such actors calls for independent research.

In sum, migration management raises mixed feelings: To some, it constitutes a welcome new approach that breaks with states' claimed zero-immigration policies and with the extreme political sensitivity that has developed around the cross-border movements of people. International migration, it is argued, would be a normal feature of a globalizing world; it should not inspire fears or panic, but be pragmatically approached so as to become beneficial for societies. Moreover, if adequately managed, migration would have the potential of serving the interests of both sending and receiving states, which would call for genuine international cooperation and the necessity to really embark in this direction. To others by contrast, migration management is a technocratic invention that disguises, often under the label of more humanitarian and rights-based approaches to migration, the perpetuation of restrictionist migration control; it would look like an apparently sound and balanced policy orientation, but with the sole purpose of enabling powerful receiving states to steer migration flows according to their political and economic interests. In addition, it would embody a managerial approach that negates the fundamental political issues raised by migration, which could ultimately threaten core principles such as the right to seek protection under the Geneva Convention and undermine the attempt to create consensus on new principles regulating migration.[3] Migration management would

2 Stephen Castles, Guestworkers in Europe: A Resurrection?, in: International Migration Review, 40. 2006, no. 4, pp. 741–766; see the contributions of Victor Piché and Hideki Tarumoto in this volume.

3 Antoine Pécoud, The UN Convention on Migrant Workers' Rights and International Migration Management, in: Global Society. Journal of Interdisciplinary International Relations, 23. 2009, no. 3, pp. 333–350.

then amount to a tool meant to regulate the needed circulation of workforce at the global level.

The polarized reactions to the idea of managing migration, and the often polemical debates that surround this issue, should, in our view, not however prevent researchers from studying what is exactly at stake with this approach, and with the different actors that promote it. This is what the contributions to this volume do, by looking at the different implications of migration management and, more broadly, of recent trends in the politics of international mobility. This introductory chapter provides an overview of the core issues that emerge throughout the chapters.

A Third Way Between Open and Closed Borders?

According to many of its supporters, migration management would constitute the best compromise between open and closed borders. On the one hand, it would challenge the narrow security concerns behind closed borders objectives, which would negate the central role of mobility (and especially of labor mobility/migration) in the world economy, while contributing to represent migration as a threat for receiving states. On the other hand, (more) open borders would be impossible for obvious political reasons, hence the need for an *in-between scenario* and the pragmatic calls to avoid the fruitless opposition between open and closed borders.[4]

In chapter 2, **Bimal Ghosh** recalls his personal experience and the reactions he encountered when first talking about migration management, as he was criticized by both those who were keen on maintaining states' sovereignty over migration flows and by the advocates of freedom of movement. He further reminds us how migration management has long been (and, to some extent, still is) a ›dirty‹ word: the introduction of a managerial logic in a field that is dominantly thought of as a matter of state sovereignty is indeed an uneasy process; the idea that migration should be steered so as to serve economic interests also runs against widely-shared assumptions according to which jobs should go to national workers as well as mainstream economic wisdom that sees (free) trade as the right way to ensure the proper allocation of labor at the world level.

In other words, and while migration management may now appear as belonging to the dominant orthodoxy, one should keep in mind that it remains a somewhat fragile policy option, caught between powerful and contradictory trends and interests, including the sovereignty of rich receiving states over flows from poor sending regions, the deep aspiration to control,

4 Savitri Taylor, From Border Control to Migration Management: The Case for a Paradigmatic Change in the Western Response to Transborder Population Movement, in: Social Policy & Administration, 39. 2005, no. 6, pp. 563–586.

and the equally deep factors that create emigration pressures in large parts of the world. Moreover, as Bimal Ghosh further argues, migration management implies a degree of *genuine* cooperation between states, as well as a real *coherence* between their political objectives: in the face of the diverging interests between countries, these objectives are clearly not easy to achieve.

This third-way, *in-between scenario* is well-known, but the implications of this approach have perhaps not been fully examined. Indeed, if closed borders scenarios are rejected for their inherent flaws, this is less clear with open borders, which may be rejected either for reasons that have to do with political feasibility or for the fundamental undesirability of this option. Bimal Ghosh has thus elsewhere argued that managed migration is inherently better than open borders:

> *»If […] restrictive and unilateral migration policies have not been working well, should we opt for a policy shift to the other extreme of full freedom of movement? We had rather not. [I] would argue that a regime of unfettered migration, however attractive at first sight, is not likely to do much better than the current policies, and that its political viability, at least from a short-to-medium-term perspective, is highly problematic. Instead, we should strive for a regime of managed migration that is based on the concept of regulated openness and sustained by close inter-state cooperation.«*[5]

This echoes an argument often made against free movement: open borders, while ethically defendable or intellectually stimulating, would have terrible practical consequences (such as the impossibility to maintain social cohesion and welfare systems, the destruction of common values or national identity, or the exacerbation of tensions between groups). In this view, freedom of movement is a wrong political orientation and state regulation remains a key aspect of any migration policy. This is a quite different position than the one that sees freedom of movement as a desirable, but politically unfeasible, objective. Open borders then appear as an ideal that, however valid, is impossible to achieve due to a lack of political support. The appropriate attitude would then be to call for managed migration as a second-best option, while waiting for more favorable times during which freedom of movement could perhaps be placed on the political agenda. In practice, both positions converge to support managed migration; yet, their ideological and intellectual premises differ.

5 Bimal Ghosh, Managing Migration: Towards the Missing Regime?, in: Antoine Pécoud/Paul de Guchteneire (eds.), Migration without Borders. Essays on the Free Movement of People, Oxford 2007, pp. 97–118, here p. 99.

Ideas and Institutions

Advocacy for managed migration implies at least two different processes. First, there is a need to develop a discursive framework that explains what migration management is all about, why it is an appropriate approach, and how it should be implemented. Second, institutional settings need to be built, or modified, to make migration management possible. Ideas and institutions naturally go hand-in-hand but, as some of the contributions to this volume show, they may not always be perfectly connected.

As argued by Bimal Ghosh (chapter 2), migration is a truly global phenomenon that calls for international cooperation; one of the assumptions behind his call for migration management is precisely to have governments address jointly this issue and bring their respective positions and practices closer to each other. This internationalization of migration issues is not new: the ILO was already involved in such efforts before World War II.[6] Yet, it does nevertheless challenge states' old-standing uni- or bilateral ways of regulating migration. It follows that this is not a straightforward process.

In chapter 3, **Juan M. Amaya-Castro** makes this clear when he investigates how recent reports by the ILO struggle to make migration global. His analysis reminds us that reality is never immediately legible; it is always construed discursively and migration is therefore neither inherently local nor global. It is precisely the function of IGOs like ILO to transform a social process into a global reality, for example through the collection of (supposedly) comparable data from all countries, or through what he calls totalizing tendencies, i.e. different patterns of argumentation that all view migration as a global phenomenon and that produce a coherent story out of the multiple manifestations of cross-border mobility.

Sara Kalm, in chapter 4, continues this discussion by analyzing the core arguments that lie at the heart of migration management discourses, namely: the recognition of migration as a normal and potentially beneficial process; the so-called triple-win ambition according to which it should benefit sending and receiving states, and migrants themselves; the emphasis on the relationship between migration and development, as well as on the necessary cooperation between states to increase the efficiency of migration policies. Sara Kalm also provides a short historical overview of migration governance, and of how the topic emerged on the international agenda.

Catherine Wihtol de Wenden also looks at this process from a more institutional angle. In chapter 5, she sees the beginning of this process with the 1994 Conference on Population and Development in Cairo. Her contribution

6 Paul-André Rosental, Géopolitique et Etat-providence. Le BIT et la Politique Mondiale des Migrations dans l'Entre-Deux-Guerres, in: Annales HSS, 61. 2006, no. 1, pp. 99–134.

follows up with the policy developments until the establishment of the Global Forum on Migration and Development (GFMD), which first took place in Belgium in 2007. Catherine Wihtol de Wenden points out the difficulty of incorporating a wide range of actors in these consultations, including governments, IOs/IGOs and NGOs, as well as the birth of a consensus on a number of topics. For example, the connection between migration and development, once marginal among experts and policy-makers, now belongs to the international orthodoxy. She notes that, even though multilateralism is viewed by many as the future of migration policymaking, the GFMD shows how challenging the implementation of this principle into reality remains.

From Rhetoric to Practice

Initiatives taken at the international level are often criticized for having no (or only very limited) impact on the ground, or for being disconnected from reality. This is indeed a challenge for the discourses and discussions mentioned above: they display a quite surrealist optimism that stands in sharp contrast to the negative image of international migration portrayed in much of the media, public opinion surveys, and policy circles, especially in European receiving states. This may be a matter of time, as new ideas would develop in small international policy milieus and then be progressively diffused to the national level, in a largely top-down process. But we may also envisage a situation in which different assumptions and discourses would durably coexist, thus seriously questioning the implementation of migration management in actual policymaking.

This is precisely the question examined by **Doris Hilber** and **Tatjana Baraulina** in chapter 6. They provide a detailed analysis of the way in which the relationship between migration and development is addressed in German politics. They show that, while this is a core argument at the international level, it remains quite marginal at the national level. This is due to the fact that the German government is still predominantly concerned with the control of irregular migration and the integration of migrants. Moreover, the discourse surrounding the so-called ›migration and development nexus‹ can be very diversely interpreted: for instance, development might be viewed as a ›remedy‹ against migration pressures, which is quite different from the view that more migration would better serve development purposes; these different interpretations can be found among national actors, which fuels confusion on the practical initiatives that could be taken. Interestingly, Doris Hilber and Tatjana Baraulina point to the fact that, because of the international enthusiasm surrounding the relationship between migration and development, some already-existing practices, such as return programs, are relabeled as ›migration and development‹ initiatives.

In the following chapter 7, **Victor Piché** provides another illustration of the way migration management rhetoric is put into practice, by analyzing Canada's temporary labor migration programs. While this country is well known for its immigration policy and its famous ›point system‹ to select permanent immigrants, he shows that increasingly high numbers of migrants are accepted on a temporary basis to meet labor market needs for unskilled labor. As he notes, such agreements are widely perceived as an appropriate policy to meet the interests of all parties, and Canadian policies in this field are even regularly cited as ›best practices‹ that should inspire other governments. Yet, the implementation of such policies is nevertheless problematic: they lead both to the violations of fundamental human and labor rights, and to the institutionalization of a dual migration regime, in which unskilled migrants have only access to less attractive migration channels, whereas their skilled counterparts enjoy many more rights.

This shows what could be called the cosmetic nature of discourses, i.e. the way certain practices can be presented in different ways depending upon the discursive regime that is selected. In chapter 8, **Clotilde Caillault** goes one step further and argues that the sole purpose of the ›migration & development‹-inspired projects run by IOM in Morocco is to raise funds while showing that the organization cares for the underdevelopment that characterizes the country; but even IOM staff seems skeptical regarding the success of these projects.

Governance, Management and Power

In her analysis of IOM's presence and activities in Morocco, Clotilde Caillault (chapter 8) further shows the tension between IOM's formal mandate as an intergovernmental organization and its role as a service-provider in the context of the EU's externalization and exterritorialization of migration control.[7] On the one hand, IOM claims to have its own agenda centered on the promotion of managed migration ›for the benefit of all‹; but on the other, it does what it gets asked and paid to do, and hence what fits into the interests of developed, mostly Western donor countries. This is by now a well-known feature of IOM[8], which raises the issue of the relationship between the ideals of cooperation in managed migration and ›real world‹ relations between states, characterized by imbalances in power, wealth and influence.

7 Martin Geiger, Europäische Migrationspolitik und Raumproduktion. Internationale Regierungsorganisationen im Management von Migration in Albanien, Bosnien-Herzegowina und der Ukraine, Baden-Baden 2011.

8 Fabian Georgi, For the Benefit of Some: The International Organization for Migration and its Global Migration Management, in: Martin Geiger/Antoine Pécoud (eds.), The Politics of International Migration Management, Basingstoke 2010, pp. 45–72.

In this respect, Juan M. Amaya-Castro (chapter 3) writes that the ILO relies on what he calls a ›flat world‹, one could also say an (intentionally) simplified ›imagined migration world‹.[9] The world would indeed be merely composed of states juxtaposed to each other, with no consideration of history or of their unequal capacity to shape the world order in their interests. Yet, in a context marked by massive inequalities between states, asymmetric ›cooperation‹ may amount to the unilateral imposition of powerful states' concerns upon less powerful countries. This is for example clear in the agreements between *hegemonic* European states and politically and discursively *subordinated* sending countries/countries of origin, which – under the cover of ›cooperation‹, ›partnership‹, ›development‹ or ›good governance‹ purposes – pursue mainly security- and control-oriented objectives.[10] Other actors, such as (I)NGOs, are regularly invited to take part in debates, but probably have even less influence.

Two other chapters illustrate this complex relation between management and power. In chapter 9, **Hideki Tarumoto** analyses Japan's recent initiatives to recruit (temporary) labor migrants in the so-called care-sector, mainly from Indonesia and the Philippines. He highlights the dilemmas at both ends of the process: Japan is reluctant to accept and admit its need for migrant workers and is still keen on maintaining a very low immigration level. Yet Japan is increasingly in need to import labor migrants from other countries due to its rapidly aging society, and particularly in the area of care migration. Countries of origin like Indonesia and the Philippines then face the risk of a pronounced ›care drain‹ while being heavily depending upon the export of workers' and migrants' remittances. Hideki Tarumoto scrutinizes how the bilateral labor agreements between Japan and these two Southeast Asian source countries, while meant to respect the interests of migrants and these two sending countries, are actually increasing and reproducing fundamentally imbalanced relations. The agreements pursued by the Japanese government indeed fortify the role of poorer source countries as ›care-producing‹, while Japan as a far richer nation is reinstated as the more powerful, hence ›care receiving‹ country at the other end of the ›care chain‹.

The same could certainly be said of most of today's existing migration ›agreements‹ and ›partnerships‹, which aim at developing less-developed sending regions while relying precisely on the development differentials between the countries involved.

9 William Walters, Imagined Migration World: The European Union's Anti-Illegal Immigration Discourse, in: Geiger/Pécoud (eds.), The Politics of International Migration Management, pp. 73–95.

10 Aderanti Adepoju et al., Europe's Migration Agreements with Migrant-Sending Countries in the Global South: A Critical Review, in: International Migration, 48. 2010, no. 3, pp. 42–75.

In chapter 10, **Bernd Kasparek** and **Fabian Wagner** analyze the functioning of Frontex, the European agency in charge of the control of the EU's borders. They highlight the contradiction between its mission, which is to develop a harmonized and coherent approach to the external borders of the continent, and its actual initiatives, which are heavily dependent upon the states concerned, and especially upon the power of non-EU partners. Thus, projects that involve ›weak‹ (and therefore subordinated) states such as Morocco are much easier to implement than those that target countries with greater bargaining power, such as Turkey or Libya. It follows that Frontex actually oversees very different border regimes, which are recreated on the basis of local power relations.

This tension between technocratic initiatives and power relations is not new; nor is the disguise of politics under an apparently neutral approach in terms of management or governance. Yet, it makes for a paradox, as migration management struggles to avoid the (over-)politicization of migration issues, while nevertheless proposing a whole set of normative guidelines on what constitutes ›good‹ or ›well balanced‹ policymaking in the field. In this sense, migration management may be depoliticised (as it avoids the explicit political issues raised by migration), but is nevertheless fully political – as it entails, and promotes implicit but nevertheless hegemonic power strategies and normative assumptions. For example, Sara Kalm notes that migration management takes for granted the current economic/capitalist world order (chapter 4).

Researchers and the Critique of Migration Management

Such implicit assumptions point to the need of critically deconstructing the narratives and practices associated with migration management. This is not always an easy task. First, migration researchers are often themselves involved as ›actors‹, especially as consultants or experts in the rhetoric production of IGOs and IOs. Moreover, organizations like IOM regularly present their arguments as already being a critique of ›traditional‹ political approaches, which would be too restrictive, security-oriented, unilateral, ideological, ineffective etc. This is a logical prerequisite for their action: if current policies were perfectly efficient and satisfactory, IOM and other IOs would have little to bring – hence the need to emphasize the ›failure‹ of existing approaches. In this sense, criticizing migration management amounts to a critique of the critique – a position that is sometimes difficult to hold.

In recent years, academics have nevertheless started to pursue critical investigations of migration management. This is particularly visible in the growing number of studies on IOM, which – despite its leading role in the field – has long received very little attention (compared to the much older

literature on the UNHCR, for example).[11] Other key institutions, such as the ICMPD or Frontex, are also becoming the object of study for researchers.[12] As far as discourses are concerned, by contrast, much less has been produced; yet, research on policy discourses (and, for example, on international discourses on development) have highlighted their potentially powerful impact on the representations of reality[13], which would call for the same kind of exercise with migration management narratives.

Most fundamentally however, the critique of migration management is difficult because it implies entering truly political discussions that scholars often prefer keeping at a safe distance of their academic research. **Fabian Georgi** and **Susanne Schatral** make this very clear in chapter 11; they demonstrate that the critique of migration management necessitates in particular a renewed discussion of the open border scenario. As argued above, migration management is regularly presented as a ›third way‹ between closed and open borders, but without specifying whether it is a second-best option (following the impossibility of opening borders) or an inherently better option than open borders. This ambiguity is important: if freedom of movement is structurally associated with undesirable consequences, then there are no alternatives to migration management and the only question that remains regards the degree to which states should open themselves and the criteria upon which to let people in. But if, on the contrary, managed migration is only a second-best scenario, then the question is whether attempts to regulate migration and establish ›half-open‹ (or, for that matter, ›half-closed‹) borders

11 Rutvica Andrijasevic/William Walters, The International Organization for Migration and the International Government of Borders, in: Environment and Planning D: Society and Space, 28. 2010, no. 6, pp. 977–999; Ishan Ashutosh/Alison Mountz, Migration Management for the Benefit of Whom? Interrogating the Work of the International Organization for Migration, in: Citizenship Studies, 15. 2011, no. 1, pp. 21–38; Céline Nieuwenhuys/Antoine Pécoud, Human Trafficking, Information Campaigns and Strategies of Migration Control, in: American Behavioral Scientist, 50. 2007, no. 12, pp. 1674–1695.

12 Fabian Georgi, Migrationsmanagement in Europa. Eine kritische Studie am Beispiel des International Centre for Migration Policy Development (ICMPD), Saarbrücken 2007; Sabine Hess, We are Facilitating States! An Ethnographic Analysis of the ICMPD, in: Geiger/Pécoud (eds.), The Politics of International Migration Management, pp. 96–118; Bernd Kasparek, Borders and Populations in Flux: Frontex's Place in the European Union's Migration Management, in: ibid., pp. 119–140.

13 Andrea Cornwall, Buzzwords and Fuzzwords: Deconstructing Development Discourse, in: Development in Practice, 17. 2007, no. 4, pp. 471–484; Chris Shore/Susan Wright, Policy: A New Field of Anthropology, in: idem (eds.), Anthropology of Policy. Critical Perspectives on Governance and Power, London 2007, pp. 3–39; Antonina Levatino/Antoine Pécoud, Overcoming the Ethical Dilemmas of Skilled Migration? An Analysis of International Narratives on the »Brain Drain« (Universitat Pompeu Fabra GRITIM Working Paper no. 11), Barcelone 2012.

can really be ›fair‹. Indeed, as Henk Overbeek notes, in the current world order and in the face of the deep inequalities between states, managing migration will inevitably imply the persistence of strong control measures[14], and the question then concerns the extent to which this can be conciliated with the objectives of balanced fairness associated with migration management. As Beth Humphries asks, »fair immigration control – or none at all?«.[15]

Yet, as Fabian Georgi and Susanne Schatral show, the debate on open borders is marginal and unpopular among most researchers. The result is that critics of migration management stop halfway: for example, they criticize the abuses and human rights violations stemming from IOM's activities (such as ›voluntary‹ return, detention or counter-trafficking efforts); but if migration management cannot be fair, then such critical statements make little sense as they amount to identifying undesirable realities without questioning the underlying approach that leads to such realities. This is why Fabian Georgi and Susanne Schatral call for a ›radical‹ critique that would address the core political issues raised by migration management, and not only its consequences.

They further argue that many researchers struggle silently with this debate. On the one hand, researchers are exposed to the extremely unpleasant reality of current migration dynamics and to the abuses that stem from states' restrictive measures; they are also aware that all international stakeholders, while lobbying for innovative migration management and claiming to improve the situation, are unlikely to fundamentally change this reality. On the other hand, most researchers seem to dissociate this reality from their work; they may be sensitive to the moral darkness of migration patterns, and to the ethical arguments in favor of open borders, but they avoid discussing directly these issues. This may have to do with a tactical positioning, meant to avoid ideological confrontation and achieve soft progress toward less unacceptable approaches. Or this may stem out of a reluctance to enter into ›ideological‹ debates, which would not be ›scientific‹ enough. By contrast, Fabian Georgi and Susanne Schatral call for a critique of migration management that would address the core issue of the justifications of migration control, while also building upon the increasing discontents against the current world order in which the political regulation of migration takes place.

14 Henk Overbeek, Neoliberalism and the Regulation of Global Labor Mobility, in: Annals of the American Academy of Political and Social Science, 581. 2002, no. 1, pp. 74–90.

15 Beth Humphries, Fair Immigration Controls – Or None at All?, in: Steve Cohen et al. (eds.), From Immigration Controls to Welfare Controls, London 2002, pp. 203–219.

Conclusions

Over the last two decades, migration has become a major issue for a wide range of governments. Accordingly, it has been the object of (purportedly) new approaches, among which migration management is one the most influential. One core argument of this book is that there is a need to critically investigate the often implicit assumptions behind this notion, as well as the nature and impact of the actors and practices that fall under its umbrella.

The success of migration management is uncertain. As Sara Kalm (chapter 4) recalls, all the efforts done so far have not resulted in any binding commitments or agreements for states, which therefore remain largely free to address migration in the way they want. Moreover, any attempt to improve the governance of migration will likely face the numerous contradictions that characterize the relationship between states: it is for example frequently observed that states' attitudes in other policy fields (agriculture, arms trade, or trade for example) run directly against the objectives of migration management.

It remains that, through the reliance on a migration management framework, international organizations and other actors have introduced new elements in migration debates. These may have the sole purpose of disguising the perpetuation of migration control, and of the inequalities between states. But even if they are purely cosmetic, ideas have the power to influence the way reality is constructed and represented. In this sense, migration management is an object worth studying.

A Third Way Between Open and Closed Borders?

2 A Snapshot of Reflections on Migration Management. Is Migration Management a Dirty Word?

Bimal Ghosh

Attempts to make international migration more orderly are not new. They go at least as far back as 1927 when the League of Nations sought to adopt a convention to »facilitate and regulate international exchange of labour.«[1] But soon the Great Depression gripped the world, and there was no follow up. In the aftermath of World War II several international and regional organizations, including the International Labour Organization (ILO), the Organization for European Economic Cooperation (now the Organization for Economic Cooperation and Development, OECD) and the European Community (EC; now the European Union, EU) adopted resolutions calling for freer movement of workers to help economic reconstruction. They did not however spell out the details about how this was to be promoted and sustained.

In any case by the mid-1970s following a sharp increase in oil prices and rising tides of unemployment the calls were abandoned. Instead, in the ensuing years new slogans of *trade in place of migration* and *workers to work* through a new division of labor between rich and poor countries were raised and gained ground. Years later, in 1980 the Willy Brandt Commission[2] urged nations to build in the common interests of all nations a framework that would be »more just and equitable than the present one.«[3] All these initiatives sought to make, one way or another, movements of people more responsive to the prevailing economic social and economic needs and realities. The perspectives differed, but they all underlined the need for closer interstate cooperation. But somehow the narratives hardly used the expression *managing migration*. Indeed, up until the late 1980s, the migration literature

1 Cited in: Bimal Ghosh, Foreword, in: Joel P. Trachtman, The International Law of Economic Migration. Toward the Fourth Freedom, Michigan 2009, pp. xv–xvii.

2 Also known as the Independent Commission for International Development Issues, first chaired by Willy Brandt (the former German Chancellor) in 1980, to review international development issues. For the final report of this commission, the so-called *Brandt Report*, released in 1980, see www.stwr.org/special-features/the-brandt-report.html (11 Nov 2011).

3 Independent Commission on International Development Issues (Willy Brandt Commission), North-South, Cambridge, MA 1980, p. 112.

made little use of it; and when the term began to be used, the reactions were not always very positive. For some at least it was a somewhat ›dirty‹ word!

In the wake of the fall of the Berlin Wall in 1989 and in the early 1990s, when I started using the term migration management, it came under attack from two extremes. Libertarians, including liberal economists, disliked the term *management,* as they believed in free flow of people, without any restriction for individuals to move and sell their labor or skills in the world market. At the opposite end, the enthusiasts on state sovereignty and other restrictionists were equally anxious to dump the word *management* as they cherished their unflinching faith in unilateral control. *Management* was too soft a word to convey this sense.

I recall my experience during a ministerial level conference on migration held in Dakar in 2000. As the scientific coordinator of the conference, I must have used in my presentation the term management, and that terribly upset the team leader of a major European country: »Why do you use the term *management* and not *control*? When you speak of *managing migration*, it dilutes the sense of *control* we would like to have on immigration«, he argued. I tried to explain the concept of migration management by saying that the term as used in this very context had a wider connotation than control, although it did not completely eschew the latter. It signified a process by which two or more conflicting forces were brought into a state of dynamic harmony. »In the field of migration«, I added,

> *»what we are witnessing today is a conflict between two powerful forces: rising emigration pressure on the one hand and dwindling opportunities for legal entry especially for low skilled workers. Effective management of migration seeks to bring this mismatch into some kind of a dynamic equilibrium or harmony. To achieve this we need more comprehensive and proactive actions at both ends of the flow, not just unilateral and reactive control.«*

Why should we seek to remove or at least reduce this asymmetry? I also explained that unlike unilateral control, the concept of cooperative management is also related to a set of precise objectives: making movement of people more orderly and predictable as well as productive and humane, based on a commonalty and reciprocity of interests of all the actors involved – sending and receiving and transit countries and the migrants themselves. I do not know if I really convinced him but at least he did not make any further fuss at the conference, as we had feared he might be doing.

Cooperative Management: What does it stand for?

Elsewhere, I have indicated in some detail the design and main features of the multilateral arrangement needed for cooperative management of interna-

tional migration.[4] Guided by the principle of regulated openness and sustained by cooperation among nations, the arrangement will be built on three main pillars: (1) shared policy objectives as I have just outlined above; (2) harmonized norms and practices and (3) improved institutional arrangements for better coordination of action, including assistance and monitoring. The main tenets underpinning the whole approach include the following:

(A) Labor-abundant origin countries shall take all necessary steps to reduce pressures for disorderly and unwanted or irregular migration. Migrant receiving countries, for their part, shall take appropriate measures to support the origin countries' efforts to reduce pressures for disorderly migration. In addition, they shall provide new opportunities for legal entry to meet their labor market and demographic needs, both current and projected. Both groups will meet their humanitarian and human rights obligations under the major international instruments.

(B) Both groups of countries shall adhere to a set of specific guidelines or norms to ensure coherence of policies and action to attain the above objectives. All countries will retain their basic right to determine the level of immigration in a flexible manner, but be guided by the agreed set of principles. To avoid policy contradictions at home or abroad, both groups shall ensure that the above migration policy objectives are factored into formulation of policies in other related areas such as trade, aid, investment, human rights and the environment.

(C) All participating countries shall take measures to make migration control more cost-effective and minimize negative externalities, including inter-state tensions, associated with irregular and disruptive movements. They shall also enhance the credibility of the whole system of migration management by making national migration laws and practices more transparent and predictable.

(D) The framework agreement shall be comprehensive to embrace all types of migratory flows including labor migration, family reunification, asylum seeking and other humanitarian flows, to avoid undue pressure on one channel and its clogging as a result of diversion of the flows from some other channel or channels of entry. However, the agreement shall not supplant the existing international instruments on the various flows but may reinforce or supplement any of their provisions, if necessary to better achieve its overall objectives.

4 Bimal Ghosh, Movements of People.The Search for a New International Regime (Paper prepared for the Commission on Global Governance), Geneva 1993; idem, New International Regime for Orderly Movements of People. What will it Look Like?, in: idem (ed.), Managing Migration. Time for a New International Regime?, Oxford/New York 2000, pp. 220–247.

(E) The adoption of the overall framework agreement should go hand-in-hand with better institutional arrangements, at present highly fragmented, at the global level to ensure a more coordinated approach to migration management, including promotion of follow-up normative work, and monitoring of the application of agreed instruments.

The framework agreement or regime, which will operate at macro level, may be designed as a soft instrument (e.g. a solemn declaration). This will need to be supported by a set of autonomous, but interrelated, sub-regimes as soft or hard instruments, as appropriate, to deal with specific types or issues of migration concerned. Labor migration or refugee flows, for example, will be treated under separate agreements, but fully consistent with the main objectives and norms of the overall agreement. The same would apply to specific issues like migrants' human rights and integration. The mosaic will ensure full coherence and interactive support between macro- and micro-level approaches to migration management. The interlocking of the two approaches is to constitute a critical nexus: issues of migrants' human rights or integration will be easier to handle when migration flows are orderly and predictable than when they are forced, disorderly or unwanted. Conversely, when human rights are respected and migrant integration is smooth and successful, it does help in making migration more orderly and free of tension and thus more manageable.

How do the existing *regional consultative processes* (RCPs)[5] fit into this picture? Depending on how they are designed, these could be stumbling blocks or building blocks for establishing a harmonized global approach to migration management. Most people would agree that migration is now a veritable global process. Movements of people do not stop at the frontiers of geographic regions; and the direction of the flows can change rapidly. An exclusive regional approach cannot therefore adequately meet the challenge of contemporary migration. Intra-regional migration asymmetry – the gap between emigration pressure and intakes of migrants – is often too striking to be contained or managed within the limits of each geographic region. There is also the additional danger that different regions might follow different policies and norms for admission and protection of migrants. If this happens, the situation could be quite messy. For example, it is most likely that migra-

5 RCP-Definition according to IOM: »Non-binding consultative fora, bringing representatives of states and international organizations together at the regional level to discuss migration issues in a cooperative manner. Some regional consultative processes (RCPs) also allow the participation of other stakeholders (e.g. NGO or other civil society representatives)«, see: International Organization for Migration (IOM), World Migration 2008, Geneva 2009, p. 497. Examples of RCPs include the so-called *Budapest Process* in South-Eastern Europe or the *Puebla Process* in North and Middle America.

tion flows will then be diverted to the region which has the most liberal migration regime or has the least effective immigration control. This can easily lead to inter-regional tension and friction and threaten global stability. On the other hand, if the regional initiatives are fully attuned to the global arrangement, share the same basic objectives and principles, and thus have a common frame of reference, they could draw support from the latter and at the same time help strengthen it.

Narratives and Terminologies: Why are they important?

I had started by mentioning some of the difficulties that arise over the language or terminology used in the discourse on migration. One can of course take a relaxed view of the problem and say, as Shakespeare's Juliet did in assuring Romeo, »What's in a name?« – it is the substance that matters. But, as we also know, migration is a sensitive issue. What makes it markedly different from exchange of goods, services and capital is that it involves movement of people. Terms used in its narratives, if taken out of context, could easily create uneasiness, emotional reactions and even misunderstanding.

My own experience is quite telling in this respect. I have just mentioned that regulated openness shall be a guiding principle and a critical element in the proposed new cooperative arrangement for managing migration. I recall, back in 1997, when I used this term in a NIROMP[6] meeting, it caused no little uneasiness. A representative of a migrant-sending developing country, for example, expressed his concern by saying »under the project we will certainly have plenty of regulation to restrict migration, but very little openness.« A typical rejoinder from a receiving country was »we are sure to have a lot of openness but very little regulation to restrain outflows.« In reality, as mentioned above, both these fears are of course unfounded. But it took me some time to explain to these participants that regulated openness should not be construed as a one-sided affair or one-way traffic and that effective enforcement of the principle imposes obligations on sending as well as receiving countries and calls for action at both ends of the flow.

Let me now turn to another term that is being increasingly used in the migration debate: *governance*. How useful is this term in advancing the migration discourse? The term is yet again an overused catch-all phrase, conveniently used to mean many things for many different purposes. Some find the term, when used in the context of migration, to be overloaded, and frightening; many others think it is vague and somewhat empty. Loosely

6 The NIROMP Project was initiated on the basis of the author's recommendations for a new migration regime. The abbreviation stands for *New International Regime for Orderly Movements of People*, see: Ghosh, New International Regime for Orderly Movements of People.

used and shorn of specificity, the term indeed remains amorphous and elusive in articulating what it really stands for. It is therefore safe and innocuous. And this precisely may be the reason why the term has become quite popular including in the migration literature.

The Commission on Global Governance (1993/94), in the work of which I participated[7] was perhaps the first international body to delve deeply into the concept of governance. It defined governance as a broad, dynamic and complex process of interactive decision-making that evolves to changing circumstances, but it must take, the commission added, an integrated approach to human survival and prosperity. In other words, it is a process, but it does not exist or operate in a vacuum.[8] It is closely related to a ›product‹ or a specific goal or objective, even if the latter may change over time and vary according to the subject area.

Interstate cooperation is often considered a key feature of governance of international migration. But, interstate cooperation per se does not say much about governance: it is more a means of action. »Cooperation for what?« is the question that remains to be answered. Its salience or even relevance can only be judged against the specific objectives it is expected to serve.

I have already explained why it is important to spell out the objectives of migration management, and specify what it stands for when we use the term in the discourse on migration. It is even more important to do so when we use the term governance in the same context. This is so because of the amplitude as well as evasiveness of the connotation that it tends to carry with it. To go back to where I had started, *managing migration* is no longer a ›dirty word‹. It is now widely accepted and being increasingly used in the fast-growing migration literature; and it is not likely to be discarded or overthrown any time soon. Even so, when the term is used, it will be wiser for us to be specific about its connotation and context. We must make clear what it really stands for.

7 Ghosh, Movements of People.

8 According to the Commission on Global Governance the term *governance* stands for »the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and cooperative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal agreements that people and institutions either have agreed to or perceive to be in their interest«, see: Commission on Global Governance, Our Global Neighbourhood. The Report of the Commission on Global Governance, Oxford 1995, p. 2.

Ideas and Institutions

3 Migration and the World of Work: Discursive Constructions of the Global in ILO Narratives about Migration

Juan M. Amaya-Castro

»State simplifications can be considered part of an ongoing project of legibility, a project that is never fully realized. The data from which such simplifications arise are, to varying degrees, riddled with inaccuracies, omissions, faulty aggregations, fraud, negligence, political distortion, and so on. A project of legibility is immanent in any statecraft that aims at manipulating society, but it is undermined by intrastate rivalries, technical obstacles, and, above all, the resistance of its subjects.«[1]

Is migration a global phenomenon? This question seems strange, almost silly. Most people, especially those with knowledge of migration-related phenomena, will immediately answer: »Yes, of course it is!« But in order to answer this question to an annoying ten-year-old, one would need to explain a couple of things, such as what exactly *migration* is, and when something can be called a *global* phenomenon. More specifically, what about migration makes it a *global* phenomenon? Another way of framing the question could be to ask – global as opposed to what? Does the impulsive response (of *course* migration is a global phenomenon!) mean that it is not its opposite? Is migration *not* a national or local phenomenon? It seems difficult to answer this question affirmatively; at least one would like to say: »Yes, that too…« – but, if migration is both global and local, then what is the point of saying (and enthusiastically affirming) that it is either? One way of approaching these questions is by looking at how international governmental organizations (IGOs) have actively pursued the production of a discourse about migration as a global phenomenon. So, one first answer to the annoying ten-year-old would be to explain that this is a relatively recent question, one that is related to the idea of the *global*[2], which in itself is a complex idea that immediately creates its

I am grateful to Jessica Lawrence, Sarah van Walsum, and Thomas Spijkerboer for their support. The VSB Fonds provided funding for this project.

1 James C. Scott, Seeing Like a State: How Certain Schemes to Improve the Human Condition have Failed, New York 1998, p. 80.

2 One could look here for the origin of the notion of globalization, and the use of this term to describe phenomena as globalized or as suddenly considered global. For ex-

counterpart: the local. So, even though migration seems to have been of all times and all places, the idea of migration as a global phenomenon seems to be much more recent. A second answer would be to indicate that the idea of a *globalized* migration is actively pursued in very specific circles and institutions, and that we would need to look at how this idea of the global is carefully crafted, as well as resisted. In their recent study, Martin Geiger and Antoine Pécoud, in the context of migration management, argue that actors, practices and discourses are intricately connected:

> »*Migration management refers to at least three different trends. First, it is a notion that is mobilized by actors to conceptualize and justify their increasing interventions in the migration field. This points to the role played by the agencies mentioned above and to the importance of their strategies and functioning. Second, migration management refers to a range of practices that are now part of migration policies, and that are often performed by the institutions that promote the notion; these include, for example, counter-trafficking efforts or so-called capacity-building activities. And third, migration management relies on a set of discourses and on new narratives regarding what migration is and how it should be addressed. A second key argument is that the actors, practices and discourses of migration management are connected, but only partially and in complex manners. For instance, actors develop discourses to justify their existence and legitimize their practices; yet their actual activities and policy interventions often diverge substantially from the rhetoric underpinning them.*«[3]

My contribution is part of a larger project that aims to look rigorously at how the idea of the *global* is discursively produced, and how it is linked to this thing, or things, called migration. There are between one and two dozens of international platforms that deal with migration, depending on how one counts. In the last decade, the amount of reports and other documents produced in these forums on the topic of migration has been growing at an im-

ample, Immanuel Kant famously theorized that the fact that the world was a sphere meant that, for the first time in history, it was contained rather than endless. Taking up Kant and his legacy, one could look for references to humanity or even the cosmopolitan, which again is meant to articulate the containment of the whole. These words – the sphere, humanity, and the cosmopolitan, as well as others – operate in similar ways to the idea of the global. The point here is to highlight that the idea of the global has its own history and trajectory, and, of course, its multiple politics. This project has been partially inspired by Hannah Arendt, who rejected, or at least questioned, for many complex reasons, the idea of mankind and who I read as being very sceptical of the idea of the global.

3 Martin Geiger/Antoine Pécoud, The Politics of International Migration Management, in: idem (eds.), The Politics of International Migration Management, Basingstoke 2010, pp. 1f.

pressive speed.[4] This paper will focus very narrowly on one international organization, the International Labour Organization (ILO), and more specifically on one of its recent documents, entitled ›The Global Economic Crisis and Migrant Workers: Impact and Response‹.[5] The idea is to perform a discursive analysis to examine how the global is identified, organized, and ultimately distinguished from whatever its counterpart may be.

In order to do this I have identified four *totalizing tendencies* that are identifiable in the mentioned document. These four totalizing tendencies are very much interlinked, and unraveling them into four separate strands is a highly forceful activity. However, once separated, their distinctiveness may serve to provide a starker, and hopefully therefore clearer picture of what this paper seeks to highlight. An important observation is that the *global* was already there when the text under review was written.[6] So, it is by no means the intention of this essay to ascribe too much agency to the ILO research paper. In fact, this text was only possible *because* the global is already there. It is there because the ILO is there, and because of all the other international organizations that are there, and that function, among other things, as institutionalized production sites of that very same global.[7] In other words, this

4 A whole industry has emerged in this field, which extends to academia, in particular to geography and social sciences departments, but also to the humanities and law. The scramble for knowledge and understanding about this phenomenon called migration has been aggressively funded by public and private donors and has arguably grown out of control. But, for better or for worse, it has contributed to and is the product of the growing dominance of migration-related issues on the political agendas of many countries.

5 Ibrahim Awad/ILO International Migration Programme, The Global Economic Crisis and Migrant Workers: Impact and Response, Geneva 2009. – Though this is not an official ILO Document, it is published by the ILO and it is, generally speaking, thoroughly embedded in ILO perspectives and vocabulary. As this article goes to press, the IOM is announcing the publication of a more comprehensive analysis of the same topic, but with less emphasis on the migrant worker and more on migration in general. See also Bimal Ghosh/ILO International Migration Programme, The Global Economic Crisis and Migration: Where Do We Go from Here?, Geneva 2011. – This work has not been analyzed for the purposes of this paper, even though a very quick perusal indicates that it could be submitted to a similar type of analysis.

6 A very concrete, almost banal example of this is to be found on p. 5 of the research paper, at footnote 6 and accompanying text, where it is explained that the division into regions and sub-regions »follows the categories in the ILO Global Employment Trends report«, see Awad/ILO, The Global Economic Crisis and Migrant Workers, p. 5.

7 See more generally Geiger/Pécoud, The Politics of International Migration Management, pp. 3–6, discussing a broad range of international institutional actors. Additionally, one could look at regional actors as also being involved, as part of the development, rationalization and justification of their activities, in their own construction of ›Africa‹, ›Europe‹, ›Western Balkans‹ or whichever other regional identity is their focus.

text, like others from similar institutions, *has to be* about the global.[8] That is its purpose and function; that is what it is meant to be. The point of this paper is not to imply that such a purpose and function are *wrong* in any way, but that they are *difficult*.[9] They require constant effort and rigorous discipline. They require repeated reiteration of a variety of discursive ›moves‹ or techniques. And it is these techniques that are the object of analysis of this paper.

The ILO Research Paper and Its Four Totalizing Tendencies

The research paper, or ›paper‹, as it is called, is 71 pages long, including 8 tables and a seven-page bibliography. It aims to review

> »*the impact of the* [international financial] *crisis on the employment and migration opportunities of migrant workers in selected countries in major regions of destination. The resulting consequences for countries of origin will also be addressed. It will examine the overall impact and also undertake a sectoral analysis. The following two sections will focus on the impact in terms of migrant workers' remittances to countries of origin and of discrimination, xenophobia and conditions of work. A review of the differential impact of the crisis from a gender perspective will then be undertaken. In the final section policies adopted by countries of destination and origin to deal with the impact of the crisis will be examined. The conclusions will include suggested policy measures to protect migrant workers consistent with the interests of both countries of origin and destination.*«[10]

8 Various authors in the volume Geiger/Pécoud (eds.), The Politics of International Migration Management, offer insightful analyses of the practices of international institutions and how they contribute to the idea and reality of international migration management. However, the particular dimension that I offer here, that of the actual production of narratives about the global being a fundamental *practice* of international institutions, is not particularly emphasized. See Geiger/Pécoud, The Politics of International Migration Management, pp. 6–8.

9 Additionally, I would argue that an international organization's *success* at constructing a particular global or regional identity is not necessarily good or bad for the causes it represents. The point here is to dislodge the *construction* of the *global* from the idea that this or that policy is actually good for everybody. In other words, whether a particular area (e.g. migration of workers) is persuasively and successfully sold as *global* does not say anything, in and of itself, about who wins or loses from that construction. Even so, I would agree with Geiger and Pécoud when they argue that »›knowledge‹ is selectively produced to accompany and legitimize migration management activities and, more broadly, the existence and role of IGOs that generate it«, see Geiger/Pécoud, The Politics of International Migration Management, p. 10. See also Antoine Pécoud, Informing Migrants to Manage Migration? An Analysis of IOM's Information Campaigns, in: ibid., pp. 184–201.

10 Awad/ILO, The Global Economic Crisis and Migrant Workers, p. 2.

Much of the research paper is an elaborate enumeration of data that is itself based on a large number of reports, articles and papers from a diversity of sources. It is, as far as I can judge, a very good and rigorous research paper, and it exhibits all the aesthetic of solidity that one learns to expect from organizations such as the ILO, with its long trajectory, experience, and expert staff. The research paper deals with four issue areas, provides recommendations, and is organized into 8 chapters. It looks at: 1) employment and migration opportunities for migrant workers; 2) the volume of financial remittances; 3) discrimination and xenophobia; and 4) the various policies dealing with the crisis.[11] It gives numerous examples of how the international economic crisis has had an impact on employment and on the numbers of migrants, and examines how various states have responded. All of this is woven together in a very dense but clearly written introduction, and capped off with a conclusion.

As such, one can see this paper as part of an ongoing attempt to offer a comprehensive perspective on what I term the ›aggregate of aggregates‹ of the *global* labor migration phenomena. Reading it, it is difficult not to experience the long lists of states and numbers, the well-organized arrangements of facts and data, as conveying a sense of overview. As such, this research paper, like others in this important IGO genre, offers a perspective on the ›aggregate of aggregates‹: a summation of available knowledge on the topic of migration. One can even wonder at times, as I did, *how do they know so much*? Despite this aura of comprehensiveness, the research paper is actually quite nuanced in its conclusions, using turns of phrase such as »it could be inferred«, or »one may say that«, etc.[12] Moreover, the research paper indicates humility in its introduction:

11 Chapter 1 offers an introduction; chapter 2 explores the economic performance, employment and migration opportunities and looks at 8 different sub-regions; chapter 3 analyses the impact of the crisis on remittances of migrant workers; chapter 4 looks at cases of discrimination, violence, and xenophobia against migrant workers; chapter 5 explores the crisis in a gender perspective; chapters 6 and 7 look at policies in countries of destination and countries of origin; and chapter 8 concludes with suggested policy measures.

12 For instance: »The regional analysis undertaken above shows that for *some* countries, remittances grew substantially after the crisis broke out but then either declined or increased by a slower growth rate than before. This *may signal* the beginnings of a slowdown in countries hosting their migrant workers. In other cases, a very serious drop in remittances after the crisis erupted was followed by some growth as 2009 progressed. This in turn *may indicate* an adjustment of migrant workers to the new labour market situations in countries of destination. This adjustment *could be* at the cost of formality or to the detriment of terms and conditions of employment« – Awad/ILO, The Global Economic Crisis and Migrant Workers, p. 39 (emphases added).

> »*The paper does not mean to be exhaustive given the lack of systematic, solid and available data in many countries of origin and destination. In using the available information, the objective is to validate its analytical approach. The ILO hopes that this approach will be useful in refining the analysis when more and better data become available. It is meant as a contribution to the valuable efforts undertaken by a number of researchers, institutions and international organizations to analyze the consequences of the crisis on labour migration. The ultimate objective of the paper is for its assessment to prove useful for ILO constituents in drawing up policy responses to the impact of the global crisis on migrant workers.*«[13]

In spite of the nuance and the caveats, though, the research paper's rigorous lining up of facts and data and its organization into a narrative about global labor migration offer a justification for a number of substantive recommendations and suggested policy measures.

Totalizing Tendency I: The World of Work and the Global Economy

The first totalizing tendency that I want to underscore is the above-mentioned tendency towards presenting the whole picture, the aggregate of aggregates. For sure, this is part of the mandate of the ILO; what it is supposed to do as a worldwide international organization. Huge amounts of data are collected from all over the world and organized into a coherent story. This story is then presented to the constituents, which in the ILO's case are the so-called tripartite representatives of national governments, employers and workers' unions. So, this tendency is more than a tendency: it works towards the fulfillment of the object and purpose of the ILO itself.

As such, it seems to be a sign of enterprise when the research paper starts with the following sentence: »The global financial crisis has hit hard the world of work.«[14] This phrase contains two references to the aggregate of aggregates: in the word *global*, and in the word *world*. The word *global* is far too common to attract attention, especially when it comes to talking about the ongoing financial crisis. The word *world*, however, seems to be at least partially metaphorical, in the sense that the world of work is the symbolic realm that has to do with labor, just like there might also be the world of friendships and the world of adventure. It seems to serve the function of opening up the meaning of *work*, so that one understands that it is about work in the widest sense of the word. So, if the word *global* seems to be a straightforward geographical reference, the word *world* seems more symbolic; the first is more literal, while the second means more *in a manner of speaking*. The two of course are similar; both are aggregates of aggregates in their own way. But both are also not entirely substantiated by the rest of the research paper. For

13 Ibid., p. 2.

14 Ibid., p. 1.

one, we will see that the global financial crisis is not one single thing that covers the entire planet. It is many different things in many different places. Though one understands all the benefits of using the word *global*, and readily uses it all the time, it is also clear that one should not take the word too seriously or literally. In this sense, »the global financial crisis« is also *a manner of speaking*.

In a similar way, the world of work is a good way of opening up the research paper. The first sentences convey a mood, before one gets into the dry stuff. The dry stuff is a very elaborate vocabulary, a system of categories and quantifiables. Nothing gets into the research paper before it has been thoroughly operationalized. The *world of work* is not just there metaphorically. It is also there in carefully selected facts that are measured and organized. These facts are approached with carefully crafted definitions and a highly specialized vocabulary. For instance, the second paragraph of the research paper refers to the ILO Constitution's reference to »workers employed in countries other than their own.« This is a definition. It is one that is as concrete as it is problematic[15], but a definition nevertheless, and one that is supposed to produce focus and specificity, not metaphorical openness.[16] In this way, we see that *the global economy* is broken down into various regions and sub-regions, as well as into the two dominant categories of *sending* and *receiving states*. Moreover, states themselves are not as important as, for instance, *sectors* of the economy, such as manufacturing, agriculture, construction, etc. Both in a political geography as well as an economic sense, the *global* seems to be fragmented. Even the *impact* of the crisis itself happens in *different degrees*, and the research paper is quick to formulate the responsible caveat that

> *»Migrant workers are represented in varying degrees in the concerned sectors in different countries. This increases the complexity of the impact, and one should caution against blanket or sweeping generalizations.«*[17]

In a similar vein, the research paper insists that it »does not mean to be exhaustive, given the lack of systematic and available data.« It seems totally aware that it is groping in the dark, and that the data upon which it is based is incomplete and chaotic. In fact, it seems very humble about its goals when it describes its purpose: »the objective is to validate its analytical approach.«

15 What does *worker* mean? What does *employed* mean? What about *transnational commuters*? What about *dual nationality citizens*? What about *third generation immigrants in a ius sanguinis* state? When is a country *ones own*? Et cetera.

16 I do not mean to chastise the use of this metaphor. As I hope to be able to illustrate, this is but one example of something that happens throughout the text; perhaps of something that has to happen throughout the text.

17 Awad/ILO, The Global Economic Crisis and Migrant Workers, p. 2.

What we can see here is a double move, one boldly stating the global, the total, the entirety of *the world of work*, while the other is responsible and humble, warning not to generalize, indicating that this research paper is almost solipsistic in its lack of megalomania. However, it is also clear that one is the thrust, while the other is the caveat. One of the moves is clearly privileged and cannot be discarded. After all, it is the *global* economic crisis, and it is the *international* labour organization.

In the end, despite the caveats like the one mentioned, which occur at all the right places throughout the text[18], what one gets are the aggregates of aggregates. There are figures about world trade[19], and there is a constant effort to be as broad in the choice of countries and in the choice of labor activities as possible. Often, the sense of the whole and a sense of the parts coincide, such as when optimism is expressed that »sooner or later, the global and national economies will recover.« Moreover, the overall organization and structure of the research paper presents lists of many countries, many numbers, many practices and policies. It is very hard indeed not to feel that so much stuff is going on here that we must be talking about global trends and developments.

In short, the research paper, in spite of its care and nuance, tends to elaborate a narrative of *the whole*, *the global* and *the world*. In spite of its acknowledgement of differences and fragmentation, in spite of its awareness of its limitations, it still pursues a global and world-spanning perspective, up until the final chapter in which general suggestions are made for the purpose of assisting *all* states.

Totalizing Tendency II: The Ideal-Type Migrant Worker

The second totalizing tendency in the research paper describes migrant workers through a fairly unified mode. In order to come up with the broad perspective that is required in this genre of document, and also in order to

18 See, e.g., ibid., p. 5: »the assumption is overall valid but […] it does not apply to all migrant workers, in all sectors and in all forms of employment relationships.« Or, also on page 5: »A combined destination country and sectoral approach will be attempted in this analysis«. Also elaborately, such in the conclusion on page 61: »Besides the differential impact across countries, there are differences in the impact between economic sectors within countries. Depending on countries, some sectors with high concentrations of migrant workers – construction, manufacturing, services, and hotels and restaurants – have been seriously affected by the crisis with migrant workers experiencing the major shocks. But some other sectors with an equally high concentration of migrant workers have maintained, or even expanded, their levels of employment. Foreign workers stand to mostly benefit from this, although some crisis-affected native workers would possibly be seeking employment in these stable or growing sectors.« – So much for *global* or *world*.

19 Awad/ILO, The Global Economic Crisis and Migrant Workers, p. 6.

provide valuable information and guidance to the member states, the research paper needs to make broad sweeps and generalizations. The art lies in doing this while capturing the complexity of the processes on the ground. Migrants appear in the picture as a victimized group, together with women and youth.[20] Together with these other categories, they are supposed to be especially affected by the international financial crisis. Moreover, their lack of citizenship puts them in a position of disadvantage, as they enjoy fewer rights than nationals. The overlapping of categories makes sense, since it illustrates how belonging to either one or more of these groups may imply a number of consequences. However, it does indicate that the group itself is a bit ephemeral, which raises questions about the concreteness of the group that is being studied, as well as about its victimized status. Pretty soon the category *migrant worker* is then also broken down, into a sectoral and occupational distribution[21], and at the same time into a diversity of *destinations*, both national and sub-national. Consider the following passage:

> *»Along with economic performance, the sectoral distribution of migrant workers is a major determinant of their employment situation. Depending on countries of destination, migrant workers are known to be noticeably present in such sectors as construction, manufacturing, hotels and restaurants, health care, education, domestic service and agriculture. Drops in economic growth and in employment in these sectors have not been equivalent. Construction, manufacturing, and hotels and restaurants, have particularly suffered, both in terms of growth and employment. In contrast, a number of sectors, in some countries, have witnessed growth in employment. Therefore, in the same country, an overall reduction can coexist with preservation, or even increases, of employment and migration opportunities available for migrant workers.«*[22]

Migrants are sectorally distributed, although a lot depends on the country of destination. The number of sectors in which migrants have a significant presence is considerable, but also relatively limited. Migrants are also geographically distributed, in areas as well as sectors that have economic and employment growth, but also in those that are experiencing a decline, sometimes even in the same country. In other words, in terms of occupation and geography, either as an economically successful or as a vulnerable group, migrant workers seem to be all over the place. Additionally, the research paper distinguishes between migrants who have recently arrived and those who have resided for a longer period of time in the country of destination, and therefore have more social capital. There are more groups that fall into the category of migrant worker. There are the irregular as well as the regular groups,

20 Ibid., p. 1.

21 Ibid., pp. 5f.

22 Ibid., p. 5.

as well as those migrants that are employed in export economies as opposed to import economies.

As with the first totalizing tendency, all of this description of the ideal migrant is carefully nuanced, and the caveat mentioned earlier applies here as well. However, the research paper also ventures into making a number of assumptions about why this ephemeral and multi-diversified group of people *do what they do*. For one, irregular migrants will be more likely to return home in bad economic times than regular ones[23], and a lot depends on the sectoral and occupational distribution of the native labor force[24] and how they respond to the economic crisis. Even so, the research paper struggles to explain the limited success of voluntary return policies in a way that »underscores the rationality of migration decisions.«[25] Likewise, there are a number of references to the integration of migrant workers and their families, including arguments that the workplace is the best place to achieve this.[26] Finally, there is a special chapter on gender[27], which is basically about women's labor migration. Though it would be hard to come up with any reason why there should not be some type of differentiation along the lines of gender when analyzing migration and labor, it is also hard to see why other categories, such as ethnicity and race, do not also deserve attention.

All in all, though the research paper constantly makes efforts to acknowledge some of the more significant differentials, it also, by gravitating again and again to the aggregate picture, presents these differentials as nuances or even exceptions to a story that insists on being about one category: the migrant worker.

Totalizing Tendency III: It's the (Global) Economy, Stupid

The third totalizing tendency is the explanation of all outcomes in terms of the global economy. Since this paper looks at the impact of the *economic* crisis, it is only to be expected that it will perform an economic analysis. A main challenge, however, lies in the fact that – as has been studied elaborately by migration scholars – migration is not a purely economic phenomenon. Throughout, the research paper attempts to explain why the various manifestations of the global economic crisis led to a variety of effects and conse-

23 Ibid.

24 Ibid., p. 6.

25 Ibid., p. 7.

26 It is unclear what the obstacles to integration are in this reference. Is it culture, race or ethnicity? Is it language or religion? Is it class and/or social status? Of all the broad observations about the migrant, it is the one on integration that strikes this reader as a particularly totalizing one.

27 Awad/ILO, The Global Economic Crisis and Migrant Workers, pp. 47–50.

quences for migrant workers and for the world of work in general. It is here that this totalizing tendency can be discerned: everything can be explained in terms of economics, the global economy, and the economic rationales of (rational) economic actors. For sure, other factors must be recognized somehow. One could read the focus on gender, for instance, as a recognition of the notion that gender is an explanatory factor. However, it seems more credible to see gender in this research paper as a structuring element in the otherwise economic explanation for the impact of the crisis. This is immediately evident in the paper, as the opening sentence of the gender chapter illustrates:

> »*The factors determining the impact of the crisis are the same for men and women, all other considerations remaining equal. The consequences for women, therefore, will be different because of the specific sectoral distribution of female employment.*«[28]

In a similar manner, the research paper acknowledges the recent flaring up of intolerant sentiments towards migrants in general, but ultimately returns to an economic explanation of difference. Moving beyond merely observing that such sentiments happen, the report puts them in a context that explains their occurrence: »Reduced overall demand for labour may […] lead to resentment and possible discrimination and xenophobia against migrant workers.«[29] All is subsumed under the factor of *times of crisis*, which means a crisis in which »slack demand for labour creates the conditions of perceived competition for scarce jobs.«[30] Nowhere else in the research paper are other potential factors explored or is the imprimatur of economic explanations so evident.[31] Another, so-called »subsidiary« factor – time of arrival – is also described in terms of economic explanations:

> »*Recently arrived workers will have developed little social capital, such as language abilities and networks, which allow them to keep their jobs or to stay under conditions of shrinking employment opportunities.*«[32]

Likewise, the *legal* status of a migrant worker is only interesting insofar as it changes the cost benefit analysis that such workers will make, in particular

28 Ibid., p. 47.

29 Ibid., pp. 43–45.

30 Ibid., p. 43.

31 The ILO research paper does not refer to a source that analyzes the correlative or causal relations between xenophobic practices and economic conjunctures. This reader has not found a study that focuses on these possible relations. However, it seems unsatisfying to discount practices of xenophobia and discrimination during good economic times and to do this while avoiding factors such as race, ethnic origin, class or religion, among many others. Discrimination and other xenophobic practices in Dubai, for instance, did not start with the economic crisis.

32 Awad/ILO, The Global Economic Crisis and Migrant Workers, p. 5.

when deciding whether to return to their countries of origin[33], or how important remittances are. In fact, the topic of remittances is one area where the individual migrant workers are connected to »their families and their countries«[34], as if to emphasize the macro-economic nature of their behavior. Thus, what matters is economic performance or other economic factors such as »the situation in sectors [of the economy] which predominantly employ migrant workers«[35], which justifies a »combined destination country and sectoral approach.«[36] Even when it comes to explaining discrimination, the various differentials between sectors and between countries are present, and here too the research paper demonstrates caution and nuance. However, intersections with questions of legal status, political leverage, race, religion, historical circumstances, demographic developments and proportions, among many others, are there only in the background, and only for the informed observer. For the research paper, it boils down to economic explanations. And since economic explanations are of a global dimension, they apply in Indonesia as well as in Belgium, and to all the possible variables in terms of context, identity, or class and social status.

Totalizing Tendency IV: Can We Keep the Earth Flat, Please?

The fourth totalizing tendency is a desire to keep the earth *flat*. This tendency is intimately related to tendencies I (we are talking about *global* work and economy), and III (there is one explanatory framework – the economic one – through which everything can be understood). Even the second totalizing tendency (one-size-migrant-worker fits all) is implicated in this fourth tendency. As such, this tendency is the most challenging to disentangle, even though its analytical function is very important in the overall construction of the *global* for this text. An example may illustrate this:

> »*International labour law provides for equality of opportunity and non-discrimination at work for all workers, including migrant workers. However, in the international state system, citizenship confers exclusive rights to nationals of each State. Deprived of these rights and alien to different extents to societies and cultures in their countries of employment, migrant workers are at a disadvantage.*«[37]

We see here a reference to the so-called Westphalian system of international law, a system that is based on the *flat* formal and legal equality of sovereign

33 Ibid.

34 Ibid., p. 33.

35 Ibid., pp. 2, 6.

36 Ibid.

37 Ibid., p. 1.

states. The reference to the international legal system as a whole implies a global system of rules and standards that serve to protect workers, »including migrant workers.« For sure, we cannot but expect and support the ILO in emphasizing this normative point, even if it means ignoring the fact that international labor law is, as most other fields of international law, a patchwork of often historically contingent combinations of multilateral, regional, sub-regional and even bilateral agreements, thinly covered by a blanket of international customary law. In presenting the international normative framework as a smooth surface of legal systematicity, the text understates the rugged and hiatus-filled texture that any practicing lawyer would have to face when trying to deploy concrete legal arguments. More serious, however, is the fact the second sentence replaces the imagery of a protective blanket of rules on equality with a more beehive-like structure in which states can privilege (or not, depending on their want) their own citizens. This double move of indicating that there are rights for all while at the same time indicating that there are exclusive rights linked to citizenship maintains *a flat sense of the international state system*. In short, both when international law gives (labor rights) as when it takes (sovereign right to confer privilege), we are talking about a horizontal system that does not see a multitude of differences and pluralities. Moving to the third sentence, we can see that the cracks in the system that are not filled by international labor law, and understand that migrant workers are at a disadvantage[38], even when there are so many variables at work. In general, there are three main categories here: international law, the state, and the migrant worker. Or to put it differently: *global* law, the *global* state[39], and the *global* migrant worker.[40]

38 We are talking here about the one-size-fits-all migrant worker, to the exclusion of foreign venture capitalists, global expats, business lawyers in Dubai and Hong Kong, etc.

39 The state is *global* in the sense of being a globally recognized category of political organization or the legal unit that has global currency.

40 A deeper look into the legal dimension of this picture reveals more complexities, circularities and problems that cannot be articulated in the short space of this paper. Moreover, it would be too easy to take such an analysis as overly critical of the paper under review, when what this particular paragraph does is to provide us, very accurately in fact, with the dominant international legal discourse, which has its own totalizing tendencies towards the flatness of the earth. Even so, for the sake of providing the reader with a very brief taste, consider the following: states are, as far as international law is concerned, not necessarily facts of nature, but rather legal fictions. They are created by law. The same states make international law. If anything, the migrant worker discussed in this story is, by implication of being an international worker, a category that is created by a myriad of rules. In other words, there is no migrant worker, no state, without international (labor) law, and there is no international (labor) law without migrant workers, without states. For a massive expo-

For sure, the map of the world that the research paper pursues is very complex, and it never stays too long in these comfortable categories. But there is a constant push in the direction of equal sovereign states that are increasingly interconnected by processes of globalization. The subdivision between countries of destination and countries of origin might break the flatness of the map, if only this distinction were not also deeply embedded in the third totalizing tendency, whereby these two types of countries are in fact the same, in that they are only obeying the economic logic that keeps them in either one of these two categories. If the research paper makes reference to more complex historical, ethnic, or political dimensions of what makes a country either of origin or of destination, these are hardly noticeable and never completely separated from the dominant economic logic of migration flows. To put it crudely, the third totalizing tendency of seeing the economy as the logic in control *requires* a map of the earth as a flat space, and one in which the legal/normative framework is flat as well.

This map is constantly being disassembled and reassembled. A focus on the (international system of) states will shift to a focus on different countries playing different economic roles (of origin and of destination), and this will then shift again to a focus on the different sectors of the economy. At times, there is a story about regions and subregions, but all along there are multiple breakdowns into empirical examples. These examples, however, will be about particular countries, and there will be no specific consideration of sub-national geographic units.[41] In the end too, the way that the research paper is geared towards providing policy recommendations reinforces a picture of the world that sees sovereign and equal states grouped together in a flat horizontal plane. One can say that, as with the other totalizing tendencies, this message is institutionalized in the ILO. The flat world of the research paper has to be, in the end, the flat world of the formal category of member states of the ILO.[42]

Each geographical disaggregation, into regions and sub-regions as well as into economic sectors, serves to produce a sense of rigor and comprehen-

sure to the various international legal circularities, see Martti Koskenniemi, From Apology to Utopia: The Structure of International Legal Argument, Cambridge 2006.

41 For all of its sophistication, the report does not talk about the northern states of Mexico or the southern states of the United States. Consider the analysis of the US on pages 12–14, which does not mention any sub-national region: Awad/ILO, The Global Economic Crisis and Migrant Workers, pp. 12–14. One has to read between the lines to know that the references to agriculture are references to the labor-intensive agriculture in the south, and not to the less labor-intensive agriculture in the mid-west.

42 It is here perhaps that a broader analysis of more ILO documents, as well as one of more international governmental organizations, is most significantly called for.

siveness, rather than a sense of diversity and differentiation. In fact, each disaggregation serves to reinforce the idea of a legally and economically flat earth, where migrants move as labor to meet the economic requirements of economic sectors. This is re-enforced by the overall presence of a narrative of economic crisis that has a general global impact, and when this impact is differentiated, it is differentiated along the previously mentioned categories of disaggregation along (sub-) regional and sectoral lines. In this way, the research paper avoids counter-narratives in which the impact is in fact highly irregular and sparse, with many countries, regions, or localities not having a discernible impact at all. In this way too, differentials can be seen as sustaining the narrative that migration is an overall global phenomenon.

Conclusions

Overall, individual, regional, or other differentiated examples or variations are presented as building blocks in a story about the whole world. The aggregate of aggregates is organized into a cohesive narrative by discursive maneuvers that seek to construct an immense amount of phenomena as all revolving about one topic: *migration work*. In doing this, the main protagonist, the *migrant worker*, is crafted not in spite of variation and difference, but by means of an *economy of selection* and *presentation* of these, and into a discursive organization that connects all variations through this one subject. A singular analytical framework, namely the *economic* one, helps the *coherence of this subject*. This has the benefit that since the beginning of the ILO paper, since its very title, we are talking about a *global economic phenomenon*. Finally, geographical diversity, variation, and differentials are selected, organized, and presented in such a way that there can be no doubt that we are talking about the whole world here. If my dissections of this research paper have focused on the cracks in the collage, they also illustrate that *the global* is produced by means of reiterated effort and through, rather than in spite of, a world of diversity and plurality.

All these techniques bear the hallmark of an internationalism that is not uncommon and that has effectively been institutionalized in intergovernmental organizations. Many IGOs are set up to perform technical functions, including what James Scott described as the »project of legibility«[43]: the comprehensive and rigorous collection, selection, elaboration, and organization of knowledge about the aggregate of aggregates, even if organized around crosscutting areas of international life, such as trade, ecology, or labor migration. This type of work has consequences of a political and ideological nature that not only fall outside of the scope of this paper, but also in fact

43 Scott, Seeing Like a State, p. 2.

defy the possibility of any serious analysis. Some have pointed to the depoliticizing dimension of this type of work. In the context of migration management, Martin Geiger and Antoine Pécoud have summarized this dimension quite succinctly:

> *»The very notion of ›management‹ is characterized by its apolitical and technocratic nature, and its popularity (to the detriment of other notions such as ›the politics of migration‹) is in itself a way of depoliticizing migration. Policies would not result from political choices, but from ›technical‹ considerations and informal decision-making processes on the most appropriate and successful way of addressing migration. This depoliticization is further evident in the ›triple-win‹ objective, which negates the existence of divergent interests, of asymmetries of power and of conflicts (both between and within countries). It is also perceptible in the managerial/technical language used by migration management actors. In their view, there are policies that work and policies that don't work – hence the popularity of notions such as ›good‹ (or even ›best‹) practices. This evacuates questions of power, principles, interests or conflicts. The apparently consensual nature of many ›migration management‹ objectives also contributes to their depoliticization: indeed, who is in favour of disorderly migration, trafficking abuses or the non-respect of migrants' rights?«*[44]

This *depoliticization* starts with the ›project of legibility‹ and then leads to policy recommendations, as in the research paper that is under review. Though the recommendations themselves are not binding, the narratives about what the global entails become part of what is available as vocabulary to imagine that same global. Note for instance all the various things that are *not* described as *global*, such as poverty, xenophobia, and the political integration of migrants. Some would work hard to include these as constitutive dimensions of the global.[45] However, *that too* would require the type of work and effort that we have seen in the research paper under review.

44 Geiger/Pécoud, The Politics of International Migration Management, pp. 11f.

45 See, e.g., Ronaldo Munck, Globalization, Governance and Migration: An Introduction, in: Third World Quarterly, 29. 2008, pp. 1227–1246. On a more general level one can wonder whether it was possible for the research paper, institutionally, ideologically and/or politically, to include a critique or even a condemnation of the dominant model of neo-liberalism and globalizing capitalism that many see as a structural part of the problem that cannot be addressed in any significant way with marginal policy recommendations.

4 Global Migration Management, Order and Access to Mobility

Sara Kalm

Migration governance is often described as an exceptional case in world politics. There are at least two ways in which it differs from the established pattern: One is the lack of international cooperation. In the post-war decades, states have established institutionalized forms for cooperation in an expanding range of issue areas, usually by setting up a specialized agency within the United Nations (UN) system. In contrast, the field of migration is characterized by its lack of multilateral cooperation.[1] Another deviation concerns its regulation. In an era often described by catch phrases such as *flows*, *deterritorialization* and *interconnectedness*, what we have seen in migration policy is instead a reassertion of sovereign territoriality as states increasingly have sought to control and filter those who cross their borders.[2] The result is that conditions for international movement differ considerably between different groups of people.[3]

If these two deviations from the pattern have characterized migration policy in the first post-Cold War decade, they may now be modified. After having been a neglected area in international affairs, cross-border migration now attracts a great deal of attention from policy-makers at different levels. Over the past relatively few years a number of international organizations, agencies and institutions have started to engage with the issue from their respective perspectives. Moreover, new forums have mushroomed both at the regional and global levels.[4] Although the complex and opaque governance

The writing of this chapter has been enabled by the Bank of Sweden Tercentenary Foundation, which funds the research program ›Democracy Beyond the Nation State? Transnational Actors and Global Governance‹.

1 Bimal Ghosh, Managing Migration. Towards the Missing Regime?, in: Antoine Pécoud/Paul de Guchteneire (eds.), Migration Without Borders. Essays on the Free Movement of People, Oxford/New York 2007, pp. 97–118.

2 Peter Andreas, Redrawing the Line. Borders and Security in the Twenty-First Century, in: International Security, 28. 2003, no. 2, pp. 78–111.

3 Anja Weiß, The Transnationalization of Social Inequality. Conceptualizing Social Positions on a World Scale, in: Current Sociology, 53. 2005, pp. 707–728.

4 Kathleen Newland, The Governance of International Migration. Mechanisms, Processes and Institutions, Geneva 2005.

structures that emerge are still far below the standards of a traditional and binding international regime[5], they nevertheless seem to testify to a recognition that this topical issue has to be met at least partly through cooperation and dialogue at the global level.

Besides institutional developments there has also been a remarkable turn-around in migration policy discourse. After having approached migration mainly as a problem or threat, politicians now tend to focus on its potential economic and social benefits.[6] This renewed optimism particularly concerns its potential to contribute to growth and development in both origin and destination countries. Most of the international institutions and forums just described tend to focus precisely on the issue linkage with development[7], which sets another tone than the previously dominating linkage with security.

This contribution aims to explore these recent policy developments. It does so through investigating the meanings and implications of *migration management*, which has become the new buzzword in this institutional and discursive context.[8] The term management signals a relatively optimistic view of migration, recognizing the benefits of international cooperation and of opening up more regular channels for movement, and therefore approaches migration as something to be managed rather than controlled – what are the actors mobilizing the term migration management at the global level? How are the issue of migration as well as the goals of migration policy articulated? Does migration management pose a challenge to the existing structure of mobility rights?

Globalization and Mobility

»[T]here is a curious inconsistency between the nature and extent of controls on human freedom and the dominant ideology of our time: liberalism […] the free, rational individual – unbound by authority – is a principle tenet of liberalism. It is odd, then, that political and economic liberalism has come to blossom at a time when political authorities effectively shackle these rational individuals to a given territory.«[9]

5 Stephen D. Krasner, Structural Causes and Regime Consequences. Regimes as Intervening Variables, in: International Organization, 36. 1982, no. 2, pp. 185–205.

6 See the contribution of Bimal Ghosh in this volume.

7 Stephen Castles, Development and Migration. Migration and Development. What Comes First? Global Perspectives and African Experiences, in: Theoria, 56. 2009, pp. 1–31, here p. 5.

8 Martin Geiger/Antoine Pécoud, The Politics of International Migration Management, in: idem (eds.), The Politics of International Migration Management, Basingstoke 2010, pp. 1f.

9 Jonathon W. Moses, International Migration. Globalization's Last Frontier, London 2006, pp. 36f.

The current era of trans-border interconnectedness contrasts starkly with the so-called first global century (1820–1913): That period was characterized by the dismantling of mercantilism and the rapid expansion in transatlantic trade and investments, and also by the relatively unrestricted migration regime.[10] It has been estimated that at least 50 million people left Europe for the New World in this period. Many of the emigrants were poor, which demonstrates that mobility was not treated as merely a privilege for the elite. Furthermore, international norms of the time regarded free migration as a central element of individual liberty, as evidenced by documentation from several international conferences and high-level meetings.[11] The First World War ended the free regime of movement and it has not been restored since. Instead, as the quote above describes, contemporary liberal politics is characterized by its neglect of free migration. The current form of globalization has so far been partial, selective – tearing down barriers to the movement of goods and capital, while simultaneously strengthening control over the movement of people.

To begin to understand this apparent contradiction one needs to take into account the pessimistic view of migration that until recently has marked this period of globalization. Among policy makers as well as among many social scientists, migration has been approached as a sign of development failure rather than as a resource for development; something that could and should be avoided by policies aiming for growth, efficiency and development, prescribed in for instance structural adjustment programs associated with the so-called Washington Consensus. Specifically, the notion has been that if trade and investment flows were liberalized, gains in growth and employment would follow which eventually would cause labor migration flows to ebb out.[12] The consequence has been a marked asymmetry in mobility rights between capital and labor.[13] Moreover, different groups of people also tend to move with widely varying degree of ease. To some sociologists, mobility is now becoming an increasingly important dimension of transnational inequality.

10 Jeffrey G. Williamson, Winners and Losers over Two Centuries of Globalization, Cambridge 2002.

11 Moses, International Migration, p. 47.

12 Deepak Nayyar, Cross-border Movements of People, in: idem (ed.), Governing Globalization. Issues and Institutions, New York 2002; Douglas S. Massey et al., Worlds in Motion. Understanding International Migration at the End of the Millennium, Oxford 1998.

13 Doreen Massey, Imagining Globalization. Power-Geometries of Time-Space, in: Avtar Brah/Mary J. Hickman/Martin Mac an Ghaill (eds.), Global Futures. Migration, Environment and Globalization, Basingstoke 1999, pp. 27–44.

Anja Weiß argues that social positions within a world system are not only determined by differing access to resources, but also by varying levels of »spatial autonomy«.[14] Zygmunt Bauman holds that the actual freedom to move is becoming »the main stratifying factor of our late-modern or post-modern times.«[15] Then how is access to transnational mobility structured? It partly reflects the division between North and South. Mark Salter writes:

> *»In this post-Cold war, post-modern, postcolonial era, we see a bifurcation in the contemporary regime of international movement. Citizens of the developed North have a freedom of movement that is legitimated by domestic and international government structures. Citizens and refugees of the developing South, however, are restricted in their movement both domestically and internationally.«*[16]

The freedom of movement one enjoys is hence partly determined by one's citizenship. It is therefore one important example of how profoundly one's life prospects are affected by such an arbitrary condition as place of birth. To Joseph Carens, »Citizenship in Western liberal democracies is the modern equivalent of feudal privilege – an inherited status that greatly enhances one's life chances.«[17] Several political theorists now also want to expand the notion of global justice to not only include just distribution of resources but also just distribution of membership.[18]

Besides citizenship, social class also significantly impacts the stratification of freedom of movement.[19] Western elites, including businesspeople, journalists and academics are in a privileged position. But highly skilled citizens of the global South who possess qualifications that are needed in Northern labor markets also often have relatively good chances of transnational mobility. In contrast, the current phase of globalization is much less friendly to the migration of low-skilled people than the previous wave of globalization referred to above. The low-skilled are largely expected to stay within their borders, or – if they choose to move anyway, they often must expose themselves to the risks associated with irregular movement.[20] The stratifica-

14 Weiß, The Transnationalization of Social Inequality.

15 Zygmunt Bauman, Globalization. The Human Consequences, New York 1998, p. 2.

16 Mark B. Salter, Rights of Passage. The Passport in International Relations, Boulder 2003, p. 2.

17 Joseph Carens, Aliens and Citizens. The Case for Open Borders, in: The Review of Politics. 49. 1987, pp. 251–273, here p. 252.

18 Seyla Benhabib, The Rights of Others. Aliens, Residents and Citizens, Cambridge 2004; Nancy Fraser, Scales of Justice. Reimagining Political Space in a Globalizing World, Cambridge 2008.

19 Sara Kalm, Governing Global Migration, Ph.D. Thesis, Lund University, 2008.

20 Nigel Harris, Thinking the Unthinkable. The Immigrant Myth Exposed, London 2002, p. 41.

tion of mobility hence tends to reflect, and maybe also reinforce existing global inequalities. In the words of Mark Duffield, »What is at stake […] is the West's ability to contain and manage international poverty while maintaining the ability of mass society to live and consume beyond its needs.«[21]

As these remarks outline, migration controls have been tightened at the same time as the movement of trade and capital has been liberalized. This seems to clearly contradict the ›spirit‹ of globalization. Moreover, different groups of people enjoy very different levels of freedom of movement, where the movement of the low-skilled citizens of the global South is subject to most restrictions. An important question for the current century is whether or not the contradiction in terms of mobility rights between capital and labor will be possible to sustain or how it otherwise will be resolved; by putting an end to global trade, or by opening up for more migration.[22] The global migration management initiatives represent a call for the latter alternative, emphasizing the positive contributions of migration and the need for a more open migration regime. Thereby, and as we will see below, it diverges in several and interesting ways from the stratification of freedom of movement.

Towards A Global Governance of Migration?

Martin Geiger and Antoine Pécoud argue that the term *migration management* refers to several different trends: how an expanding set of *actors* have become involved in migration, the specific *discourses* on migration and the goals of migration policy that justify actions, and a number of concrete policy *practices*.[23]

Starting with the actors and institutions of migration management the first observation to be made is the comparatively low level of institutionalized cooperation between states in comparison to many other areas of international affairs. The issue of refugees and forced migration marks a clear exception: the refugee regime is based on the norms set out in the Geneva Convention of 1951 and has a clear center in the organization of the United Nations High Commissioner for Refugees (UNHCR). But refugees constitute a separate area in international law, and so-called voluntary or economic/labor migration significantly lags behind when it comes to international co-

21 Mark Duffield, Global Civil War. The Non-Insured, International Containment and Post-Interventionary Society, in: Journal of Refugee Studies, 21. 2008, no. 2, pp. 145–165, here p. 162.

22 Douglas S. Massey/J. Edward Taylor, Back to the Future. Immigration Research, Immigration Policy, and Globalization in the Twenty-First Century, in: idem (eds.), International Migration. Prospects and Policies in a Global Market, Oxford 2004, pp. 373–388, here p. 378.

23 Geiger/Pécoud, The Politics of International Migration Management.

operation. Another caveat should be added immediately: there are examples of far-reaching interstate cooperation in some world regions, most notably in the EU.[24] But there is no binding international regime setting out norms, rules and decision-making procedures for governing (labor/voluntary) migration at the global level, in contrast to issue areas such as trade, climate change and human rights.[25] One reason is states' general unwillingness to cooperate on issues such as migration that are perceived as being closely related to the core of Westphalian sovereignty: the control over territory and population. Another factor that inhibits cooperation is the absence of a joint vision and the existence of widely differing interests between origin and destination states in this issue area.[26]

Nevertheless, the recent past has witnessed a surge in interest in international migration on part of the international community. For the very first time, migration was discussed in an international policy setting in 1994, in the context of a subtheme of the International Conference on Population and Development (ICPD) in Cairo (Egypt). The ICPD's program of action made a relatively optimistic outlook on the developmental potential of migration, and advocated more cooperation between sending and origin states. It would, however, take a long time before interstate cooperation again appeared at the global policy agenda. Over the course of the 1990s, several UN General Assembly resolutions called for an international conference exclusively focused on migration; however, the major destination countries swiftly thwarted this. Apart from the question of refugees and the area of forced migration, international migration was largely absent from the global agenda for most part of the 1990s.[27] Yet, the need for more international cooperation was not wholly forgotten. For instance, in 2001, it was restated in the UN World Conference against Racism. Two years later, the UN Secretary-General along with a number of governments established the independent Global Commission on International Migration (GCIM). This forum was mandated to put international migration at the global agenda and to suggest improvements in the field of migration governance, it was made up of representatives of governments from different world regions as well as business, labor, human rights groups etc., and the final report (entitled: ›Migration in an Inter-

24 For overviews, see Pécoud/de Guchteneire (eds.), Migration Without Borders.

25 Alexander Betts, Global Migration Governance, Oxford 2008.

26 Sara Kalm, Limits to Transnational Participation. The Global Governance of Migration, in: Christer Jönsson/Jonas Tallberg (eds.), Transnational Actors in Global Governance. Patterns, Explanations, and Implications, Basingstoke 2010, pp. 134–154.

27 Bimal Ghosh, Managing Migration. Interstate Cooperation at the Global Level – Is the Emergence of a New Paradigm of Partnership Around the Corner?, in: Interstate Cooperation and Migration, Berne/Geneva 2005, pp. 108–135; Newland, The Governance of International Migration.

connected World: New Directions for Action‹), containing six principles and 33 specific recommendations, was seen as an important consensus document.[28]

New decisive steps were taken in 2006, when the UN General Assembly held its first High-Level Dialogue on Migration and Development.[29] At that occasion, state delegates displayed only little appetite for new highly institutionalized forms of cooperation. In a report preceding the High-Level Dialogue, the Secretary-General had suggested that forms for continued dialogue be organized. Most states approved this idea but had different preferences as to the specifics of such dialogue. One group opted for an open-ended, non-bureaucratic, non-decision-making forum for consultation. Another group, that included China and the Group of 77, wanted discussions to be more formal in character and take place within the UN framework. A few states rejected any sort of forum. This position was taken among others by the United States and Australia. Other important destination states, such as the EU members, were however favorable to the idea of setting up a forum.[30]

The following year, Belgium was the host of the first Global Forum on Migration and Development (GFMD). The forum has been convened annually since then, each year in a different country. The organizational structure is closest to the one promoted by the first group mentioned above. It is not an arena for formal negotiations and it is not an international organization. It merely offers a space for informal discussions between state delegates, standing formally outside of the UN system.[31] In comparison to many other forms of international cooperation and dialogue, the GFMD's interaction with civil society is quite restricted. Each year, a civil society organization from the host country has organized so-called *civil society days* parallel to state sessions, but consultation with states has so far been limited to a short interface session. Still, civil society activities have burgeoned during the GFMD sessions. Some groups seek influence through participation in the civil society days while others reject the GFMD altogether and instead organize oppositional events and demonstrations.[32] The non-committing/non-binding character of the GFMD is quite telling of global migration govern-

28 Philip Martin/Susan Martin, GCIM. A New Global Migration Facility, in: International Migration, 44. 2006, no. 1, pp. 5–12.

29 See the contribution of Catherine Wihtol de Wenden in this volume.

30 Philip Martin et al., High-Level Dialogue on Migration and Development, in: International Migration, 45. 2007, no. 1, pp. 7–25.

31 Romeo Matsas, The Global Forum on Migration and Development. A New Path for Global Governance?, Bonn 2008.

32 Stefan Rother, Inside-Outside or Outsiders by choice? Civil Society Strategies towards the 2nd Global Forum on Migration and Development (GFMD) in Manila, in: Asien. The German Journal on Contemporary Asia, 2009, pp. 95–107.

ance. States have so far tended to avoid binding multilateral instruments in this area. Only a small minority of states has ratified the relevant ILO Conventions. The UN Convention on the Protection of the Rights of Migrant Workers and Members of their Families has met a similar fate. After it was adopted in the UN General Assembly in 1990 it took 13 years before it got the sufficient number of ratifications to enter into force.[33] At the time of writing, it has only been ratified by slightly more than 40 states, not including any of the major destination states. On the other hand, soft law instruments, vague guidelines and principles have flourished. The most important one is probably the ILO Multilateral Framework on Labour Migration, which spells out a set of non-binding principles and guidelines for the formulation and implementation of labor migration policies.

Another example is the Berne Initiative, which was initiated in 2001 by the Swiss Government. In its work it organized consultations with states in all regions in order to develop a joint approach to migration management. Its final document, called International Agenda for Migration Management (IAMM), is explicitly non-binding, and it consists of *common understandings* and *effective practices*. A final example is the so-called Hague Process. Launched in 2000 by the Netherlands' chapter of the Society for International Development, it included around 500 representatives from governments, international organizations, nongovernmental organizations as well as academia and is widely perceived as a civil-society initiative. Its final report, the Hague Declaration, includes 21 principles for migration policy.[34]

In the light of all these developments and institutions, what is most important, is the fact that at present there is no single international organization that can provide the core of migration management in the way that WTO and UNHCR do for the trade and refugee regimes respectively. Instead, a large number of international organizations tackle migration from their respective points of view. For instance, while the ILO deals with questions regarding labor migration, the WHO deals with the migration of health care workers and the UNHCR handles mixed refugee-migrant flows. Following upon a lengthy period of uncoordinated activities, in 2006 the Global Migration Group (GMG) has been set up to coordinate the actions of the 14 most involved organizations through recurrent meetings between directors. Within the GMG, the International Organization for Migration (IOM) deserves special mentioning. At present IOM is the only interstate organization that deals exclusively with migration. Established in 1951, it has grown considerably

33 Antoine Pécoud/Paul de Guchteneire, Migration, Human Rights and the United Nations: An Investigation into the Low Ratification Record of the UN Migrant Workers Convention, Geneva 2004.

34 Susan Martin, The Legal and Normative Framework for International Migration, Geneva 2005, pp. 36f.

over the course of the two decades as Western states' control ambitions have increased after the end of the Cold War. It now has 127 member states, 440 field offices and 7,000 members of staff. It is not part of the UN system and is therefore often described as lacking in normative authority. Its work is almost exclusively project-based and its operations are commissioned by states.[35] The IOM is also a key promoter of the term *migration management*. Bimal Ghosh originally coined the term in the early 1990s. The NIROMP project (New International Regime for Orderly Movements of People)[36] advocated the establishment of a binding regime, and it was in this sense that IOM (the main executing agency in this project) first used the term.[37] But in the early 2000s, the post-Cold War optimistic view of international cooperation had waned. As governments' attitude to binding international regimes became increasingly weaker, IOM began to use the term *migration management* in a more loose and imprecise way.[38]

To sum up, there is still no binding international regime on migration. However, an expanding number of international actors have lately become involved in migration. States still want to avoid binding commitments in this area, but new forums and arenas provide space for discussion, and several collections of guidelines and principles have been elaborated.

The Discourse of Migration Management

This section explores the discourse on migration management as it appears among agencies and forums operating at the global level.[39] It has been argued that cooperation on migration is inhibited by a lack of consensus on the subject, as states disagree on the causes of migration as well as whether it is desirable to liberalize or restrict it.[40] However, many actors are now involved in consensus-shaping activities. We have seen above that a number of organizations, commissions and initiatives have published reports on how to improve migration governance. Although weak and non-binding, the guide-

35 Fabian Georgi, For the Benefit of Some. The International Organization for Migration and its Global Migration Management, in: Geiger/Pécoud (eds.), The Politics of International Migration Management, pp. 45–72.

36 See the contribution of Bimal Ghosh in this volume.

37 Geiger/Pécoud, The Politics of International Migration Management, p. 2; Bimal Ghosh (ed.), Managing Migration. Time for a New International Regime?, Oxford 2000.

38 Georgi, For the Benefit of Some, pp. 59f.

39 Parts of this analysis have previously appeared in my dissertation; Kalm, Governing Global Migration.

40 Sarah Martin, The Legal and Normative Framework for International Migration, pp. 37f.

lines and principles thus elaborated reflect a minimum level of consensus, and they may also have a certain normative power in the longer run. The dominating way in which a social phenomenon is understood will have consequences for policy. In this context, it is therefore important to study the particular knowledge of migration that is expressed in migration management documents.

International migration, first, is increasingly described as a permanent or normal phenomenon in world affairs. For instance, the previously mentioned Hague Declaration emphasizes that »[i]t is essential to understand migration as a normal fact of life for individuals, families, communities and states.«[41] Specifically, migration is seen as such because it now occurs in the context of globalization:

> *»Today, globalization, together with advances in communications and transportation, has greatly increased the number of people who have the desire and the capacity to move to other places.«*[42]

The understanding of migration as permanent reflects the realization – or perhaps resignation – that migration is an unavoidable reality in a world of ever more intense trans-border flows and interdependencies.

> *»Migration reflects our times: with globalization bringing new technologies and deepening international integration and dependency, the movement of goods, services, capital and people has been greatly increased and facilitated.«*[43]

In short, the way that migration is linked to globalization is often understood as a combination of three elements: first, the persistent de facto disparities between rich and poor countries. Second, the increased awareness of these disparities that is brought about by such developments as the ICT revolution and the global reach of the media, and which strengthens the allure of the more developed countries. Third, the availability of means to overcome the mentioned disparities, including improved and cheaper costs of transportation as well as the establishment of migrant networks and the operation of the migration industry (legal or illegal) which facilitate the actual movement and seem to defy any governmental regulative effort. As goods, capital and information are moving ever more freely across national boundaries, it seems in effect impossible to exercise complete control over the movement of people. This stands in stark contrast to the previously dominating understanding of the relationship between different sorts of flows. That view, referred to

41 United Nations (UN), Declaration of The Hague on the Future of Refugee and Migration Policy, New York 2002, p. 5.

42 United Nations (UN), International Migration and Development. Report of the Secretary-General, New York 2006, p. 5.

43 International Catholic Migration Commission (ICMC), Connecting the Dots. A Fresh Look at Managing International Migration, Geneva 2009, p. 1.

above, assumed that trade and investment flows would actually substitute for the movement of labor. In contrast, it is now recognized that the liberalization of these flows increases migration: migration is both produced by globalization and made unstoppable by processes relating to it. As Stephen Castles has put it, »Globalization has the inherent contradiction of producing both a North-South gap and the technological and cultural means of overcoming this gap«[44], and: »Since the factors that enhance migration are unlikely to be reversed, migration is generally thought to continue and probably even increase in the future.«[45] What all this boils down to is the more or less outright admission that individual states do not have the capacity to prevent migration, something which they probably never did anyway but for long were hesitant to admit: »History shows that trying to keep people at home is not only costly, but futile.«[46] Stating that migration is now a permanent phenomenon seems to imply that pursuing a zero-immigration policy is not a feasible alternative. Hence, it calls for a more comprehensive reorientation in migration policy. In an era of globalization, the world's population must be understood as potentially mobile. In such a setting it is not realistic for states to handle the issue unilaterally and in an ad hoc manner, treating it as temporary aberration from the normal state of things. The empirical claim that migration is unavoidable therefore challenges the control paradigm.

Migration is now also increasingly described as a (potentially) positive phenomenon. This contrasts with the perceptions of migrants as socially disruptive and as threatening to the welfare and security of receiving states, which have dominated affluent countries' immigration policies in the post-Cold War era.[47] In commenting on the discussions in the first two sessions of the Global Forum on Migration and Development, Philip Martin and Manolo Abella concluded that »[m]ost participants in the GFMD believe that more migration is inevitable, [and] that migration is generally beneficial to migrants and receiving countries.«[48] The self-presentation of the GFMD gives the same impression:

44 Stephen Castles, Why Migration Policies Fail, in: Ethnic and Racial Studies, 27. 2004, no. 2, pp. 205–227, here p. 223.

45 The Global Commission on International Migration (GCIM), Migration in an Interconnected World. New Directions for Action, Geneva 2005, p. 12; The Berne Initiative, International Agenda for Migration Management, Geneva 2004, p. 15.

46 UN, International Migration, p. 63.

47 Didier Bigo, Globalized-In-Security. The Field and the Ban-Opticon, in: Naoki Sakai/Jon Solomon (eds.), Translation, Biopolitics, Colonial Difference, Hong Kong 2006, pp. 109–155.

48 Manolo Abella/Philip Martin, Migration and Development. The Elusive Link at the GFMD, in: International Migration Review, 43. 2009, no. 2, pp. 431–439, here p. 437.

»The GFMD has established a new approach to migration by squarely moving development to the centre of the migration debate; and enabled a shift of the migration and development paradigm by promoting legal migration as an opportunity for development of both origin and destination countries, rather than as a threat.«[49]

For destination states, the perceived benefits of migration mainly involve its potential for tackling labor market scarcities and the problems of aging populations. As mentioned above, developed countries are already competing over attracting highly skilled migrants who possess knowledge relevant to certain technical and professional sectors. This demand has led to a significant although highly unequal relaxation of migration policy, reversing the previous European ban on primary labor migration, and tilting the US emphasis from family reunification as the foremost reason for immigration.[50]

But the need for migrants is not just limited to the highly skilled: aging and higher job expectations among the native populations are also producing shortages in sectors such as agriculture, construction and domestic services.[51] Declining birth rates in many industrialized countries, notably Western Europe and Japan[52], have caused shrinking and older populations. This is not only problematic for productivity but also for keeping pensions and welfare on politically and socially acceptable levels, and it might have to be partially solved by immigration.[53] The other factor, that increases the need for migration, is the refusal of natives to take in certain kinds of jobs for low-skilled workers. The GCIM explains that the competitiveness of the global economy has created a demand for »a flexible labor force« – »prepared to work for low wages and under difficult conditions. This demand can be satisfied by migrant workers from developing countries.«[54] In fact, it already is – we now

49 Global Forum on Migration and Development (GFMD), Report of the First Meeting of the Global Forum on Migration and Development, Brussels 2007, p. 16.

50 Nigel Harris, The Economics and Politics of the Free Movement of People, in: Pécoud/de Guchteneire (eds.), Migration Without Borders, pp. 33–50; Pradip Bhatnagar, Liberalising the Movement of Natural Persons. A Lost Decade?, in: The World Economy, 27. 2004, no. 3, pp. 459–472.

51 UN, International Migration, p. 12; United Nations Department of Economic and Social Affairs (UN DESA), World Economic and Social Survey 2004. International Migration, New York 2004, p. 79.

52 See the contribution of Hideki Tarumoto in this volume.

53 The UN Commission of Human Security (UNCHS), Human Security Now, New York 2003, p. 44.

54 GCIM, Interconnected World, p. 6.

have a »de facto liberalization of the global labor market«[55] as the demand for this specific labor is met by irregular migrants.[56]

The policy suggestion that follows is therefore to expand possibilities for regular migration, not only of high-skilled but also for low-skilled workers, in order to satisfy this demand in an authorized and safe manner.[57] For sending countries, labor emigration has important developmental potentials.[58] The most tangible benefit here is remittances, the volume of which has expanded in recent years. The World Bank estimates that worldwide remittances in 2010 reached USD 440 billion, 325 of which went to the developing world.[59] While remittances are usually used for consumption, they are sometimes also invested and saved. Other potential developmental benefits include the enhancement of migrant skills, as well as the transfer of social, financial and cognitive resources when the migrant returns.[60] Diaspora networks may also contribute to development through collective investments in development projects back home.[61] It has therefore become a trend for governments to tend to their diasporas, offering everything to them from formal recognition to tax cuts and voting rights.[62]

There are two aspects of the optimistic outlook on migration that should be emphasized. One is the perceived relation between migration and development.[63] In contrast to the formerly dominating view of migration as being caused by (under)development, the direction of causality is now reversed: migration is now approached as a tool or instrument that can be used in order to bring about development.[64] It can even be argued that migration provides a way of transferring developmental benefits that fits particularly well with the spirit of our time. In the words of Devesh Kapur,

55 Ibid., p. 16.

56 The Berne Initiative, International Agenda, pp. 40f.

57 For a similar suggestion, see United Nations Development Programme (UNDP), Human Development Report 2009. Overcoming Barriers – Human Mobility and Development, New York 2009.

58 International Organization for Migration (IOM), Essentials of Migration Management. A Guide for Policy-Makers and Practitioners, vol. 2, Geneva 2004, sect. 2.3, p. 11.

59 Sanket Mohapatra/Dilip Ratha/Ani Silwal, Outlook for Remittance Flows 2011–13, Washington, DC 2011.

60 International Conference on Population and Development (ICPD), Programme of Action, Cairo 1994; The Berne Initiative, International Agenda, p. 58.

61 GCIM, Interconnected World, p. 30; The Berne Initiative, International Agenda, p. 59.

62 Alan Gamlen, The Emigration State and the Modern Geopolitical Imagination, in: Political Geography, 27. 2008, no. 8, pp. 840–856.

63 See the contribution of Doris Hilber and Tatjana Baraulina in this volume.

64 Ronald Skeldon, International Migration as a Tool in Development Policy. A Passing Phase?, in: Population and Development Review, 34. 2008, no. 1, pp. 1–18.

»[r]emittances strike the right cognitive chords. They fit in with a communitarian, ›third way‹ approach and exemplify the principle of self-help. People from poor countries can just migrate and send back money that not only helps their families, but their countries as well. Immigrants, rather than governments, then become the biggest provider of foreign aid.«[65]

While ›migration-development‹ is associated with increased freedom of movement, this mobility also comes with a price. The responsibility for development is shifted from governments and corporations to individual migrants and diaspora groups who are expected to compensate for developmental mismanagement and global inequalities.[66] The particular embodiment of the ›ideal immigrant‹ vision[67] in migration management is mobile, thrifty, entrepreneurial and with a strong sense of responsibility towards homeland development. Partly following from the above, the second aspect of the positive view of migration that I want to stress is that the contemporary structure of global capitalism is taken for granted rather than questioned in the migration management discourse. As Gerald Boucher has argued, capitalism is somewhat implicitly assumed to be a solution rather than a problem:

»Not only are capitalists and the global capitalist system not part of the problem, the solution involves more capitalism in the form of neoliberal policies to deregulate states' control over the free mobility of migrant labour… After all, is it not capitalist employers, benefiting from neoliberal policies, who profit the most from the international migration of high- and low-skilled, and irregular labour?«[68]

The Shift from Control to Management

This conceptualization of migration has consequences for the goals and the forms of migration policy and results in a shift from control to management. The permanent character of migration suggests that we *cannot* control, and the recognition of migrants' contributions suggests that we *shouldn't* – at least not in the sense of 100-percent migration restrictivism. Aiming at a restrictive migration regime would be both unrealistic and economically unwise. The term *management* is sometimes taken to suggest that states acknowledge that

65 Devesh Kapur, Remittances. The New Development Mantra?, New York/Geneva 2004, p. 7.

66 Parvati Raghuramm, Which Migration, What Development? Unsettling the Edifice of Migration and Development, in: Population, Space and Place, 15. 2009, no. 2, pp. 103–117.

67 Bonnie Honig, Democracy and the Foreigner, Princeton 2003.

68 Gerard Boucher, A Critique of Global Policy Discourses on Managing International Migration, in: Third World Quarterly, 29. 2008, no. 7, pp. 1461–1471, here p. 1464.

they find themselves in an unavoidable situation with which they must deal.[69] As was demonstrated previously, this situation is also perceived as to be turned into something positive. As explained by the Berne Initiative,

> *»[d]ebates regarding whether to have immigration or not are being replaced by debates on how to manage migration to maximize the positive effects that migration – skilled and unskilled, temporary and permanent – can have.«*[70]

The overall goal of migration policy here appears as one of optimization: to maximize the positive contributions while at the same time minimizing the negative consequences of migration.[71] But then, we have to ask ourselves: for *whom* is migration to be optimized? Whose interests shall it be designed to serve? The position in the migration management discourse is that everybody could gain.

»The challenge for States is to maximize the positive effects while minimizing the negative implications of migration for States, societies and the migrants themselves.«[72] This discursive element together with the main slogan of the IOM, Managing Migration for the Benefit of All, connotes the general idea of a win-win-win (triple win) situation when it comes to governing international migration. Migration is described as potentially working in the service of both sending and receiving states as well as the individual migrants themselves:[73] »There is an emerging consensus that countries can cooperate to create triple wins, for migrants, for their countries of origin and for the societies that receive them.«[74]

The insistence on shared interests and a triple win outcome is instrumental insofar as it creates possibilities for cooperation in an issue area that has so far been marked by divergent interests between origin and destination countries. But it also displays a liberal institutionalist conviction that joint gains are attainable. This idea seems a modern and secular manifestation of »harmony ideology«, as anthropologist Laura Nader has pointed out.[75] By emphasizing common interests and downplaying conflict and power asym-

69 Savitri Taylor, From Border Control to Migration Management. The Case for a Paradigm Change in the Western Response to Transborder Population Movement, in: Social Policy and Administration, 39. 2005, no. 6, pp. 563–586.

70 The Berne Initiative, International Agenda, p. 34.

71 International Organization for Migration (IOM), World Migration 2003. Managing Migration. Challenges and Responses for People on the Move, Geneva 2003, p. 52; GCIM, Interconnected World, p. 23.

72 The Berne Initiative, International Agenda, p. 15.

73 Ibid., p. 15 and 58; ICPD, Programme of Action, sect. 10.1.

74 UN, International Migration, p. 5.

75 Laura Nader, Harmony Ideology. Justice and Control in a Zapotec Mountain Village, Stanford 1990.

metries, the term migration management, like other managerial concepts (such as security management or water management), depoliticizes its subject by presenting it as a technical problem rather than a matter of political choice.[76] In Fabian Georgi's words:

> *»What previously was politics of migration, with all its connotations – principles, power, interests and conflicts – has been transformed into nondescript, apolitical migration management.«*[77]

What, then, does migration management entail concretely – given that it is presented as a tool for maximizing the benefits of migration? According to the IOM's ›Glossary on Migration‹ the term is used to

> *»encompass numerous governmental functions and a national system of orderly and humane management for cross-border migration, particularly managing the entry and presence of foreigners within the borders of the State and the protection of refugees and others in need of protection.«*[78]

In general terms, migration management refers to a comprehensive approach to migration policy[79]: Migration cannot be dealt with in isolation, but an integrated approach must be taken so that migration policy is complemented by measures in other areas. The Berne Initiative states that migration is linked to, for instance, economic, social, labor, trade, health, cultural and security domains.[80] Whereas the linkage between migration and security has got the most attention, especially since September 11, the Global Commission on International Migration (GCIM) emphasizes that migration is also linked to such areas as development, human rights and good governance. In order to produce positive outcomes, migration policy needs to be complemented by policies in these other areas which do both: They affect migration and are affected by migration themselves.[81] This stresses the need for enhanced capacity and coordination at the national level. Issues of migration are often addressed by several governmental ministries, and with poor coordination between them, the result is policy incoherence. Therefore, enhancing the coordination between various governmental agencies is perceived as vital for effective migration management.

The comprehensive approach also concerns the scope for migration policy. Migration policy does no longer equate only control at the border, but

76 Georgi, For the Benefit of Some, p. 56.

77 Ibid., p. 64.

78 International Organization for Migration (IOM), Glossary on Migration, Geneva 2004.

79 Geiger/Pécoud, The Politics of International Migration Management, p. 2.

80 The Berne Initiative, International Agenda, p. 29.

81 GCIM, Interconnected World, p. 8f.

should span all the stages of the migratory process – from the causes of migration, its means and routes, to the regulation of entry, settlement, integration and return.[82] The comprehensive global migration management documents therefore contain sections on a wide variety of fields. The recommendations of the GCIM, for instance, concern everything from addressing root causes, the regulation of labor migration and the prevention of irregular movements, to policies of integration as well as return. Addressing such a wide variety of issues, the general goal of optimizing the positive effects of migration is necessarily broken down into a number of sub-goals and recommendations within different fields of policy. However, there is one overriding concern which marks the texts on migration management, and that is the quest for making migration *orderly*. It is this *orderly* migration, or sometimes »orderly and promptly managed« migration[83] that has the potential of bringing about the positive effects for states and individuals. *Orderly* in this sense equalizes authorized movements, movements that comply with laws and regulations in all its different stages.[84] On the one hand, irregular migration is a constant reminder of the lack of state capacity whereas with orderly movement this is not a problem. Also, it is orderly migration that can be managed, i.e. can be adapted to social, developmental or labor market requirements and so on. To achieve orderly movements is thus a precondition for subsequent maximization strategies. From a human rights perspective, it seems beyond doubt that orderly and authorized movement is preferable for the individual migrant. Combating trafficking in people for the purposes of slavery, sexual exploitation and so on is certainly imperative. For individual migrants, authorized movement probably decreases the risk of exploitation from both smugglers and employers. Irregular movement is not only seen as threatening state sovereignty but threatening the migrants themselves.

Finally, migration management is comprehensive in that it calls for cooperation among a larger range of actors. In international law, states have the sovereign right to decide whom to admit into its territory, with very few restrictions (mostly concerning refugees). In migration management proposals this right is thoroughly respected. But the complexities of contemporary migration call for increased cooperation with various actors – for example IGOs, NGOs and the private sector – at national, regional and global levels.[85] Most importantly, however, there are invariably calls for increased inter-state cooperation on migration. The transnational character of migratory movements, the effort of broadening migration policy to cover all stages in the

82 Kristof Tamas, Mapping Study of International Migration, Stockholm 2003, p. 37.

83 IOM, Essentials of Migration Management, vol. 1, p. 3.

84 IOM, Glossary.

85 The Berne Initiative, International Agenda, p. 28.

migratory process, along with the general efforts for achieving orderly migration makes cooperation between states appear necessary in order to bring about the positive potentials of migration.

> »*Given the internationalization of migration, national migration strategies developed in isolation are unlikely to result in effective migration management. Thus, a* sine qua non *for migration management is inter-State cooperation.*«[86]

Enhancing international cooperation, particularly in the form of multilateralism, is a cornerstone in the recommendations of the GCIM, the Berne Initiative, the Hague Process and the IOM. According to the Berne Initiative, it is a »common understanding« that »[a]ll States share a common interest in strengthening cooperation on international migration in order to maximize benefits.«[87]

To summarize this necessarily brief overview, global migration management initiatives understand migration as a normal and potentially positive feature of world affairs. The goal of migration policy can thus no longer be to prevent migration but to *optimize* it, by addressing and *managing* it in a more comprehensive manner – importantly through inter-state cooperation and multilateralism. In general, there is also emphasis on human rights in these documents.[88] The GCIM, for instance, calls on states to protect the human rights of everybody on their territory and to use the UN human rights instruments more effectively.[89]

Manageable but Beyond Control?

As we have seen, the notion of migration management recognizes that migration is an inevitable reality, which states have to deal with in the best possible ways. Then, in the first instance, management becomes a question of *handling* a situation that is experienced as uncontrollable. Simultaneously, though, the term suggests that although migration cannot be turned on and off at the borders as one pleases, there is still a whole lot that can be done about it. Acknowledging the permanent and (potentially) positive character of migration, the objective becomes one of steering and guiding it so as to maximize its positive effects at the same time as its negative consequences are avoided.[90] There is a clear belief in the potential capacity of migration policy to bring

86 International Organization for Migration (IOM), Eighty-Forth Session of the IOM Council. Elements of a Comprehensive Migration Management Approach, Geneva 2002, p. 3.

87 The Berne Initiative, International Agenda, p. 23.

88 UNDP, Human Development Report.

89 GCIM, Interconnected World, ch. V.

90 Massey/Taylor, Back to the Future, p. 387.

about the desired goals, which gives the notion of migration management a »technocratic ring.«[91] Surely, the flaws and inadequacies of current policy and implementation measures are acknowledged; improving the handling of migration is the whole point. But there is a great confidence that *if* the knowledge about migration is increased by the collection and dissemination of timely and accurate data, *if* migration officials get more professional training, *if* national administrative capacity is enhanced by increased resources and expertise, and *if* inter-state cooperation is promoted… *then*, migration policy can be used as an effective tool with which to capitalize on the opportunities presented by the constant of human movement. The faith in the capacity of migration policy thus indicates that migration is something that can (and must) in fact be brought under control.[92] This may seem a bit paradoxical, as the conceptualization of migration as permanent and normal betrayed the acknowledgement that it is now beyond the control of states. If management is put forward as a realistic alternative to control *because* control is no longer possible, yet management itself seems to equalize control – then what does management really mean, and how are we to understand the relation between the terms?

A dictionary throws some light on the issue by exposing the multiple meanings of the terms.[93] A first possibility of understanding the apparent contradiction is that control is given up only in the sense of *preventing* or *restraining* and not in the sense of »exercising authoritative or dominating influence over.« This latter meaning coincides with the connotations of management as precisely »exerting control over« and »making submissive to one's authority.« Apart from *handling* (which is possibly the most common association to the term) management is thus actually synonymous to control. If this interpretation is correct, then the rhetorical change from control to management is to be understood as follows: migration can no longer be prevented but it can still come under the effective authority (of states). If the recommended management measures are adopted (approaching migration in a comprehensive way, spanning all stages of the movement, enhancing cooperation and so on), then there is a good chance that the unruly and disorderly phenomenon of migration can indeed become if not restrained then at least disciplined, orderly, submitted again to the authority of the state. In this

91 Jeff Crisp, A New Asylum Paradigm? Globalization, Migration, and the Uncertain Future of the International Refugee Regime, Geneva 2003, p. 14.

92 Lisa Schuster, The Realities of a New Asylum Paradigm, Oxford 2005, p. 17.

93 The meaning of the terms are from The American Heritage Dictionary of the English Language, fourth edition (2000), accessed at http://www.dictionrary.com.

sense, and although it appears on the contrary, migration management signals the quest for *more* rather than less control.[94]

The term migration management may sometimes be used instrumentally in order to create an illusion of control while in reality there is little. When Sabine Hess interviewed staff members of the migration policy think tank International Centre for Migration Policy Development (ICMPD), one of her interviewees said that

> »*[m]anagement pretends that one has migration under control or as if it [were] possible to control it, and as if this is only a matter of technique and how to make it more efficient. And this, I doubt quite a lot.*«[95]

Continuing, he admitted the tactical use of the term: »For the public it seems to be good to use this term in order to show that the government has migration under control.«[96]

Irregular migration seems to epitomize the lack of control. In a way, this form of movement could be interpreted as an act of resistance to states' claims to exclusive authority over territory and regulation over movement. The point is not to romanticize the situation in which irregular migrants find themselves, but to grasp the challenge that this kind of movement poses for states. Néstor Rodriguez argues that irregular or autonomous migration holds an enormous transformative capacity. The strategies and process whereby workers, families and transnational communities organize movement »decentres the state as the regulator of human movements across international boundaries.« Therefore, irregular migrants are not just docile victims, but historical actors since they participate in reconfiguring state power. In Rodriguez' analysis there is a constantly ongoing battle for the border between autonomous migrants and their transnational communities, on the one hand, and state authorities striving to halt the »worker-led transnational socio-spatial reconfiguration«[97], on the other. Sandro Mezzadra similarly emphasizes the autonomous agency of irregular migrants. He also suggests that migration control actually tends to follow the migrants rather than the other way around. That is, rather than first establishing a control system to which migratory movements adapt, the governments' control system itself tends to adapt to the routes established by migrants: »In a certain sense, the

94 Jean Grugel/Nicola Piper, Critical Perspectives on Global Governance: Rights and Regulation in Governing Regimes, London 2007, p. 44.

95 Sabine Hess, We Are Facilitating States! An Ethnographic Analysis of the ICMPD, in: Geiger/Pécoud (eds.), The Politics of International Migration Management, pp. 103f.

96 Ibid.

97 Néstor Rodriguez, The Battle for the Border. Notes on Autonomous Migration, Transnational Communities and the State, in: Social Justice, 23. 1996, pp. 21–37, here p. 23.

migrants are in control, since their movements establish this geographical route, relegating the exclusionary measures to the status of a mere response.«[98] From this perspective, the goal of migration management appears in a somewhat different light. The concern about irregular migration provides a major impetus for international cooperation, and it is also at the center of the global migration management initiatives' preoccupation with order. Thus, the discourse could be interpreted as a massive quest for order in an area of human activity that has developed far beyond the effective regulation of states.

The question is whether achieving orderly movement of people really is attainable. If human movements are of such a character today that they cannot actually be prevented, then what makes them likely to be manageable? Even if channels for regular migration are opened to a greater degree than at present, even if some efforts were made to increase well-being in the states of origin, even if greater coherence is achieved at the national level and multilateral cooperation strengthened and so on – wouldn't we still be in the same situation as regards the difficulties in controlling migration? It would seem as if the same reasons that make migration impossible to be prevented also today make it impossible to be managed, even if a greater degree of openness is introduced into the system. For the foreseeable future, world disparities would still be there, as would the global economic and cultural interconnectedness, and the inventiveness of the various migrant-exporting schemes and the smuggling industry to circumvent governmental restrictions would not be likely to weaken just because the restrictions are of a somewhat different character. Moreover, perhaps the most important question concerns whether there is anything in this world of orderly migration that would increase people's sense of loyalty towards its regulations. Just like any regulatory system ultimately depends on the majority's voluntary compliance, isn't the long-term survival of states' actual power to control movement conditioned by whether or not people at large respect this authority? Here, it is important to realize that whereas people enjoying comfortable lives in developed countries may tend to have a positive view of the state and the law, this experience is far from universal. The majority of the world population still lives under corrupt and inefficient regimes and may experience the state as something which has to be overcome, something you have to survive despite of rather than as a benefactor whose rules you willingly follow. Then migration regulation is only another restraint to be overcome, as part of one's survival strategy.[99]

98 Sandro Mezzadra/Brett Neilson, Né Qui, Né Altrove. Migration, Detention, Desertion. A Dialogue, in: borderlands e-journal, 2. 2003, no. 1, http://www.borderlands.net.au/vol2no1_2003/mezzadra_neilson.html.

99 Castles, Why Migration Policies Fail, p. 209.

It is against this background that we should understand the governing role of information campaigns. As part of its recommendations to fight irregular migration, the GCIM recommended the use of information campaigns for »providing prospective migrants with a better understanding of the risks entailed in irregular migration.«[100] The IOM is actively directing such campaigns at the populations in origin areas. As Antoine Pécoud has noted, this policy practice aims to work on individuals' self-control. It therefore complements the tougher border control measures that have so far not succeeded in halting irregular migration:

> *»[I]nformation campaigns hope to achieve the only goal that would ensure the success of migration control: the adherence of those primarily concerned – the migrants – to the objectives of Western governments.«*[101]

Such campaigns are fighting an uphill battle. In one of the rare empirical studies on irregular migrants' own perceptions concerning their breach of migration law, David Kyle and Christina Siracusa's findings seem to support this hypothesis. The prevailing attitude among the interviewed Ecuadorians in Spain was *not* to regard their illegal status as a crime – instead, these migrants considered their illegality defendable on the basis of both current and historical injustices.[102] Another interview-based investigation similarly demonstrates that irregular migrants often make use of existing ways of argumentation to defend their irregular movement. Their arguments tend to fall into one of two main categories. Some base their argumentation on the fact that businesses move freely across the world. Wanting to be given the same opportunities, this category presents itself along the lines of the neoliberal idea of the free, entrepreneurial, economic actor. Others, however, tend to present themselves as collective actors and motivate their movement by social justice arguments. In their opinion, migratory movements are required for the transnational distribution of resources. Neither group considers state regulation legitimate.[103] Adding failing legitimacy to the other factors, there

100 GCIM, Interconnected World, p. 35.

101 Antoine Pécoud, Informing Migrants to Manage Migration? An Analysis of IOM's Information Campaign, in: Geiger/Pécoud (eds.), The Politics of International Migration Management, p. 197.

102 David Kyle/Christina A. Siracusa, Seeing the State Like a Migrant. Why So Many Non-criminals Break Immigration Laws, in: Willem van Schendel/Itty Abraham (eds.), Illicit Flows and Criminal Things. States, Borders, and the Other Side of Globalization, Bloomington 2005, pp. 153–176.

103 Franck Düvell, Implicit and Explicit Concepts of Justice in Irregular Immigration, in: idem (ed.), Illegal Immigration in Europe. Beyond Control?, Basingstoke 2006, pp. 212–214.

are definitely some formidable hindrances for ›international migration managers‹ to achieve orderly movements.[104]

There is something very ambiguous in the assertion that migration is at the same time impossible to prevent and yet possible to manage. On the one hand, *if* we really are capable of developing all the administrative tools, the technical means for surveillance, the police capacities, and the cooperative structures to really make migration orderly – then, shouldn't we also be able to totally prevent migration in case we want to? On the other hand, considering what migration policy is up against, it seems that anything short of a serious redistribution of world wealth, along with reformed political systems and administrative cultures in a majority of the world's poor countries would have poor chances to succeed.

Conclusions

Migration management is often understood as a middle way between repressive control measures and open borders.[105] Migration is recognized as something potentially positive, and various global migration management actors are advocating the opening-up of regular channels for labor migration. In its most important recommendation[106], the GCIM encourages the elaboration of temporary labor migration programs.[107] Such a measure would promote world growth by achieving a better match between the supply and demand for labor; it would help developed countries in meeting their demographic challenges and labor market scarcities and it would enhance development in sending countries. Furthermore, it would provide the individual worker with a secure legal status. It is also hoped to decrease irregular migration, since this type of movement often arises as a response to labor demands.[108] The guest worker recommendation illustrates how migration is approached as something that can be influenced and maximized to the benefit of everyone involved. Then, what does it teach us about mobility rights? Clearly, the low skilled of the South would be endowed with greater access to mobility, were regular labor migration opportunities to be expanded. Maybe guest worker programs, that limit workers' rights situation in important ways, can be criti-

104 Ronaldo Munck, Globalization, Governance and Migration: An Introduction, in: Third World Quarterly, 29. 2008, pp. 1227–1246, here p. 1232.

105 Massey/Taylor, Back to the Future, p. 387.

106 Martin/Martin, A New Global Migration Facility.

107 As regards these programs see the contributions of Victor Piché and Hideki Tarumoto in this volume.

108 GCIM, Interconnected World, p. 37.

cized on the account of only offering the status of »live-in servants«[109] to its beneficiaries. But in terms of mobility, this might still be an upgrade from the role of immobilized ›serfs‹ of the system; »…tied forever to the soil on which they were born.«[110] However, considering the terms for this increased mobility, it should be noted that it is still very much predicated on preserving the ties to the homeland: In contrast to the Northern migrant, the Southern migrant travels as an agent of development for his or her home country as well as a labor market asset for the receiving state, rather than in his or her individual capacity. Reinforcing national belonging and loyalty thus becomes instrumental for the maximization exercise in question. Whether this is to be seen as a problem or not depends on one's stance on mobility rights. If migration is primarily thought of as something that can and should be used in order to achieve other goals (development, global equality, labor market efficiency or the like), then this does not have to be problematic. If on the other hand one considers mobility as a human right, closely connected to personal autonomy, then state-managed migration appears in another light.

As we have seen, global migration management can be considered an effort to bring disorderly human movement back under the authority of states. This does not necessarily have to be restrictive – in fact, arguing for orderly movement in a context where movement itself is understood as inevitable amounts to arguing for more regular migration opportunities, as exemplified by the guest worker recommendation. But the relatively greater openness is still an openness guided and managed by states, that in new and inventive ways seek to preserve the monopoly of the »legitimate means of movement«[111] in a context transformed by globalization. Hence, migration management should not be misinterpreted as free movement. In fact, if at all possible, achieving orderly migration would seem to require a heavily bureaucratized system of governance. Moreover, the aim of putting an end to irregular movement often translates into cutting off spontaneous or supply-based migration, replacing it with demand-based movements.[112] This implies a larger emphasis on the selection of migrants: movement is not accessed freely but instead granted on the basis of (most importantly) labor market

109 Michael Walzer, Spheres of Justice. A Defense of Pluralism and Equality, New York 1983, p. 52.

110 Harris, Thinking the Unthinkable, p. 6.

111 John Torpey, The Invention of the Passport. Surveillance, Citizenship and the State, Cambridge 2000.

112 Cf. Thomas Straubhaar, Why do we Need a General Agreement on the Movements of People (GAMP)?, in: Bimal Ghosh (ed.), Managing Migration – Time for a New International Regime?, Oxford 2000; Robert Holzmann/Rainer Münz, Challenges and Opportunities of International Migration for the EU, Its Member States, Neighbouring Countries and Regions. A Policy Note, Stockholm 2004.

demands, which signifies a larger degree of »national manpower planning«[113] through picking-and-choosing of migrants.

The mobility rights resulting from global migration management will certainly depend on the more precise elaboration of programs to control and facilitate human movement, as well as on the cooperative structures developed. Or, perhaps one should say that it *might* – as was discussed above, the capacity of states to actually bring human movement under their authority remains to be proven. Apart from problems concerning implementation, the governance of migration requires a highly flexible conceptual basis that evolves at least as fast as actual population movements.[114] At a more metapolitical level, Zygmunt Bauman claims that the overriding goal of order is a typically modern concern, which always entails the imposition of an artificial structure onto the world. Therefore, all efforts aiming at order simultaneously and invariably produce also ambivalence and disorder – which again makes us feel that our categories and practices are insufficiently precise and we call out once more for a better order.[115] Relating to the issue at hand, this suggests that human movement might be ultimately impossible or at least very difficult to manage.

113 Munck, Globalization, Governance and Migration, p. 1239.

114 Newland, The Governance of International Migration, p. 17.

115 Zygmunt Bauman, Modernity and Ambivalence, London 1991.

5 Globalization and International Migration Governance

Catherine Wihtol de Wenden

With an estimated 214 million international migrants and 740 million internal migrants in a world of more than 6 billion inhabitants, migration now affects the whole planet and has become a major international issue.[1] Nearly all countries are concerned by human mobility, as sending, receiving or transit states. Categories of economic, political or family migrants are no longer strictly defined, as the same people may change legal or social status several times in the course of their life. Over the last thirty years, the world has entered a second major wave of migration, after the first that took place between 1880 and 1920. In recent decades, globalization has facilitated mobility while lessening its costs; it has also diffused the way of life in rich countries via the media, encouraged the transfer of remittances (more than 300 billion dollars per year) and led to denser, transnational economic, cultural and religious networks. A growing share of the population has shrugged off determinism by refusing to remain in countries they consider poor and futureless.[2]

Mobility is nowadays promoted and celebrated, while international migration (due to the territorial boundedness of nation-states) still is feared and is repressed by receiving nations. People who move have overall fewer rights than those who are sedentary. A hierarchy of the right (and access) to cross-border mobility and migration is emerging, according to education, skills, resources, information, transnational networks or areas of origin. Those most favored can circulate, but the lesser endowed must do with the birthplace given to them by chance, or resort to irregular immigration net-

1 United Nations (UN), Trends in Total Migrant Stock. The 2008 Revision, New York 2009; United Nations Development Programme (UNDP), Human Development Report 2009. Overcoming Barriers. Human Mobility and Development, New York 2009, p. 1.

2 Stephen Castles/Mark J. Miller, The Age of Migration. International Population Movements in the Modern World, New York 2009; Global Commission on International Migration (GCIM), Migration in an Interconnected World. New Directions for Action. Report of the Global Commission on International Migration, New York/Geneva 2005, p. 1; Catherine Wihtol de Wenden, La Globalisation Humaine, Paris 2009.

works. The democratization of border crossing is not yet on the agenda in a world where everything circulates more and more freely, except people.[3]

International migration is particularly intense along the main economic, demographic, political, geographical, cultural and environmental fault lines of the world. The Mediterranean, the border between Mexico and the US, or between Russia and China, the boundaries of the new Europe and a few other points on the globe have become sites of passage, despite their dangers. Former countries of departure have become countries of destination: this is the case for southern Europe and, today, for Mexico, Morocco and Turkey, which also remain countries of departure and transit. Former host nations have become countries of departure, e.g. Argentina, Brazil, Uruguay and Chile whose citizens of Japanese, Spanish or Italian origin tend to some extent to return to their homeland. In South-East Asia, certain states are countries of either departure or destination according to the fluctuation of economic situations: this is the case for Thailand and Malaysia, while others are either one (India, China, Pakistan, the Philippines and Indonesia) or the other (Japan, Taiwan, Singapore, Hong Kong, South Korea and Australia).[4] Such movements suggest regional migratory systems formed by complementary economic and demographic positions and transnational proximity (whether historical, linguistic, geographic or cultural), where most migration originates in the same region rather than elsewhere. North and South America, Europe and sub-Equatorial Africa, the Russian world, the Arab world and South-East Asia constitute regional migration systems of this sort.[5] These complex political, economic and social constellations or migratory contexts have direct, sometimes deadly, effects on migrants and their livelihoods. Economic migrants and asylum seekers, on the other hand, have become international players in their own right, trying to realize their migratory projects despite state efforts to limit resp. to block their migration and settlement. Labor shortages in qualified and unqualified sectors in regions characterized by aging and declining populations (Europe, Russia and Japan) and in the context of a general surplus of young people/workers in other (often neighboring) regions (e.g. Maghreb and the Arab world more generally, Africa and

3 James F. Hollifield, The Emerging Migration State, in: International Migration Review, 38. 2004, no. 3, pp. 885–912, here p. 885; Catherine Wihtol de Wenden, The Frontiers of Mobility, in: Antoine Pécoud/Paul de Guchteneire (eds.), Migration without Borders. Essays on the Free Movement of People, Oxford/New York 2007, pp. 51–64; Catherine Wihtol de Wenden, Introduction. The Migration without Borders Scenario, in: ibid., pp. 1–30.

4 International Organization for Migration (IOM), World Migration Report 2010. The Future of Migration. Building Capacities for Change, Geneva 2010, pp. 111–234; Castles/Miller, The Age of Migration.

5 Wihtol de Wenden, La Globalisation Humaine.

Latin America) have led to work-related immigration starting anew in regions like Europe which thought, thirty years ago, that migration had come to a close. Planetary environmental upheavals (climate warming, drought, soil deterioration, natural catastrophes) and political crises also bring about new population movements.

Migration is one of the main factors of transformation of the world in which we live. It is also a consequence since, in a world moving over ever greater distance, it maintains complex relations with the mutation of societies and economies, which are interdependent in many ways. A lot of world regions which have entered a transitional phase have become regions of migration and are experiencing rapid urban development, education and upheaval. Migration accelerates the development of the population who remains at home and is thus better educated, attain a higher level of wellbeing and refuse fate. However development also accelerates migration, by virtue of the resulting rural exodus, urban growth and information flow. There is no alternative to migration, because departing populations are involved in a process of mobility which is self-maintained by the transfer of funds, in most cases these funds are several times higher than official development assistance (ODA) provided to so-called developing countries – It is in this context that the United Nations (UN) and the international community are trying to elaborate new mechanisms to govern migration. The governance of migration (regardless if on a global, regional or national level) is a complex, multifaceted and difficult endeavor[6] and this chapter, after a short historical overview, addresses specifically the role and contribution of the Global Forum on Migration and Development (GFMD).[7]

A Short History of World Migration Governance

The starting point of the project to build a world regime or governance system for migration can be traced back to the 1990s[8]: A consensus took also shape within the framework of the 1994 Cairo International Conference on Population and Development (ICPD), which mentioned migration as a major world issue for the first time: the idea was born of applying the principles of international rules to migration. In 1990, the United Nations (UN) had already prepared the Convention on the Rights of Migrant Workers, intended

6 Alexander Betts, Introduction. Global Migration Governance, in: idem (ed.), Global Migration Governance, Oxford 2011, pp. 1–33; Martin Geiger/Antoine Pécoud, The Politics of International Migration Management, in: idem (eds.), The Politics of International Migration Management, Basingstoke 2010, pp. 1–20.

7 See the contribution of Sara Kalm in this volume.

8 See the contribution of Bimal Ghosh in this volume.

for worldwide use, to set the basic minimum rights needing recognition.[9] It also referred to the 1948 Universal Declaration of Human Rights and its assertion of *the right to emigrate* as a universal principal. In 2003, Kofi Annan took up the idea that global governance principles should be applied to migration, placing them at the heart of a process of multilateral decisions that he had advocated on other occasions. A group of experts, the Geneva Migration Group, brought together several international organizations in Geneva in 2004 with the IOM, the UNHCR and the ILO at the core, in order not to leave host states with a monopoly on migration management. In 2005, the Geneva Migration Group became the Global Migration Group (GMG) with ten core international organizations. Its aim was to put forward governance models involving players other than the host states alone. In the same year, an international expert panel – known as the Global Commission on International Migration (GCIM; initiated by UN Secretary-General Kofi Annan) – presented its final report and gave recommendations how to govern migration and to reform existing practices and organizations dealing with migratory movements.[10] One year later, the United Nations subsequently organized the so-called High-Level Dialogue on Migration and Development: On that occasion, the 140 members of the United Nations who met in New York in 2006 stressed the global character of international migration and the link between migration and development; it was affirmed that international migration constitutes a growing phenomenon, both in scope and complexity, affecting virtually all the countries in the world. World leaders agreed that international migration could be a positive force for development in both countries of origin and countries of destination, provided that it was supported by the right set of policies. The need emerged for greater political coherence between migration and development, a cooperative, multilateral approach for understanding the global impact of migration and development through sharing best practice, exploring innovative approaches and jointly involving governments and other players. The aim was to integrate migration into development policies by using the transfer of funds, encouraging temporary circulatory migration, promoting co-development initiatives, aiding return and re-assimilation in the country of origin and taking into account labor needs, the respect of migrant rights, informal markets, the role played by member states, civil society, the diasporas, the private sector and

9 Antoine Pécoud/Paul de Guchteneire, Introduction. The UN Convention on Migrant Workers' Rights, in: idem/Ryszard Cholewinski (eds.), Migration and Human Rights. The United Nations Convention on Migrant Workers' Rights, Cambridge 2009, pp. 1–45.

10 Global Commission on International Migration (GCIM), Migration in an Interconnected World. New Directions for Action. Report of the Global Commission on International Migration, New York/Geneva 2005.

unions. The topic of security was also present: the fight against smuggling and trafficking in workers/human beings and black-market goods, the prevention of workers' and migrants' exploitation, the protection of women and children, public security and human safety and the technical requirements of countries of origin regarding migration policies are also mentioned. In this context it is important to point out that until 2006 no important event at the UN headquarters had been organized that was devoted exclusively to the close relations between international migration and development. The High-Level Dialogue however showed that constructive debate and world consultation on such subjects was possible.

During the meetings of this dialogue, the Secretary-General Kofi Annan launched the idea of a new Global Forum on Migration and Development (GFMD).[11] The GFMD was created as a broad, open and transparent forum for the discussion of questions linked to migration and development in an informal, non-restrictive, voluntary context. It is led and organized by governments of countries of departure and host nations as well as civil society. It exists outside the UN system and does not produce negotiated texts or ideological decisions. The working mechanism of GFMD is explicitly multilateral, the forum brings countries of origin, transit and destination together around the same table, whatever their stage of economic, social or political development, through representation by the political leaders of a broad range of government agencies, including Ministries and Departments of immigration, development, employment, foreign affairs, gender equality, internal affairs, justice, integration and immigration. The GFMD is also based on the knowledge and experience of international organizations, regional organizations, NGOs, unions, the private sector and migrant associations, experts and associations for the defense of human rights. It is not part of the United Nations system, but is open to all UN member states. The link with the United Nations is ensured by the attendance of the Secretary-General at the annual meetings of the GFMD and the support provided by the Special Representative of the Secretary-General and the Global Migration Group (GMG) to the President in office of the GFMD. The Forum offers a platform for sharing experience, innovation and good practice in order to encourage synergies and reinforce cooperation between migration and development policy at national and international level using a cross-sectoral approach to issues and players. The so-called civil society days of the GFMD, which offer a forum for representatives (NGOs, migrant associations, diaspora organizations, unions and employers, local government areas), are held prior to the intergovernmental Forum with a multi-player governance helping define shared goals. An interface with governments is anticipated.

11 See the GFMD Website: http://www.gfmd.org.

The current flaws in the management of international migration[12] clearly result from a perspective focussing too exclusively on security along with short-term management and hypocrisy faced with the failure to recognize a labor-market reality.[13] They are related to breaches of human rights, poor usage of mobility as an opportunity for host countries and countries of origin as well as for the migrants themselves, and policies aimed mainly at satisfying public opinion.

The Global Forum on Migration and Development (GFMD) and its Meetings in Brussels, Manila, Athens and Puerto Vallarta

The first GFMD meeting was organized by the Belgian government. It took place in Brussels on 9–11 July, 2007 with the participation of representatives of 156 UN member states.[14] The meeting focussed essentially on the development of human capital and worker mobility, the transfer of funds and skills, the role of diasporas, institutional political coherence and partnerships. Cross-sectoral issues, such as the fundamental causes of migration, human rights and gender issues were also debated. The opportunities offered by the Brussels Forum had several positive outcomes. The issue of migration left the bilateral inter-state domain for a global platform; it was no longer limited solely to issues of security and territory control, while the preparation of the positions of member states led to consultations at national level. Migration governance became a topic to be discussed by states and NGOs and civil-society representatives.[15]

The dialogue continued at the second meeting of the GFMD in Manila[16] (29–30 October, 2008) on the main theme of ›Protecting and Empowering Migrants for Development‹, which emphasized the human dimension of migration in a debate which, often, dealt only with the political state concerns and the economic arguments for migration and development. The two priorities of *protecting* and *empowering* formed the basis of the Forum's discussion and the central themes of an ad hoc working group run by the Philippines and the United Arab Emirates. The importance of data (to be made available for

12 See most of the other contributions in this volume.

13 Khalid Koser, Introduction. International Migration and Global Governance, in: Global Governance, 16. 2010, no. 3, pp. 301–315.

14 See the GFMD Website: http://www.gfmd.org.

15 Romeo Matsas, The Global Forum on Migration and Development. A New Path for Global Governance? (Paper presented at the ACUNS Annual Meeting, 5–7 June), Bonn 2008.

16 See the GFMD Website: http://www.gfmd.org.

comparison and accessible to political decision-makers) was emphasized for developing policies founded on conclusive evidence as well as enriching public debate. The decision was made in Manila to create a working group led by Morocco and Switzerland on ›Policy Coherence, Data and Research‹ to make progress in these areas. Recommendations were made for carrying out several studies and a compilation of good practice, pilot programs and policy evaluations. The Manila Forum thus marked a new stage in international discussions on migration and development. It was the first truly global meeting on the subject for the Philippines and Asia as a whole.

The following Athens Forum (2–5 November, 2009) dealt again with the complex relation between migration and development. The main theme ›Integrating Migration Policies into Development Strategies for the Benefit of All‹ was defined to increase awareness of the need to link migration more closely to development in view of the UN Millennium Development Goals (MDGs).[17] The first MDG, the fight to end poverty, is of capital importance in relation to migration. Although the issue of migration is not cited formally in the MDGs, it is closely linked to their realization. It is assumed that labor migration can contribute to eliminating poverty, achieving gender equality, improving health and establishing world partnerships. In this context, migration can be considered a key element in human development. It can be integrated into national development strategies although it is not a substitute for global and coherent public policies. The choice to incorporate migration into development planning is based on the shared conviction that policies can contribute to a positive relation between migration and development by organizing migration and its consequences while taking priorities in terms of development into consideration. Migration policies and those related to the fight to end poverty in developed countries need to set goals for immigration planning and legislation in close collaboration with countries of origin.

The Athens Forum relied on certain conclusions drawn in the 2009 United Nations Development Programme's (UNDP) ›Human Development Report‹[18], according to which the national and international initiatives in favor of development should improve human development by raising living standards and expanding freedom and the choice to stay or leave. The goal is to make migration not just a survival strategy but a *choice*. According to the Human Development Report, migrants need to be considered as active participants in development and policy relating to migration; consequently development planning and migration policy should be designed in order to

17 See the UN Website concerning the Millennium Development Goals: http://www.un.org/millenniumgoals; GFMD Website: http://www.gfmd.org.

18 United Nations Development Programme (UNDP), Human Development Report 2009.

benefit migrants and the countries of origin and destination. However, the win-win-win model on which the hypothesis of a global public good is based is far from being realized. The Athens Forum also enabled discussion of inter-regional initiatives and regional forums, such as the Euro-African Conference on Migration and Development, the South-American Conference on Migration, Development and Human Rights, the Bali Process on People Smuggling, Trafficking in Persons and Related International Crimes, the Regional Conference on Migration (Puebla Process) and the Bangkok Meeting involving all the heads of these regional consultation processes (RCPs[19]). Although not all RCPs are concerned with the issue of development and give priority instead to managing regional migration movement, the participants agreed on the mutual reinforcement of the GFMD and the Interregional Forums and certain RCPs, and on the fact that the Forum's discussions of migration and development can deliver a considerable contribution to regional processes and interregional Forums. Issues linked to diasporas, brain drain and transfers of funds were also discussed in terms of their contribution to development.

The last round of the GFMD took place in Puerto Vallarta (Mexico; 8–11 November, 2010) and was entitled ›Partnerships For Migration and Development: Shared Prosperity – Shared Responsibility‹.[20] The participants of this fourth forum included representatives from 131 countries and 400 delegates and observers. Attention was paid to partnerships for better protected and regulated migration, joint strategies for understanding illegal migration, links between mobility and human development as well as policies and institutional coherence, in order to tackle the relation between migration and development. Shared responsibility in a partnership context is crucial for developing government thinking and enabling policies to function better: multi-player partnerships (governments, civil society, public and private sectors, migrants) are a key tool enabling migration and development to be managed in a global, balanced way. Mexico estimated that the promotion and reinforcement of partnerships between countries of origin, transit and destination could facilitate a global, balanced approach to international migration and development. The experience of non-governmental players in these two fields has also been recognized by governments, as the reinforcement of

19 RCP-Definition according to IOM: »Non-binding consultative fora, bringing representatives of states and international organizations together at the regional level to discuss migration issues in a cooperative manner. Some regional consultative processes (RCPs) also allow the participation of other stakeholders (e.g. NGO or other civil society representatives)«, see International Organization for Migration (IOM), World Migration 2008, Geneva 2009, p. 497. Examples of RCPs include the Budapest Process for South-Eastern Europe or the Puebla Process in North and Middle America.

20 See the GFMD Website: http://www.gfmd.org.

partnerships with all parties enables the creation of a consensus on shared responsibility while contributing to designing global approaches.

In Puerto Vallarta, several new ideas came to light, e.g. the strong reference made, and importance attached to *partnership* and *shared sovereignty* that previously did not play a role in the forums of the GFMD. Now, a new round table 1 (›Partnerships for More Regular and Protected Migration‹) was established, while the two other round tables respectively dealt with (2) ›Labor Mobility and Human Development‹, and (3) ›Policy and Institutional Coherence to Address the Relation between Migration and Development.‹[21] In round table 1, the General Rapporteur insisted on the need to encourage legal migration with respect for human rights and to make greater use of the benefits of migration on development. *Brain drain* and the transformation from *brain drain* into *brain gain* marked one of the corner stones of the debate. Furthermore, the necessities of avoiding the criminalization of illegal migration were stressed and of considering migrant/migration legalization as a source of positive impacts; states were called to work together on return and reinsertion policies and to develop a common approach to illegal migration in shared bilateral and multilateral strategies between host nations and countries of departure and transit. The call to develop regional migration systems, more immigration networks notably for migrants with few skills, mechanisms for fighting prejudice, promoting human rights and access to citizenship for circular migration and protecting the most vulnerable groups (women, lone minors) was heard repeatedly during the roundtable.

The emphasis placed on development in its broadest sense was central to the meeting in Puerta Vallarta; more general discussion on the labor market and the purely economic effects of migration aimed at fuelling the issues of the human development of migrants and their contribution to the development of host nations and countries of origin. Integrating the so-called *human development perspective* into the forum offers an additional opportunity to discuss broader issues like health, education, training, gender issues and human rights that are closely intertwined with migration. The impact of climate change on migration was mostly taken into consideration in the context of development. To reinforce this, the meeting in Mexico aimed to go beyond the exchange of good practice and experience. One of the central aims for the future lies in translating all these ideas, recommendations and conclusions into public policy.

21 Ibid.

The Future of the GFMD

The Presidency of the Forum was to be assured until 2012 by Spain and Morocco, who both volunteered to host the GFMD for the next two years, but then declined the offer; a smaller forum took place in Geneva in December 2011, under the leadership of Switzerland, with civil society activities coordinated by the International Catholic Migration Committee (ICMC). In view of the High-Level Dialogue on Migration and Development of the UN General Assembly planned for 2013, the projected Geneva Forum forms the venue for a discussion concerning the future of the GFMD and (potential) GFMD meetings in 2012 and 2013. Against the background of the uncertain future of the forums, the whole GMFD process, its impact on policies and its broader framework for reflection should be a matter for appropriate evaluation by the participating countries at the end of this current cycle. Over the last four years, the GFMD forums built a new, concrete approach in the global debate on migration; the link between migration and development can now no longer be ignored. The forum marked the beginning of a new global process, designed to improve the positive effect of migration on development (and inversely) by adopting a more coherent approach with new tools and better practices, through the exchange of practices and innovative methods and, lastly, establishing cooperative links between the different players. As an i*ncubator of migration governance*, the GFMD did not (and probably won't do this in the future) lead to negotiated results – the success of the GFMD lies in putting forward recommendations and evaluations for action to governments; however, the shortage or indeed non-existence of reports on the results of the four preceding forums gives the impression of going backwards on certain points and leads to a lack of method for moving forward in developing policies linking migration to development. The themes tackled during the Forum are very numerous and the global approach sometimes stands in the way of developing a detailed analysis taking the diversity of migrant itineraries into account. In addition, the rotating Presidency often leads to confusion and deviation. To fulfil its role correctly, the GFMD should move forward in three directions[22]:

- reinforcing research: although basic data is sometimes incomplete, there is a welcome increase of abundant, informative scholarly material, but it remains insufficient, as does the definition of pertinent research areas for decision makers. Improving basic data on migrant characteristics and their reasons for migration forms a priority, along with gender specificity. Basic data collection on conditions and activities of diaspora members as well as

22 Bertrand Badie et al., Pour un autre Regard sur les Migrations. Construire une Gouvernance Mondiale, Paris 2008.

on remittances is also considered essential. A better understanding of the impacts of migration on development is also needed, as well as of development on migration, the effects policy has on migration flows and, in general, the impacts of migration and development;
- developing better synergy between inter-governmental organizations, as much for making use of their work as for their operational dimension in the recommendations of the GFMD; 16 IGOs form the GMG;
- reinforcing consultation with non-governmental players. Multilateral cooperation now seems absolutely indispensable. The GFMD process, in showing the limits of a purely national approach to issues related to migration, encourages governments to view migration and development issues globally within a multilateral framework.

Despite the reference to partnership and the promotion of bilateralism and multilateralism, the sovereignty of each member state is safeguarded along with the right to decide on its migration policies. The GFMD is a consultative, inter-governmental process open to all UN member states; it is voluntary, non-binding, informal and led by member states. In this respect, it seems difficult to reconcile this assertion of sovereignty with the will to form a sort of ›Bretton Woods Agreement‹ for migration to define an international mobility policy.

Some perceive the process pursued by the Forum as a ›smokescreen‹ dominated by inter-governmental agreements which are merely the unspoken ›back door‹ of migration policies, or an opportunity offered to institutions like the International Organization for Migration (IOM) or the UN High Commissioner for Refugees (UNHCR) to increase their funding and broaden their agenda.[23] Nevertheless, several policy breakthroughs were made and found entry into the 2010 Forum agenda: (1) the need for not just a global approach but a bilateral and regional one and greater policy coherence between North and South, as well as the (2) inclusion of illegal immigration, women and migration, (3) evaluative policies based on ›good practice‹, (4) improvement in data collection and the (5) impact of climate change on migration (and migration & development).[24]

Pursuing multilateralism as a mode of global migration governance is a way forward. The wide range of players who are involved and are participating in the Forum meetings characterizes this new multilateralism. In fact global governance of migration today means reconciling important and typically contradictory goals and interests, such as these of countries of origin and destination, businesses/corporations, unions, churches, IGOs and NGOs,

23 Geiger/Pécoud, The Politics of International Migration Management.

24 International Catholic Migration Commission (ICMC), Connecting the Dots. A Fresh Look at Managing International Migration, Geneva 2009.

migrant and human rights associations and the fears of public opinion. Since the beginning of the Forum, only the coupling with development has made it possible to pursue a more commonly shared goal, thanks to a theme pushed to the fore under Mexican presidency: *partnership*.

From Rhetoric to Practice

6 Migration and Development. A New Policy Paradigm in Germany?

Doris Hilber and Tatjana Baraulina

In this contribution we discuss whether the international migration-development discourse, as one aspect of the broader frame of the migration-management discourse, can be incorporated into German migration policies. Our study analyses, on the one hand, the migration-development-nexus as an issue of political discussion and, on the other hand, the implementation of the discourse by different actors of migration, integration and development policy. In the following, we will first of all outline current policies on migration in Germany and argue that they currently evolve around two main principles: on the one hand, a restrictive entry policy and, on the other, an inclusive integration policy, based on a so-called resource oriented approach. We then will portray the international discourse on migration and development. After that we will analyze how aspects of international migration and development discourse institutionalize themselves in the German context. The analysis is based on 35 semi-structured qualitative interviews with experts representing different institutional actors of the German migration, integration and development policy. We consider two dimensions of institutionalization: (1) the appearance of dominant topics and issues on the discursive political level and (2) the practical implementation of political ideas on the institutional level. We argue that in Germany at least four viewpoints on the nexus between migration and development exist. Up to now, none of them has gained a leading role in the political discourse. The institutional actors are more concerned with defining their view on the migration and development nexus than with implementing concrete policy programs. Thus, the migration and development policy in Germany rarely leaves the discursive political level. However, some aspects of the migration-development discourse seem to have more chances to be implemented. To show different institutionalization paths we will focus on two central topics in the German context: diaspora-cooperation and circular migration.

Diaspora-cooperation is an approach based on the idea of strengthening the agency of migrants with regard to the development of their home countries. This approach has found its way into the portfolio of different state and non-state actors. The circular migration approach postulates that high

international mobility rates as such are beneficial for the development of sending and receiving countries. Different actors show a great deal of interest in this approach. Our analysis shows that the diaspora-cooperation approach nevertheless has more potential to be implemented in the German context. Based on these empirical observations we conclude that the institutionalization of the migration-management discourse proceeds selectively. It depends to a large extent on the chances to place new political ideas within the policy paradigms dominating in the given national context.

Global Discourses and the Question of National Implementation

Since the beginning of the 1990s a new discourse called migration management is gaining importance in the international debate on effective migration policy.[1] Migration management has a more encompassing, pro-active notion compared to the previous concepts of migration control. The notion of migration management was first introduced in 1993 in one of the studies of Bimal Ghosh, initiated by the UN Commission on Global Governance. It was brought in to juxtapose the narrower term of migration control.[2] In the first place it is an issue of international politics. The concept of migration management implies that migration is an issue that can be managed globally. The dominant belief is that effective migration management requires cooperation and input of various political actors and additional support of intergovernmental organizations and civil society actors to develop and supplement migration policies of governments. The notion of migration management also includes partnerships with countries of origin and opportunities for all involved parties – from receiving countries to countries of origin and migrants themselves – to participate in and to benefit from migration management measures. Comprising a wide spectrum of discourses, such as border management, human trafficking as well as irregular migration, it also highlights indirect ›development-friendly‹ effects of migration which is conceptualized in the so-called ›migration-development-nexus‹.[3]

1 See the contribution of Martin Geiger and Antoine Pécoud in this volume.

2 See the contribution of Bimal Ghosh in this volume.

3 Martin Geiger/Antoine Pécoud, The Politics of International Migration Management, in: idem (eds.), The Politics of International Migration Management, Basingstoke 2010, pp. 1–20; Stephen Castles, The Factors that Make and Unmake Migration Policies, in: International Migration Review, 38. 2004, no. 3, pp. 852–884; Sarah Spencer, The Politics of Migration: Managing Opportunity, Conflict and Change, Oxford 2003; Kristof Tamas, Mapping Study on International Migration, Institute for Futures Studies, Stockholm 2004.

The ideas that are summed up within the notions of migration management are only slowly trickling down from the international sphere to national policies. Few international agreements in this policy field have a compulsory character; in most cases national governments can adopt migration management measures on a voluntary basis. Accordingly, the general question is whether international ideas of migration management can influence national migration policies. The international migration and development debate has found different points of entry in different national contexts. While the ›co-development‹ policies in France and Great Britain are well established, the same cannot be said about Germany.[4] Without doubt, the discourse has found its way into the academic as well as public debates.[5] It is, however, less acknowledged by state and non-state actors that are implementing national integration and migration policies. The question is therefore whether the international migration-development discourse can truly be part of German migration policies.[6]

Migration Policy in Germany: The National Policy Paradigm

The legal frame of current migration policies is set by the German immigration law. In the new millennium, the previously applicable Foreigners Act was transformed through the new Immigration Act *(Zuwanderungsgesetz)*,

4 Stephen Castles, Development and Migration or Migration and Development: What Comes First?, in: Asian and Pacific Migration Journal, 18. 2009, no. 4, pp. 441–471; Hein De Haas, Engaging Diasporas. How Governments and Development Agencies Can Support Diaspora Involvement in the Development of Origin Countries (Working Papers, International Migration Institute/IMI), Oxford 2006.

5 Sandra Bröring, Zur Problematik des Entwicklungsbegriffes und seinem Gebrauch in der Migrationsforschung (ForStaR Arbeitspapiere no. 7, Universität Bremen), Bremen 2009; Uwe Hunger, Brain Drain oder Brain Gain: Migration und Entwicklung, in: Dietrich Thränhardt/Uwe Hunger (eds.), Migration im Spannungsfeld von Globalisierung und Nationalstaat (Leviathan Sonderheft), Berlin 2003, pp. 58–76; Dietrich Thränhardt, Entwicklung durch Migration: Ein neuer Forschungsansatz, in: Aus Politik und Zeitgeschichte, 27. 2005, pp. 3–11.

6 The analysis is based on the empirical study *Migration and Development. Actors and Approaches in Germany* carried out by Tatjana Baraulina and Doris Hilber, research associates in the research group of the German Federal Office for Migration and Refugees (German abbreviation: BAMF). This study analyzes the ›migration-development-nexus‹ and its institutionalization within the German context and was carried out in 2009/2010. The views expressed here reflect the views of the authors alone, and do not necessarily reflect the position of the Federal Office for Migration and Refugees.

which was ratified in 2005 and reviewed in 2007.[7] The ›Act to Control and Restrict Immigration and to Regulate the Residence and Integration of EU Citizens and Foreigners‹ clearly outlines the priorities through its title: the two main domains of German migration policy are restrictive entry policies and inclusive integration policies. The entry policies are framed by a paradigm of control; they consist, on the one hand, of highly restrictive measures that aim at selecting migrants according to their economic and professional resources. On the other hand, the entry policies aim to reduce the numbers of non-economic immigrants, mainly refugees and migrants that make use of admission possibilities related to family reunion. In general, migration control measures limit the possibilities for legal entry and aim to control irregular entry to the territory, combined with a stress on return and readmission.[8] At the same time, legally residing migrants are eligible for a wide set of rights: human rights, social rights and welfare benefits as well as equal rights on the labor market.

Germany not only grants rights for legally residing migrants but also offers different integration services. Starting in the 1990s, integration slowly became a topic and is to be seen on the backdrop of Germany's acknowledgement to be a country of immigration. The debate has led to comprehensive integration policies striving to provide migrants with equal opportunities. The scientific debate describes this policy development as a ›political climate-change‹ or rather a paradigmatic turn from the ›deficit approach‹ of the integration policies of the 1970s and 1980s to the ›resource-oriented approach‹ focusing on the agency of migrants.[9] In the framework of the deficit approach migrants were considered as mere objects of integration policy.[10] It was assumed that they have considerable deficits concerning their abilities and qualifications. Deficits were seen, for example, in language difficulties, insufficient professional skills, and cultural otherness. The aim of the integration measures was to compensate for those deficits and to achieve the integration of migrants, especially in the economy and the labor market.

The resource-oriented approach changed the viewpoint on migrants radically. Migrants became subjects – agents of integration with their own,

7 Jan Schneider, Die Organisation der Asyl- und Zuwanderungspolitik in Deutschland (BAMF Working Paper 25/German Federal Office for Migration and Refugees), Nürnberg 2009.

8 Schneider, Die Organisation der Asyl- und Zuwanderungspolitik in Deutschland.

9 Thränhardt, Entwicklung durch Migration.

10 An exponent of this approach is Hartmut Esser (see Hartmut Esser, Pluralisierung oder Assimilation? Effekte der multiplen Inklusion auf die Integration von Migranten, in: Zeitschrift für Soziologie, 38. 2009, no. 5, pp. 358–379).

individual integration strategies.[11] The resource-oriented integration paradigm assumes that migrants have fewer deficits than abilities, talents and special resources. For example, proficiency in the languages of their home countries could be used by German companies for launching economic cooperation and therefore could be a special qualification of migrants on the German labor market. While a couple of years earlier, migrant networks were considered as a problem of cultural segregation, the same networks have been evaluated positively from the viewpoint of the resource-oriented approach. It was argued that migrants get jobs, social support, and valuable information, using their ethnic and neighborhood networks. The aim of the resource-oriented integration policy is to strengthen this integration potential of migrants. Especially the activities of migrant self-organizations were considered as helpful for resource-oriented integration programs. Migrant organizations are seen as important mediators between state actors of integration policy and migrant communities. Following the ratification of the Immigration Act in 2005 the responsibility for integration issues was handed over to the Federal Office for Migration and Refugees. The Federal Office – a federal agency formerly dealing mostly with asylum issues – redefined itself first of all as an integration agency and adopted the resource-oriented approach as its core policy paradigm.[12] Hence the resource-oriented approach became accepted by the state and dominates the political perspective on migrant integration in Germany till this day.

The short overview of the German migration policy shows that it is generally aiming at reducing numbers of migrants and selecting only economically attractive migrants but, at the same time, granting the legally residing migrants considerable rights and including them actively into the society and economy. Germany's *low numbers – more rights policy* is an attempt to balance different national interests: on the one side, to persevere a national welfare system and therefore to reduce numbers of migrants potentially depending from the state and, on the other side, to attract highly skilled migrants.[13]

11 For the resource-oriented approach (*Potenzialansatz*) and its relevance for the debate on integration, see the theoretical insights in Gunilla Fincke, Abgehängt, chancenlos, unwillig? Eine empirische Reorientierung von Integrationstheorien zu MigrantInnen der zweiten Generation in Deutschland, Wiesbaden 2009. For an empirical study based on the resource-oriented paradigm, see Bettina Engelmann, Die Anerkennung von ausländischen Qualifikationen in Deutschland. Ergebnisse der Studie Brain Waste, in: Migration und Soziale Arbeit, 30. 2008, no. 3/4, pp. 222–229.

12 Michael Griesbeck, Integration als gesamtgesellschaftliche Aufgabe und Integrationsaufgabe des Bundesamtes für Migration und Flüchtlinge, in: Bildung und Erziehung, 60. 2007, no. 3, pp. 273–283.

13 Martin Ruhs/Philip Martin, Numbers vs. Rights: Trade-Offs and Guest Worker Programs, in: International Migration Review, 42. 2008, no. 1, pp. 249–265.

Migration and Development as a New International Policy Paradigm

The new debates surrounding ›migration and development‹ first appeared on the agenda of international organizations.[14] The interconnection of the two policy fields ›migration‹ and ›development‹ were previously mainly thought together when the detrimental consequences of the so-called brain drain for developing countries, i.e. the emigration of highly qualified people, such as doctors, was contested. In 2003, a World Bank study[15] emphasized the tremendous implication of remittances from industrialized to developing countries. Since then the reciprocal relations between migration and development have found their way into a large amount of studies and have created the discourse on the migration-development-nexus. This new perspective tries to emphasize the positive interconnections of migration and development. The main argument is that development – on the one hand – reduces migration push factors: Thus, a sustainable development of the sending countries reduces emigration motives and leads to lower migration rates.[16] On the other hand, migration brings economic benefits not only to the receiving countries, but also to the countries of origin. Not merely the aforementioned remittances enhance this effect, but also know-how transfers, return or circular migration or other forms of engagement, such as activities of migrant organizations or direct investments.[17] By designing approaches that emphasize the positive effects of the interconnection between migration and development, different policy approaches aiming at enhancing the develop-

14 See the contribution of Catherine Wihtol de Wenden in this volume.

15 Dilip Ratha, Workers' Remittances: An Important and Stable Source of External Development Finance, in: World Bank (ed.), Global Development Finance 2003, Washington 2003, pp. 157–175.

16 The emphasis here is on the notion of sustainability, i.e. a long-term approach to development, as it is by now well known that a short-run development approach is increasing the push factors in the first place, due to the fact that more people acquire the resources to pursue a migration project – a phenomenon referred to as »migration hump«: e.g., Philipp Martin, Economic Instruments to Affect Countries of Origin, in: Rainer Münz/Myron Weiner (eds.), Migrants, Refugees, and Foreign Policy. U.S. and German Policies Toward Countries of Origin, Providence/Oxford 1997, pp. 231–272, here pp. 244f.

17 Daniel Kubat (ed.), The Politics of Return. International Return Migration in Europe (Center for Migration Studies), New York 1984; Savina Ammassari/Richard Black, Harnessing the Potential of Migration and Return to Promote Development. Applying Concepts to West Africa (Working Paper 3, Sussex Centre for Migration Research), Farmer 2001; Kathleen Newland, A New Surge of Interest in Migration and Development (Migration Information Source, Migration Policy Institute), Washington 2007, http://www.migrationinformation.org/Feature/display.cfm?ID =580 (21 Jul 2009).

ment potential of migration were born. The general goal is to reach a triple-win situation where sending and receiving countries as well as the migrants themselves profit from the migration process. The international debate focuses today on three main issues: the enhancement of the developmental effects of remittances, the support of circular migration and the circulation of know-how, and the promotion of transnational activities of diaspora organizations often framed under the concept of co-development.

The migration and development discourse found its way into the halls of the UN and other international organizations and is currently framed in the Global Forum on Migration and Development (GFMD), a voluntary setting that gives government officials as well as civil society actors the opportunity to discuss possible and effective policy approaches in the area. This forum provides merely a discussion platform and does not have any binding character because migration still remains an issue of national competence.[18] One of the examples to realize an interconnection between migration and developmental aspects on a supranational level, namely the EU-level, are the so-called mobility partnerships. According to the idea of mobility partnerships, the possibilities of legal entry are to be combined with development-oriented return policies and re-entry options, thus enhancing transfer of money and knowledge through migration by promoting circular movement of people between sending and receiving countries.[19]

Before the discourse on migration and development became prominent in the new millennium, the inter-linkage between the two fields was connoted in a rather negative way. Migration out of developing countries was understood as ›brain drain‹, as a loss of valuable human capital, while the inflow of migrants into industrial countries was seen as resulting in high competition on national labor markets. The new international migration and development discourse is based on two basic ideas that emphasize the positive effects of migration. On the one side, it calls for less restrictive migration control mechanisms. In principle, the discourse defends liberal ideas of open borders: High-income countries should open up their borders to migration – which is not only beneficial to receiving and sending countries but also attractive for migrants themselves. This position could be summarized under the basic postulate *more numbers – more development*. At the same time, the migration-development discourse implies that migrants are not just victims of poverty and social disorder but also agents of development and modernization. Therefore the tremendous resources of migrants have to be acknowl-

18 Sandra Lavenex/Rahel Kunz, The Migration-Development Nexus in EU External Relations, in: European Integration, 30. 2008, no. 3, pp. 439–457, here p. 440.

19 Bundesministerium für wirtschaftliche Zusammenarbeit (BMZ), Migration, Harnessing the Opportunities to Promote Development, Berlin 2010.

edged by sending and receiving countries. To realize this position, new policies supporting the important role of migrants for development are necessary. This position could be seen as a resource-oriented approach to migration in the development debates.

Migration and Development in Germany: The Analysis of an Emerging Policy Field

The first overview of the institutional setting around the migration-development discourse in Germany shows clearly that the traditional top-down model of policy enactment cannot be applied in this case. According to the top-down model, states formulate a political agenda and develop programs that regional and local state actors as well as non-state actors implement in a multi-dimensional process.[20] Especially in the case of the migration-development nexus, the advance of the policy field is a complex issue as we have a cross-sectoral theme at hand, which encompasses a range of different actors and responsibilities – in the political realm as well as at the implementation level. This is due to the fact that in Germany migration policy has traditionally been a responsibility of internal affairs while development policies are located in the Ministry for Economic Cooperation and Development as well as in the Ministry of Foreign Affairs.

When identifying relevant actors in the field of migration and development we found out that federal, regional and local state actors, but also non-state actors, play an important role in the policy formulation process trying to implement their policy visions into practice (see table 1). Interestingly, actors with different competencies considered themselves as responsible. On the federal level, the Ministry of the Interior and the Ministry of Foreign Affairs as well as the Ministry for Economic Cooperation and Development were active players. On the regional and municipal level, departments with competencies for integration issues and integration commissioners[21],

20 Volker Schneider/Frank Janning, Politikfeldanalyse. Akteure, Diskurse und Netzwerke in der öffentlichen Politik, Wiesbaden 2006.

21 Integration commissioners (*Integrationsbeauftragte*) work at all three levels of German government bodies (Federal State, in each of the 16 *Länder* and in large municipalities) where they are appointed to support migrants' interests and integration. They advise government bodies with regard to integration policies, advocate equal opportunities for migrants, support migrants' organizations to further their participation, establish preconditions for mutual tolerance and counteract xenophobia. In the German *Länder* Hesse, Saxony and Thuringia they are called ›foreigners' commissioners‹ *(Ausländerbeauftragte)*. In Mecklenburg-Western Pomerania the responsibility of the immigration commissioner is held by the head of section of the department for immigration and integration in the Ministry for Social Affairs, whereas in Ham-

but also sometimes departments concerned with international cooperation projects, have seen themselves in charge of migration and development issues. Non-state actors which were active in the field of international mobility, facilitation of return or integration, but also central players of German development policy such as the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) or the German Federal Ministry for Economic Cooperation and Development (Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung, BMZ) saw themselves as important actors in this field. At last we conducted 35 expert interviews with state actors at the federal, *Bundesländer*- and municipal level, as well as with civil society organizations that we were able to identify as active in the field of migration and development.[22]

Table 1: Relevant Actors/Stakeholders in the Field of Migration and Development

Levels	Actors/stakeholders
Federal	Government authorities: Ministry of the Interior, Ministry for Economic Cooperation and Development (BMZ), Ministry of Foreign Affairs, Implementing organizations of German development policy: GIZ, Centre for International Migration (CIM); Non-profit civil society organizations operating mainly in the field of development cooperation
Bundesländer	Government authorities, i.e. departments responsible for return programs, departments with competencies for migration and integration issues and integration commissioners
Municipalities	Municipal integration agencies and departments with competencies for international cooperation or international affairs

The variety of actors with different competencies and the non-hierarchical organization of the field brought us to the conclusion that the model of non-hierarchical institutionalization is more appropriate.[23] According to this

burg the manager of the headquarter for integration and civil society is responsible for this task.

22 The research was carried out through semi-structured qualitative interviews. At the same time we sent out standardized questionnaires to government bodies on the *Länder*- as well as municipal level to identify the main activities of these administrative levels within the field of migration and development; furthermore, the questionnaires served as a sampling for the qualitative interviews on these levels. The field research was carried out within the period August 2009 to March 2010. Quotes of these interviews are translated by the authors.

23 The model of nonhierarchical institutionalization of new ideas is used within the realm of the innovation research, see Larisa V. Shavinina (ed.), The International Handbook on Innovation, Oxford 2003. It is also an important analysis tool in studies on international politics and in development studies, see e.g, Karin Bäckstrand,

model the institutionalization process develops itself within two realms: the discursive realm of the agenda-setting in which institutional actors define relevant political issues and responsibilities and the realm of policy concretization which involves first attempts to explore some concrete measures, to develop programs and to allocate resources.[24] According to the model of non-hierarchical institutionalization there is no actor or legislative body that holds a monopoly on the formulation of key policy principles. Thus, different actors have differing definitions of the policy goals and measures according to their competencies and main activities. These definitions can be complementary, but also competing with each other. Some researchers believe that the institutionalization of a particular policy takes place when a so-called agenda-setter emerges who manages to win other actors for his vision of the appropriate policy. Another concept of institutionalization suggests that a policy emerges through the conflicts around its definition and that a consensus is not a necessary requisite for its institutionalization.[25] In our research we explore which discourses exist around the nexus of migration and development in Germany and if there is one dominating paradigm.

Not only with regard to agenda-setting but also with respect to implementation, one or another view on a specific policy can survive. This means actors should recognize their responsibility for the issue at hand, develop concrete measures and provide resources for their implementation. The incorporation of the migration-development discourse into the portfolio of relevant institutional actors was therefore another focus of our empirical research.

Democratizing Global Environmental Governance? Stakeholder Democracy after the World Summit on Sustainable Development, in: European Journal of International Relations, 12. 2006, no. 4, pp. 467–498 and Harald Fuhr, Decentralized Policies: Expenditure and Revenue Assignment Options. Is There Any Best Practice? What Can We Recommend?, in: Documento di discussione. World Bank Latin America, New York 2003.

24 We analyzed the agenda-setting process with the help of a discourse-theoretical approach and based the analysis of the policy implementation on the actor-centred institutionalism formulated in Fritz W. Scharpf, Interaktionsformen. Akteurszentrierter Institutionalismus in der Policy-Forschung, Wiesbaden 2000.

25 As regards the agenda-setting process see Klaus Schubert, Politikfeldanalyse. Eine Einführung, Opladen 1991. For a discussion about development, establishment and impact of policy paradigms see Frank Fischer/John Forester (eds.), The Argumentative Turn in Policy Analysis and Planning, Durham 1993; Peter Hall, Policy Paradigms, Social Learning, and the State: The Case of Economic Policymaking in Britain, in: Comparative Politics, 25. 1993, no. 3, pp. 275–296; Paul A. Sabatier/Hank C. Jenkins-Smith, Policy Change and Learning. An Advocacy Coalition Approach, Boulder 1993.

Migration and Development and the Federal Level

Actors operating on the federal level often focus their activities on diaspora-cooperation. Noticeable is a program of the former Gesellschaft für Technische Zusammenarbeit (GTZ)[26], supporting development-oriented activities of migrant organizations in their countries of origin.[27] Up to now about 30 organizations have been supported by the program. The funding is dependent on a 50-percent contribution by the migrant organizations and can be capped with a sum of 50,000 euros. The responsible department within the former GTZ is cooperating with the BMZ and is promoting this topic actively in the German development debate.[28] Non-state development actors are also interested in the concept of diaspora-cooperation. But none of them have implemented any concrete projects yet.

Furthermore, return and reintegration programs play an important role on the federal level. These programs have a long history in Germany – although the focus was mostly not development-related. However, some programs focus explicitly on supporting local development activities. For example, the activities of the Centre for International Migration (CIM) in their program to facilitate the return of highly skilled migrants are an approach to bring back the know-how of migrants to their countries of origin. This very idea of bringing back the human capital to developing countries (brain gain) was until recently considered an issue of return and reintegration. But in the last years the actors are beginning to redefine their programs as programs facilitating circular migration (brain circulation). These actors are very interested in initiating new projects focusing on circularity. Nevertheless, they state to face considerable political constraints, based on the very notion of circularity, in trying to establish projects that do not only facilitate return, but also try to promote real circulation[29] of migrants between their countries of origin and Germany. The most important constraints are the existing restrictive entry regulations.[30]

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26 Since 1 Jan 2011 GTZ, DED and InWent are united under one roof, the GIZ (Gesellschaft für Internationale Zusammenarbeit).

27 Due to the organizational restructuring of the former GTZ, the Centrum für internationale Migration und Entwicklung (CIM), an agency that works with the GIZ, is in charge of the diaspora-cooperation program.

28 Personal Communication: Representative of former GTZ.

29 There is no consensus on the definition of circular migration in the literature. Jan Schneider and Bernd Parusel indicate that a real circulation is only established once an international border has been crossed for at least three times, see: Jan Schneider/Bernd Parusel, Zirkuläre und temporäre Migration. Empirische Erkenntnisse, politische Praxis und zukünftige Optionen in Deutschland (BAMF Working Paper 34/German Federal Office for Migration and Refugees), Nürnberg 2010.

30 Personal Communication: Institution on the federal level.

Especially non-state actors active in international humanitarian relief promote the idea that free movement of people is an important aspect of the global human rights discourse. It is argued that free temporary or permanent migration and return are very strong development motors as such. The non-state actors criticize the restrictive migration policy of the European Union as well as of Germany. Based on the Universal Declaration of Human Rights, the Verband Entwicklungspolitik deutscher Nichtregierungsorganisationen (VENRO)[31] – the umbrella organization of development non-governmental organizations (NGOs) focusing on development work in Germany – is demanding »the adaptation and liberalization of current European migration politics in favor of a liberalization towards third countries, to do justice to the global responsibility of Europe.«[32]

As mentioned previously, most non-state development actors interviewed have not yet implemented any activities in the realm of migration and development. Their main activity so far is to define their role in this policy field. Therefore they are mostly concerned with organizing conferences on the topic of migration and development, with networking and participating in the conferences of other actors. Some non-state development actors argued that they do not see any necessity to implement migration and development programs, because their poverty-reduction projects as such contribute to the economic growth and social stability in the developing regions with high migration rates. As a result, people have more local opportunities and are less interested to migrate to Europe.

Diaspora-cooperation and circular migration are the main issues associated with the migration-development-nexus on the federal level. In the realm of diaspora-cooperation we saw that the central actors of the development policy in Germany – the former GTZ and BMZ – have promoted this cooperation actively and made concrete steps to facilitate development projects of migrant organizations. In the realm of circular migration we saw that different actors are very interested in the topic, but hardly any concrete program has been developed.

31 »VENRO is the umbrella organization of development non-governmental organizations (NGOs) in Germany. The organization was founded in 1995 and consists of around 120 organizations. […] 16 one-world networks are part of VENRO. These represent about 2,000 local development initiatives and NGOs«, see http://www.venro.org/english.html.

32 Verband Entwicklungspolitik deutscher Nichtregierungsorganisationen (VENRO), Migration zulassen. Flüchtlinge schützen (VENRO-Positionspapier 6), Bonn 2009.

Migration and Development and the German *Bundesländer*

On the level of the German *Bundesländer*[33] we found that the migration-development-policy was very rarely on the agenda. Only North Rhine-Westphalia has established a specific program for the facilitation of development-oriented activities of diaspora organizations.[34] In other regions we were able to identify certain activities; that they were taken up was however mostly because some individual, highly engaged civil servants had been lobbying for these activities. In all cases of our sample the most engaged civil servants were the integration commissioners of the *Länder*. One of them expressed their position in the following way:

»It is the result of my own personal engagement, if you want to put it like that. It is not covered in my portfolio in any way.«[35] The responsibility of the integration commissioners is to collaborate with migrants and their organizations. Often, migrant organizations request support to start up activities for the development of their home countries. The engaged integration commissioners saw themselves in the position of intermediaries or brokers between the migrant organizations and government authorities. In one region, for example, the integration commissioner initiated a public-private-partnership between a hospital in Vietnam and one in Germany in order to circulate staff and convey know-how. The role of the commissioner was not only to initiate contacts but also to persuade the regional government to support this private-public partnership. The regional government agreed to deliver residence and working permissions for selected medical service specialists from Vietnam and backed the project especially in the regional public.

The departments with competencies for development issues identify diaspora-cooperation as a possible mandate for them, but specific measures in this realm are rare. As the *Länder* have rather restricted competencies for development activities, the main focus in this realm is intercultural education, i.e. the presentation of problems in developing countries to the German

33 Through standardized questionnaires we could obtain information on the activities of all 16 *Bundesländer*. On the basis of these answers we drew a sample of six departments with whom we carried out qualitative interviews. On this level we concentrated our investigation on the administrative bodies and did not look at civil society actors.

34 We conducted interviews with representatives from the former Ministry for Generations, Family, Women and Integration (MGFFI). Since 15th July 2010 this Ministry is re-labeled in Ministry for Health, Emancipation, Care and Elderly. The former section on integration is now located in the new Ministry for Labour, Integration and Social Affairs, while the section for international cooperation is taken over by the state chancellery.

35 Personal communication: Integration commissioner of one German Federal State *(Bundesland)*.

public.[36] Different civil society organizations on the regional level compete to receive funding for development-related educational activities. Potentially, also migrant organizations could conduct such education programs. However, different experts underlined that migrant organizations have not yet reached the level of professionalism to compete with traditional NGOs for resources. Some regional political networks, for example, the ›Hessen-Network for Development‹ which lobbies the interests of non-profit organizations in the regional development policies have become aware of the migrants' development potential and have initiated different training and qualification measures for migrant organizations.[37] These regional non-government actors see the capacity-building measures for development-oriented migrant organizations as an attempt to include migrant communities into the regional development debates. Interestingly, they position these measures not only as an instrument of the regional development agenda but also as a part of the regional integration policy. The programmatic texts of these actors proclaim that they aim at the inclusion of migrant communities into the German civil society structures. For example, the Fund called ›Bridges between North and South‹ which is one of the prominent non-government development policy actors in Berlin argues in its policy document on migrant engagement for development as follows: »To support the migrant organizations in their development activities means for us to support their public visibility, their activism and their know-how. This support could also be seen as very small but very effective steps to combat every-day racism in the new *Bundesländer*.«[38]

On the *Länder*-level, return measures have a long tradition. There are two main return programs, REAG and GARP[39], that are implemented by the departments of internal affairs of the *Bundesländer* in cooperation with the Federal Ministry of the Interior. The programs mainly consist of a financial compensation of return costs for refugees and other migrants with insecure legal residence status. In the public, the return programs of the *Länder* are often seen as a politically correct substitute for deportation.[40] Therefore it seems difficult to locate them within the framework of migration and development. However, some *Länder* have begun to shift the focus of their return

36 See Jürgen Wiemann, Neuausrichtung der Entwicklungspolitik der Bundesländer vor dem Hintergrund der veränderten internationalen Rahmenbedingungen, Deutsches Institut für Entwicklungspolitik (DIE), Bonn 2008.

37 For more information see http://www.epn-hessen.de.

38 For more information see http://www.nord-sued-bruecken.de/politik.html.

39 For more information see www.bamf.de.

40 Stefan Dünnwald, Politiken der freiwilligen Rückführung, in: Sabine Hess/Bernd Kasparek (eds.), Grenzregime. Diskurse, Praktiken, Institutionen in Europa, Berlin 2010, pp. 179–200.

programs from the emphasis on the departure to the emphasis on the reintegration process in the countries of origin. They argue that their return programs partly function according to humanitarian principles; the argument is that the reintegration of returnees in their countries of origin would lead to social and economic stabilization of these regions and in the long run contribute to lower migration rates originating from these regions.

Some of those *Bundesländer* also considered themselves as principally open for a liberalization of the German migration policy. They would especially support circular migration schemes and the politics of open borders with neighboring non-EU states. In their own words, circular migration could stimulate economic cooperation between the sending and receiving regions. The *Länder* especially highlight and connect the topic of labor-market integration of migrants with the idea that economically well-doing migrants should have possibilities to return home with investment capital in order to re-invest later in their region.

> *»I think this is the greatest effort my* Land *is contributing to the topic of migration and development. We would try to make circular migration possible. And we try to find ways in which people from our neighboring countries can integrate as quickly as possible into the labor market.«*[41]

This shows that the German *Bundesländer* show a special openness for well-qualified migrants and economic entrepreneurs. But it is important to point out that the political initiatives of the *Länder* for mobility presuppose principal political decisions on the federal level that have not yet been taken.

In sum, migration and development is rarely an issue on the regional level. Only diaspora-cooperation is a topic which has been supported by some engaged integration commissioners of the *Länder* and by some non-governmental regional actors and networks. Their measures concentrate on capacity-building and political support for development-oriented migrant organizations. The aim is to foster the participation of migrant organizations in the regional development policy and in the civil society in general. The regional return programs are currently moving away from a strict orientation on fostering the departure of migrants with insecure legal status towards supporting their reintegration in their countries of origin. Moreover, some *Länder* would not dislike the idea of introducing federal circular migration programs. Thus, the *Länder* seem to open up to the discourse on circular migration and development. However, no concrete measures in the realm of circularity have been introduced on the regional level. In this respect the German *Länder* do not take an initiative but expect political signals from the federal level.

41 Personal communication: Integration commissioner of one German Federal State *(Bundesland)*.

Migration and Development and the German Municipalities

The migration and development policy is not a top priority on the agenda of German municipalities. So far, only diaspora-cooperation has become an issue on the municipal level. To implement migration and development policy meant for municipalities to enhance the developmental potential of migrants and their organizations.[42] Some integration and international relations departments of the municipalities in our sample considered themselves responsible for the topic.

The resource-oriented approach, which is currently determining German integration policy, gave rise to intensive cooperation between the integration departments and migrant organizations on the municipal level. Good relationships with active migrant organizations engaged into the local integration policy have created a situation in which integration departments lend an open ear to the interests of migrants in regards to their home countries. One of our interview partners illustrates this situation in the following way:

> *»The migrants also approach us with their concerns that do not directly affect integration efforts. I think this is dialogue on equal terms that we also support initiatives of the organizations which do not directly benefit our residents, but that have positive effects beyond.«*[43]

Migration and development has not yet become a specific policy field in the municipalities; if activities in the field of migration and development are promoted this is mostly the result of demand-based engagement of migrant organizations. Municipalities have difficulties to legitimize measures without direct impact on their population. Thus, concrete development measures (especially with respect to projects abroad) cannot be financed by the municipal authorities directly. As a consequence, the cooperation with migrant organizations is limited to awareness-raising activities and to the organizational support of migrant activities, like the provision of office facilities and the facilitation of networking between migrant organizations.

›International departments‹[44] on the municipal level implement development-related educational activities and so they mainly organize activities in this realm. Among others they support migrant associations in the organization of cultural events.

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42 See Katrin Fröhlich, Kommunale Entwicklungspolitik in Deutschland: Studie zum entwicklungspolitischen Engagement deutscher Städte, Gemeinden und Landkreise (Discussion Paper Deutsches Institut für Entwicklungspolitik, DIE), Bonn 2009.

43 Personal communication: Representative of one municipal office.

44 In this contribution, we are using the term ›international department‹ for agencies and institutions that are situated at the local government (municipal) level and are responsible for issues related to international cooperation and relations.

»We organized the availability of a venue in the city hall, the technical equipment, the food, the greeting of the mayor etc. That's our contribution so that the happening is best communicated to the wider public and that it reaches certain visibility and weight.«[45]

The home countries are the typical focus of these events, that are often used to raise funds for projects; at the same time, the citizens are sensitized for development problems.

Another important role of the international departments within the municipal structure is to facilitate networking activities. This includes the organization of intercultural weeks or the interlinking of bodies with similar objectives. As financial support for projects abroad is not possible for the municipal bodies and is only available with the classical donors of development cooperation, migrant organizations acting on the local level are in direct competition with the established civil society actors. So the international departments see themselves as advocates of the development-oriented migrant organizations. One of their activities is the organization of networking events, which would »sensitize the big development organizations«[46] for development activities and the know-how of migrants. The collaboration between integration departments and departments of international affairs on the municipal level is limited to capacity-building activities and to organizational and political assistance, for example, by organizing intercultural events in their cities. Nevertheless, neither this kind of support for migrant organizations is institutionalized on the municipal level. Collaboration happens only on sporadic demand of the migrant organizations and where they find engaged multipliers. Apart from that, the municipal level does not possess competencies and resources to initiate development projects in the countries of migrants' origin.

Migration and Development in Germany – From Discourse to Implementation?

Agenda-setting

Our observations show that different actors in Germany adapt different political views on the nexus of migration and development. Four political views could be considered prominent: (1) *Migrants advance development*, (2) *Migration advances development*, (3) *migration is the result of development disparities*, and (4) *migration is a barrier to development* (see table 2). Depending on these viewpoints, actors formulate and concretize different political strategies.

45 Personal communication: Representative of one municipal office.

46 Personal communication: Representative of one municipal office.

Table 2: Policy paradigms on migration and development in Germany

	Migration-Development-Nexus	Political Strategies
Migrants advance development	Migrants accumulate resources that they can apply in their regions of origin in a way that is relevant to development. Resources can be made up by economic capital as well as knowledge, effective political/economic contacts or social norms and values.	Facilitation of the contribution of migrants to the development of their home countries
Migration advances development	International migration movements advance the development of both regions of origin as well as of immigration. Migration is a structural phenomenon that by itself advances economic, social and cultural exchanges between regions.	Facilitation of international migration movements through liberal and pro-active migration policies
Migration is the result of development disparities	International migration is a consequence of development disparities between countries of origin and of immigration. Migration nowadays is rather a no-choice than a voluntary movement.	Effective development strategies will increase the options beyond migration decisions and therefore reduce migration movements.
Migration is a barrier to development	International migration movements are hindering development because regions of origin lose their youngest, most active, most innovative and most educated members.	Negative consequences of migrations are to be absorbed by development policies.

The concept *migrants advance development* views migrants as brokers between cultures, whose financial as well as social transfers contribute to the development of home countries. This view can be called pragmatic, as the role of the migrants in relation to the development of their home countries is appreciated, while current national migration policy is not challenged. The political programs and projects following this perspective are less oriented towards the management of migration processes themselves, but develop measures which facilitate the participation of diaspora in development cooperation (diaspora-cooperation programs). Basically, measures facilitating diaspora-cooperation are typically justified with the help of this concept. The activities of the biggest organizations implementing development policies, such as the GIZ or CIM, could be considered a driving force promoting the concept *migrants advance development* on the political agenda. The concept was put into writing in a recent information booklet on the opportunities of migration to development, released by the BMZ:

»Migrants can build bridges across which capital and expertise can move from receiving to sending countries. In this way they make a major contribution to social and economic development in their own countries […].«[47]

On the regional and local levels migrants have also been discovered as activists for development. Integration departments, departments for international affairs and some regional non-governmental development policy networks have developed ideas aiming at the facilitation of diaspora engagement. They argue that the competencies of migrants should be used in regional and local development policy. The diaspora engagement was seen not just as an issue of development cooperation but also as an issue of migrants' participation in the regional or local civil societies.

The second view that *migration advances development* portrays migration as a structural phenomenon that contributes per se to development – through the free movement of labor and know-how. This view is characterized by a liberal approach to migration and human mobility. The primary goal of actors who follow this view is to lessen restrictions on international movements. Circular migration ideas are based upon this approach. One of the interviewed experts argues for example:

»The movement of people between countries has to be facilitated, no matter how. It could be promoted through the facilitation of visa requirements or through dual citizenship. A lot of migrants stay here because they are afraid that they wouldn't be able to return to Germany. Otherwise they would go back with more ease and stimulate the development of their home country.«[48]

Interestingly, different federal state actors, non-governmental actors and regional state actors see the topic of circulation differently. The views differ from the concepts of the two-way-migration (migration and return), which is central to federal state actors, to the concept of free movement understood as a basic human right, which is central to many non-governmental organizations. Some *Bundesländer* see migrant circulation as an issue of economic cooperation between themselves and the regions of origin.

The third approach to migration and development assumes that *migration is the result of development disparities* and therefore postulates a sustainable approach to development policies that can tackle the root causes of migration in the countries of origin. This view has a long tradition, as development disparities are identified as central scientific explanation of international migration till this day.[49] Especially the development actors not actively engaged

47 BMZ, Migration, Harnessing the Opportunities to Promote Development, p. 7.

48 Personal communication: German politician.

49 Susanne Schmid, Vor den Toren Europas? Das Potenzial der Migration aus Afrika (BAMF Forschungsbericht 7/Federal Office for Migration and Refugees), Nürnberg 2010.

into the migration and development agenda-setting think this way. They state that specific migration-development-approaches are redundant for them, as all of their programs in developing countries reduce the push factors of out-migration. These actors typically do not see the purpose to implement particular migration-development measures.

In the cases when actors picture *migration as a barrier to development* they typically see the exodus of migrants as a loss of human capital. This view is most likely the oldest view and is related to the concept of brain drain – an argument mainly presented in the past by development actors in Germany.[50] This argument is remaining central for state and non-state actors promoting return. Return programs basically follow the hypothesis that out-migration is a loss for developing countries. The logic is that the facilitation of return and reintegration would contribute to the development of the sending societies.

Is There a Dominant Paradigm?

In the previous section we could see that different political views on the migration and development nexus establish themselves in Germany. Moreover, there are different institutional interpretations of each political view. For example, the concept *migration advances development* has different interpretations according to the institutional interests of the federal, regional or non-governmental actors. But the view *migrants advance development* is not homogeneous either. Some actors such as BMZ or GIZ see this concept as a new aspect of development policy, whereas some actors on the level of *Länder* and municipalities consider the same concept as one aspect of civic participation of migrants and therefore as an issue of integration. We found out that there are not only different interpretations of different views on the migration and development nexus. Consequently, actors actually do not pursue one and the same viewpoint but take different stances according to the political context they are participating in. Federal state actors promote, for example, the topic of the migrant's contribution to development, but also support ideas of circular migration. At the same time they deliver political support to state return programs, arguing that return could compensate development costs of migration. Based on these observations, we came to conclude that the discourse on migration and development is very fragmented and there is no dominant perspective. Thus, no political actor on the federal level has taken over the agenda-setting process and has forged the creation of a consensus on a political paradigm. Many of the experts pointed out their confusion about the topic and declared that they are right now looking for their institutional view and *for their mandate* concerning the issue. Conferences, round tables or

50 Deutsche Bundesregierung, Aufschwung, Teilhabe, Wohlstand. Mehr Chancen für Deutschland, Meseberg 2007.

position papers belong to the major activities of a large number of actors. Those activities are aimed at providing platforms for negotiations about differing interpretation of the migration and development nexus.

Despite the high fragmentation of the discourse we could observe a certain tendency to formulate the nexus between migration and development in positive terms. Most actors saw the views *migrants advance development* and *migration advances development* to have a promising future. Based on our observations we could make a tentative conclusion that the international migration and development discourse in fact has an influence on the political perception of the migration-development-nexus in Germany. This perception is moving away from negative assumptions around the nexus between migration and development that focused on the risks of international migration towards a rather positive thinking which highlights the positive dimensions of the interconnection.

Implementation of the Policy Paradigms: Which Policy is not just Talk?

In the previous analysis we came to the conclusion that the political views *migrants advance development* and *migration advances development*, which are new and positively defined notions of the migration-development-nexus in Germany, are gaining acceptance by institutional actors of German migration and integration policies. Now we will analyze whether the discourses find their manifestation in concrete measures. Our observations on the federal, regional and local political levels show that both the paradigm *migrants advance development* and the paradigm *migration advances development* have serious implementation constraints. The paradigm *migrants advance development* seems to have difficulties to overcome barriers of institutional competencies. It is placed in-between two established policy fields: the development and the integration policies. On the federal level it is considered as a competence held by development actors. Their activities mostly define central policy strategies and develop measures of explorative nature that ideally should become best-practice measures for other involved actors. At the same time, federal actors have rather limited resources to implement or fund bigger programs promoting migrant engagement for development.

On the other side, the paradigm *migrants advance development* is often seen as a responsibility of integration policy actors on the regional and local level. However, regional and local actors in the realm of integration policies do not possess formal competencies for development issues and could only sporadically support some demand-based activities of migrant organizations. There is a lack of cooperation between actors of development policy and regional and local actors of integration policy engaged into the migration-development discourse. In spite of these implementation constraints we could find different small-scale activities strengthening the development

agency of migrants on all levels of our analysis. Therefore we could argue that the paradigm *migrants advance development* has to overcome institutional barriers and is endowed with limited resources but was nevertheless put into effect on all political levels in Germany.

The paradigm *migration advances development* remains first of all an issue of political discussion and is considered by most actors as *a contested political project* and *a project of the future*. The concept of circular migration is seen as the key option to realize this paradigm in Germany. Some federal and regional actors we interviewed saw the concept of circular migration as a potentially interesting field of activity for their institution. But nobody has developed any concrete implementation strategy. On the local level the paradigm *migration advances development* was not a relevant issue at all. Therefore we could argue that the paradigm did not leave the realm of policy formulation and did not find any practical concretization.

According to the opinion of the experts the main implementation constraint is a restricting entry policy, which makes experimenting with ideas on mobility and development for the institutional actors impossible. Furthermore experts argued that implementing the concept of circularity would require steady negotiations of different institutional and political interests concerning the criteria of migrants' selection for circularity programs, conditions of stay, nationality, return and possibilities of renewed migration. Moreover, the development effects in the sending states should be taken into consideration. The creation of circularity programs seems to be complex, time-consuming and a risky venture. It would exceed competencies and resources of small institutional actors and especially of actors on the regional and local levels. Interested actors therefore expect initiatives coming from above – from the stakeholders of migration policy and/or development policy. One of our experts indicated: »When there is no political signal that this topic is treated as seminal, then everybody remains within their competencies and is reserved and only acts upon their legal mandate.«[51]

By trying to implement ideas on circular migration, potential stakeholders like BMI, BMZ or GIZ have to invent comprehensive legitimizing strategies, which would take into account differing and very often conflicting institutional and political interests.

Conclusions

Our central question was whether the international migration-development discourse can really become an issue of German migration policies. The analysis focused on the different institutionalization paths of the discourse on

51 Personal communication: German migration expert.

the three political levels: federal, regional and local. The analysis considered two dimensions of institutionalization: the appearance of dominant topics and issues on the discursive political level and the practical implementation of political ideas on the institutional level. On the grounds of the enquiry based on qualitative expert interviews, the following findings were made. In Germany exist at least four viewpoints on the nexus between migration and development: *migrants advance development*, *migration advances development*, *migration is a result of development disparities*, and *migration is a barrier to development*. To date, none of them have gained a leading role in the political discourse. The institutional actors are concerned with defining their view on the migration and development nexus rather than with implementing concrete policy programs. Thus, the migration and development policy in Germany rarely leaves the discursive political level.

However, some aspects of the migration-development discourse seem to have better chances to be implemented. It seems that the paradigm *migrants advance development* has better chances to be implemented on the federal, regional and local levels than the paradigm *migration advances development*. We assume that the following factors could explain the differences in the implementation. The paradigm *migrants advance development* addresses migrants who already reside legally in Germany; therefore its implementation does not call for new entry regulations. So the paradigm does not question the established migration policy approach. Projects supporting engagement of migrants and especially of migrant organizations for their home-countries are often seen as one aspect of their integration into the German civil society. The paradigm presents migrants as resourceful subjects, which could and should participate in German development policy. So it fits perfectly into the resource-oriented integration paradigm and does not need further legitimation.

On the contrary, the paradigm *migration advances development* calls for more liberal entry policies. In principle, this paradigm defends liberal ideas of open borders. By describing the international migration and development discourse, we argued that this position is based on the postulate *more numbers – more development*. This view on the so-called *migration and development nexus* stays in conflict with Germany's *low numbers – more rights* migration policy. The implementation of this paradigm demands extensive legitimation strategies. Thus, despite the high interest of different actors to try out some circularity schemes, actors associate the development of such schemes with high costs of political coordination and different institutional constrains and with uncertain outcomes. It seems that the implementation of the paradigm *migration advances development* will be possible only when new political strategies of dealing with migration will be developed in Germany.

Migration and development ideas belong to the international migration management discourse that is trickling down into the national policies along different institutionalization paths. We found out that the institutionalization of the migration and development discourse proceeds selectively. It depends to a large extent on the chances to place new political ideas within the policy paradigms, dominating in the given national context. This conclusion induces a general assumption that the institutionalization of other aspects of the international migration management concepts could follow a similar logic. It seems that only views not directly challenging the existing national migration policy paradigms are likely to be institutionalized. It may be an interesting question for further research to investigate how the selective institutionalization works in respect to other aspects of the international migration management discourse.

7 In and Out the Back Door: Canada's Temporary Worker Programs in a Global Perspective

Victor Piché

The significance of international migration, and in particular the role of migrant workers, is being profoundly affected by crucial economic and social transformations linked to globalization. We are presently witnessing an important paradigm shift with the elaboration of a two-tier migration regime, focused, on the one hand, on highly selective mechanisms of recruitment of qualified workers and, on the other hand, on temporary work permits for less skilled job-seekers. This paradigm shift is embedded in the migration management approach, which has become a major reference in international migration discussions and analyses.[1] The new consensus, emanating from international organizations and academic theories dealing with international migration, seems to be that temporary migration programs are best suited in today's global world. One of the key objectives of this contribution lies in illustrating the development of temporary migration using the Canadian model, which is often cited as a best practice example. Although academic interest with respect to policies affecting refugees and irregular migrants in Canada is relatively well developed, temporary migration policies are still little discussed and analyzed in the Canadian context.

Evidently, the notion of migration management is not new and dates back to the end of the 19th century.[2] What is new, however, is the recent generalization of the global orderly migration management model. In the words of Bimal Ghosh[3], the founder of this new approach, migration management means managing for more orderly, predictable and human objectives, and to

1 See the contribution of Martin Geiger and Antoine Pécoud in this volume.

2 Vincent Chetail reminds us that the US Supreme Court broke away from the principle of free circulation with its 1892 decision stipulating that every sovereign nation has the power to forbid the entrance of foreigners and decide who can be admitted, see Vincent Chetail, Migration, Droits de l'Homme et Souveraineté Nationale. Le Droit International Dans Tous Ses États, in: idem (ed.), Mondialisation, Migration et Droits de l'Homme. Le Droit International en Question, Brussels 2007, pp. 13–136, here p. 24.

3 Bimal Ghosh, Managing Migration. Time for a New International Regime?, Oxford 2000.

achieve these objectives, there is a need for a global governance migration regime.[4] Migration management is based on one essential premise: namely, that migration, if well managed, can be positive for all, i.e. countries of origin, countries of destination and migrants themselves (thus the win-win-win rationality). Given the main concern with irregular migration and border security, e.g. in the case of Europe, operational aspects of migration management policies cover three important dimensions. The first dimension has to do with more effective control of borders and involves basically the process of de-territorialization, whereby migrants are intercepted before gaining access to European Union countries, what has been labeled »preventive refoulement«.[5] The second dimension involves third countries, mostly some weak states such as Albania and Greece, which are pressured to develop migration policies more attuned to effective border controls. This approach also involves alliances with transit countries such as Morocco and Libya, which are asked to curtail illegal emigration and where migrants are sent back when intercepted.[6] The third dimension refers to co-development programs aiming at stopping emigration pressures from sending countries, programs criticized for being developed with exclusive EU interests. Finally, international organizations, mainly the International Organization for Migration (IOM), play a significant role in diffusing the migration management discourse.[7]

Temporary Migration in Global Migration Management Discourse

Utilitarianism and Consequentialism in Migration Policy

»The global agenda is still profoundly embedded in utilitarianism and consequentialism.«[8]

Migration management is mainly the result of preoccupations with illegal migration. However, another central dimension of migration management discourse is the promotion of temporary migration as an appropriate

4 See the contribution of Bimal Ghosh in this volume.

5 Chiara Marchetti, Expanded Borders. Policies and Practices of Preventive Refoulement in Italy, in: Martin Geiger/Antoine Pécoud (eds.), The Politics of International Migration Management, Basingstoke 2010, pp. 160–183.

6 In the case of Morocco see the contribution of Clotilde Caillault in this volume.

7 All this is well analyzed in Geiger/Pécoud (eds.), The Politics of International Migration Management.

8 For more details, see Victor Piché, Migrations Internationales et Droits de la Personne. Vers un Nouveau Paradigme?, in: François Crépeau et al. (eds.), Les Migrations Internationales Contemporaines. Une Dynamique Complexe au Cœur de la Globalisation, Montréal 2009, pp. 350–369.

policy choice. It is not possible to dissociate present-day discussions on temporary migration from the new global management approach to international migration, and in particular to its profound embeddedness in *utilitarianism*.[9] Indeed, since the inception of international migration policies in the 19th century, the utilitarianist paradigm[10] has been dominant and rarely challenged. In recent years, two competing paradigms, namely the globalization and human rights approaches, have altered the way we think about migration, but without really questioning the utilitarianist postulate. However, an emerging paradigm, based on the notion of open borders, is the only one radically challenging the utilitarianist paradigm.

Generally speaking, migration policies rest on four pillars: political, demographic, humanitarian and economic. The political dimension represents the fundamental basis of the paradigm and considers national sovereignty as an absolute principle and states that migration policies must first and foremost be geared towards national interests. A corollary of this postulate is the primacy of national security, a preoccupation that has become overwhelming since September 11, 2001.[11]

The humanitarian dimension refers to refugees. Contrary to other types of international migration, refugees and asylum seekers are governed by international law under the Geneva Convention since 1950. Indeed, this constitutes a breach with respect to national sovereignty inasmuch as states that are party to this convention have accepted the principle of multilateral management. In this sense, this type of migration could be said to lie outside of the utilitarianist model. However, it must be added that the rights of refugees and asylum seekers have been severely curtailed in the last fifteen years. Considered too liberal, the application of the Geneva Convention has become more and more restrictive and more attuned to national and/or regional interests as in the case of the European Union.[12] The third pillar of migration

9 Patrick Taran, Clashing Worlds: Imperative for a Rights-Based Approach to Labour Migration in the Age of Globalization, in: Marie-Claire Caloz-Tschopp et al. (eds.), Mondialisation, Migration et Droits de l'Homme. Un Nouveau Paradigme pour la Recherche et la Citoyenneté, Brussels 2007, pp. 403–433.

10 I use the term paradigm throughout the paper to mean a set of basic assumptions (values, ideologies, theories, hypotheses, interpretations) with respect to a specific research field (here international migration). A dominant paradigm is often taken for granted and it is very difficult for alternative paradigms to become accepted and legitimized.

11 François Crépeau/Delphine Nakache, Controlling Irregular Migration in Canada. Reconciling Security Concerns with Human Rights Protection, in: Choices, 12. 2006, no. 1, pp. 1–39.

12 James F. Hollifield, Migration, Trade, and Nation-State. The Myth of Globalization, in: UCLA Journal of International Law and Foreign Affairs, 2. 1998, pp. 595–636;

policies is demographic. In traditional immigration countries as in Canada, the demographic foundation of immigration has always been present.[13]

However, recently, demographic considerations have become generalized in developed countries. With population aging and anticipated decreases in population, important labor shortages are anticipated and international migration becomes (or could become) the main component of population growth. For example, for the period 2000–2005 in developed countries, net international migration is estimated at 2.6 million while natural increase (births minus deaths) is estimated at 1.0 million. It is in this demographic context that the notion of replacement migration (immigrants replacing births) has been suggested.[14]

Of course, if the demographic context is considered somewhat ›unfavorable‹, it is directly linked to economic considerations, the forth pillar of migration policies. Ultimately, all migration policies pursue economic objectives and these occupy a central place in the elaboration and justification of migration policies. This can explain why scientific research on international migration has tended to focus on the economic impacts or consequences of immigration.[15] The term *consequentialism* has recently been coined to characterize this approach.[16] In brief, the consequentialist approach is centered on the positive or negative effects of international migration. Positive consequences serve to justify a more open policy while negative effects are able to justify restrictive policies. At the macro-level, the economic impact of immigration is said to be either positive or indeterminate but never negative.[17] At the micro-level, however, studies tend to show that migrants tend to improve

Luc Legoux, La Réorganisation Mondiale de l'Asile, in: Luc Cambrezy et al. (eds.), L'Asile au Sud, Paris 2008, pp. 9–22.

13 Victor Piché, Un Siècle d'Immigration Québécoise. De la Peur à l'Ouverture, in: idem/Céline LeBourdais (eds.), La Démographie Québécoise: Enjeux du XXIe Siècle, Montréal 2003, pp. 225–263; Alan B. Simmons, Immigration and Canada: Global and Transnational Perspectives, Toronto 2010.

14 United Nations, Replacement Migration. Is it a Solution to Declining and Ageing Populations?, New York 2001.

15 See for example George J. Borjas, The Economics of Immigration, in: Journal of Economic Literature, 32. 1994, no. 4, pp. 1667–1717; Bimal Ghosh, Economic Effects of International Migration: A Synoptic Overview, in: International Organization for Migration (IOM), World Migration 2005: Costs and Benefits of International Migration, Geneva 2005, pp. 163–183; Manon Domingues Dos Santos, The Economic Consequences of Migration, in: Graziella Caselli et al. (eds.), Demography: Analysis and Synthesis. A Treatise in Population, Oxford 2006, pp. 337–348; Antoine Pécoud/Paul de Guchteneire, Migrations Sans Frontières: Essai Sur la Libre Circulation des Personnes, Paris 2009.

16 See e.g. Martin Ruhs/Ha-Joon Chang, The Ethics of Labor Immigration Policy, in: International Organization, 58. 2004, no. 1, pp. 69–102.

17 Ibid.

their economic situation.[18] In sum, it can be argued that the four pillars of migration policies are cemented by utilitarianist principles: they are embedded in national sovereignty and are constructed around national economic interests. Recently, many voices have risen to suggest that this paradigm is seriously put to test by globalization processes. We now turn to these arguments.

The Globalization Paradigm in Migration Policy

Many authors consider that the national level is no longer appropriate for the management of international migration. The nation-state, in the globalization context, is considered as less and less capable of controlling migration flows in a unilateral fashion.[19] Thus, it is important to ask whether globalization has fundamentally changed the dominant migration paradigm. The answer to this question is multifaceted and depends on the level of analysis. Here, we examine four dimensions of this question: volumes of international migration, decision-making levels, migrants' rights and basic tenets of the global migration approach. With respect to the volume of international migration, the answer to the question on the impact of globalization seems to be positive. There is consensus in the literature that the present historical period is marked by intense mobility and that this mobility will continue to increase as a result of globalization. The evidence for this comes from a single source of data produced by the Population Division of the United Nations based on the number of persons enumerated outside their country of birth. According to these statistics, foreign-born populations have increased from 75 million in 1960 to 191 million in 2006.[20] In relative terms, these numbers represent 2.5% in 1960 compared to 2.9% in 2005. While the relative increase has remained small during the period at the world level, the increase has been particularly important in developed countries (3.4% in 1960 against 9.9% in 2005), which may explain why migration flows constitute a preoccupation characteristic of the global North. Given pressures inherent in globalization (e.g. the creation of regional blocks and increased socio-economic inequalities between rich and poor countries), it is reasonable to expect still higher levels of international migration in the future.

With respect to decision-making in migration policy, globalization is at the root of the emergence of a school of thought in the 1990s advocating the necessity of going beyond unilateral and national management of migration

18 Ghosh, Economic Effects of International Migration.

19 Alain Dieckhoff, La Nation Dans Tous Ses États, Paris 2000; Ghosh, Managing Migration.

20 Hania Zlotnik, Statement to the Commission on Population and Development, Thirty-ninth session, United Nations, New York 2006.

to multilateral and global management.[21] It is clear that we have witnessed an increase in multilateral discussions of international migration in the 1990s, whether at the levels of governments or of international organizations such as the United Nations system.[22] However, regarding the content of such discussions, there are important gaps between governments, international organizations and NGOs involved in the promotion and protection of human rights of migrants. States are more interested by issues of security and border controls, in particular with respect to irregular migration and human trafficking.[23] On the other hand, international organizations insist on the important development potential of migration as well as the promotion of human rights. Finally, NGOs carry a more critical perspective, advocating for migration policies that are more open, less restrictive, and more centered on human rights.

In this regard, the impact of globalization on the protection of human rights of migrants is minimal. On the one hand, the present focus on security is certainly not favorable to open immigration policies and to the extension of migrants' rights. On the other hand, the human rights approach to international migration has become a global issue and is prominent among key international organizations such as ILO, UNFPA and also among many NGOs. It appears that there is a globalization of the human rights model.[24]

The final dimension with respect to the impact of globalization on migration policies is linked to the first fundamental pillar of utilitarianism and consequentalism: Despite important shifts in the way migration is perceived, the globalization approach to migration is still embedded in the utilitarianist paradigm and does not question the two basic postulates linking international migration to national sovereignty and national economic interests. In the globalization perspective, migrants' rights do not constitute an important parameter in the elaboration of policies. Hence, if emigration is recognized as a universal right, there is no symmetrical right to immigration. Immigration is considered a privilege granted by states, which consider that they possess an exclusive right on rules of entry. Of course, the utilitarianist paradigm does not exclude the granting of certain rights to migrants, such as integration and residence rights, and in fact in certain countries these rights do exist. However, the degree of extension of these rights varies from country to coun-

21 Bimal Ghosh, La Gestion des Migrations: Le Regime Manquant, in: Pécoud/de Guchteneire (eds.), Migrations sans Frontières, pp. 139–168.

22 Hélène Pellerin, Intégration Économique et Sécurité. Nouveaux Facteurs Déterminants de la Gestion de la Migration Internationale, in: Choix, 10. 2004, no. 3, pp. 1–30; Victor Piché, Immigration, Globalization and Cultural Diversity. New Challenges for the 21st Century, in: Labour, Capital and Society, 37. 2004, no. 1–2, pp. 210–233.

23 See, e.g., Crépeau/Nakache, Controlling Irregular Migration in Canada.

24 Jean-Marc Coicaud et al. (eds.), The Globalization of Human Rights, New York 2003.

try and ultimately depends on the goodwill of each country. In some countries, residence and citizenship rights for certain categories of migrants are easily accessible (e.g. Canada and the United States), while in most other countries citizenship is not possible, or at least very difficult to achieve.[25]

The Migrants' Rights Approach in Migration Policy

A third paradigm focuses on migrant workers' rights. It is exemplified by the ›International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families‹ adopted by the UN General Assembly on 18 December 1990. It must, however, be noted and acknowledged that the International Labour Organization (ILO) has explicitly promoted the notion of migrant workers' rights as early as in the 1940s. Indeed, in 1949, the ILO adopted Convention No 97 on the rights of migrant workers, followed by Convention No 143 adopted in 1975.[26] The ILO has recently proposed new guidelines in which article 8 stipulates that the human rights of all migrant workers, *regardless of their status*, must be promoted and protected.[27] This framework insists on equal treatment in the labor market, condemns human trafficking, insists on multilateral management of migration, recommends social and economic integration of migrant workers and, finally, underlines the positive nature of international migration in the context of development.

Other UN organizations play a strategic role in the promotion of the human rights of migrant workers. For instance, the now ›extinct‹ UN Commission on Human Rights[28] had adopted a resolution entitled ›Human Rights of Migrants‹ year after year (up until 2005). In brief, this resolution can be summarized in six points: the mentioned Commission

1. strongly condemns all manifestation of racism and discrimination against migrants (article 1–4);
2. urges states to promote and protect the human rights of all migrants, *independent of their migratory status* (article 5);
3. urges states to engage in multilateral discussions on migration policies (article 6);

25 For a review of the situation with respect to citizenship rights, see Patrick Weil, Access to Citizenship. A Comparison of Twenty-Five Nationality Laws, in: Thomas A. Aleinikoff/Douglas B. Klusmeyer (eds.), Citizenship Today: Global Perspectives and Practices, Washington, DC 2001, pp. 17–35.

26 International Labour Organization (ILO), Migration for Employment Convention (Revised), Geneva 1949; ILO, Migrant Workers (Supplementary Provisions) Convention, Geneva 1975.

27 ILO, ILO Multilateral Framework on Labour Migration: Non-Binding Principles and Guidelines for a Rights-Based Approach to Labour Migration, Geneva 2006.

28 Replaced in March 2006 by the Human Rights Council.

4. favors immigration programs that allow complete integration in receiving countries and facilitate family reunification (articles 9–11);
5. asks states to respect labor laws in accordance with national legislations and international conventions (article 13);
6. encourages states to combat human trafficking (article 19–20).[29]

The UN Commission on Population and Development is also interested in international migration. Although this commission is responsible for the follow-up to the Cairo Plan of Action adopted at the 1974 International Conference on Population and Development (ICPD), it was only in 2006, at the time of its 39th session, that the commission dealt explicitly with the thematic complex of international migration and development. Following up on a report of the UN Secretary General, this commission presented a resolution stressing the positive link between migration and development for countries of origin, destination and transit (through remittances and the involvement of diasporas). As we all know, international migration is a controversial subject particularly among developed countries, which are not open to holding international conferences with *binding* resolutions. Thus, no consensus was reached to organize such conferences, although a high-level dialogue meeting was agreed upon and held in September 2006. The results of this meeting were not different from previous discussions and dealt with the positive aspect of migration for development. NGOs and civil society were not formally invited to this meeting; however, a consultation was held in New York on 12 July 2006 sponsored by the UN Non-Government Liaison Service during which NGOs expressed their views on the report of the Secretary General mentioned above.[30] Two main criticisms were formulated: (1) that the report did not sufficiently promote a global approach to migration rights, and (2) that the angle adopted was too much based on economic needs.

ICPD + 15 (i.e. 15 years after the 1994 Cairo Conference) has produced a series of regional reports in preparation for another international conference that may be held in 2014. These reports re-affirm the Cairo agenda, namely that countries should ratify the ›International Convention on the Protection of the Rights of Migrants‹. One report, for example, goes even so far as to state that everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.[31] The most important international instrument with respect to

29 United Nations, Resolution on Human Rights of Migrants HR 2005/47, New York 2005.

30 UN Non-Governmental Liaison Service, NGO Responses to the UN Secretary-General's Report on International Migration and Development, New York 2006.

31 UN Economic Commission for Latin America and the Caribbean, Appraisal and Conclusions from the 1994–2009 Review of the Implementation of the Cairo Program of Action in the Caribbean, New York 2010.

migrants' rights at present is this very UN Convention. This convention, although adopted in 1990, only came into force in 2003. As of July 2010, 43 states had ratified it, but no developed country had done so. Among others, article 1 stipulates that it applies to all migrant workers and members of their families, without distinctions based on migratory status (regular or irregular): Nevertheless, what is important for our discussion is that the migrants' rights framework does not call into question the utilitarianist postulate of national sovereignty. Indeed it stresses the importance of multilateral actions in migration management, but within a context of cooperation between states that remain sovereign in migration policy matters. Hence, article 79 states quite clearly that »nothing in the present convention shall affect the rights of each States Party to establish the criteria governing the admission of migrant workers and members of their families.«

In addition, three other examples illustrate the proposition that utilitarianism is still very much present in the global agenda on international migration and human rights. The first example is the report of the Global Commission on International Migration (GCIM).[32] In certain aspects, this report presents innovative recommendations, in particular with respect to the necessity to further develop the normative framework of migrants' rights and adopt more binding international conventions. The GCIM clearly specifies the necessity to respect national sovereignty in migration management. Furthermore, the report dwells heavily on the positive potential of migration for development. The second example is the latest ILO multilateral framework mentioned above which explicitly refers to migrant workers' rights.[33] The title of the document is revealing since it refers to »non-binding principles and guidelines for a rights-based approach to labor migration.« However, this framework is based on the same basic principles as the GCIM, namely national sovereignty and positive economic impact of migration (see for example article 15). The third example, the UNDP 2009 Human Development Report, merits a separate discussion because of its very strong position in favor of greater human mobility. The report, viewing »development as promoting people's freedom to lead the life they choose, recognizes mobility as an essential component of that freedom.«[34] Among the six pillars to maximize the human development impacts of migration[35], the first two deal with liberalizing and simplifying regular channels that allow people to seek work

32 Global Commission on International Migration (GCIM), Migration in an Interconnected World. New Directions of Action, New York 2005.

33 ILO, ILO Multilateral Framework on Labour Migration.

34 United Nations Development Programme (UNDP), Human Development Report: Overcoming Barriers to Human Mobility and Development, New York 2009, p. 8.

35 Ibid., ch. 5.

abroad and ensure basic rights for migrants.[36] With respect to human rights of migrants, the report states that the six core international human rights' treaties, ratified by 131 countries, all contain strong non-discrimination clauses applicable to migrants, regular and irregular, citizens and non-citizens.[37] Thus, »even countries that have not signed the CMW[38] are still obliged to protect migrant workers.«[39] Although the report presents the strongest position ever for a UN body regarding the »intrinsic value« of human mobility, the main argument still resolves around the positive developmental impacts of international migration and its »instrumental value.«[40] Consequentialism and utilitarianism are still on the agenda as well as the national sovereignty principle inasmuch as the proposal »does not prescribe any particular levels of increased admissions, since these need to be determined at the country level.«[41]

Hence, as for the second pillar of the utilitarianist postulate based on the necessary links between immigration and national economic needs, it is also not called into question by the migrants' rights framework. To reconcile the consequentialist principle and human rights, the migrants' rights framework has rephrased the migration-development equation by reversing the question. The question is no longer – as in the previous paradigm – if migration is a positive or negative phenomenon, but how migration can be managed in order to produce positive effects. In fact, there is a strong presumption that migration *can be* positive if well managed. In particular, remittances and transnational groups constitute key factors in fostering development. Surely, for groups and organizations promoting migrants' rights, this new paradigm is extremely important and useful. Even if it remains within the utilitarianist perspective, it is an important tool for the promotion and protection of migrants' rights and can be used to pressure governments for increased protection of human rights.

Nonetheless, the human rights paradigm is fraught by two shortcomings. Firstly, international resolutions and conventions remain very little binding. For example, the fact that no developed countries have ratified the UN Convention on the protection of migrants' rights yet considerably limits

36 Ibid., p. 95.

37 Chetail, Migration, Droits de l'Homme et Souveraineté Nationale.

38 United Nations, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, New York 1990, http://www2.ohchr.org/english/law/cmw.htm.

39 UNDP, Human Development Report, p. 101.

40 Ibid., p. 17.

41 Ibid., p. 95.

its power.[42] The second limit to the migrants' rights framework is linked to the acceptance of consequentialism as the fundamental guiding principle. Consequentialism is a double-edged sword with respect to the promotion of migrants' rights. As long as it can be demonstrated, or is believed, that migration is positive, the promotion of human rights is possible and even facilitated. However, an important change in the economic context, such as a severe crisis, with consequent increased unemployment, promotion of migrants' rights would be considerably weakened. In such contexts, the perception of the economic impact of migration would become negative and states, supported by public opinion, would feel justified to shut the doors and increase border controls, and consequently migrants' rights would become relegated to a second, even marginal, place.

Thinking the Unthinkable: An Open Borders Scenario in Migration Policy

A forth paradigm, labeled »open borders scenario«, constitutes a radical rupture with the above paradigms since it is framed outside their utilitarianist foundations. It essentially asserts that migrants' rights should not be dependent on the goodwill of individual states and is based on three basic tenets. Firstly, the right to emigrate should be paralleled with the right go immigrate. In this sense, the paradigm completely reverses the dominant equation: migration is not a privilege but a right. The second basic principle states that there is an absolute necessity to build a strong international law with binding mechanisms. Finally, in the open border framework, migrant (temporary) worker programs, which do not offer the right of residence and integration, are contrary to migrants' rights, hence, therefore need to be abolished or reformed.

The open borders paradigm has been well developed by a series of books published by UNESCO under the editorial leadership of Antoine Pécoud and Paul de Guchteneire, in particular in their 2007 book entitled ›Migration Without Borders‹ (subsequently published in French in 2009). The basic arguments of the book are as follows: Firstly, political responses to the new international migratory context are largely inefficient, human costs are high (one death per day at the US-Mexican border) and so are financial costs

42 Many studies have attempted to address the question as to why developed countries refuse to ratify the convention: see the special issue of the French journal Hommes & Migration 2009 and Paul de Guchteneire et al. (eds.), Migration and Human Rights: The United Nations Convention on Migrant Workers' Rights, Cambridge 2009; for Canada, see Victor Piché et al., Obstacles to Ratification of the ICRMW in Canada, in: de Guchteneire et al. (eds.), Migration and Human Rights, pp. 193–218.

(the richest countries spend from 25 to 30 billion dollars per year).[43] Secondly, on a more theoretical ground, the analysis of arguments against the migration without borders scenario shows that no arguments, be they ethical, economic or social, seriously go against open borders.[44] Furthermore, the scenario of massive outmigration as a result of open borders does not find empirical evidence.[45] In brief, it is argued that there is an important paradox between globalization and the non-liberalization of migration flows.[46] In this context, the migration without borders scenario is certainly worthwhile to consider. Obviously, this scenario is still considered far-fetched and utopian. Most countries and regions of the world still have rigid borders, such as South Africa, Asia, North America and the European Union.[47] There seems to be at least some opening up of borders in West Africa and Latin America.

Temporary Migration Programs. Best Suited in Today's Global World?

A few examples will illustrate the new consensus around temporary migration among international organizations. The first one comes from the Global Commission on International Migration (GCIM). The argument in favor of temporary migration is based on offer and demand. On the one side, there exists an important offer coming from poor people in need of income. On the other hand, there is an increasing demand for workers in low skilled occupations for which local recruitment is limited, oftentimes impossible. In brief, allowing these poor workers to have access to income constitutes a win-win-win situation: for the migrants, for countries of origin and for receiving countries. In the report of the GCIM, at least four recommendations deal with the relevance of temporary migration programs.[48]

The second example is the ILO framework mentioned above.[49] For instance, article 15 of the framework stipulates that the contribution of labor

43 Pécoud/de Guchteneire (eds.), Migrations sans Frontières., ch. 1; idem, International Migration, Border Controls and Human Rights. Assessing the Relevance of a Right to Mobility, in: Journal of Borderlands Studies, 21. 2006, no. 1, pp. 69–86.

44 See for instance Mehmet Ugur, L'Éthique, l'Économie et la Gouvernance de la Liberté de Mouvement, in: Pécoud/de Guchteneire (eds.), Migrations sans Frontières, pp. 97–138.

45 Jan Kunz/Mari Leinonen, Une Europe sans Frontières: Pure Rhétorique, Realité ou Utopie?, in: Pécoud/de Guchteneire (eds.), Migrations sans Frontières, pp. 191–220.

46 Nigel Harris, Les Mouvements de Personnes, Entre Économie et Politique, in: Pécoud/de Guchteneire (eds.), Migrations sans Frontières, pp. 55–78.

47 See the contribution of Bernd Kasparek and Fabian Wagner in this volume.

48 GCIM, Migration in an Interconnected World, no. 2–5.

49 ILO, ILO Multilateral Framework on Labour Migration.

migration to employment, economic development and the reduction of poverty must be recognized and maximized for the benefit of sending as well receiving countries. Temporary labor migration is not considered negative with respect to the equal treatment principle of migrant and native workers.[50] It must be recalled that these guidelines are not binding and that it is the idea of temporary programs as legitimate that comes out of the ILO framework.

A third example is the International Initiative on Migration and Development, launched by IOM in 2006 in cooperation with the private sector, the World Bank and some governments. This initiative argues for greater temporary mobility of workers using the usual argument about offer and demand. The IOM is not only advocating temporary migration but is also involved in specific programs, the Canadian seasonal agricultural program involving Guatemalan workers in Quebec being a case in point.

A final example comes from the UNDP 2009 Human Development Report. Here it is argued in favor of the expansion of schemes for »truly seasonal work in sectors such as agriculture and tourism.«[51] Canada is even singled out as a country whose migrant workers programs have been successfully operating for decades, although the criteria for this ›success‹ are not mentioned![52] As we shall see in the next section, Canada's record in the field of temporary worker programs needs far more attention and critical reassessment.

The idea of the relevance of temporary programs is not only promoted by international organizations as seen above, but there is also such support coming from the academic world. Two examples are noteworthy because of the strategic position of the authors.

The first paper was written by two economists and published in the journal ›International Organization‹.[53] At the outset, it must be noted that Martin Ruhs and Ha-Joon Chang argue in favor of including migrants' rights as a policy parameter along with the traditional consequentialist parameter, and this is certainly a very important argument from a human rights perspective. They suggest a typology of immigration policy using a three-by-three-matrix involving two basic parameters, degree of consequentialism and degree of moral standards for non-citizens. Important for our purposes are the final conclusions suggested by these authors. Firstly, they reject the four extremes as not realistic (namely rights-based nationalism, consequentialist nationalism, rights-based cosmopolitanism and consequentialist cosmopolitanism). Secondly, they advocate the moderate position (moderate conse-

50 Ibid., Guideline no. 5.5.

51 UNDP, Human Development Report, p. 4.

52 Ibid., p. 96.

53 Ruhs/Chang, The Ethics of Labor Immigration Policy (see footnote 16).

quentialism and moderate moral standing). To the question »what would be the most desirable design of labor immigration policy?« they answer that the design needs to be much less cosmopolitan and significantly more consequentialist than the human-rights approach as advocated by international organizations.[54] Their final proposition is the need to design new types of temporary foreign worker programs including a list of core rights and »we need to deny migrant workers some of the rights that are generally granted to citizens and permanent residents of the host country.«[55] Needless to add that this statement is contrary to international law since equal treatment in the labor market is recognized in the United Nations Treaties on economic, social and cultural rights and on the civil and political rights, which are in force since 1976.[56]

A second, more recent example is an article published in the journal ›Ethnic and Racial Studies‹ by the well-known sociologist Alejandro Portes.[57] According to his review of the literature, he concludes that ›cyclical‹ international migration, as opposed to permanent migration, has the most positive developmental effects. This is true for manual as well as professional and technical labor flows. It must be underlined that in his view, permanent migration of manual labor has non-developmental effects.[58]

The re-emergence of temporary migration programs may appear astonishing given that these types of programs, namely guest-worker programs, have been severely criticized and abandoned in the 1970s by many European countries.[59] In any event, the main point here is that there is consensus on a new relevance of such programs.

54 Ibid., pp. 90–94.

55 Ibid, p. 97.

56 Chetail, Migrations, Droits de l´Homme et Souveraineté Nationale, p. 63.

57 Alejandro Portes, Migration and Development. Reconciling Opposite Views, in: Ethnic and Racial Studies, 32. 2009, no. 1, pp. 5–22.

58 Of course, positive developmental effects say nothing about the socio-economic conditions in which cyclical migration operates or about the possible exploitative nature of such migrant labor. As a matter of fact, discriminatory and exploitative conditions can, and often do, coexist with positive developmental effects. The opposite is very unlikely because workers would not engage in such migration if positive effects were not expected. This association between migration and expected positive outcomes is as old as the famous Harris-Todaro (1970) model: John R. Harris/Michael Todaro, Migration, Unemployment and Development. A Two-Sector Analysis, in: American Economic Review, 60. 1970, no. 1, pp. 126–142.

59 Stephen Castles, Guestworkers in Europe. A Resurrection?, in: International Migration Review, 40. 2006, no. 4, pp. 741–766.

Temporary Worker Programs in Canada: Some Critical Reflections

Canada is a good example of a country that is presently transforming its traditional immigration policy, geared towards permanent residence, into a vast program of temporary workers. Canada has always been considered as part of the so-called traditional immigration countries, and policies in the past have largely favored the recruitment of foreign workers through a selection process granting permanent residence. It is this immigration that has supported the economic and social history of Canada and Quebec.[60] Although, in the 1970s, Canada as well resorted to foreign workers via temporary programs[61], the number of people involved in these programs was limited. Furthermore, despite strong pressures from the growers in the agricultural industry for the recruitment of Caribbean migrant labor in the face of persistent shortages of labor, the Canadian government repeatedly refused to allow such temporary recruitment until the end of the 1960s because of what Victor Satzewich calls the »racialization« of post-war migration to Canada.[62] Thus, all through the 20th century, Canada conveyed the image of a permanent immigration country. However, since the last 10 or 15 years, this image must be seriously revised.[63]

As with most other developed countries, the Canadian economic and demographic situation is nowadays characterized by important labor needs. The present immigration system is seriously criticized by employers as being inefficient, given the long delays between immediate labor needs and the result of the lengthy selection process for economic immigrants (through a point system). Employer pressures are presently very strong towards linking direct employment (demand) and labor (offer). The result has been the development of temporary migration programs involving highly qualified as well as less qualified workers.[64] Detailed statistics are still hard to come by[65],

60 Piché, Un Siècle d'Immigration Québécoise.

61 See for example Tanya Basok, Tortillas and Tomatoes. Transmigrant Mexican Harvesters in Canada, Kingston 2002.

62 Victor Satzewich, The Canadian State and the Racialization of Caribbean Migrant Farm Labour 1947–1966, in: Ethnic and Racial Studies, 11. 1988, no. 3, pp. 282–304.

63 Kerry Prebisch, Pick-Your-Own Labor: Migrant Workers and Flexibility in Canadian Agriculture, in: International Migration Review, 44. 2010, no. 2, pp. 404–441; Nandita Sharma, Home Economics: Nationalism and the Making of Migrant Workers in Canada, Toronto 2006.

64 Prebisch, Pick-Your-Own Labor.

65 Eugénie Depatie-Pelletier, Travailleurs Étrangers Sous Permis Temporaire au Canada. Questionnements Éthiques, in: Florence Piron et al. (eds.), Éthique des Rapports Nord-Sud, Québec 2010, pp. 207–215.

Table 1: Temporary versus Permanent Foreign Workers in Canada: 2000, 2005 and 2009

Canada – Foreign workers present on December 1st by yearly sub-status						
PANEL A						
Temporary sub-status	2000		2005		2009	
	Numbers	%	Numbers	%	Numbers	%
International Agreements (1)	15,413	28	14,819	18,6	22,590	13,8
Information technology workers	1,395		1,980		3,565	
Live-in Caregiver Program	7,451		20,386		38,608	
Seasonal Agricultural Worker Program:	16,688		20250		23,437	
Mexican	*9,226*		*11,848*		*15,722*	
Caribbean	*7,462*		*8,402*		*7,715*	
Other workers with LMO*	13,882		19,205		37,524	
Workers with LMO* (2)	39,416	72	64,667	81,4	141,389	86,2
Sub-total (3)	54,829	100	79,486	100	163,979	100
% of total (4)		61		56,4		58,1
Grand total (5)	89,746		140,906		282,194	
PANEL B						
Permanent Immigration – Economic Class						
Economic class (6)	136,285		156,312		153,498	
% of total (7)		59,9		59,6		60,9
PANEL C						
Ratio temporary vs. permanent (8)	0,66		0,51		1,10	

* LMO: Labor Market Opinion.

Source: CIC, Immigration Overview: Permanent and Temporary Residents Statistics, Ottawa 2009, www.cic.gc.ca/english/resources/statistics/facts2009.

but they are very eloquent in documenting the important increase in the number of foreign workers (migrant temporary workers) in Canada. A selected range of statistics on temporary foreign workers is published annually by the Department of Citizenship and Immigration Canada (CIC) and is made available through their website.[66] The calculations presented in table 1 have been adapted from the latest report.[67] Three years (2000, 2005 and 2009) have been selected in order to give some idea of changes occurring approxi-

66 Citizenship and Immigration Canada (CIC), Immigration Overview: Permanent and Temporary Residents Statistics, Ottawa 2009, www.cic.gc.ca/english/resources/statistics/facts2009.

67 Ibid.

mately in the last ten years. As table 1 shows, the grand total of foreign workers (line 5) increased from 89,746 in 2000 to 282,194 in 2009.

It has to be pointed out that many different types of categories are included in the label *foreign workers*, such as students, humanitarian visas, etc. In table 1, the focus is on two such categories: (i) temporary visas granted under international trade agreements such as the North American Free Trade Agreement (line 1) and (ii) workers with *Labor Market Opinion* (line 2). The latter category falls basically under different types of temporary migrant worker programs under which employers must apply for a Labor Market Opinion before they can hire a foreign worker or get pre-approval to hire a large number of workers. A positive Labor Market Opinion will show that there is a need for the foreign worker to fill the job offered and that there is no Canadian worker available to do the job.[68] These two categories represent some 60% of all foreign workers (line 4).

Crucial to our analysis is the very important increase in foreign workers as defined here (line 3): from 54,829 in 2000 to 163,979 in 2009. Furthermore, entries under *international agreements* have declined while the proportion of migrants in temporary programs (LMO workers) has increased from 72% in 2000 to 86% in 2009. Finally, the ratio of temporary to permanent workers has also considerably increased at such a rate that in 2009 temporary migration has exceeded permanent economic immigration (line 8).

In terms of human rights, it is the low skills programs that are most preoccupying. Low-skilled foreign workers are under the legal authority of their employer and are admitted under three main programs. (1) The ›Live-in Caregiver Program‹ is the legal framework for the recruitment of foreign workers (mostly women) for employment as caregivers with the obligation to reside in the employer's home as stipulated in the work permit. In December 2009, there were some 38,608 such caregivers (compared to 7,451 in 2000, table 1). (2) The ›Seasonal Agricultural Worker Program‹ is targeted to nationals of Central America and the Caribbean, mostly Mexicans and Guatemalans, for temporary employment in the agricultural sector. Certain binding conditions are explicitly integrated in work contracts. In particular, no foreign worker part of this program is allowed to work for an employer other than the one specified in the contract, or can do so only with the authorization of this employer. Furthermore, after a period ranging from 7 to 14 days, the agricultural employer can put a stop to the employment of a foreign worker and thus start repatriation procedures. In 2009, there were 23,437 foreign workers in this program (compared to 16,688 in 2000). (3) Other foreign workers coming under temporary programs (mainly the ›Low skilled Tem-

68 The Labour Market Opinion is delivered by Human Resources and Skills Development Canada.

porary Foreign Worker Program‹ see: other workers with LMO, table 1) also increased considerably from 13,882 in 2000 to 37,524 in 2009.

The latter program was initiated in 2002 within the new immigration law and defines the guidelines for the recruitment of low-skilled foreign workers in occupations other than caregiving and agriculture. It is part of the ›Temporary Foreign Worker Program‹ initiated in 1973 for the recruitment of highly skilled workers. This program has been expanded to lower-skilled workers in 2002 with important changes facilitating such recruitment from 2002 to the present. If in 2002 26,3% of all temporary foreign workers were in lower-skilled occupations, this percentage was up to 34,2 in 2008.[69] However, if the family members of foreign workers are included, it is estimated that between 40 and 55% of temporary foreign workers were in lower-skilled occupations.[70] It can be expected that the rise in the number of foreign workers in lower-skilled occupations will continue in the future. A recent study has shown that lower-skilled foreign workers, contrary to highly skilled workers, have little access to employment-related rights, to family reunification and to permanent residence.[71]

Temporary Foreign Worker Programs are troubling for two main reasons. Firstly, they create a new category of non-citizens since settlement is beyond the reach of these workers. Thus, Canada is presently developing a two-tier immigration policy: one for highly qualified immigrants through the point system (economic class) and/or through temporary programs with easy access to permanent residence; and another one for lower-skilled workers for whom integration is denied.[72] Despite the fact that this is a fundamental change in Canadian immigration philosophy, there has been no public debate to this effect. The second main problem with temporary programs is that they do not respect fundamental human rights.[73]

However, the most unacceptable aspect of temporary programs is that they are basically employer-led and that foreign workers are tied to one em-

69 Prebisch, Pick-Your-Own Labor.

70 Delphine Nakache/Paula Kinoshita, The Canadian Temporary Foreign Worker Program, Ottawa 2010, pp. 5f.

71 Ibid.

72 Nandita Sharma argues that temporary programs in Canada create homeless categories of people while Harsha Walia coins the denial of integration as the apartheid of citizenship. See Nandita Sharma, Home Economics; Harsha Walia, Transient Servitude. Migrant Labour in Canada and the Apartheid of Citizenship, in: Race and Class, 52. 2010, no. 1, pp. 71–84.

73 The so-called openness index calculated by Martin Ruhs shows that temporary programs in Canada are below average compared to other temporary migration programs in high- and middle-income countries, see Martin Ruhs, Openness, Skills and Rights. An Empirical Analysis of Labour Immigration Programmes in 46 High- and Middle-Income Countries, Oxford 2011.

ployer. It is thus possible to apply the concept of *unfree labor* to this type of employment: unfree to circulate in the labor market and unfree to refuse work when required.[74]

Finally, it must be stressed that recent legal decisions have been made in Canada, which grant the same rights to migrant workers as to all citizens. For instance, in its 2010 legal opinion on the rights of foreign workers, the Quebec Human Rights Commission concludes that these workers benefit from the guarantees granted by the Quebec Charter of Human Rights.[75] Another example is the decision by the Quebec Labor Commission, declaring that article 21.a of the Quebec Labor Code, which stipulates that persons employed in a farm are not considered as salaried employees with the possibility of unionization if they are not ordinarily and continuously employed, is unconstitutional because it is contrary to the Canadian Charter of rights and liberties.[76] As Delphine Nakache and Paula Kinoshita (2010) have shown for the rest of Canada, there are some efforts to increase the protection of migrants' rights but the problem is that these rights are not really accessible in practice because of the very restrictive nature of the work permits.[77]

In the 1980s, there was some discussion among Canadian scholars as to the nature of temporary programs. While Lloyd T. Wong argued that they were guest-worker programs[78], Monica Boyd et al. (1986), analyzing temporary worker flows between 1973 and 1985, showed that significant and growing proportions involved social and humanitarian reasons, thus were not linked directly to labor market and therefore could not be labeled as guest-workers for this group.[79] However, as we have shown[80], there is an important increase in the labor-market component of migrant workers in Canada and as such they can be labeled as guest workers.

74 Basok, Tortillas and Tomatoes, p. 16.

75 Marie Carpentier, L'Applicabilité de la Chartre des Droits et Libertés de la Personne aux Travailleurs Migrants, Montréal 2010.

76 Commission des Relations de Travail, Reference No 2010 QCCRT 0191, Québec 2010. However, this decision is being revised by the Montréal Superior Court and is likely to end up in the Supreme Court.

77 Nakache/Kinoshita, The Canadian Temporary Foreign Worker Program.

78 Lloyd T. Wong, Canada's Guestworkers. Some Comparisons of Temporary Workers in Europe and North America, in: International Migration Review, 18. 1984, no. 1, pp. 85–98.

79 Monica Boyd et al., Temporary Workers in Canada: A Multifaceted Program, in: International Migration Review, 20. 1986, no. 4, pp. 929–950.

80 See also Prebisch, Pick-Your-Own Labor.

Conclusions

International migration and its management constitute major challenges for the 21st century, parallel to the great social, economic and political transformations characterizing today's world. In particular, globalization is changing the basic parameters with respect to the role of international migration and the place reserved for migrant workers. We are witnessing presently the setting up of a two-tier migration regime, one for lower-skilled workers centered on the refusal of integration and citizenship, and another for highly skilled workers whose mobility is favored with all kinds of rights and integration facilities. In other words, we are witnessing a new global migration regime that is highly restrictive and repressive for all types of unskilled migrants[81], whether temporary, asylum seekers or undocumented. This regime is actually new in four senses: (1) it is global, i.e. it is elaborated in the context of multilateralism; (2) the demographic and economic needs create a new bipolar, unequal, North-South reality; (3) there is a wide consensus on the relevance of this type of migration regime, a consensus implying an alliance between employers and governments, largely supported by public and media opinion on the need to limit immigration but not temporary migration; and (4) international law with respect to migrant labor is weak and often non-binding.

It is possible to conceive of temporary foreign worker programs that they are acceptable from a migrants' rights perspective, as long as five minimal conditions are met: (1) the temporary nature of employment should be a voluntary option of the worker who should have access to permanent residence, if so desired; (2) the worker should not be tied to one employer and should be granted free circulation in the labor market; (3) independent and efficient mechanisms need to be put into place in order to guarantee the protection of the rights of workers; (4) cases of abuse need to be efficiently punished and not only be complaint-based; and (5) Canada should sign and ratify the UN Migrant Rights Convention.[82]

81 Piyasiri Wickramasekara, Globalisation, International Labour Migration and the Rights of Migrant Workers, in: Ronaldo Munck (ed.), Globalisation and Migration. New Issues, New Politics, London/New York 2009, pp. 21–38.

82 Piché et al., Obstacles to Ratification of the ICRMW in Canada. With the recent election of a majority Conservative government, it can be expected that the importance of temporary migrant workers programs will increase and that the recruitment of temporary migrants will increasingly involve the private sector in general and employers in particular.

8 The Implementation of Coherent Migration Management through IOM Programs in Morocco

Clotilde Caillault

In recent years, the fight against illegal migration has gone right to the top of the political agenda of the European Union (EU) and its member states.[1] In this context, Morocco, together with other sending and transit countries, was soon perceived as a strategic partner. The issues of emigration and transit migration hence have been put in the forefront of all negotiations between Morocco and European countries. In a strategy to externalize and exterritorialize a substantial part of their immigration policies, European states have gradually delegated to Morocco some of their borders' management activities, in exchange of substantial financial support.[2] It is, however, not only state actors that have become involved in this process. There has been a growing number of new actors that are taking part in the implementation of EU-sponsored migration management programs. Many NGOs and local organizations have been attracted by the funds made available for projects dealing with migration. Intergovernmental and international organizations (IOs/IGOs), such as the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), have also emerged as essential actors in the migration field, either as services providers for their member states or as a forum for cooperation on migration.

In Morocco, the International Organization for Migration started its activities in 2001 but its involvement in that country took a significant twist after the tragic events of Ceuta and Melilla in 2005, in which 14 migrants were shot dead by Spanish and Moroccan authorities while they were attempting to reach the Spanish enclave. These events received large media coverage and drew the attention of the European Commission and interna-

This research was conducted for the GADEM (groupe antiraciste d'accompagnement et de défense des étrangers et migrants) within an inter-regional project on migrants' rights in North and Western African countries.

1 Stephen Castles, Why Migration Policies Fail, in: Ethnic and Racial Studies, 27. 2004, no. 2, pp. 205–227.

2 Hein de Haas, The Myth of Invasion. Irregular Migration from West Africa to the Maghreb and the European Union, Oxford 2007.

tional organizations to the issue of transit migration in Morocco.[3] Shortly after these events, Moroccan authorities intervened firmly: ›Migrant hunts‹ were organized, followed by massive arrests and deportations to the Algerian and Mauritanian borders, giving rise to virulent criticisms from Moroccan and international non-governmental organizations (NGOs).[4]

At that time, the IOM with its voluntary return program provided a welcome response to the undesired presence of sub-Saharan migrants in Morocco. Right after implementing its first return activities, the IOM signed an agreement with the Moroccan government on the opening of a local IOM mission. Since then, the activities of the IOM in Morocco dramatically expanded and now take place in additional areas, such as development.

According to its organizational slogan and policies, IOM is dedicated to promote »humane and orderly migration for the benefit of all by providing services and advice to governments and migrants.«[5] How is this translated into practice? What role does IOM pursue within the framework of migration policies, especially in North Africa, in relation to its own strategic orientations, the interests of its financial contributors, and the actors of the countries in question? How much importance do the various programs and strategies give to human rights and migrants' rights? Is the migration context, as well as the situation of the migrants themselves, taken properly into account?

This chapter suggests that the IOM, an organization that calls itself *international*, is principally an executive, quasi-EU carrying out projects that have been financed by European (essentially EU) countries. IOM actively contributes to the externalization and exterritorialization of European migration policies, often to the detriment of migrants.

Migration and Migration Policies in Morocco

Morocco: From Emigration Country to Transit and Destination Country

Morocco has a long migration tradition: In pre-colonial times, circular migration between rural areas was common among nomadic and semi-nomadic groups. Sub-Saharan caravan trade also engendered mobility and thus contributed to form today's ethnically diverse Moroccan population. The French colonization of Algeria in 1830 dramatically changed immigration patterns in the region. Attracted by the demand for wage labor on French farms in Alge-

3 Anne-Sophie Wender/Emmanuel Blanchard, Guerre Aux Migrants. Le Livre Noir de Ceuta et Melilla, Paris 2007.

4 Association Amis et Familles des Victimes de l'Immigration Clandestine/La Cimade, Refoulements et Expulsions Massives de Migrants et Demandeurs d'Asile. Récit d'une Mission de l'AFVIC et de la Cimade, 2005.

5 International Organization for Migration (IOM), IOM Mission Statement, Geneva 2011, http://www.iom.ch/jahia/Jahia/about-iom/mission/lang/en.

ria, many Moroccans left the country. After the establishment of the Spanish-French protectorate on Morocco, the First and the Second World War created new needs for manpower and led to the active recruitment of Moroccan men in Morocco. 126,000 Moroccan men served in the French army in the Second World War and in the subsequent wars.[6] In the 1960s, the emigration of Moroccans to Europe dramatically accelerated. Morocco became independent from France in 1956. At the same time, Western European countries experienced a rapid economic growth, generating a shortage of unskilled manpower. Another factor was the closure of the Moroccan-Algerian border, which led to the halt of the emigration of Moroccans to Algeria. Europe became the main, if not the only, destination of Moroccan migrants. The Moroccan government encouraged this trend, and signed labor recruitment agreements with European countries, the former Western Germany and France in 1963, Belgium in 1964 and the Netherlands in 1969. While prior migration flows from Morocco were mainly directly to France, in the 1960s destinations gradually became more diversified.[7] In 1973, the oil crisis deeply affected the economic context of Morocco as well as the receiving countries. Western European countries experienced stagnation and rising unemployment rates, and consequently decided to close off their borders to new labor migration. Instead of halting migration flows, these restrictive policies favored a shift to a more permanent migration. Economic and political instability in Morocco contributed to discourage migrants from returning to Morocco. Emigration to Europe however remained sustained by marriage migration and family reunification, which in turn contributed to the feminization of the Moroccan migrant population abroad.

In the 1990s, the diversification of migration destinations went on with the rise of new emigration destinations. Italy and Spain became the primary destination countries for Moroccan labor migrants, while Canada and the United States started to attract a growing number of Moroccan high-skilled migrants. It is believed that three million people of Moroccan descent live abroad today, among which 85% in the main European destination countries. An important consequence and side effect of restrictive European policies was the development of undocumented migration.[8] Moreover, since the mid-1990s, Morocco has become a transit and a destination country for migrants coming from sub-Saharan Africa, especially West African countries.[9] As a result of political turmoil and economic decline in their home countries, a

6 Hein de Haas, Morocco. Migration Profile, in: Focus-Migration, 16. 2009.

7 Ibid.

8 Ibid.

9 Ali Bensaad, Les Migrations Transsahariennes, Une Mondialisation par la Marge, in: Maghreb-Machrek, 185. 2005, pp. 13–36.

growing number of sub-Saharan migrants come to Morocco, often in the hope of reaching the European continent. Many sub-Saharan migrants also decide to stay and try their luck in Morocco, which is still doing better economically speaking than the majority of African countries. This turns Morocco in a destination of second, or even first choice. Although the presence of sub-Saharan migrants in Morocco received considerable media and political attention, the picture of an ›invasion‹ of starving and smuggled sub-Saharan migrants is misleading and exaggerated. First of all, immigration from Sub-Saharan African countries to Morocco is not a new phenomenon, as Morocco has a long tradition of trans-Saharan migrations and trade networks with West African countries. Second, recent studies show that most migrants are actually well educated, and do not necessarily want to cross the Mediterranean Sea.[10] Finally, the few available statistics concerning sub-Saharan migrants living in Morocco seem to indicate that their number remains relatively limited, especially compared to the sizeable Moroccan emigrant population. It is estimated that not more than some tens of thousands of sub-Saharan migrants attempt to migrate to Europe illegally each year.[11]

The Europeanization and the Externalization of Immigration Policies: Effects on Moroccan Migration Policy

From the beginning of the 1980s, European states started to restrict and avoid further in-coming immigration. The economic crisis, the implosion of communist regimes in Eastern Europe, and the outbreak of violent ethnic conflicts in many parts of the world led European states to be increasingly concerned with mass immigration. They responded by imposing harsher immigration and asylum regulations. At the same time, the signature of the Schengen Treaty in 1985, created the need for common regulations concerning the controls of the external borders. According to Andrew Geddes, the EU's Treaty of Amsterdam led to a communitarization of immigration policy[12], a process that is different from a supranationalization of governance because migration and asylum issues remained governed by national governments. This communitarization has opened the way to a new control regime based on inter-governmental cooperation.[13] In the following, in the

10 Michael Collyer, In-Between Places: Trans-Saharan Transit Migrants in Morocco and the Fragmented Journey to Europe, in: Antipode, 39. 2007, no. 4, pp. 668–690.

11 De Haas, The Myth of Invasion.

12 Andrew Geddes, The Europeanization of Immigration and Asylum, in: Swiss Political Science Review, 7. 2001, no. 3, pp. 8–15.

13 Martin Geiger, Managing Migration for an Enlarging Europe. Intergovernmental Organizations and the Governance of Migration Flows, in: The Romanian Journal of European Studies, 4. 2005, pp. 19–30.

context of a growing securitization of migration issues[14], measures to fight irregular migration and keep migrants and would-be asylum seekers outside Europe have been adopted both at the national and at the European level.[15] The intensification of border control, it can be argued, is one of the main compensatory measures for the liberalization of the EU's internal borders.[16] It can be linked to a quasi-militarization of European external borders with the erection of fences at Ceuta and Melilla, the creation of Frontex[17], the EU external border control agency, and the installation of an early-warning radar system, e.g. along the Spanish coast.[18] European migration policies, in the view of many critical observers, clearly focus on control and irregular migration, with little concern for the complex socio-economic reality of African migrations. However, as Abdelkrim Belguendouz points it out, irregular migration is only the visible face of the iceberg, that is, migration.[19]

Despite these renewed efforts, policies aiming at curbing or controlling migration seem to be quite ineffective. According to Stephen Castles, this policy failure is due to factors ranging from migrant agency and networks to the *(growing)* North-South divide, globalization and interest conflicts in immigrant-receiving countries.[20] Focusing on border control seems particularly inappropriate given that most African irregular migrants actually enter Europe legally, subsequently overstay their visa, and only then become irregular in the end.[21] For Hein de Haas, European and African states have little genuine interests in stopping migration, because the economies of receiving and sending countries have become increasingly dependent on migrant labor and remittances. Instead of reducing migration, intensified border controls have led to a rise in irregular migration, the use of new and more dangerous migration routes, thus increasing the risks and costs for the migrants

14 Didier Bigo, When Two Become One. Internal and External Securitization in Europe, in: Morten Kelstrup/Michael C. Williams (eds.), International Relations Theory and the Politics of European Integration. Power, Security and Community, London 2000, pp. 320–360; Jef Huysmans, The European Union and the Securitization of Migration, in: Journal of Common Market Studies, 38. 2000, no. 5, pp. 751–777.

15 Martin Baldwin-Edwards, Between a Rock and a Hard Place: North Africa as a Region of Emigration, Immigration and Transit Migration, in: Review of African Political Economy, 33. 2006, no. 108, pp. 311–324.

16 Michael Samers, An Emerging Geopolitics of Illegal Immigration in the European Union, in: European Journal of Migration and Law, 6. 2004, no. 1, pp. 27–45.

17 See the contribution of Bernd Kasparek and Fabian Wagner in this volume.

18 Hans-Jörg Albrecht, Fortress Europe? Controlling Illegal Immigration, in: European Journal of Crime, Criminal Law and Criminal Justice, 10. 2002, no. 1, pp. 1–22.

19 Abdelkrim Belguendouz, Le Maroc et la Migration Irrégulière. Une Analyse Sociopolitique, in: CARIM Analytic and Synthetic Notes, Florence 2009.

20 Castles, Why Migration Policies Fail.

21 De Haas, The Myth of Invasion.

involved, and leading to the professionalization of smuggling methods.[22] For Hein de Haas, »policies to ›fight illegal migration‹ are bound to fail because they are among the very causes of the phenomenon they pretend to combat.«[23]

As a response to the increased costs but, nevertheless, still somewhat limited effect of intensified border controls, the EU and its member states have sought to elaborate alternative measures. On the one hand, European countries have attempted to improve border control effectiveness by internalizing it, through mechanisms of »remote control«.[24] On the other hand, they have attempted to exterritorialize border controls to the Maghreb countries by pressuring North African countries, including Morocco, to fight irregular migration and to readmit irregular migrants in exchange for development aid, financial support and limited numbers of temporary work permits for immigrants. European states have sought to address migration control through cooperation with migrant-sending countries and the transit countries through which migrants travel. At the European level, migration and asylum goals have been gradually integrated into the EU's external policy.[25] Christina Boswell discerns two approaches in this strategy: the externalization of traditional tools of border control and the implementation of so-called preventive measures, »designed to change the factors which influence people's decisions to move.«[26] This has been incorporated in the conclusions of the EU's Tampere Council in 1999 under the title ›A common EU asylum and migration policy‹:

> *»The European Union needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit. This requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights, in particular rights of minorities, women and children. To that end, the Union as well as Member States are invited to contribute, within their respective competence under the Treaties, to a greater coherence of internal and external policies of the Union. Partnership with third countries concerned will also be a key element for the success of such a policy, with a view to promoting co-development.«*[27]

22 Collyer, In-Between Places.

23 De Haas, The Myth of Invasion.

24 Samers, An Emerging Geopolitics of Illegal Immigration in the European Union.

25 Christina Boswell, The External Dimension of EU Cooperation in Immigration and Asylum, in: International Affairs, 73. 2003, no. 3, pp. 619–638.

26 Ibid., pp. 619f.

27 European Council, Presidency Conclusions, Tampere 1999.

In this context, Morocco was perceived as a kind of laboratory for the implementation of these policies. The Action Plan for Morocco, proposed by the EU's High Level Working Group (HLWG) during the Tampere Council in 1999, without consulting the Moroccan authorities, recommended the following priorities: (1) the intensification of the fight against irregular migration, (2) the signature of a readmission agreement, and the (3) introduction of visas for sub-Saharan migrants. Though the plan was later rejected by Rabat, it well reflects the intention of the EU to turn Morocco into a ›sanitary buffer‹ for Europe. The same priorities have guided the negotiations leading to the adoption of the new EU-Morocco Action Plan in 2005. The Moroccan government, understanding the financial and political stakes, did not hesitate to make the first move and show its willingness to cooperate. During a meeting of the TREVI[28] group in 1999, a memorandum was submitted by the Moroccan Minister of the Interior, Driss Basri, stating that, following the creation of the Schengen space, »the main objective for Morocco is to be involved in the European immigration policy«.[29] In 2001, Morocco, stressing the lack of adequate resources and technical means to carry out effectively border control, requested 80 million euro for equipment purchase.[30] Both parties seem to benefit from the increased cooperation on migration: The EU by delegating a substantial part of border control to neighboring countries and the Moroccan government, expecting financial and political rewards in return for its cooperation.

The security-oriented approach of the EU in its cooperation with Southern countries appears clearly in the programs that were implemented in Morocco in 2009 in the migration realm. Out of 79 million euro, 69 million (88%) were dedicated to the reinforcement of border control. This ties up with Christina Boswell's conclusion that despite the big talk on ›migration and development‹ at the European level, the actual emphasis is put on the externalization of border control.[31]

The new Moroccan immigration law no°02/03 that was passed in 2003 offers one of the most striking examples of the EU's strategy of externalization and exterritorialization. The law, introduced hurriedly as a response to political pressures, institutes severe punishments for irregular immigration and offers little protection for migrants and asylum seekers. Although the law makes reference to relevant international conventions, migrants' and

28 Abbreviation for *Terrorisme, Radicalisme, Extrémisme et Violence Internationale*; an expert panel of high-ranking officials of the national Ministries of Justice and Interior, created during the European Council Summit in Rome (December 1975).

29 Belguendouz, Le Maroc et la Migration Irrégulière.

30 Personal interview: Member of the European Commission Delegation to Morocco (June 2010).

31 Boswell, The External Dimension of EU Cooperation in Immigration and Asylum.

refugees' rights are often ignored in practice. Unlawful deportations of migrants, including pregnant women and children, to the Algerian border, still take place and are regularly denounced by local associations and human rights organizations.[32] The adoption of the law, which was part of Morocco's commitments in return for the MEDA program financial support, suggests that Morocco integrated in its internal policy scheme the concerns of the EU immigration policy.

The conclusion of a bilateral (EU Commission and Morocco) readmission agreement, that would facilitate the return of irregular migrants from Europe, is a key point in the negotiations between Morocco, the EU and European states. Despite repeated political pressures and discussions, the Moroccan government has so far refused to sign such an agreement with the EU. At the bilateral level, however, Morocco has readmission agreements with both Spain and Italy. Since 2004, Morocco accepts the return of sub-Saharan illegal migrants from Spain.[33] The security approach adopted by Morocco, and that is encouraged by the EU and European states, is a source of concern given the reports of bad treatment of migrants in the country. The organization Médecins Sans Frontières noted that between 2003 and 2005, out of 2,193 cases of sub-Saharan nationals being treated for medical conditions caused by physical violence, 52% were caused by Moroccan security services.[34]

The IOM as a Tool for the Externalization of the EU's Migration Regime

New Actors in Migration Control

Liberalism and neoliberal institutionalism emphasize the role of non-state actors, such as international organizations, in international relations, as well as the importance of economic and social issues for regional and global politics. International institutions and regimes help to overcome dilemmas of decision-making and facilitate coordination between countries. Authors who have examined the relevance of these models to migration issues generally found that supranational organizations have had little impact on the immigration policies.[35] Immigration and asylum issues remain principally gov-

32 See for example GADEM, Rapport sur l'Application de la Convention Internationale sur les Droits de Tous les Travailleurs Migrants et les Membres de leur Famille, Rabat 2009.

33 Martin Baldwin-Edwards, The Changing Mosaic of Mediterranean Migrations, Athens 2004, http://www.migrationinformation.org/feature/display.cfm? ID=230.

34 Médecins Sans Frontières, Violence et Immigration, Rapport sur l'Immigration d'Origine Subsaharienne en Situation Irrégulière au Maroc, Paris 2005.

35 Eytan Meyers, Theories of International Immigration Policy – A Comparative Analysis, in: International Migration Review, 34. 2000, no. 4, pp. 1245–1282.

erned by national governments. As we saw above, the EU constitutes a partial exception to this rule, as a process of communitarization and harmonization took place in the realm of migration policies. Some researchers have also noted the emergence of new types of actors in the migration regime, that is, companies, NGOs, IOs and IGOs. By participating in or organizing forums and consultations, lobbying, and implementing projects with a migration component, these actors participate in the definition and the implementation of a new regional migration regime. If IOs and IGOs, such as the UNHCR or the IOM, do not *make* immigration policies on their own, they at least act as forum organizations, enabling important policy dialogues and consultative processes. They also act as a more technically oriented service organization, providing expertise and technical knowledge to their member states.[36] In doing so, they participate in the shaping of new discourses and worldviews on migration[37], such as the migration management paradigm of the IOM. For their member states, organizations such as IOM are advantageous in that they are officially not bound to the EU framework but allow, due to the membership of both receiving and sending countries, for informal and formal consultations without the need for official bilateral or multilateral talks. This is especially true with the IOM, whose structures and decision-making processes at the national level are quite reactive and flexible.[38]

The IOM, founded in 1951, with its 127 member states is the leading organization in the field of migration at the international level. Its annual budget reached one billion US-dollars in 2009, and served to finance 2,360 programs in more than 100 countries. IOM is »committed to the principle that humane and orderly migration benefits migrants and society.«[39] It is worth pointing out that IOM, or as it was first known, the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME), was created in a very particular historical context, the chaos and displacement that followed the Second World War in Western Europe.[40] In the height of the Cold War, the organization was mandated to assist Euro-

36 Geiger, Managing Migration for an Enlarging Europe, p. 25; idem, Europäische Migrationspolitik und Raumproduktion. Internationale Regierungsorganisationen im Management von Migration in Albanien, Bosnien-Herzegowina und der Ukraine, Baden-Baden 2011, pp. 141–165.

37 Idem/Antoine Pécoud, The Politics of International Migration Management, in: idem (eds.), The Politics of International Migration Management, Basingstoke 2010, pp. 1–20.

38 Personal interview: IOM Chief of Mission in Morocco (June 2010).

39 IOM, IOM Mission Statement.

40 Fabian Georgi, For the Benefit of Some: The International Organization for Migration and its Global Migration Management, in: Geiger/Pécoud (eds.), The Politics of International Migration Management, pp. 45–72.

pean governments to identify resettlement countries for the 11 million people displaced during the war. During the 1950s, it arranged transport for nearly one million migrants. Already at that time, the organization was heavily criticized by some European states. They were denouncing the organization as working primarily *in favor of* the United States. Today, this technical and logistical area of activities still exists, notably through the so-called voluntary return programs; however, new themes and concerns have been gradually added to the discourse and programs of the organization.

Since its creation, the mission, objectives and activities of the IOM evolved along with the emergence of new migration patterns, policies and discourses. The main shift that can be noted with an eye to the discourses of the IOM is the adoption of the migration management paradigm. This discourse is based on the flawed assumption that migration is a problem that can be managed rationally.[41] As we will see later, this apparently new discourse does not reflect a new approach to migration but rather a new way of presenting the old migration control paradigm. In recent years, the organization expanded at an impressive rate, offering its services to more and more sending and transit countries. It also intervenes in new areas, such as migration and development and migrants' rights, a trend that can be interpreted as a way of addressing the critics it has been subjected to.[42] In the last decade, international human rights groups have heavily criticized the IOM (e.g. Human Rights Watch and Amnesty International) and regularly expressed their concerns and their critique towards some of the activities of the IOM, especially concerning refugee rights in relation to the so-called voluntary return programs of IOM:

> *»As organizations committed to the promotion and protection of human rights, however, we also come to this meeting with concerns about the human rights impact of certain IOM operations. […] We are concerned that IOM's work in certain contexts is adversely impacting upon basic human rights of migrants, refugees and asylum seekers, including for example the right to be free from arbitrary detention and the fundamental right to seek asylum.«*[43]

These organizations often denounce the negative impact of IOM programs on migrants' rights, the participation of the organization in the creation of a ›Fortress Europe‹[44], or in the Australian ›Pacific Solution‹.[45]

41 As regards to this see the contribution of Bimal Ghosh in this volume.

42 See the contribution of Martin Geiger and Antoine Pécoud in this volume.

43 Human Rights Watch (HRW), IOM and Human Rights Protection in the Field. Current Concerns (IOM Governing Council Meeting), Geneva 2003.

44 HRW, Ukraine. On the Margins. Rights Violations against Migrants and Asylum Seekers at the New Eastern Border of the European Union, London 2005.

In Morocco, the IOM started its activities in 2001 but considerably expanded since the opening of a mission in Rabat in January 2007. Since 2001, the IOM has spent more than 15 million euro in Morocco.[46] The growing involvement of the IOM in Morocco is to be understood in the context of the externalization and exterritorialization of European immigration policies. When the agreement on the opening of a IOM representation in Morocco was signed, the acting Director General of IOM, Brunson McKinley, pointed out the importance of Morocco within the context of the IOM's own policies by referring to Morocco as the »jewelry on the crown of our Mediterranean policy.«[47] He continued by promising financial and technical assistance to fund programs and projects to deal with migration issues in Morocco and the Mediterranean region.

The IOM in Morocco: A Service Provider for European States

In order to understand the role of the IOM in migration management, it is essential to examine the structure of the organization, and the way in which its programs are designed, funded and implemented. On the ground, in countries like Morocco, IOM operates as a service provider, dedicated to his financial contributors' priorities, rather than as an organization pursuing its own defined strategy. The IOM, unlike other IGOs and IOs, does not work on a stable annual operating budget, but instead uses project-related budgets that are allocated to individual activities by donor states: »Staff and office costs associated with implementing a project are charged to projects through a time-allocating concept referred as projectization.«[48] This allocation-related structure enables the organization to display very low organizational costs, in comparison to other international agencies. However, it also means that the existence of the organization itself depends upon the funds it manages to generate. The organization can therefore be seen as a competitor to other IGOs, IOs, INGOs or local NGOs. This point is essential to understand the nature and the strategic orientation of the IOM.

When the organization of IOM designs a project, it has to pay close attention to the requirements and interests of its potential contributors, the European member states. The organization does hard prospecting work,

45 Claire Inder, International Refugee Law, Hyper-Legalism and Migration Management. The Pacific Solution, in: Geiger/Pécoud (eds.), The Politics of International Migration Management, pp. 220–251; NoBorder Network, The IOM, Spies and Migrant Hunters, http://www.noborder.org/iom/index.php.

46 According to GADEM's and my calculations, based on project documents.

47 Le Matin (French Newspaper), 23 Feb 2005, Contribution à la Gestion des Questions Migratoires: Signature à Genève d'un Accord de Siège entre le Royaume et l'OIM.

48 See IOM's website: http://www.iom.int/jahia/Jahia/about-iom/organizational-structure/lang/en.

looking for opportunities, trends and themes appreciated by its potential financial contributors. In Morocco, on a total budget of more than 15 million euro since 2001, merely 200,000 euro came from regular contributions of IOM members; the rest consists mostly of project-specific European funds earmarked for specific activities. The main donors for IOM's projects in Morocco are the governments of Italy, Switzerland, the Netherlands and Spain. The example of Italy is especially striking since the migration-related strategy and activities of the Italian Development Cooperation Agency are entirely delegated to the IOM. All projects of this Italian government agency are designed and directly implemented by the IOM with a budget of 5.5 million euro.[49]

But why is it of interest for European agencies to delegate to an organization like the IOM? The answer is simple. For them, it often means lower costs. IOM is indeed less bureaucratic and more cost-effective than state agencies and other international agencies. Furthermore, these organizations can more easily implement sensitive projects, such as campaigns against irregular migration[50], rather than negotiate these projects directly with the Moroccan government. The IOM offers a guise of multilateralism, which is better able to generate trust with local stakeholders. Against the background of close donor-agent-relations, Martin Geiger points out that IOM and other organizations are more likely to support traditional (control-oriented) than more liberal (regulated openness-oriented) approaches to cross-border mobility:

> *»The most important financial contributors to these organizations (the G7 countries) link their payments to the implementation of specific programs and measures, the prevention of illegal movements and border enforcement. Instead of contributing to the setup of a more adequate regime, based on realization of the benefits of migration, IGOs are more likely to support the further existence of traditional patterns of control.«*[51]

Unequal Balance of Power and Limited Partnership with Local Stakeholders

While European development agencies and in some cases also other international organizations use the IOM as a subcontractor, or a service provider to implement specific programs or measures, local organizations and national institutions rarely take part in the design of IOM projects. Nevertheless, they

49 Personal interview: Program manager of the Italian cooperation (June 2010).

50 Antoine Pécoud, Informing Migrants to Manage Migration? An Analysis of IOM's Information Campaigns, in: Geiger/Pécoud (eds.), The Politics of International Migration Management, pp. 184–201.

51 Geiger, Managing Migration for an Enlarging Europe, p. 27.

typically play a role in the following implementation phase when they become admitted and involved as so-called ›implementing partners‹ of IOM.

In Morocco, the IOM works very often in collaboration with national institutions such as the Entraide Nationale[52] or ministries. But since these institutions do not contribute financially to the projects of IOM, their negotiating power vis-à-vis IOM and the project donors is very limited. The Moroccan government seems, however, to be very satisfied with the work accomplished by the IOM in the country, as it publicly expresses this regularly. Is this voiced enthusiasm a real shared interest on their part or is it rather the reflection of vested interests?

A structural problem relates to the fact that receiving countries in Europe and sending countries in Africa have obviously unequal negotiating power when it comes to defining migration policies. Whereas the EU has defined an embryonic common migration policy, countries in North African countries are merely following the policies of their main financial contributors in exchange for substantial financial support. As they are sensitive to development aid pressure, they are less likely to define a strong independent position that might possibly undermine European interests. The IOM inevitably reflects this imbalance of power.

Although the Moroccan government has clearly adopted dominant European public discourses on the surface, there seem to remain some conflicting interests. Until now, Morocco has for example been quite reluctant to readmit large numbers of irregular sub-Saharan migrants, and has objected to proposals by some EU member states to establish offshore ›processing centers‹ for immigrants and asylum seekers in North Africa. Another source of contradiction is related to the negative consequences that Moroccan restrictive immigration policies can have on relations with sub-Saharan states. Moreover, as Hein de Haas rightly points it out, Morocco has very little interest in stopping emigration, as it brings substantial financial resources to the country.[53] The cooperation with the IOM and development agencies in the field of migration control, indeed, induces important political and financial advantages for Morocco. For Moroccan institutions, such as the Entraide Nationale, which is constantly searching for funds, the IOM is certainly a valuable source of income. IOM projects provide the Entraide Nationale with equipment, educational material, and substantial financial support for youth projects. According to an executive from the institution[54], the Entraide Nationale cannot afford to refuse an offer with financial benefits even if it implies a loss of autonomy or a reorientation of their activities. It ties up with

52 Moroccan Office for National Mutual Assistance.

53 De Haas, Myth of Invasion.

54 Personal interview (July 2010).

the idea that North African States, especially Morocco, have successfully capitalized their position as a *transit* country to strengthen their negotiating power with the EU and its member states for support and collaboration.[55]

The IOM has also brought solutions to a somewhat ›embarrassing‹ situation for the Moroccan government: the presence of many sub-Saharan migrants in the country. The so-called voluntary return programs of IOM were received as a welcoming alternative to the violent and much criticized initial response of the Moroccan government after the Ceuta and Melilla events, it was also positively received by sub-Saharan states.[56]

Contrary to IOM assertions, we found that civil society organizations, NGOs or community-based associations do not get the chance to participate in the process of defining the programs at all. Their participation is often limited to informative meetings. In most meetings and seminars, these stakeholders are always and typically under-represented compared to European participants and state institutions. The same concerns the implementation phase of the various projects: From time to time, the IOM calls on a local organization to perform a specific task (typically training or an awareness campaign) but more in the sense of the NGO as a *service provider for* IOM rather than as a genuine and equal *partner of* IOM. Even though this participation is very limited, the IOM does not hesitate to advertise NGO participation in its newsletter. For the local organizations, the IOM is perceived as a potential source of funds. Even though they might have common interests, unequal negotiating power and one-way dependency mark fundamental problems and obstacles.

Migration Management or Migration Reduction Strategies?

Healing the Consequences of European Immigration Policies

The implementation of the IOM programs in Morocco should be analyzed in the broader context of the increased restrictivism and tightening of European migration policies. A substantial part of the programs implemented by the IOM and financed by the EU or single European countries can be interpreted as a convenient remedy meant to ›heal‹ the consequences of the European migration policies, such as the presence of many sub-Saharan transit migrants in Morocco, or the migrants deported from Europe and North Africa. Right after the Ceuta and Melilla traumatic events, the initial reaction of the Moroccan government was outspokenly violent. Criticized by migrants'

55 Nora El Qadim, Gérer les Migrations. Renouveau d'un Objet de Négociations entre le Maroc et Les Pays Européens, Thesis Institut Universitaire de Hautes Etudes Internationales, Geneva 2007.

56 Personal interviews: IOM and members of the embassy of Cameroun in Morocco.

groups, NGOs and the international community, the Moroccan government sought alternatives to get out of this embarrassing situation. The IOM and its voluntary return program were thus very welcome. The General Director of the organization stated »I cannot accept that the governments of Maghreb, to begin with Morocco, assume alone, on their territory, this task and that Europe does not care. It is, so-to-speak, outrageous.«[57] The interest of the IOM in helping Morocco to share the burden of transit migration is clear. The voluntary return programs of IOM consequently evolved very quickly in Morocco, the necessary financial support was granted by seven European countries[58] and the European Commission. Since the end of 2005, more than 3,000 migrants in an irregular situation have been assisted by IOM and mainly moved back to Mali and Senegal.

In an evaluation of the voluntary assisted return programs commissioned by the IOM, 41 interviewees were asked the following questions: »Are you prepared to leave the country without any legal document?«; »Was your rehabilitation stipend (485 euro) a key element in your decision of return?« – It is no great surprise that 100% of the interviewees answered yes to the second question[59]; clearly this money was considered insufficient to start up a business but it was certainly a way of buying the ›voluntariness‹ of migrants to be returned to their home countries. Even though the quality of the study is debatable, it provides some useful information. Some figures presented in the study (tellingly none of them mentioned in the statements of IOM) seem to question the efficiency and the appropriateness of the IOM program. For example, 49% of the sample had never attempted to cross towards Europe; which questions the assumption on which the program is based, i.e.: Sub-Saharan migrants are all ›stuck‹ in Morocco. It is, however, consistent with the current denial of Moroccan authorities that, besides emigration and transit migration, *immigration to Morocco* is taking place, too. The data collected by the Moroccan NGO ›GADEM‹ and other studies suggests that there are many migrants coming to Morocco, explicitly (and solely) on the look-out for economic opportunities *in* Morocco.[60] Interviews with associations and migrants even indicate that many migrants, who have participated in the IOM return program after being returned to their home country, came back to Morocco again a few months later. In this case, IOM paradoxically operates in

57 Translated quote from Le Matin du Sahara et du Maghreb (Moroccan Newspaper), 11 Mar 2006.

58 These countries were Germany, UK, Belgium, Spain, Italy, the Netherlands, and Switzerland.

59 IOM, Projet de Retour Volontaire Assisté et de Réinsertion Mission d'Évaluation du Volet Réinsertion au Congo Brazzaville, Guinée Conakry et Sénégal, Rabat/Geneva 2009.

60 Collyer, In-Between Places.

some way as a ›free travel agency‹. This example stresses the role of migrants' agency and autonomy: Migrants are not the mere recipients and objects of immigration policies but autonomous »social beings who seek to achieve better outcomes for themselves, their family and their communities through actively shaping the migratory process.«[61] Migrants can divert policy goals and use programs and projects to achieve their own ends.

While IOM emphasizes the rehabilitation aspect of its programs, one can easily question this aspect and the overall sustainability of the rehabilitation projects. The IOM newsletter indicates that 76% of the projects were operational at the time of the evaluation (only a few months after they received the money). Yet, another figure can be found in the evaluation report: only 5 migrants consider their project a success, while 86% think that it is not sustainable in the long term. When they were asked if they were planning to leave again, 88% answered that »no, as long as [my] activity continues to provide sufficient income«. This answer, together with the former one, brings serious doubt about the impact of the IOM programs on migration management.

The voluntary nature of the participation of the migrants is also debatable, especially when the migrants are detained by Moroccan authorities and have the choice between a so-called voluntary return and forced deportation to the Algerian border.[62] It cannot be denied, however, that the IOM-administered voluntary program seems to please everyone, from the Moroccan government, which wants to get rid of unwelcome sub-Saharan migrants, to the migrants who benefit from getting some little money and a free return ticket to their home countries, to the European Union and its members, who want to stop the flow of migrants to European countries.

Border Control, Capacity Building and Addressing the Root Causes of Migration

Pursuing closely the objectives of its European donors, the IOM takes an active part in the process of shifting the European migration regime to non-European countries. On the one hand, IOM programs seek to alleviate the negative consequences of European restrictive immigration policies, on the other, some IOM activities directly attempt to stop migration flows. The IOM, for example, supports the capacity building efforts of the Moroccan government, by providing trainings to the Moroccan border enforcement body and other governmental agencies, expertise, financing research and organizing forums and conferences. In doing so, the organization promotes the emergence of shared standpoints on migration policies among actors whose inter-

61 Castles, Why Migration Policies Fail, p. 209.

62 Personal interview: IOM Chief of Mission in Morocco (June 2010).

ests are often conflicting.[63] But the preferred strategy used by the IOM to fight illegal migration is the containment of migrants, or stay-at-home development-activities[64], elements of a strategy that complements the repressive policies of the EU.

A rather optimistic discourse on the relation between migration and development has been adopted in the past few years by many international agencies, (I)NGOs and donor institutions. This discourse is based on the rapidly growing financial importance of remittances (remittances reached 6.9 billion US-dollars in 2008 for Morocco alone[65]) and their potential impact on the development of countries of origin. From this perspective, the migrant is perceived as a key agent of development, a potential investor and entrepreneur, and also a modernizing agent, bringing new ideas and new values. According to this view, the root causes of migration are to be found in the economic differentials between developing and developed countries. From this, it follows that development aid and local development projects can be used as migration management tools, while contributing to poverty alleviation.[66] Development policies based on migration management concerns nevertheless raise a number of issues: Firstly, programs designed to address the root causes of migration can generate or accentuate inequalities between places, by choosing areas of intervention with high migration propensities, which are often not the neediest ones, and selecting certain individuals or groups, by targeting those groups most able and willing to move, rather than the most vulnerable.[67] Secondly, there are concerns that preventive measures might imply reorienting the substance of development policies.[68] This relatively new trend should indeed be understood within the broader context of the political instrumentalization of development aid by European States, which are trying, on the one hand, to orientate their development policies with their migration control objectives, and on the other to condition their financial support on good migration management practices of the recipients.[69] Empirical and theoretical evidence, however, strongly suggests that economic development does not slow down migration flows; on the contrary,

63 Geiger/Pécoud, The Politics of International Migration Management.

64 De Haas, The Myth of Invasion.

65 The Worldbank, Factsheet Morocco, http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Morocco.pdf

66 Ninna Nyberg-Sorensen et al., The Migration-Development Nexus. Evidence and Policy Options (IOM Migration Research Series), Geneva 2002.

67 Boswell, The External Dimension of EU Cooperation in Immigration and Asylum.

68 Christophe Daum, Le Codéveloppement. Graduer et Décadence d'une Aspiration Généreuse, in: Revue International et Stratégique, 68. 2007, no. 4, pp. 49–59.

69 Ibid.; Hein de Haas, Migration and Development. A Theoretical Perspective, in: International Migration Review, 44. 2010, no. 1, pp. 227–264.

it often tends to encourage them, by increasing people's aspirations and resources.[70] Although these projects refer to the socio-economic aspects of migration, and seem to differ from strictly control-oriented policies, they actually pursue the same goal, i.e., to reduce migration and keep asylum seekers and migrants outside Europe. While these preventive measures may be seen as a more adapted way of dealing with migration, a more human and long-term approach, this is not necessarily the case. According to critics, preventive measures and discourses on the root causes of migration are merely a way of paying lip service to the fundamental problems faced by African countries, while ensuring that they cooperate on policies that remain fundamentally control oriented.[71]

In Morocco, a major part of IOM programs concerns this area. European countries' development agencies have financed numerous projects targeting the youth in regions with high migration ›propensities‹; in these regions, small projects focusing on youth groups – social and cultural activities, training, and awareness campaigns – have flourished recently and there are currently attempts to have them adopted by the Moroccan educational system.[72] Spanish and Italian organizations and development agencies are particularly active in this field and choose areas of involvement according to the migration trends of their own territories. In Beni Mellal, the Spanish development agency is for example financing an IOM project for the creation of a social and educational center for the youth. When Morocco was signing an agreement with Spain on the return of Moroccan unaccompanied minors, a shelter for children was also built for the same project, raising the concerns of local organizations. The Italian development agency, also very keen on this type of projects, has first financed a study on the emigration of young Moroccans to Italy, and is now financing a project called ›Salem‹, that through educational, social and cultural activities, in the words of the project manager, aims to »rise awareness on the risks associated with irregular migration, without talking about irregular migration.«[73] In all these projects, migration is considered as a ›disease‹ or a ›curse‹, presented as a problem that needs to be solved. Here is an extract of a tool-kit designed by the IOM for parents for a project implemented by the UN Population Fund (UNFPA):

»Total maturity of the brain is attained – it seems, only around the age of 20 or 25 years! We can therefore understand the reason why teenagers and young adults

70 Hein de Haas, Turning the Tide?, Why Development Will Not Stop Migration, in: Development and Change, 38. 2007, no. 5, pp. 819–841.

71 De Haas, The Myth of Invasion.

72 Personal interviews conducted in Khourigba, Beni Melal, and Tanger (June and July 2010).

73 Personal interview with the project manager (July 2010).

often have immature behavior! They simply cannot act otherwise! They can behave in dangerous ways, be it reckless driving, drug use, or risky sexual practices.«[74]

It is quite clear that migration of teenagers could be included in this enumeration. Examples of individual failures of migrants, describing their exploitation in the receiving country and their sordid living conditions, are given to the youth prior to the debate. Then at the end of each session, the predefined conclusions are given. The toolkit gave rise to some interesting discussions among the organizations involved. According to a UNFPA staff member, while the UNFPA required that human rights should be integrated in the tool-kit, the IOM simply refused to include this aspect, arguing that it might encourage migration.[75] Eventually, the UNFPA accepted the IOM version, which is quite surprising since the IOM was in this case acting as a service provider for UNFPA.

A similar strategy is pursued by the European Commission, its country strategy paper for Morocco for 2002–2004 included measures that aimed to reduce migration pressure in Morocco's Northern provinces, the main sources of Moroccan emigration to the EU. Projects designed to keep the population in its place of residence through creating employment in the main emigration sending regions were provided with a budget of 70 million euros in total.[76]

The efficiency of these programs, measured to the achievement of their explicit goals, is, however, highly debatable. Our study revealed that project staff is often skeptical towards the effectiveness of these methods. For the president of a local association called Emergence that is working on this issue, »awareness campaigns can help but it is not enough. There has been some change, but it is mainly due to the impact of the crisis.«[77] Some NGOs have even argued that these projects, instead of discouraging migration, can generate unintended effects and create (stronger) desires for emigration. Indeed, when all sorts of projects are addressed to young potential migrants, some youth might just be tempted to pretend they want to migrate in order to participate in the activities offered and only then, maybe, seriously think about migrating. The main problem is that these kinds of projects do not offer any credible alternative to emigration, and they certainly do not solve the real problems these young people are facing in Morocco. They are simply convenient cosmetic policies by which the Moroccan government can pre-

74 IOM/United Nations Populations Fund (UNFPA), Livret de Famille sur la Prévention de la Migration Irrégulière, Rabat 2009 (my own translation).

75 Personal interview (June 2010).

76 Partenariat Euromed Maroc, Document de stratégie 2002–2006 et Programme Indicatif National 2002–2004, 6 Dec 2001, europa.eu.int/comm/external_ relations.

77 Personal interview (June 2010).

tend, at minimal cost, to be doing something for its youth. One can thus wonder why the rhetoric on migration and development has become so prominent. Looking at the considerable costs of these projects (representing 66% of the overall IOM budget in Morocco[78]) can help in understanding the European financial resources that are at stake, and therefore the interest of NGOs and organizations such as the IOM in adopting such a discourse. In the same way, projects related to the Moroccan diaspora, the Moroccan residents abroad, can be interpreted as a political currency, given by European countries to sending and transit countries in exchange for their cooperation in the implementation of migration control policies.[79]

Human Rights: A Forgotten Issue

Human rights issues have been gradually included in the discourse and the agenda of the IOM. A document entitled ›Human Rights and Migrants: IOM Policy and Activities‹ represents the official strategy of the IOM in this field:

> *»IOM Member States have determined that a prime objective of the Organization is to enhance the humane and orderly management of migration and the effective respect for the human rights of migrants in accordance with international law.«*[80]

This apparent commitment to human rights concerns needs, however, to be analyzed in the light of the other IOM strategic documents and the programs implemented on the ground. It is here important to underline the fact that the IOM, contrary to other IGOs, has no official protection mandate to protect migrants' rights, even though millions of persons participate in their program. For human rights organizations such as Human Rights Watch and Amnesty International, IOM programs appear, in some cases, to constitute a real threat to migrants' rights. In the framework of IOM's return programs, for example, when voluntary participants are detained or when dealing with human trafficking issues, the IOM opts for a security-oriented approach, which often associates these issues with migration control concerns or counter-terrorism policies.

The IOM, as many state actors and other international agencies, is also taking part in the discourse on human trafficking. In Morocco, the organization has even funded research activities on this topic.[81] While this approach could be interpreted as an effort to protect migrants, the absence of concrete protection measures (since 2007, five victims have been identified but no

78 IOM Rabat, Projects Documents and Budget, Rabat 2010.

79 De Haas, The Myth of Invasion.

80 See http://www.iom.int/jahia/webdav/shared/shared/mainsite/about_iom/en/council/98/MC_INF_298.pdf.

81 IOM Rabat, Traite Transnationale des Personnes, Etat des Lieux et Analyse des Réponses au Maroc, Rabat 2009.

adequate measure has been taken) and the use of this discourse to justify measures against irregular migration cast doubts as to the actual objectives underlying this approach. For Bridget Anderson, the language of trafficking is anti-political and is a way of legitimizing restrictive policies under an apparently humanitarian agenda.[82]

When the IOM chose to collaborate actively with the Moroccan government on migration management issues without saying anything about how migrants are treated in Morocco, they implicitly closed their eyes to human rights violations. NGOs have repeatedly denounced the alarming situation of migrants in Morocco, and the discrimination and violence they are confronted with – notably by the Moroccan authorities. But of course the IOM cannot afford to openly criticize the government if it wants to operate in the country. Remaining silent seems to be a flagrant contradiction to the IOM official discourse on human rights. Again, this gap can be largely explained by the structure of the organization, which, contrary to other international organizations, only operates for its financial contributors and not for the migrants themselves. The approach of the IOM dictated focuses on economic and security concerns, to the detriment of the migrants who are also direct beneficiaries of the IOM.

When looking at the programs implemented in Morocco, one has to admit that little has been done in the area of migrants' rights despite the commitment of the IOM. According to the IOM in Rabat[83], there is currently no IOM program in Morocco that deals with migrants' rights. The only project that tackled directly the issue of human rights was the creation in 2002 of the Center for Migrants' Rights in Rabat. However, this project, which cost 500,000 euros, turned out to be a painful failure for both the donor (European Commission) and the implementing agency (IOM). When I tried to visit the center, which officially still exists, I was told by the person in charge that the center had never existed. Nevertheless, the project is still advertised on the IOM website as evidence of the organization's involvement on human rights issues.

Conclusions

In Morocco, the IOM operates as a service provider and provides short-term responses to migration. Its activities mainly cover irregular migration and border control. The IOM strategy and activities in Morocco closely resemble the interests of EU immigration policy. The securitization of migration, and

82 Bridget Anderson, Illegal Immigrant. Victim or Villain? (COMPAS Working Paper 64), Oxford 2008, p. 7.

83 Personal interviews conducted in Rabat with IOM staff members (June 2010).

thus the focus on migration control, is promoted by IOM programs under a discourse on migration management. By providing expertise, training, and venues for discussions, the IOM also contributes to the shaping of standard conceptions on migration policy. Within a very complex constellation of conflicting and vested interests, the IOM offers a convenient policy response for European states and Moroccan institutions. For European states, it is an inexpensive way of externalizing their migration policy under the appearance of multilateralism and North-South cooperation. Through their collaboration with the IOM, Moroccan authorities and institutions can pay a lip service to some of their socio-economic development policy as well as to the fight against irregular migration, while benefiting from substantial financial resources. In this policy context, the voices of migrants remain unheard and their rights ignored. The IOM deals with migration from a very security-oriented angle, which neglects migrants' rights and supports European states' concerns and interests rather than those of Morocco and migrants. The organization, in fact, operates as a complement to the European externalization policy, rather than to contribute to a more humane form of migration management.

Governance, Management and Power

9 Towards a New Migration Management: Care Immigration Policy in Japan

Hideki Tarumoto

Under globalization, most of the countries in the world have become diverse, multi-ethnic societies. Cross-border mobility has become a normal feature of contemporary society. The more globalization is accelerated, however, the more the state struggles to maintain border control. In particular, unprecedented movement of human beings poses the dilemma of immigration policy between opening and closing the national border. This border control dilemma reflects one aspect of the assumed challenge to the nation-state posed by international migration.[1] Globalization and its subsequent transnationalism of migrants may induce state sovereignty to decline. State sovereignty seems to be challenged by the influx of international migrants. At present, most states struggle to manage migration in keeping state sovereignty more than before.

Despite being a relatively ethnic homogeneous country, Japan is not an exception here, although it has kept a strictly selective immigration policy. Due to its depopulation and aging, Japan decided to recruit nurses and care workers from Indonesia and the Philippines. The introduction of new migration channels marks a profound shift of Japanese policy and regional migration management since the care immigration policy of Japan is implemented within the bi-national framework of the Economic Partnership Agreements (EPA) Japan initiated with several sending countries. Within this process, the governments of the sending countries on their own elaborate institutions to nurture, select and send out care migrants in accordance with global standards in the field of care migration. On the receiving side, Japan created a new special body, the Japan International Corporation of Welfare Services (JICWELS), in order to receive care migrants and allocate them among hospitals and care homes. The Japanese government furthermore imposed strict requirements for care migrants as concerns education and job careers. The regulatory mechanisms between Japan and sending countries indeed seem to create a triple-win for the sending countries, the receiving country of Japan and the recruited care migrants alike. However, this win-win-win objective is

1 Christian Joppke (ed.), Challenge to the Nation-State. Immigration in Western Europe and the United States, Oxford 1998.

far from being completely achieved. Without resolving fundamental dilemmas concerning migration, the new approach to migration management will result in smaller liberalism within the framework of bigger restrictiveness.

Seriousness in the border control dilemma is fundamentally due to a trade-off structure of benefits and costs in migration. In the Western world, the trade-off structure has been apparent and familiar among the bureaucrats and the public. For a long period, the Western states experienced influx of unskilled immigrants who have settled in after strengthening border control in the 1970s. Once they receive immigrants, they face much difficulty in deporting and/or treating immigrants against humanitarian concern. On the other hand, immigrants are often dissatisfied with their own situation in receiving countries in terms of labor conditions, residential condition, and so on. By contrast, the non-Western world does not seem to consider the trade-off structure as a serious issue and seems to suppose that the state can manage the border dilemma with adopting the closing-door strategy and/or emigration policy without any hesitation. For example, Singapore takes strict policy to retain foreign workers as temporary stayers, whilst Taiwan implemented mandatory pregnancy tests to prevent female foreign workers from settling in Taiwan. The Philippines is one of the world's most active countries in exporting own nationals as foreign workers to other countries. Surely, some sending countries willingly send abroad their own nationals as a commodity to expect remittances from them, whilst others worry to lose useful labor power to sustain their economies and societies by emigration; the extreme case of a substantial loss of qualified workers is often labeled as a ›brain drain‹. Accordingly, the closing-door strategy and an active emigration policy are major Asian responses to the trade-off structure of benefits and costs, yet they are only cosmetic solutions.

Another characteristic of the non-Western world is the dominance of the state's function. The notion of migration management often supposes different intergovernmental organizations such as IOM, ICMPD and UNHCR, which are main actors to govern migration. For example, the policy against irregular migration in Albania has been considerably strengthened by the International Organization for Migration (IOM) and the European Union (EU).[2] A large part of the non-Western states, the Asian states in particular, however face only weak pressure from international agencies. Asian states tend to cooperate bilaterally and multilaterally with each other, too. Even states in the Western world, as main actors, often seek bi-national or multi-governmental collaboration to realize a type of regional migration management. The col-

2 Martin Geiger, Mobility, Development, Protection, EU-Integration! The IOM's National Migration Strategy for Albania, in: idem/Antoine Pécoud (eds.), The Politics of International Migration Management, Basingstoke 2010, pp. 141–159.

laboration between the United States and Mexico is a typical example.[3] Consequently, states should not be dismissed as major actors to deal with migration – yet, in rapidly changing global and national circumstances, is it possible for the state to handle the trade-off structure in a more fundamental and sustainable way? How can state agencies and other actors modify the trade-off structure into a triple-win? In other words, how can the actors realize international migration management?[4] As regards the three dimensions of migration management, actors, practices and discourses[5] this chapter focuses on the two dimensions of actors and practices. In order to portray a story of the non-Western world, it will, firstly, take up a seemingly successful case in closing its national borders: Japan. Then, it will focus on a recent issue in Japan, the introduction of health care immigrants from abroad, which induces Japan to seek benefits from immigration not passively but actively. Today most states seek new strategies to manage migration with the aim not solely excluding but also receiving migrants and encouraging migration. The recent Japanese experience gives thoughtful suggestions on it. Finally, however, given the case of Japan, the contribution will explore why this care immigration policy fails to realize a complete triple-win.

Japan as a Non-Immigration Country – Clearing up the Myths

For a long period, Japan has been surrounded by two myths: (1) Japan was said to be a single race country and the idea was also (2) that there are no immigrants in Japan at all.[6] Although some right-wing Japanese exaggerate the myths even at the present time, it cannot be denied, however, that there has been a considerable number of so-called old-comers who came to Japan mainly from the Korean Peninsula, China and Taiwan in the pre-war era. In addition, since the mid-1980s there has been an increasing number of so-called newcomers from all over the world.[7] It is nevertheless a fact that Japan

3 Matt Bakker, From The Whole Enchilada to Financialization: Shifting Discourses of Migration Management in North America, in: Geiger/Pécoud (eds.), The Politics of International Migration Management, pp. 271–294.

4 Geiger/Pécoud, The Politics of International Migration Management, in: idem (eds.), The Politics of International Migration Management, pp. 1–20.

5 See the contribution of Martin Geiger and Antoine Pécoud in this volume.

6 Keiko Yamanaka, Commentary. Theory Versus Reality in Japanese Immigration Policy, in: Wayne A. Cornelius et al. (eds.), Controlling Immigration. A Global Perspective, Stanford 1994, pp. 411–414.

7 Hideki Tarumoto, Multiculturalism in Japan. Citizenship Policy for Immigrants, in: John Rex/Gurharpal Singh (eds.), Governance in Multicultural Societies, Aldershot 2004, pp. 214–226.

has received only a minimum amount of immigrants compared to other highly industrialized countries.[8] The most persuasive factor to inhibit immigrants from entering Japan are the policies and regulations that have been implemented by the Japanese Ministry of Justice that is in charge of immigration control. This Ministry indeed holds the singular bureaucratic sovereignty in Japanese immigration policy and keeps away most political influence of the parliament, other ministries, business bodies, and social groups.[9] Consequently, the Ministry of Justice has long enshrined the strategy to keep Japan's border strictly closed, which has contributed to the perception that Japanese society is a closed national community exclusive to Japanese nationals. International migration management supposes that a multiplicity of agents (including intergovernmental organizations, IGOs, and other actors beyond the state) in order to manage migration takes part in a multi-level game.[10] The case of Japan shows, in contrast, that Asian states still stick to their sovereignty and refuse to share competencies with non-state and international actors. The Japanese state in particular has been quite successful in closing its national border towards international movements of people. Facing the challenge of international migration, most advanced countries in order to protect and keep their sovereignty develop multi-layered citizenship institutions. Although these institutions vary across different countries, the Hammar-Koido-Tarumoto Model (HKT; *see figure 1*) illustrates the main idea: States are establishing five boundaries to regulate international migrants, thereby categorizing them into *irregular immigrants*, *temporary legal stayers*, *denizens*, *second-class citizens* and *first-class citizens*.[11] With reference to the model, the closing-door strategy of border control can be conceptualized as the fortification of the boundaries 1 and 2 with the aim to prevent migrants from entering and/or stay in the society[12] – the main characteristics of Japan's explicit *non*-immigration policy.

8 David Bartram, Japan and Labor Migration. Theoretical and Methodological Implications of Negative Cases, in: International Migration Review, 34. 2000, no. 1, pp. 5–32.

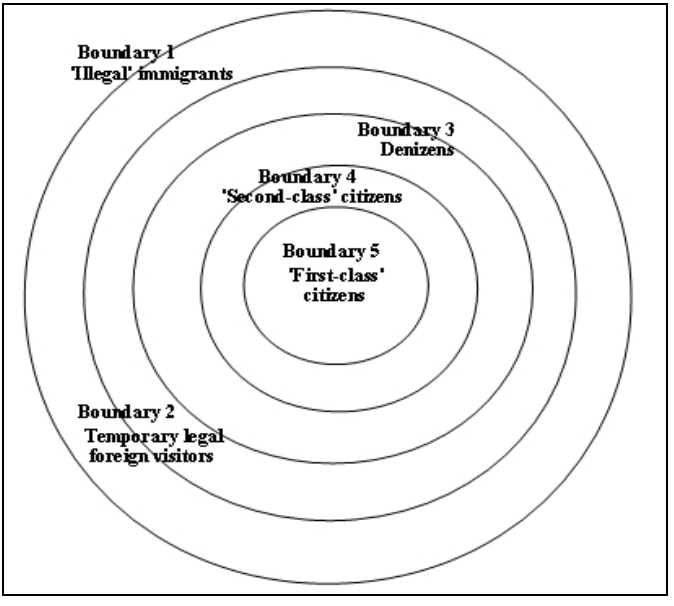
9 Hideki Tarumoto explores the effects of singular bureaucratic sovereignty on tightening asylum policy in Japan, see: Hideki Tarumoto, Is State Sovereignty Declining? An Exploration of Asylum Policy in Japan, in: International Journal on Multicultural Societies, 6. 2004, no. 2, pp. 133–151.

10 Geiger/Pécoud, The Politics of International Migration Management.

11 Hideki Tarumoto, Multiculturalism in Japan; idem, Un Nouveau Modèle de Politique d'Immigration et de Citoyenneté? Approche Comparative à Partir de l'Expérience Japonaise (traduit de l'anglais par Catherine Wihtol de Wenden), in: Migration Société, 102. 2005, no. 17, pp. 305–337.

12 The HKT model can be applied to supranational as well as national political entities. For example, the European Union (EU) undertakes plural bordering within the context of its anti-illegal immigration policy, which fits well with the idea of the HKT

Figure 1: The Hammar-Koido-Tarumoto (HKT) Model



Care Migration to Japan

After enjoying a long lull of immigration, Japan now faces critical issues of immigration such as a considerable number of illegal stayers, unemployment among ethnic Japanese descendants from Latin America (*Nikkeijin)* and harsh working conditions of foreign trainees (*Kenshusei*). The most recent highlighted issue is care immigrants. According to the HKT Model above, Japan partially opened boundary 2, starting to introduce nurses and care workers as trainees from Indonesia in August 2008 and from the Philippines in May 2009. In this article, such foreign nurses and care workers are collectively labeled *care immigrants*. The introduction of care immigrants poses a big challenge to Japan. Generally, Japan tends to consider itself not benefiting from immigration and is fearing the social costs of it. In this line, the Ministry of Justice categorizes foreign workers into the two exclusive categories of *professional and skilled workers* and *unskilled workers*; the Ministry only gives permission of entry and stay to the former mentioned, not to the latter. Con-

model. As regards the EU's anti-illegal immigration discourse, see William Walters, Imagined Migration World: The European Union's Anti-Illegal Immigration Discourse, in: Geiger/Pécoud (eds.), The Politics of International Migration Management, pp. 73–95.

Table 1: Foreigners that can be granted a status of residence

Annex 1
1 Diplomat, Official, Professor, Artist, Religious activities, Journalist
2 Investor, Business manager, Legal/Accounting services*, Medical services*, Researcher*, Instructor*, Engineer, Specialist in humanities/International Services, Intra-company transferee*, Entertainer, Skilled labor
3 Cultural activities*, Temporary visitor
4 College student, Pre-college student*, Trainee, Dependent
5 Designated activities
Annex 2
Permanent resident, Spouse or child of a Japanese national, Spouse of child of a permanent resident*, Long-term resident*
* The categories are created by the 1990 Immigration Control and Refugee Recognition Act.

Source: The Ministry of Justice (http://www.moj.go.jp/ NYUKAN/NYUKANHO/ho12.html; accessed 22 Dec 2009)

sequently, only professional and skilled foreign workers as well as foreigners with special reasons to enter and stay can be granted status of residence (see table 1).

This sharp differentiation between *professional and skilled workers* and *unskilled workers* is somewhat arbitrary and can be regarded as an excuse to prohibit a large part of foreigners from entering. A typical example of arbitrariness is care immigrants such as nurses and care workers. Despite of having medical and/or caring skill and knowledge, nurses and care workers are put in the category of *unskilled workers* and are left without permission to stay and work in Japan. Thus, since care immigrants are considered as *unskilled workers*, their recruitment runs counter to the Japanese traditional dogma not to allow entry and stay to *unskilled workers*. Moreover, the introduction basically contravenes the closing-door strategy and Japanese cautiousness about immigration. Consequently, receiving care immigrants poses a big political challenge.

Japan has kept its strictly selective and highly restrictive immigration policy for a long time. Why does Japan receive care immigrants nowadays? The first reason is a domestic one: Japan has become an aged society where the proportion of the aged over 65 to the whole population increased from 7.1% in 1970 to 20.2% in 2005. It is expected that the proportion of citizens aged 65+ will be 31.8% in 2030, which will subsequently produce heavy care labor shortage.[13] This has become a major concern among the public as well

13 Ministry of Health, Labour and Welfare (MHLW), White Paper on Health, Labour and Welfare: The Year Heisei 21 Version, Tokyo 2009, http://www.mhlw.go.jp

as among bureaucrats. In other words, Japan changed its preference a bit towards benefiting from a ›win‹ by receiving care immigrants. Due to its depopulating and aging as one major reason, it decided to begin with the introduction of foreign nurses and care workers. The second reason carries an international character: In 2006 and 2007, Japan concluded the Economic Partnership Agreement (EPA) with the Philippines (September 9, 2006) and Indonesia (August 10, 2007).[14] In the process of negotiating these agreements, the partner countries reached an agreement to abolish duty tariffs for some goods in order to promote free trade; Japan at the same time accepted the demands of the Philippines and Indonesia to allow care immigrants to enter and stay in Japan. In this sense, the sending countries created a tactical issue linkage between the issue of trade and the issue of migration and were successful in getting this through[15] while Japan, highly interested in the conclusion of the Economic Partner Agreements, accepted a partial circumvention of its strict immigration policy.

Sticking to the Closing Door Strategy

The introduction of care immigrants could be a sign that Japan is giving up – at least partially – its closing-door strategy and wants to benefit from so-called *unskilled care migration*. This interpretation is unfortunately far too simple and does not reflect reality: Japan continues to impose strict requirements for care migration regarding access, stay and employment to/in Japan. A first restrictive requirement lies in the qualification and experience care

/za/0825/c04/c04.html (29 Dec 2009); Ministry of Health and Welfare (MHW), White Paper on Health and Welfare: The Year Heisei 12 Version, Tokyo 2010, http://www1.mhlw.go.jp/wp/index.html (29 Dec 2009).

14 The then Japanese Prime Minister Junichiro Koizumi and the Philippine President Gloria Macapagal-Arroyo attached their signatures to the EPA in Helsinki, Finland on 9 September, 2011. For Japan, this EPA with the Philippines is the fourth one, following the agreements concluded with Singapore, Mexico and Malaysia. See Wako Asato, Nippi keizairenkeikyoutei to gaikokujin kangosi kaigoroudousha no ukeire (The Japan-Filipino Economic Partnership Agreement and Receiving Foreign Nurses and Care Workers), in: Kuba Yoshiko (ed.), Kaigo kaji roudousha no kokusai idou: esunisithi jenda kea roudou no kousa (International Migration of Care Workers and Domestic Workers: Crossover of Ethnicity, Gender and Care Work), Tokyo 2007, pp. 27–50. It is reported that Japan signed the EPA with India in February 2011, but a request of India to send care migrants to Japan has been left as an issue to be discussed later. See: Ministry of Economy, Trade and Industry (METI), External Economic Policy Site, Tokyo 2011, http://www.meti.go.jp/policy/trade_policy/epa/html2/2-torikumi3-india.html (7 Apr 2011).

15 Lisa Martin, The Rational State Choice of Multilateralism, in: John Gerard Ruggie (ed.), Multilateralism Matters. The Theory and Practice of an Institutional Forum, New York 1993, pp. 91–121.

immigrants are required to have: Nurses should possess a nursing qualification based on the law of their own countries and have enough work experience (three-year experience for Filipino candidates and two-year experience for Indonesian candidates).[16] Care workers from the Philippines should be graduates who studied at higher educational institutions for at least four years and are certified as care workers by law of the Philippines. Otherwise, they are regarded only as nursing college graduates. Indonesian candidates are required to be in possession of a so-called level 3 certificate from universities or higher educational institutions in Indonesia, thereby being certified as care workers by the Indonesian government after being trained as care workers.[17] The selection of care workers furthermore takes place in the respective home countries, not in Japan. A fundamental problem lies in the fact that Japan actually plans to receive 1,000 care immigrants for two years. In the two countries targeted by Japan, however, there are not enough candidates that fulfill the Japanese requirements, e.g. what concerns the demand for relatively high education levels. As a result, in August 2008 not more than 208 candidates from Indonesia were allowed access to Japan; in May 2009 a similar small number (283) came from the Philippines.[18] As a second requirement, care workers and nurses are asked to conclude a formal employment contract with hospitals or care homes administered by the Japan International Corporation of Welfare Services (JICWELS). There is no legal way for foreign care workers or nurses to work at facilities that JICWELS has no relation with.[19] The third strict requirement is most politically elaborated: Even in the case that care immigrants have acquired enough education, qualification and skills for nursing or caring in their countries, they are treated only as *candidates for formal work*; in order to work *formally* in Japan, they have to pass Japanese national examinations after passing through additional trainings in Japanese hospitals and care homes. If they fail these exams, they are not allowed to stay and work in Japan anymore and are required to return to their own countries. This requirement is especially hard to fulfil since the exams are written and are to be answered in Japanese language.

16 Japan International Corporation of Welfare Services, the (JICWELS), Heisei 22 nendo ban firipinjin indonesiajin kangosi kaigofukushishi ukeirewakugumi (The Receiving Framework of Filipino and Indonesian Nurses and Care Workers: The Year Heisei 22 Version), Tokyo 2009, http://www.jicwels.or.jp/html/h22_epa_images/h22_brochures.pdf (2 Jan 2010).

17 Ibid, p. 22.

18 Kyodo News (News Agency), The Second Group of Filipino Care Workers attended an Opening Ceremony of Training. Ten Workers Went to Nine Facilities in Five Prefectures, Tokyo 2009, http://www.47news.jp/CN/200906/CN2009060101000646.html (5 Jun 2009).

19 JICWELS, The Receiving Framework, pp. 6f., 19, 22.

Though some of the care immigrants might have learnt Japanese in their own country or in Japan, they are likely to face extreme difficulties in understanding Japanese technical terms of nursing or caring that are used in these exams. Another constraint is the strict time limit: All foreign nurse *candidates* are required to pass the exams within three years following their arrival, while care worker *candidates* should do so within four years.

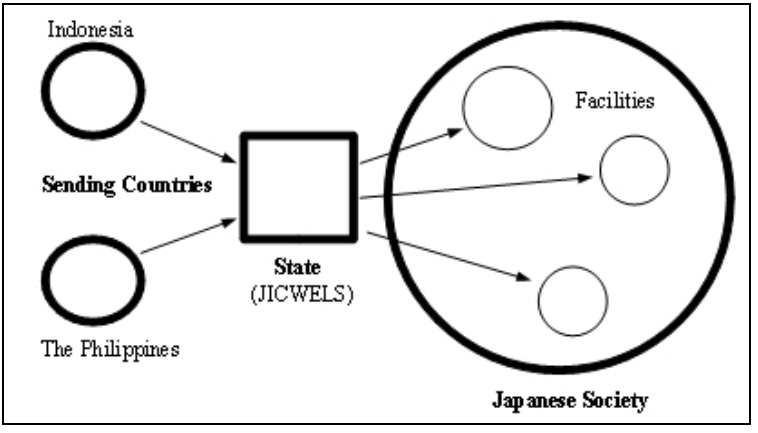
The Benefit-Cost Structure of Japan's Recent Care Immigration Policy

As described above, the Japanese state is still sticking to the closing-door strategy though at the same time clearly seeking a win from care immigration. Can such elaborated statecraft as in the case of Japan really create a triple-win? If it fails: for whom does the existing structure produce a win-situation and who loses? To clarify this it is necessary to analyze the benefit-cost structure of the actors involved in care immigration: the state, the receiving facilities and the society in the case of the receiving country Japan and the care immigrants and the sending countries *(see figure 2)*.

The introduction of care immigrants is likely to function as a magnet attracting not exclusively care immigrants but also other types of immigrants and immigrant workers to Japan, i.e. the spouses, relatives, friends and neighbors of care immigrants. Even would-be immigrants, who are not directly related to care immigrants, are likely to gain the information that Japan is a country now ready to receive immigrants. Concerning this, information campaigns to deliver appropriate information regarding migration could become quite crucial for migration management in the case of Japan.[20] Distorted information and its resulting influx of immigrants would give the Japanese state reasons to reconsider its care immigration policy. A second issue is related to the first one: Care immigration may cast doubts on the practice to differentiate dichotomously between *professional and skilled foreign workers* and *unskilled foreign workers* – one of the long standing pillars of Japan's (non-)immigration policy. Care immigrants, despite having medical and/or caring skills in practice, are treated as *unskilled workers*, but nevertheless are permitted to stay in Japan as *candidates* for formal workers. Thus, the prevailing dichotomy is somewhat blurred. Another, third issue is that care immigration policy is likely to invoke a general debate on whether a new category for residential stay in Japan for foreigners (care) needs to be created or not. This category may enable a stable supply of care labor force

20 Antoine Pécoud, Informing Migrants to Manage Migration? An Analysis of IOM's Information Campaigns, in: Geiger/Pécoud (eds.), The Politics of International Migration Management, pp. 184–201.

Figure 2: Flow of Care Immigrants



from abroad. It is recently reported that the Ministry of Justice is now indeed considering an enlargement of the category of *medical profession* and the creation of the category *care*. Care immigration policy finally may trigger the transformation (or decay) of the previous singular bureaucratic sovereignty exercised solely by the Ministry of Justice. Prior to the negotiations of the EPA, the Council of Regulatory Reform in the Cabinet Office created a group within itself that is now responsible to discuss all foreigners' issues led. Shosaku Yasui, a business leader who has designed the plan to receive care immigrants from the Philippines and Indonesia, leads this group.[21] As a result, it is no longer only the Ministry of Justice but also the Ministry of Foreign Affairs and the Ministry of Welfare and Labor that are involved in planning and implementing the introduction of care immigrants. This is a strong hint for a more open and multiple bureaucratic sovereignty. Obviously this also results in increased costs for the state bureaucracy that may undermine a win-situation on the side of the Japanese state.

Institutionally, the Japanese state takes a mediating role between care immigrants and receiving facilities through JICWELS. Why do receiving facilities such as hospitals and nursing care homes receive care immigrants? The Japanese care immigration policy lobbies for itself with the slogan of promoting international contribution and friendship. Consequently, also the individual receiving facilities formally accept foreign nurses and care workers on the basis of promoting international contribution and friendship. International contribution and friendship are, however, only ostensible motiva-

21 Shosaku Yasui, Watashi no rirekisho (My Personal History), in: Nihon Keizai Shimbun (The Nikkei; Newspaper), 31 Oct 2009.

tions; there is no doubt that Japanese receiving facilities seek to alleviate serious care labor shortage by using care immigrants. A similar case is the Japanese foreign trainee scheme: Formally, the foreign trainee scheme was established with the purpose of transferring skills to developing countries and was seen as Japan's contribution to international development cooperation. Yet, on the practical level, Japanese companies employed foreign trainees first and foremost to bring a cheap and quick solution to labor shortage in the sector of unskilled workers. Thus, both cases reflect double standards and symbolize the difference between policy propaganda and economic and political realities. However, it is important to stress that receiving facilities in the case of care immigrants are legally regulated to pay immigrant salaries that are equivalent to those of Japanese employees. In this sense, receiving facilities cannot employ them as cheap labor force. Foreign care immigrants nevertheless are often practically engaged in secondary, menial work in the facilities. In addition, they serve for a long time as *candidate* workers. Receiving facilities face pressure for helping care immigrants pass national exams, even if the exams are quite tough for care migrants.

For the Japanese society, care immigration policy in the short-term perspective produces a win-situation. In the longer run, however, it also creates imminent effects on Japanese society as a whole: Japan's society starts to become diverse. Unskilled immigrants are often considered a source of social problems. In the past, Japan officially has banned unskilled immigrants to enter and work, but in reality, in spite of the dogma of the *non*-introduction of unskilled immigrants, some categories of immigrants such as *Nikkeijin* (Japanese descendants from Latin America), *Kenshusei* (foreign trainees) and irregular immigrants have been tolerated and been used to fill labor shortage in the sector of unskilled work. Nevertheless, the new care immigrants differ from these traditional unskilled foreign workers that worked mostly in the manufacturing and construction sector or in agriculture and seafood processing. Care immigrants are more visible since they are in engaged in activities that inhere person-to-person services and concern mostly Japanese citizens. On the spot, Japanese clients notice without any difficulty that care immigrants are foreigners with different appearance, culture and language. In addition, care immigrants will be widely dispersed to hospitals and nursing homes throughout Japan. Accordingly, they are much more visible than traditional foreign workers that lived mostly concentrated in industrial areas. In other words, receiving care immigrants will enforce the perception that Japan has already really become a multicultural society.

Another major impact of care immigration on Japanese society concerns the traditional dichotomy between the public and the private spheres of hu-

man lives. Generally, there are three types of foreign caregivers[22]: Firstly, foreign nurses and care workers who work at facilities such as hospitals and nursing homes. Most care immigrants in Japan belong to this type. Foreign domestic servants are engaged in housework and/or in taking care of children and elderly people at private houses. Finally, there are foreign brides who migrate to marry Japanese men. This is mostly prevalent in rural areas of Japan such as Yamagata prefecture. These types of foreign caregivers including care immigrants globalize the private sphere of Japanese and one could speak of a trend to *global householding*.[23] These trends in Japan result in the trend that traditional foreign workers globalize mostly the public sphere (economic production) while foreign caregivers bring about profound social changes in the private sphere. The Japanese society thus significantly depends on transnational activities to maintain its social and economic reproduction.

With an eye to the sending countries it is often argued that these countries benefit from a win-situation because they can expect remittances from their emigrants. However, the real benefit-cost situation in reality is more complicated than one can expect: Sending countries lose nurses and care workers and struggle to keep their own social facilities and reproduction working. This care drain consists of two aspects: A first aspect is the loss of skilled, professional health labor force. As part of brain drain, the care drain engenders shortage of skilled health workers and loss or waste of national budget and educational efforts in sending countries. The second aspect of care drain directly affects the private sphere rather than the public sphere. Surely, remittances from care migrants help in alleviating the poverty of family members left behind. But emigration entails social and emotional cost, too. Through the process of emigration, in many cases the main caregivers (mothers of dependent children) leave. By losing them, families have to rely on grandmothers, sisters or female relatives to take care of children. Thus, care drain heavily affects the private domain as well. Substitute caregivers furthermore often stay economically and socially disadvantaged. Within this context global care chains become relevant: Care immigrants provide care services for women in advanced countries, while as a result of emigration substitute caregivers are needed to take care of children, parents and grandparents of care emigrants. The consequence: the active recruitment of foreign

22 Wako Asato, Kea no kakuho wo megutte hikiokosareru hito no kokusai ido: idousuru hitobito ha tayousei no ichibuka (International Migration Caused by Securing Care), in: Gendai shiso (Contemporary Thoughts), 37. 2009, no. 2, pp. 91–105.

23 Ken Endo, Ekkyou suru sinmitsuken?: gorobaru hausuhorudo no jidai (Transcending the Intimate Sphere Across Boders: the Era of Global Household), in: idem (ed.), Grobaru gabananansu no saizensen (The Frontier of Global Governance), Tokyo 2008, pp. 121–142.

care-takers and care emigration result in inducing care chains across national.[24] Nicola Yeates argues that transnational care is more diverse than the original concept of global care chain in terms of skill and occupation, family status, obligation and expectations, types of care, domestic and institutional care settings, and historical commonality and difference.[25] She insists that care immigrants are not only mothers with dependent children leaving their childcare to other women in their own countries. Many care emigrants are also singles, wives without children or mothers bringing their spouses and children to destination countries to live together. In this sense, the concept of global care chains needs to be extended in order to capture the diverse nature of transnationalizing care. But, despite of the extension, the concept of global care chains retains the implication that developed countries transfer reproduction cost to developing countries. Another, third effect can be found in the process that care immigration policy induces social hierarchies not only within a country but also between countries. It is apparent that there is a hierarchy of countries from core countries to peripheral countries in terms of economic production and management. The global care chains signify that, accompanied by the hierarchy of economic production, another hierarchy between countries is emerging as regards nursing and caring. In other words: Global care chains are an expression of the international status of certain countries. Care immigration policy not only helps in creating but also in keeping hierarchies. Whilst women within the core countries previously provided reproductive labor, women who have immigrated from peripheral countries now increasingly provide it. A gap has emerged between care-receiving countries and care-producing countries. Thus, reproductive labor is globally restructured through a *New international division of reproductive labor*.[26] As a consequence, care immigration policy maintains and enforces this division worldwide, with enforcing or at least keeping the dominance of care-consuming countries over care-producing countries. Fourthly, care immigration policy impacts on sending countries with respect to their own national emigration policy. Some receiving countries require sending countries to develop and raise the skill level of care immigrants while the sending countries on their own want to keep their position as sources of migrants and therefore tend to promote an active emigration policy that values migrants in terms of reproductive labor. One of the leading exporter of care immigrants in the world, the Philippines, started to adopt a policy of establishing educa-

24 Arlie Russel Hochschild, Global Care Chains and Emotional Surplus Value, in: Will Hutton/Anthony Giddens (eds.), On the Edge: Living with Global Capitalism, London 2000, pp. 130–146.

25 Nicola Yeates, Globalizing Care Economies and Migrant Workers. Explorations in Global Care Chains, Basingstoke 2009, pp. 48–55.

26 Yeates, Globalizing Care Economies and Migrant Workers.

tional arrangements to provide higher skills for its nurses and care workers. On the surface, this skill-enhancing policy seems to protect migrant women from infringement of their rights in receiving countries and can be seen as a response to the criticism of human rights advocates. Yet, in reality individual care migrants still have to bear the costs of acquiring skills. By commercializing nurses and care workers as valued export goods, the skill-enhancing policy on reproductive labor of some sending states enforces a neo-liberal tendency of *individual responsibility* and *self-help* of migrants rather than securing rights for them.[27] For sending countries, the regulation of product quality is quite crucial. Thus, while sending countries gain benefits through sending care migrants, they bear also significant losses. A win-situation cannot be realized in a complete way.

Finally, what happens to care immigrants? Do these migrants at least benefit from a complete win-situation? After entering Japan, care immigrant *candidates* take classes in Japanese language and culture. Then they start with on-the-job training in hospitals and nursing homes to become *formal* nurses or *formal* care workers in Japan. In reality, most of the so-called on-the-job training is *de facto* unskilled work with the effect that care immigrants are not able to really enhance their level of nursing or caring skill at this stage. In case they fail their Japanese national exams, care immigrants furthermore have to return to their own country. In April 2011, only 16 nurse candidates successfully passed the national exam, these 16 cases represented only 4% of the total candidates that took part in the exams.[28] There is much criticism that care migrants are treated as disposal menial workers, without little hope to become formal workers. To fend off this criticism, government, hospitals and care homes keep their rhetoric that they welcome care migrants for promoting international friendship. Even if they become *formal* workers, they would be likely to be paid low wages. This is a peculiar characteristic of nurses and care workers in working condition. They are an *imperfectly commodified labor force* in a quasi-labor market in which the governments regulate wages and put aside economic market mechanisms. Wages of nurses and care workers are inflexible and kept from rising. As a result, care immigrants run a risk of being treated as workers that can be more or less easily ›disposed of‹.[29] In addition, there is another concern that care immigrants would

27 Chiho Ogaya, Saiseisan roudou no guroubaruka no aratana tenkai: firipin kara miru ginouka keikou karano kousatsu (New Dimensions of Globalization of Reproductive Labor: The Implications of Skill in the Philippine Context), in: Shakaigaku hyoron (Japanese Sociological Review), 60. 2009, no. 3, pp. 364–378.

28 Asahi Shinbun (Newspaper), 26 Mar 2011.

29 It should be noted that, according to the governmental rule, care immigrants can receive equivalent amount of salary to Japanese co-workers as long as they stay as *candidates*. Once they become *formal* workers, it is ambiguous as to whether they can receive such amount of salary or not.

suffer from discrimination and gender bias. Care immigration policy may induce the stereotyped image that nursing and caring are jobs for foreigners and foreign *women*. As a consequence, foreign nurses and foreign female caregivers are expected to experience double-layered discrimination, due to gender and foreignness.[30] Japanese care immigration in consequence thus resembles the practice of circular migration, one of the pillar concepts and techniques enshrining the concept of international migration management. Based on political and pure economic rationality, the Japanese practice does not yield the benefits care immigrants are expecting.[31] A reform of Japan's care immigration policy is recommended.

Towards a Triple-Win Situation – The Unclear Future of Care Immigration to Japan

Globalization and the international movement of people motivate states to rethink their migration policy and to adopt new strategies to manage migration.[32] Japan is not an exception; its new care immigration policy is kind of a new migration management previously unknown in Japan: The policy is implemented within the bi-national framework of Economic Partnership Agreements (EPA) between Japan and Indonesia, and between Japan and the Philippines, respectively. The governments of the sending countries elaborate institutions to nurture, select and send out care migrants in accordance with the requirements imposed by Japan. In order to manage care migration, Japan created a special body, the Japan International Corporation of Welfare Services (JICWELS).

The collaboration between Japan, the Philippines or Indonesia, respectively, allows to come closer to a triple-win situation: Japan's partner countries can send their nationals as care migrants to Japan and can expect remittances from them; the Japanese state institutions, hospitals and care homes can alleviate care labor shortage by importing these care migrants; and care migrants from the sending countries Indonesia and the Philippines can expect higher earnings whilst working in Japan. This triple-win is, however, far from being realized and from being complete. Care immigrants face severe difficulties to get access to Japan and be allowed to stay and work there; furthermore, the Japanese society experiences significant qualitative changes.

30 Ruri Ito, Saiseisan roudou no kokusai iten de towareru nihon no jenda baransu (International Relocation of Reproductive Labour Brings Gender Balance in Japan into a Question), in: Toshi Mondai (Urban Issues), 100. 2009, no. 3, pp. 75–82.

31 Sara Kalm, Liberalizing Movements? The Political Rationality of Global Migration Management, in: Geiger/Pécoud (eds.), The Politics of International Migration Management, pp. 21–44.

32 Geiger/Pécoud, The Politics of International Migration Management, pp. 14f.

The rhetoric of promoting international friendship completely disregards the reality of harsh restrictions and exploitation care immigrants are facing although there is undoubtedly a great need for care migrants in Japan.

In sum, there are great difficulties and fundament dilemmas as regards the idea of triple-win and the philosophy of a regulated openness. Firstly, there is *a system maintenance / social integration dilemma*: The more the state seeks to maintain the care system with the help of foreign workers, the more it creates inequalities between native workers (Japanese nurses and care takers) and foreign workers. Consequently, once introducing care immigrants, the state is faced with the challenge to integrate them into the society. Secondly, one can speak about a *national-global dilemma*: While the Japanese state seeks to pursue national interests, it simultaneously produces global inequality. In the case of care immigrants a typical example are global care chains resulting from the care drain induced by the recruitment of care migrants. In addition, thirdly, there is a *public-private sphere dilemma*: Once the state decides to open the border for nurses and care workers, this inevitably leads to an internationalization or globalization of the private sphere of the society. This furthers more transnationalization with the effect that Japan inevitably becomes a multicultural society in a much more visible way, which can fuel social tensions in the society. Since Bimal Ghosh first elaborated the notion of migration management in 1993[33], there has been the idea that migration in the future should become managed in a new way that enables all parties (receiving and sending societies/countries and migrants) to benefit from migration. The explicit goal of migration management is thought of to consist in a triple-win.[34] The new approach to migration management in Japan and what regards care immigration to Japan suffers from several weaknesses. Without resolving the observed fundamental dilemmas, this kind of migration management will fail or is likely to result in smaller liberalism within the framework of bigger restrictiveness. It is already rather unclear whether Japan's new care migration policy will stand the test due to new circumstances: In April 2010, not less than 43 care immigrant candidates (15% of all care workers that were selected) refused to come to Japan because of anxieties with regard to the big earthquake in North-East Japan on March 11, 2011, the subsequent nuclear catastrophe in Fukushima and the uncertain economic and social situation.[35]

33 See the contribution of Bimal Ghosh in this volume.

34 Commission on Global Governance, Our Global Neighbourhood. The Report of the Commission on Global Governance, Oxford 1995.

35 Among the candidates who declined to come to Japan were 28 nurses and 7 care workers from the Philippines and 8 nurses and 8 care workers from Indonesia. See Hokkaido Shinbun (Newspaper), 17 Apr 2011; Mainichi Shinbun (Newspaper), 17 Apr 2011.

10 Local Border Regimes or a Homogeneous External Border? The Case of the European Union's Border Agency Frontex

Bernd Kasparek and Fabian Wagner

During the Italian-Maltese summit on ›Strategic Mediterranean Themes‹ that took place in June 2010, both Italy and Malta questioned the need for a continuation of EU Frontex operations. Already well before that time, the European Union's border agency Frontex had become one of the key players of migration management at the external borders of the EU. While Malta's criticism was largely motivated by the country's discontent with the newly adopted guidelines regulating Frontex operations, Italy feared that continued Frontex operations might »upset« the Libyan-Italian agreement. The two countries' governments both suggested that the EU agency might be better suited to carry out joint deportations rather than sea patrols.[1] Yet, Frontex and its activities in recent years repeatedly have been described as a success story, and with dramatically reduced numbers of interceptions of irregular migrants at the maritime external borders of the European Union, the Maltese-Italian statement seemed like an unexpected comment on this proclaimed best practice of harmonizing a European field of policy and practice, namely the management of the EU external border. In the following we will start from the mentioned discursive incident to examine the current state of Frontex with particular attention to its operational activities. We argue that far from constituting a homogeneous EU border management practice or a Europeanized control-space at the southern borders, the operations of Frontex are part of a localized border regime that is formed by local conceptualities, characterized by its own individual spatiality and configurations of stakeholders, conflicts and relations. The backbone of this border regime is formed by bilateral agreements, respectively their absence.

William Walters has described in great detail the EU's »anti-illegal immigration discourse« as an elementary part of its migration management project, and has explained how this discourse is mainly enacted as tightened

1 Times of Malta, 8 Jul 2010.

border control.[2] Or, to quote the European Commission: »Dealing firmly and effectively with irregular migration is a precondition for a credible migration and mobility policy.«[3] Given this political as well as practical connection between the European border and migration regime, our insights into the current state of the politics of border management in the European Union also sheds light on this particular aspect of the European Union's migration management efforts. We are especially interested in the notion of (migration) ›management‹. As Martin Geiger and Antoine Pécoud have pointed out, migration management is not only a (technical) term, but also a particular set of discourses and practices, carried out by a multitude of actors, who are intertwined in a complex, heterogeneous and often conflictive manner.[4] The notion of management goes hand in hand with the – at least gradual – abandonment of an idea of control. It is this hint that inspires us to investigate the actual practices of the border management agency Frontex in different geographical settings. One might easily argue that the border is the paradigmatic example of control. However, while our empirical data suggest that the idea of exercising sovereignty at the border is still driving the actual operations of Frontex, the agency has been forced to abandon the idea of a ›pan-European‹ practice of actual border policing. The effect is what we describe as a local border regime, driven by different forces, actors, discourses and external policy goals. We will start our analysis with a short description of the agency, to be followed by a discussion of the three main operations: *Hera* in the Western Atlantic, *Nautilus* in the Central Mediterranean and *Poseidon* in the Aegean Sea.

The Agency: Its Structure and Its Tasks

Frontex was founded in 2004 by European Council Regulation 2007/2004. In 2007 it was amended by the Rapid Border Intervention Teams Regulation 536/2007 regarding migration-related exceptional circumstances. Both constitute the legal framework of the agency that started with 20 employees in 2005; but four years later, in 2009, it already employed 226 staff at the headquarters in Warsaw. The personnel backbone of the employees are temporary

2 William Walters, Imagined Migration World: The European Union's Anti-Illegal Immigration Discourse, in: Martin Geiger/Antoine Pécoud, The Politics of International Migration Management, Basingstoke 2010, pp. 71–95.

3 Commission of the European Communities, Communication from the Commission to the European Parliament, the Council, The Economic and Social Committee and the Committee of the Regions: Communication on Migration, COM (2011) 248 final, 4 May 2011, Brussels 2011.

4 Martin Geiger/Antoine Pécoud, The Politics of International Migration Management, in: idem (eds.), The Politics of International Migration Management, pp. 1–20.

agents[5] who are working mostly less than a year at the headquarters, followed by seconded national experts[6], highly qualified experts of the member states' border guards employed for two to three years. Furthermore, the agency employed 60 contract agents in its administration section in 2009.[7] The same rapid increase holds for the budget: it rose from 6 million euros in 2005 to 88.8 million euros in 2009, representing an increase of 360% in four years. The Commission of the European Communities is the most important donor at present, funding more than 95% of the agency's budget, the rest is provided by voluntary contributions of individual member states, third-party funds, and donations of European (EU) countries not being parties to the Schengen Agreement (opt-out countries). In 2009, nearly one third of the Frontex budget was allocated for administration (11%) and staff (18%), while 71% were spent on operational activities.[8] The most of the operational budget was allocated for long-term sea surveillance operations (55%), followed by training (11%) and joint deportations and land borders (each 9%), risk analyses and air borders (each 4%).[9]

Frontex is headed by an executive director (currently Ilkka Laitinen, a Finish brigadier general). His role is to prepare and implement decisions, programs and activities previously adopted by the management board of Frontex. He is also tasked with budgetary activities and he finally is the exercising authority over all Frontex staff members. In the future the executive director will be appointed by the management board, which is the decision-making body of the agency. The board discusses and takes every important decision relating to the work, function and organization of the agency and it also exercises disciplinary authority over the executive director[10]; it is composed of one representative for each EU member state, one for each Schengen-associated country, and two members of the European Commission. A very unique feature of Frontex (that is actually a supranational agency or body) and its management board: Each board member holds one vote, which implies a predominance of the member states over the European Commission, thus the national predominates the supranational level. Frontex as an organizational entity is structured in three divisions, all of them being subdivided in three sub-units. The ›Operation Division‹ and its ›Operations‹, ›Risk

5 Frontex, Frontex Annual Report 2009, Warsaw 2009, p. 100.

6 Ibid., p. 66.

7 Ibid., p. 49.

8 Ibid., p. 23.

9 Ibid., p. 24.

10 See Council Regulation (EC) 2007/2004 of 26 Oct 2004: Establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, in: Official Journal of the European Union L 349/25 Nov 2004, Brussels 2004, Art. 20.

Analyses‹ and ›Situation Center Units‹ and the ›Capacity Building Division‹ and its ›Trainings‹, ›Research and Development‹ and ›Pooled Resources Units‹ illustrate the tasks the agency is supposed to fulfil very well, in accordance to what is laid down in its founding regulation. Albeit the operational activities are the most noticeable ones of Frontex, one major task of the agency is to conduct risk analyses. Frontex is tasked to prepare an annual general risk analysis and an extra number of tailored risk analyses. The former forecasts the situation for the whole European external borders, while the tailored risk analyses are either commissioned by individual contractors (i.e. EU member states), are carried out in response to specific phenomena, or done in preparation for joint operations in specific geographic locations.

The Risk Analysis Unit of Frontex sends so-called risk analyses formulas to all member states and third countries organized in the Frontex' own Risk Analyses Network. The members of this network are asked to conduct their own individual/national risk analyses, giving an overview on the current situation what regards six indicators (detection of irregular border crossings, of facilitators, of irregular stay, falsified documents, refusal of entry and asylum applications[11]). Furthermore, Frontex uses information gathered during its own coordinated joint operations with the help of interrogating intercepted migrants and facilitators of irregular border crossings. Frontex also exchanges data and information with several EU institutions like EUROPOL, the anti-fraud agency of the EU OLAF, the EU's juridical cooperation agency EUROJUST, the Unions Satellite Centre EUSC and the EU's intelligence body Joint Situation Centre. Third countries (non-EU member states) are also involved in these activities; the current head of the Risk Analysis Unit, Javier Quesada, made this clear in the following statement:

> *»[W]e started creating intelligence communities in third countries in the Western Balkans, at the eastern borders of the EU member states and now in Africa. And we intend to continue developing those communities.«*[12]

The operational plans of Frontex usually include general description of the preparations, schedule, way of action, technical means and manpower available, detailed budget for the operation, communication plan implementation costs, risks connected with implementation.[13] Following certain operations, there is an evaluation that considers the spending of contributions provided and shortcomings and problems that occurred during the operation. The re-

11 See Frontex, Annual Risk Analysis 2011, Warsaw 2011, p. 8; Frontex, Annual Risk Analysis 2010, Warsaw 2010, p. 8; Frontex, Western Balkans Annual Risk Analysis 2010, Warsaw 2010, p. 6.

12 Frontex, Beyond Frontiers. Frontex: The First Five Years, Warsaw 2010, p. 65.

13 Frontex, Frontex Annual Report 2006, Warsaw 2006, p. 8.

sults of these evaluations are used to identify so-called best practices, apart from the normal joint operation procedure.

The Frontex-Regulation in 2007 was amended through the creating of a mechanism for migration-related ›exceptional circumstances‹: The Frontex Rapid Border Intervention Teams (RABITs) comprise »specially trained experts from member states […] to assist its national border guards on a temporary basis«[14]; what is notable concerning the RABITs is that these teams possess executive powers during the time when they are carrying out certain activities. RABITs were deployed in November 2010 for the first time to thwart illegal migration in the Evros region (Greek-Turkish land border).

Another Frontex task consists in the training of border guards and the development (and communication) of common training standards; the training and the common training standards are based on a so-called common core curriculum – a standardized and harmonized training course system of Frontex. Because of the limited capacities of the Frontex Training Department, most of the training activities are outsourced and are carried out by one of eleven partner academies throughout the European Union. Common trainings comprise workshops to identify falsified documents and license plates. In its training activities, Frontex, among others, cooperates with the EU institutions EUROPOL and the EU's Police College CEPOL.

The Frontex regulation actually only asks for the incorporation of existing research as concerns border surveillance[15], nevertheless the agency over the last years started to initiate own research programs, among them several feasibility studies regarding technical and organizational aspects of border surveillance. Moreover, Frontex' Research and Development Unit has become

> *»the crucial link between industry and the research community on the one hand and the end-users within the European Commission and the member states, in particular border guards, on the other.«*[16]

One of these studies – the so-called BORTEC (border technology) study – even helped in initiating the dialogue on the projected new common European surveillance system EUROSUR.[17] The aim of this system lies in fusing

14 See Council Regulation (EC) No 863/2007 of 11 July 2007: Establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers, in: Official Journal of the European Union L 199/30 (31 Jul 2007), Brussels 2007, p. 6.

15 See Council Regulation (EC) 2007/2004.

16 Frontex: First Five Years, p. 57; Council Regulation (EC) 2007/2004, Art. 6.

17 Commission of the European Communities, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Examining the creation of a European

the various individual member states surveillance systems into one system. Whether Frontex »could take on the role as a ›hub‹ for an improved system of exchange of real-time, operational information's between member states« like the European Commission[18] stated or not remains unclear.

Yet another example of Frontex' research activities is the feasibility study ›MEDSEA‹ of 2006, which lead to the creation of the European Patrol Network (operational since 2009) and incorporated all joint Frontex operations in the Atlantic and the Mediterranean into a larger regional framework. The European Patrol Network on its own is working through a network of national contact points carrying out the planning, coordination and implementation of joint patrol and surveillance activities. It aims at avoiding overlapping patrols in certain areas of neighboring member states and tries to establish effective sharing of operational information. In addition, it supports and facilitates permanent surveillance activity along and across the external sea borders of the EU.

The ›BIOPASS‹ study, yet another outcome of Frontex, evaluated the concept of automated biometric border crossing. The study later formed the ground for the respective European Commission Communication lobbying for the creation of a common entry-exit-system[19] (linked to the future EU's Visa Information System, VIS). Another, at present not well researched, aspect is Frontex' involvement in the European Union's military-industrial-complex: Frontex, for instance, cooperates with the Commission's Joint Research Centre and the European Defence Agency (EDA), and in conjunction with Frontex, the latter is testing unmanned aerial vehicles (drones) for maritime border surveillance.[20]

Frontex, furthermore, has been involved in so-called joint return operations of EU member states: Frontex is asked to provide the »necessary assistance« for these operations, to identify the best practices in relation to »removal«, the acquisition of travel documents, and the training of executives carrying out deportations. Albeit Frontex' executive director Ilkka Laitinen has repeatedly stated that this is a »very sensitive« area of work for his

Border Surveillance System (EUROSUR), COM (2008) 68 final, 13 Feb 2008, Brussels 2008.

18 Commission of the European Communities, Communication from the Commission to European Parliament, the Council, the European Economic and Social Committee and the Committees of the Regions: Report on the Evaluation and Future Development of the Frontex Agency, COM (2008) 67 final, 13 Feb 2008, Brussels 2008, p. 9.

19 Communities of the European Community, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Preparing the next steps in Border Management in the European Union, COM (2008) 69 final, 13 Feb 2008, Brussels 2008.

20 EDA (European Defence Agency), Working Program 2007, Brussels 2007, p. 2.

agency, and although the mandate of Frontex to deport migrants was a highly contested topic during the establishment of the agency, in 2009 Frontex has co-organized 31 deportation flights that involved more than 1,500 deportees. Laitinen also stated that the increased role of the European Union (consequently involving his own agency) in the area of deportation »will come as a relief to national governments who will no longer have to ›carry the burden‹ of negative public opinion, embarrassment and disapproval prompted by collective repatriation procedures.«[21] For 2010, the part of Frontex' budget dealing with such deportation flights has nearly doubled, and the latest communication of the European Commission on the future of Frontex has recommended that the agency should best acquire own airplanes for this specific task.[22] In September 2010, in one of the first deportation flight solely organized by Frontex, 56 Georgian nationals were deported to Tbilisi. There are plans for between 30 and 40 such deportation flights to be organized in 2011. One can therefore assume, that this specific (»very sensitive«) area of activity will become even more important in the coming years, since Frontex' justification of existence has been tied to the issue of deportation.

Frontex and the Process of Local Bordering

Frontex is lobbying for a four tier border security concept that transcends and goes beyond any traditional approach on border control/surveillance since it is no longer focusing on fix territorial borders: The first most-out area of engagement is labeled »beyond the border« and consists in areas of departure. In this zone, the concept stipulates cooperation between consulates (issuing visa), private transport companies (especially airlines) and other institutions within Europe. The function of this zone is a first filtration, granting the right to legal entry to those fitting to certain specifications. The second area is referred to as »across the border«, it concerns the geographical zones surrounding the territorial border line, relevant authorities from both sides of the border are called for intensive cooperation. It is only the third area then that is labeled »at the border« and that is representing the actual, one-dimensional (traditional) geographically fixed borderline: This line is also the area in which border guards control, border surveillance and passport checks are carried out. The fourth area of control- and surveillance-related activities finally, makes up for the *entire* interior of the European Union; the activities

21 Le Monde, 4 Oct 2010.

22 Commission of the European Communities, Proposal for a Regulation of the European Parliament and the Council: Amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), COM (2010) 61 final, 24 Feb 2010, Brussels 2010.

that should be carried out within this zone consist in operational cooperation between member states, joint migration control and joint deportation flights. In the following we will concentrate on the second and third area within Frontex' reconceptualized border concept. We will compare three major entry routes for migrants to the EU and their situation over the last five years (Canary Islands, Central Mediterranean Route to Italy and Malta, Eastern Aegean Route to Greece). Those routes have been identified as focal routes, Frontex is actively involved in all of them.

With regard to these two areas of border control and surveillance, respectively the four selected cases, we have to state that the real cornerstone for successful migration management does not consist in the local presence of Frontex and the agency's activities but rather in the bilateral agreements between the respective EU member states and their neighboring partner states. These agreements are the foundations for localized border regimes that only cover a geographically limited area: While Spain successfully negotiated bilateral agreements with neighboring non-EU states[23], Greece and Turkey failed in signing such agreements. While Italy implemented a new way based on high sea interceptions in cooperation with Libya[24] (and taking into account human rights violations), Malta has moved out of the cooperation with Frontex over disputes concerning its activities and guidelines.[25] Malta, nevertheless, repeatedly tried to reach an own bilateral readmission- and migration-control-related agreement with Libya.

Spain: The EU's Model Student in the Area of Border Management

Until 2006, Frontex has carried out coordinated joint aerial and naval surveillance and interception operations off the Canary Islands and the Western African shores; these operations called *Hera*, are perceived as representing »the birth of sea operations.«[26] The first two operations *Hera I* and *II* are moreover seen as a blueprint for future operations to become implemented by Frontex[27]: *Hera I* took place right in the midst of a so-called migration cri-

23 Sonja Buckel, Das spanische Grenzregime. Outsourcing und Offshoring, in: Kritische Justiz, 44. 2011, no. 3, pp. 13–36.

24 See Human Rights Watch, Pushed Back, Pushed Around. Italy's Forced Return of Boat Migrants and Asylum Seekers, Libya's Mistreatment of Migrants and Asylum Seekers, London 2009; Matteo Tondini, Fishers of Men? The Interception of Migrants in the Mediterranean Sea and Their Forced Return to Libya, Oslo 2010.

25 See Sebastian Schaurer/Fabian Wagner, Access Denied: The Failure(s) of Frontex in the Central Mediterranean [forthcoming].

26 Frontex, First Five Years, p. 30.

27 Ibid., p. 37.

sis in 2010, when more than 31,000 migrants arrived at the Canary Islands.[28] *Hera I* consisting in a long duration surveillance and interception mission led to a sudden drop in migration, more than 196 migrants were intercepted during the operation.[29] It was, however, neither the first attempt of a joint transnational surveillance operation in this area, nor is Frontex the backbone of the localized border regime that came into being over the last years. Already in December 2003 a largely unknown joint operation named *Ulysses* was implemented with involvement of Italy, the UK, Portugal and France. With the help of the operation, Spain tried to tackle increased illegal migration to the Canaries and via the Strait of Gibraltar. *Ulysses* became the first operation that pooled transnationalized operational structures. Spain, at the same time, also signed an agreement on joint sea patrols, which is said to have led to a decrease of 40% of the arrivals in 2005.[30]

Another predecessor of *Hera* was the *Seahorse* project, initiated on behalf of the Spanish Government (Ministry of the Interior and Guardia Civil) in March 2006, in collaboration with various EU member states and the involvement of EUROPOL, Frontex and the European Commission. *Seahorse* also aimed for a closer cooperation with the African sending and transit states of Mauritania, Morocco, Senegal and Cape Verde in order to curb off migration. To this end the mission brought together joint naval patrols and started to promote a local migration management regime on the basis of intensified information exchange, common border guard trainings, and an annual Euro-African conference on migration measures. *Seahorse*, furthermore, led to the establishment of three regional maritime border surveillance centers to cover the identified ›focal routes‹. In 2007, a satellite-based communication system to alleviate the information exchange between the Iberian EU member states and the West-African states became established. *Seahorse* officially ended in 2008. A presentation provided at the European Day for Border Guards in Warsaw in 2010 by Spanish Guardia Civil Major Julio Serrano illustrates that *Seahorse* has initiated long-term effects and was successful in centralizing the coordination, advice and facilitation of the maritime surveil-

28 Sergio Carrera, The EU Border Management Strategy: Frontex and the Challenges of Irregular Immigration in the Canary Islands (CEPS Working Document 261), Brussels 2007.

29 Frontex, Risk Analysis 2010, p. 15.

30 Sarah Wolff, Border Management in the Mediterranean: Internal, External and Ethical Challenges, in: Cambridge Review of International Affairs, 21. 2008, no. 2, pp. 253–271, here p. 262; see also Thomas Spijkerboer, The Human Costs of Border Control, in: European Journal of Migration and Law, 9. 2007, no. 1, pp. 127–139, here p. 131.

lance of coasts and border operations management and in developing a hub for easier exchange on the local, national and supranational level.[31]

Seahorse and Frontex' coordinated operations give an insight in the local scope of the EU border regime and its real cornerstones – bilateral agreements between EU member states and their neighboring third states. Already during *Hera II* Frontex-coordinated maritime joint patrols off the Senegalese and Mauritanian coast took place, after Spain signed bilateral agreements with both states.[32] While these two agreements were concluded as non-binding memoranda of understanding between the Ministries of the Interior and thus escaped the parliamentary scrutiny[33], Spain later, in 2009, was successful to conclude a more substantial bilateral agreement with another African state – Cape Verde. Beside these three agreements, Spain had already concluded readmission agreements with Gambia, Guinea, Guinea-Bissau, Mali, Niger and Cape Verde in 2006. These agreements added to the existing ones with Mauritania, Morocco and Senegal[34], but represent a new generation of readmission agreements that combine readmission with concessions on temporary labor migration, integration of settled migrants and development.

Border Management in the Central Mediterranean

Between 2006 and 2009 Frontex, under the label *Nautilus*, coordinated joint naval and aerial surveillance and interception operations in the central Mediterranean. Within the context of *Nautilus* operations, the agency in 2006 started to carry out a first ›Migration Flow Malta‹ operation that aimed at interrogating intercepted migrants in order to gather information about their place of origin (to facilitate their deportation later), the starting points of their journeys, their migratory routes, migration motives and overall strategies. In the same year, the *Nautilus* operations became extended to curb off migration not only to Malta, but also to the Italian islands of Lampedusa and Sicily.[35]

A specific feature of the *Nautilus* operations is the ›blame game‹ that actually forms a substantial part of these operations and their underpinning

31 See Pablo Ceriani et al., Report on the Situation on the Euro-Mediterranean Borders, Brussels 2009, p. 17; Ricard Zapata-Barrero et al., Cooperation and the Externalization of Borders and Migration Policies: Spain's New Political Orientations, in: Gemma Aubarell et al. (eds.), New Directions of National Immigration Policies: The Development of the External Dimension and its Relationship with the Euro-Mediteranean Process, Barcelona 2009, pp. 59–75, here p. 62.

32 Carrera, Border Management, p. 21.

33 Jorrit Rijpma, Frontex: Successful Blame Shifting of the Member States?, Madrid 2010.

34 Buckel, Das spanische Grenzregime.

35 See Schaurer/Wagner, Access Denied.

›justification‹: Nearly all actors involved (the EU, the governments of Italy, Malta, and other EU member states, Libya, but also human rights NGOs) put »the blame for the crisis on others, while exculpating themselves from any responsibility.«[36] Due to this each *Nautilus* has been accompanied by a reiterated spectacle of political tensions concerning the different interpretations of maritime law, search and rescue measures, the responsibility (unlawfulness) of intercepted migrants; the necessity or lack of burden sharing, the missing solidarity among EU member states; Libya's failing will to cooperate, and last but not least the critique of human rights NGOs as regards the refugee and human rights violations during the operations[37]; no doubt: *Nautilus* operations marked a highly contested field.

The governments of Italy and Malta both pursue a repressive and restrictive approach in their national migration policies; an illuminating example is Italy's agreement with Libya. Italy had sought an agreement paving the way for joint Italian-Libyan patrols in Libyan coastal waters for a long time. In 2002 Italy had already started to negotiate migration control treaties with Libya, these either never came into force or were annulled after a short time. In December 2007, Italy concluded a further agreement with Libya designed to allow joint patrols. Libya, in exchange, only later started to request the conclusion of a ›friendship treaty‹ between Libya and Italy and made it a requirement before starting to implement the previous migration-related agreement with Italy. Libya was awarded with this ›friendship treaty‹ (summer 2008), Italy in this agreement explicitly recognized its responsibility for the crimes committed during Italy's colonization of Libya and agreed to pay the sum of five billion US-dollars to Libya in compensation. Some months later, in December 2008, Libya and Italy finally signed an implementation protocol for the migration-related agreement. The government of Italy (as well as the Maltese governments) were hoping that the joint patrols of Italy and Libya could finally start by the end of January 2009. There were, however, further delays and the patrols, together with the pushing back of refugees to Libya resulting from the joint patrols, did not begin until mid May 2009.

In the weeks before the patrols began, a furious, at times public dispute flared between Malta and Italy over the continuation of joint border management activities in the Mediterranean. Italy, in particular, accused Malta of

36 Derek Lutterbeck, From Blame Game to Cooperation. Coping with the Migration Crisis in the Central Mediterranean, in: Heinrich Böll Stiftung (ed.), Border Politics. Migration in the Mediterranean, Berlin 2009, pp. 36–38, here p. 36.

37 See Schaurer/Wagner, Access Denied; Lutterbeck, From Blame Game to Cooperation; Silja Klepp, A Contested Asylum System: The European Union between Refugee Protection and Border Control in the Mediterranean Sea, in: European Journal of Migration and Law, 12. 2010, no. 1, pp. 1–21.

having diverted around 40,000 refugees to Italy in 2008. The background of the dispute was a supplementary protocol to the 2004 UN Convention on the Law of the Sea that deals with the definition of the nearest safe haven for those rescued from distress at sea, which includes refugees. Since Malta has not signed the protocol but has a very large search and rescue area, many of the refugees seized by the Maltese armed forces were taken to Italy that the Maltese understood to be the nearest safe haven. In view of this dispute, Frontex saw no possibility to continue with *Nautilus*. Although the operation eventually did continue, it became restricted to the territory (territorial waters of) Malta. The newly launched operation *Hermes*, focussing in particular on Sardinia, in contrast, is based on a renewed cooperation between Frontex and Italy with no further Maltese involvement.

In terms of migration originating in Libya, Italy still appears to favor its own *national* respectively unilateral and bilateral solution. Since mid-May 2009, Italy has been intercepting and diverting migrants on the seas between Libya and Italy. The Italian Minister of the Interior, Roberto Maroni, called this new policy »a turning point in the fight against illegal migration« and confirmed that Italy's new possibilities for action resulted from its new *bilateral* treaty with Libya.[38] As this practice contravenes the non-refoulement principle of the Geneva Refugee Convention, the public outcry was huge; even the UNHCR intervened publicly. The European Commission also voiced criticism. After all, the non-refoulement principle is *ius cogens*, a basis of fundamental European agreements, and cannot be simply ignored. Italy, nevertheless, continued to adhere firmly to the new practice and marked the official start of cooperation with Libya with the handover of three patrol boats to the Libyan authorities. Queried for comments, Frontex simply referred to the agency's overall coordinating role which requires respecting the sovereignty of Italy and issued the announcement that the agency during its operation *Nautilus* would not send any refugees on the open seas back to Libya. However, it could be argued that *Frontex* is benefiting silently from increased bilateral Italian-Libyan cooperation. Albeit the Maltese authorities officially »do not know what the Italians are doing«, an officer of the Maltese Armed Forces stated that »nothing is happening, because the Italians are effective with joint patrolling, donations of sea vessels, and hands-on training.«[39] The next reverse followed the next year. In spring 2010, a conflict between Malta and the European Union enfolded, as after five years of Frontex operations, finally binding guidelines were to put into force by the European Union. As the guidelines would designate the country hosting Frontex operations as the first safe haven for refugees arriving, Malta refused to host fur-

38 BBC, 8 May 2009.

39 Malta Today, 30 May 2010.

ther Frontex Missions unless this rule were to be changed.[40] The planned joint operation *Chronos* – a long duration joint deportation operation – as a consequence was not able to take place. Since summer 2010 Frontex now seems to be absent in the area of the central Mediterranean. Border surveillance is currently organized translocally, through several bilateral agreements between Malta and Italy and the previously mentioned treaty between Italy and Libya.

Detente: Poseidon, RABITs, Failure Reloaded

Frontex has been active in the larger Aegean area since 2006, in the framework of the joint operation *Poseidon*, which includes activities at land, sea and air borders. Over the last years, Greece has become the main gate of irregular migration to Europe. This is partially due to the closure of the routes in the Western Atlantic and the Central Mediterranean, but the main factor certainly lies in the fact that the war in Afghanistan and the still unstable political situation in Iraq has motivated a large part of the respective population to attempt a migration project, often towards Europe. As a matter of geographical location, this makes Greece the country of first entry. In 2009, 150,000 irregular migrants were intercepted in Greece. »Seventy-five percent of the arrests for illegal entry from the EU's sea borders this year took place in the Aegean,« as the Greek Minister for the Protection of Citizens, Michalis Chrysochoidis, stated.[41]

Operation *Poseidon* is an operation with two foci. The first main activity is to support the Greek border forces (i.e. border guards and coast guard) in patrolling the borders, mainly towards Turkey. This is achieved by the deployment of officers from participating EU member states as well as through the deployment of assets such as helicopters, ships and small-scale resources such as infrared cameras and other surveillance technology. The second activity consists in the use of so-called interview experts and translators. They are deployed not at the actual, geographic border but rather in the detention centers where intercepted migrants are being detained. There, their task is to aid in the identification of the migrants, often to the end of increasing their deportability, to borrow a term by Nicolas de Genova. Such operations mainly took place in Greek islands close to the Turkish coast (i.e. Lesvos, Chios and Samos) as well as at the northern land border. Operation *Poseidon* is accompanied by operation *Attica*, a so-called pilot project to establish and extend the deportation capabilities of the Greek state, as well as the project that led to a first regional Frontex office in October 2010. The Frontex Opera-

40 Times of Malta, 8 Jul 2010.

41 Kathimerini, 16 Dec 2009.

tional Office is located in the port of Piraeus and supposedly coordinates the operations in the southeast of the EU as well as maritime operations.

The case of Greece highlights why we insist on an analysis along the argument of a local border regime. To date, the combined intervention of Frontex and other elements of the European border and migration regime have not yielded a continuous, significant decrease in the number of irregular migrants apprehended in Greece. Greece, the EU and Frontex have pursued a policy of externalization, as in the other cases discussed above. However, there has been no major break-through. The wished-for integration of the Turkish Republic into the European border regime has been pursued for a long time. On an institutional level, Frontex is trying to connect with the Turkish coast guard and to involve them in joint maneuvers and also seeks a working agreement with the Turkish border authority. But also Greece and the EU are trying to improve their cooperation with Turkey on migration matters: While Greece and Turkey have a readmission protocol (which Greece would like to extend, since practically, its functioning is limited), the EU has been negotiating such an agreement with Turkey since 2003, with little success so far. In May 2010, the Turkish newspaper *Today's Zaman* reported that Turkey and the EU have reached agreement on 19 articles of a draft readmission agreement, but have been unable to reach agreement on a further five articles.[42] Turkey wants the readmission agreement to include strong funding from the EU, mirroring similar funding that is available to EU member states under the ›resettlement policies‹ within the European Refugee Fund. This fund was established to support and improve the efforts of member states to grant refugee or asylum status to beneficiaries. A further breakthrough in the negotiations between Turkey and the EU then was reported in December 2011. However, the actual ratification of the readmission agreement hinges on Turkey's demand for visa free access to European Union territory for all its citizens. It is especially Germany and Austria that are not apt to accept this demand. A function readmission agreement would force Turkey to readmit not only nationals, but also all irregular migrants who can be proved to have entered Greece and the EU via Turkey. This would shift the responsibility for securing borders and inhibiting the movements of migration to Turkey. Consequently, the Turkish government fears that, without its own strong and clear readmission agreement in place, vetting thousands of immigrants and asylum seekers in reception centers while awaiting further deportation will make Turkey susceptible of being sentenced in the European Court of Human Rights.

Another EU strategy aims to reinforce the border controls between Greece and Turkey, both at the land border in the Evros region as well as be-

42 Today's Zaman, 31 May 2010.

tween the Turkish coast and the Greek islands of Lesvos, Chios, Samos and Rhodos. For 2010, Frontex has announced it would hold its largest operation ever in Greece[43], mobilizing border guards and equipment from all over Europe. Concerning the land borders, the task is clear: sealing off and patrolling the border, possibly involving high-tech equipment for better monitoring of movements. At the sea borders, the task is much more unclear, since the geographical specificity of the islands close to the Turkish coasts does not allow for the diversion of boats carrying potential irregular migrants. Still, an immense focus of Frontex lies on intercepting and detaining migrants on the sea. One can only speculate about the motivations. For one, it is the interest of the border guards to establish custody of irregular migrants as early as possible. Another possible motivation is to present a more decisive effort of guarding the border so that a crossing of the border seems more risky. Frontex has also been known to put a focus on going after facilitators of undocumented border crossings, as interfering with such crossings as early as possible might improve their chances to identify so-called smugglers. In the end, it is also thinkable that Frontex attempts to establish a chain of evidence (footage from helicopters, portraits of those intercepted, protocols of interception) for all migrants to be able to present to the Turkish authorities an irrefutable claim that they did actually come from Turkey and are thus eligible for deportation under the readmission agreement.

Neither the strategy towards Turkey nor the improved border surveillance seems to have made a significant contribution to stopping or minimizing flows. Both Frontex and the Greek state therefore seem to engage in a new strategy, which we would refer to as internalization of the border. One function of the border is to filter between legitimate and illegitimate travelers, granting differing rights according to this categorization. Concerning irregular migrants, this selection process must not necessarily happen right at the border: the Greek state intends to build so-called screening centers in all geographic locations where migrants might be encountered: the land and sea borders, the metropolitan centers as well as at the points of exit, where migrants attempt to continue their journey northbound. Amongst other purposes, the screening centers will serve as an individualization tool, meaning that in the centers, the multiplicity of detained migrants will be divided into single individuals with a distinct identity, history, situation, etc. This allows for differential treatment. While those found to be in need of protection might obtain asylum, most migrants will be identified as economic migrants, thus not legitimate to have entered the country and need to be deported.

43 IPS, 31 Jan 2010.

The complete failure, at both externalizing as well as securing the Greek-Turkish border, became obvious in October 2010. On 25 October 2010, Frontex announced that they had received

> *»a request from the Greek Minister of Citizen Protection Christos Papoutsis to deploy Rapid Border Intervention Teams (RABITs) as well as operational means to increase the control and surveillance levels at Greece's external border with Turkey.«*

The agency's executive director, Ilkka Laitinen, was further quoted:

> *»A team of Frontex staff is on its way to the Greek/Turkish land border to assess the situation in view of Minister Papoutsis' request. We will decide how many officers and what kind of technical means will be needed to effectively assist the Greek authorities in strengthening this external EU border and act swiftly to provide the assistance that this Member State has requested. We will take immediate action of reorganizing experts and assets being present in the area within the framework of Poseidon Joint Operation coordinated by Frontex.«*[44]

The subsequent RABIT deployment was the first in the history of the agency. Reserved for situations of exception, of crisis, it underscores how permeable the Greek-Turkish border has been. The RABIT deployment lasted from November 2010 to March 2011, and Frontex did report a decrease in numbers of irregular border crossings. However, as this might also be due to the heavy winter, this particular statistical data does not allow for a rigid interpretation. To date, operation *Poseidon* is still ongoing.

Conclusions

Frontex is mandated to coordinate operational activity at the European Union's external borders with the aim of forging and synthesizing a homogenous EU approach to border management. As regards this approach, three dimensions – the role of space, external power relations and internal configurations – need to be considered:

(1) Role of space: Greece, with its many islands, some of them being very close to the Turkish coast, is a prime example of how the geographical setup of the external border plays a pivotal role in the question if a border can be turned police-able, manage-able or not. At first sight, irregular migration to Greece has over the last years shifted from routes targeting islands to routes crossing the main land (Northern Greece). According to our information this shift is not so much the outcome of increased policing of maritime borders; the observable geographical shift of irregular migration rather is due

44 Frontex, Frontex deploys Rapid Border Teams to Greece, Warsaw 2010.

to the particular political tensions between Turkey and Greece that render vast border areas in Northern Greece too difficult to patrol and to manage.

(2) Role of external power relations: The European policy of bordering relies heavily on externalization. To this end, the position of the country of transit vis-à-vis the European Union has to be taken into consideration. In the West African case, we identify a post-colonial situation with a particular imbalanced distribution of power, allowing Spain to negotiate very favorable conditions for externalized border control. The same does not hold for the Central Mediterranean case. While there is a potential post-colonial situation, Libya found itself in a much stronger situation due to its natural reserves in oil, and indeed Italy had to make a huge payment in order to receive a cooperation mechanism with the Libyan government. However, this mechanism was always very unstable and at the mercy of the Libyan dictator Gaddafi. It is also notable that the EU itself did not succeed in negotiating a readmission agreement with Libya due to the steep demands Gaddafi was bringing forward. The Greek-Turkish case, in contrast, exhibits a reversed role of power. While Turkey is an accession candidate to the European Union, this process has largely stalled, resulting in some re-orientation of Turkish external politics towards the Middle East. While the European Union's economic growth has been mediocre in the last years, Turkey has passed the global economic crisis rather well and boasts high figures of economic growth. In direct comparison with Greece, Turkey is definitely the stronger country. And this may explain why the incorporation of Turkey into the border regime of the Aegean has been so unsuccessful.

(3) Internal configuration: With internal configuration, we refer to the national capacity of the hosting state of a Frontex operation to carry out effective border management on its own. But Spain and Italy do possess this capacity. In recent years, Spain has established a cutting-edge technology version of a border surveillance regime called SIVE in order to deal with irregular migration from North Africa. This corresponds with the strong leading role of the Guardia Civil in the Frontex operations hosted in Spain. Italy, likewise, has already built capacities in border management during the Albanian refugee crisis in the 1990s. Given this historical perspective, it comes as no surprise that Italy favored a bilateral approach to a Europeanized one. Greece, on the other hand, has long been a country of exit, rather than entry, and even during the first decade of the 21st century, has not strengthened its border management capacities as most refugees and migrants would pass through Greece on their way to the European Union member states in the North. There was clearly no need to tighten the borders, and empirical data from field work suggests that Frontex and the member states' border guards deployed in the operations play a more leading role than in the other operational contexts examined.

To this end, the coordinating function of Frontex serves as a detriment to homogenizing border practices across the European Union. While the discussion of a new mandate seems to favor a strengthening of the agency's role, we would also like to put forward, as a last argument, that Frontex pursues a homogeneous border management practice rather less through practical cooperation in operations but rather through its risk analysis activities, as they serve to create – for the first time in the history of the European Union's external border – a unified image of that very border. This argument, however, awaits further investigation.

Researchers and the Critique of Migration Management

11 Towards a Critical Theory of Migration Control: The Case of the International Organization for Migration (IOM)

Fabian Georgi and Susanne Schatral

December 2011 marked the 60th anniversary of the International Organization for Migration (IOM). For this occasion IOM created a dedicated website to highlight its achievements.[1] On this website the IOM describes itself as being »the leading international agency working with governments and civil society« on migration. IOM presents a narrative of its history that is composed of a chain of successes in »assisting migrants« and helping states to develop »orderly and humane responses« to migration »for the benefit of all«.[2] It does not mention the more contentious aspects: Since the 1990s, many of IOM's activities have been sharply criticized by NGOs, academics, migrant groups and social movements for infringing letters and spirit of human rights and for prioritizing the interests of its state donors over the hopes and rights of migrants.[3]

To be explicit: While we personally sympathize with this criticism and have contributed to it[4], in our view there are severe problems and limits to

1 See IOM's special website: http://www. 60years.iom.int (6 May 2011).

2 All quotes so far: http://www. 60years.iom.int (6 May 2011).

3 See for example Amnesty International/Human Rights Watch, Statement by Amnesty International and Human Rights Watch to the Governing Council, International Organization for Migration in Geneva, 24 Dec 2002, http://amnesty.org/en/library/asset/IOR42/006/2002/en/d8e09dee-d774-11dd-b024-21932cd2170d/-ior420062002en.pdf (6 Jun 2011); Antirassismusbüro, Stop IOM! Global Movement against Migration Control, Bremen 2004, http://www.ffm-berlin.de/iomstop engl. pdf (6 Jun 2011); Manisha Thomas/Ed Schenkenberg van Mierop, Editorial. IOM, Darfur, and the Meaning of Undermining (MoU), in: Talk Back. The Newsletter of the International Council of Voluntary Agencies (ICVA), 6. 2004, http://www. icva.ch/doc00001253.html (6 Jun 2011); Franck Düvell, Die Globalisierung des Migrationsregimes: Zur neuen Einwanderungspolitik in Europa, Berlin 2002.

4 Our own, ongoing PhD projects both aim to contribute to a critical analysis of IOM by focusing on a reconstruction and explanation of IOM history (Fabian Georgi) and on anti-trafficking operations in the Russian Federation and Germany (Susanne Schatral). See also Fabian Georgi, Kritik des Migrationsmanagements, in: Juridikum. Zeitschrift für Kritik, Recht, Gesellschaft, 2009, pp. 81–84; idem, For the Benefit of Some: The International Organization for Migration (IOM) and Its Global Migration

the way IOM (and other institutions of migration controls such as Frontex[5]) are criticized today. To overcome these shortcomings, we develop an alternative framework for critique. In doing so we draw on two sources, one mainly theoretical, one more political: First we draw on historical-materialist critical theory as developed, among others, by Karl Marx, the theorists of the older Frankfurt School Max Horkheimer and Theodor W. Adorno, but also contemporary thinkers like Alex Demirović. Second we draw on the movements and struggles of migration that confront the restrictive, bitter reality of migration controls with everyday practices of survival, and with conscious, strategic struggles against deportation and detention, and for equal rights and global freedom of movement.

Our contribution has three main parts. The first part starts out with a brief introduction on IOM, before describing and evaluating two categories of human rights-based criticism of IOM. The second part lays the groundwork for our own framework of critique. It does so by sketching crucial episodes and ideas of the struggles for global freedom of movement, afterwards describing the »single existential judgement« (Max Horkheimer) that underlies our critique. This judgement is developed by making six arguments in favor of the abolition of migration controls and applying them to IOM. Building on this groundwork, the third part moves on to describe two methods of critical theory, *immanent critique* and *radical contextualization*, and illustrate the latter by explaining the expansion of IOM since the 1980s within a wider (geo)political and economic context.[6] In outlining the political and normative groundwork and the methods of a critical theory-approach to IOM we want to contribute to the broader debate about a critical approach to the study of migration and border regimes that is currently being led, for example, in the mostly German-language Network for Critical Migration and Border Regime Studies (Kritnet).[7]

Management, in: Martin Geiger/Antoine Pécoud (eds.), The Politics of International Migration Management, Basingstoke 2010, pp. 45–72; Susanne Schatral, Categorisation and Instruction: The IOM's Role in Preventing Human Trafficking in the Russian Federation, in: Tul'si Bhambry et al. (eds.), Perpetual Motion? Transformation and Transition in Central, Eastern Europe & Russia, London 2011, pp. 2–15.

5 See the contribution of Bernd Kasparek and Fabian Wagner in this volume.

6 In outlining our arguments we rely on secondary literature and the available primary sources as well as on archival work and interviews we conducted separately with representatives of IOM and different NGOs in 2003 and 2008–2009.

7 See for example: http://www.kritnet.org; see also Geiger/Pécoud (eds.), The Politics of International Migration Management; Sabine Hess/Bernd Kasparek, Grenzregime. Diskurse, Praktiken, Institutionen in Europa, Berlin 2010; Fabian Georgi/Fabian Wagner, Macht Wissen Kontrolle. Bedingungen kritischer Migrationsforschung, in: Kulturrisse. Zeitschrift für radikaldemokratische Kulturpolitik, 1. 2009, http://kulturrisse.at/ausgaben/012009/oppositionen/macht-wissen-kontrolle; Fabian Georgi/

Human Rights-inspired Criticism of IOM

Founded in 1951 as an US-dominated anti-communist logistics agency, IOM today is the next-to-largest intergovernmental organization in the field of migration (the organization of the United Nations High Commissioner for Refugees, UNHCR being the biggest). As of July 2011 it had 132 member states with an additional 17 states and 80 NGOs as observers. It has more than 400 field locations and about 7,000 staff members that work on more than 2,800 projects all over the world.[8] We analytically distinguish five areas of activities[9]: (1) IOM directly supports the movements of emigrants, migrant workers and refugees. It arranges resettlement, sells discounted airline tickets and organizes language courses and overseas job placements; (2) IOM builds up the capacities of states for migration control. It supports states to expand, and often to build up in the first place, the political, institutional and cultural conditions and bureaucratic capacities to control migration; (3) IOM itself takes a role in all phases of operative migration control, from *mass information campaigns*[10] over the running of detention camps to *assisted voluntary returns* (AVR); (4) IOM is a competitor in the humanitarian marketplace and takes part in humanitarian emergency operations after natural disasters and (civil) wars. In 2010, these activities comprised 52% of IOM's operational budget[11]; (5) the IOM engages with discursive practices in the struggles over hegemony in international migration policy. IOM issues a wide variety of publications, it regularly organizes conferences on migration issues or sends staff to participate in such events. With secretarial functions it supports many government-led conference processes at regional and global levels. With the concept of migration management[12], IOM attempts to hold these very different activities programmatically and strategically together.[13]

Bernd Kasparek, Jenseits von Staat und Nation. Warum Frontex abzuschaffen ist, in: Informationsstelle Militarisierung (ed.), Frontex. Widersprüche im erweiterten Grenzraum, Tübingen 2009, pp. 39–42, http://www.imi-online.de/download/frontex2009-web.pdf.

8 See the IOM website and IOM's organizational information provided at: http://www.iom.int.

9 Georgi, For the Benefit of Some, pp. 47f.

10 Celine Nieuwenhuys/Antoine Pécoud, Human Trafficking, Information Campaigns, and Strategies of Migration Control, in: American Behavioural Scientist, 50. 2007, no. 12, pp. 1674–1695.

11 IOM, Summary Update on the Programme and Budget for 2010 (MC/2296). Geneva 2010, http://www.iom.int/jahia/webdav/shared/shared/mainsite/about_iom/en/council/99/MC_2296.pdf (7 Jun 2011).

12 As regards this concept see also the contribution of Bimal Ghosh in this volume.

13 For further analysis of IOM see Düvell, Globalisierung des Migrationsregimes; Martin Geiger, Internationale Regierungsorganisationen und die Steuerung von Migra-

Since the late 1980s, the dual processes of neoliberal globalization and the implosion of the Eastern bloc have provided IOM with a unique opportunity for growth and expansion. Since the mid-1980s, its membership has more than quadrupled. While the struggles over migration, borders and (migrant) rights intensified throughout the 1990s and 2000s and the control regimes expanded, IOM expanded, too, into new operational and geographical areas. In this context several human rights organizations, above all Amnesty International (AI) and Human Rights Watch (HRW), began to accuse IOM for violating the human rights of the very people it is tasked with assisting.[14]

As IOM expanded it became dependent even more than before on the cooperation with local, operative NGOs to implement hundreds of new projects. But whereas IOM depicts its relationship with civil society organizations as a mutual give and take[15], its actual relations with NGOs are often strained. An evaluation of IOM anti-trafficking programs in the Western Balkans documents that IOM considers itself to be »the trafficking solver«.[16] On the contrary, NGOs believe that IOM instrumentalizes them to implement its own projects and thereby ignores the NGOs' unique positions and experiences.[17] Also, around 2003, several NGOs in Germany began to feel uncomfortable about future collaboration with IOM.[18] Tellingly, such contentious relations between IOM and local NGOs do not occur where IOM collaborates

tion, in: IMIS-Beiträge, 2007, no. 32, pp. 61–87; idem, Mobility, Development, Protection: The IOM's National Migration Strategy for Albania, in: idem/Pécoud (eds.), The Politics of International Migration Management, pp. 141–159; Georgi, For the Benefit of Some; Jürgen Bast, International Organization for Migration (IOM), in: Max Planck Institute for Comparative Public Law and International Law (ed.), Max Planck Encyclopedia of Public International Law. Online Edition, Heidelberg 2011, http://www.mpepil.com; Schatral, Categorisation and Instruction; Lise Andersen/Sofie Havn Poulsen, The International Organization for Migration in Global Migration Governance. Unpublished Master thesis, Roskilde University 2011.

14 Amnesty International/Human Rights Watch, Statement by Amnesty International and Human Rights Watch to the Governing Council; Human Rights Watch, The International Organization for Migration (IOM) and Human Rights Protection in the Field. Current Concerns, London 2003, http://hrw.org/backgrounder/migrants/iom-submission-1103.pdf (15 Jun 2011).

15 International Organization for Migration, IOM Partnership with Non-Governmental Organizations (NGOs) in Managing Migration (MC/INF/253), Geneva 2002, http://www.iom.ch/jahia/webdav/shared/shared/mainsite/about_iom/en/council/84/Mcinf253.pdf (22 Sep 2010).

16 Carolina Wennerholm/Eva Zillén, IOM Regional Counter-Trafficking Programme in the Western Balkans, 2003, p. 76.

17 Ibid., pp. 78, 88; Geiger, Mobility, Development, Protection.

18 Theda Kröger/Nivedita Prasad, Fragen für das Treffen mit IOM, als Ergebnis eines Erfahrungsaustausches am 27.11.03 bei Ban Ying, 2003; Personal interview with Marion Böker (KOK e.V.; April 2003).

with new networks of civil society organizations, established and qualified by the organization itself.[19] It appears as though IOM partly avoids potential problems with NGOs by subcontracting to organizations that, from the beginning, are not its partners, but rather subordinates.

The variety of criticism of IOM by NGOs, human rights organizations, liberal academics and others can be sensibly categorized in two categories.

The Legalistic Strategy

The first NGO strategy of criticism is the legalistic one. It denounces the IOM for concrete violations of national and international laws. A good example is the criticism IOM has drawn since October 2001 for running so-called migrant processing centers on the Pacific islands of Nauru and on Manus (Papua New Guinea) as part of Australia's ›Pacific Solution‹. In the camps hundreds of refugees, who were refused to enter Australia, were detained. Amnesty International and Human Rights Watch reproached[20] IOM for being involved in the breach of a series of international laws such as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment due to the bad conditions of detention[21]; the Universal Declaration of Human Rights (article 9: »No one shall be subjected to arbitrary arrest, detention or exile«)[22] and of the UN Convention on the Rights of the Child, article 37b (due to the prolonged detention of children).[23] Amnesty International concluded: The IOM

> *»has effectively become the detaining agent on behalf of the governments involved. The absence of basic safeguard to prevent arbitrary detention raises questions about the IOM's responsibility for ensuring that its activities are not in violation of international human rights and refugee law.«*[24]

19 Bonnie Bernström/Anne Jalaka/Christer Jeffmar, Anti-Trafficking Activities in Central Asia financed by Sida, Stockholm 2006.

20 Amnesty International, Offending Human Dignity. The Pacific Solution, London 2002, http://www.amnesty.org/en/library/info/ASA12/009/2002/en (6 Jun 2011); Human Rights Watch, By Invitation Only: Australian Asylum Policy, London 2002, http://www.hrw.org/en/reports/2002/12/10/invita-tion-only (6 Jun 2011).

21 Amnesty International, Offending Human Dignity, pp. 12–14; Human Rights Watch, By Invitation Only, pp. 67–70.

22 United Nations, Universal Declaration of Human Rights, New York 1948, http://www.un.org/en/documents/udhr (28 Jun 2011).

23 Amnesty International, Offending Human Dignity, p. 13; Australian Human Rights Commission, A Last Resort? National Inquiry into Children in Immigration Detention, Sydney 2004, ch. 6, 7 and 8: What is the impact of the ›Pacific Solution‹ on the ›shortest appropriate period‹?, http://www.hreoc.gov.au/human_rights/children_detention_report/report/chap06.htm (6 Jun 2011); UN Convention on the Rights of the Child, New York, http://www2.ohchr.org/english/law/crc.htm#art37 (27 Jun 2011).

24 Amnesty International, Offending Human Dignity, p. 14.

The Rights-Based Approach

With their second strategy of criticism, NGOs in principle affirm that migration control measures like visa, border controls, detention or deportations are acceptable and legitimate – as long as these measures meet the requirements of a rights-based approach, that is a generous interpretation of international human rights and refugee law and a priority on the full protection of the rights of refugees and migrants. In a typical formulation Human Rights Watch et al. acknowledge that return operations like those conducted by IOM are necessary:

> *»NGOs acknowledge that the credibility of the asylum regime does depend, to some extent, on the return of persons who, after a full and fair determination procedure, are found not to be in need of protection, to their countries of origin. Due attention should however be paid to the following concerns«.*[25]

In the following Human Rights Watch et al. add a long list of rights-based qualifications, such as upholding the fundamental principle of non-refoulement, taking into account the security situation in target countries, the physical integrity of the deportees during deportation and the ›sustainability‹ of returns.

An argument that goes in a similar direction is the common complaint of NGOs that IOM has »no protection mandate«[26] – »protection«, the UNHCR writes, »is usually defined as all activities aimed at obtaining full respect of the rights of the individual in accordance with the letter and spirit of the relevant bodies of law.«[27] Unlike UNHCR, the IOM is neither mandated nor obligated by an international law treaty like the Geneva Refugee Convention to protect the rights of the people with whom it works. In effect, NGOs claim, that because the IOM lacks the authority and independence that an international law mandate for protection would give it, IOM serves primarily the interests and wishes of its donors and member state governments – for whom the full protection of the rights of refugees and migrants might

25 Human Rights Watch (HRW) et al., NGO Background Paper on the Refugee and Migration Interface. Presented to the UNHCR Global Consultations on International Protection Geneva, 28–29 June, Geneva 2001, p. 12, http://www.hrw.org/en/reports/2001/06/28/ngo-background-paper-refugee-and-migration-interface (5 May 2011).

26 Azadeh Dastyari/Castan Centre for Human Rights Law, Testimony at the Australian Senate Legal and Constitutional Legislation Committee, in: Australian Senate Legal and Constitutional Legislation Committee (ed.), Hearing on the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006, Canberra 2006, pp. 37–49, here p. 46, http://parlinfo.aph.gov.au/parlInfo/download/committees/commbill/9410/toc_pdf/4743-2.pdf;fileType=application%2Fpdf#search=%22committees/com mbill/9410/0004%22 (7 Jun 2011).

27 UNHCR, Protection of Persons Involved in Migration. Note on IOM's Role, Geneva 2007, p. 1, para. 2, http://www.unhcr.org/4bf644779.html (15 Jun 2011).

not be the first priority. Thus, Amnesty International demanded: »IOM should not provide an alternative agency for states where they prefer to avoid their human rights obligations.«[28] This is also illustrated by the question the International Council of Voluntary Agencies (ICVA) asked in its newsletter from October 2004: »Is IOM an agency that will do anything as long there's money with which to do it?«[29]

IOM is frequently portrayed and criticized as a donor-driven agency for which the monetary value of a project tends to supersede ethical or political considerations. One reason for this donor-dependence is that IOM raises about 96% of its overall budget through mostly temporary projects and grants, funded by member states or other intergovernmental organizations (IGOs).[30] Thus, IOM is dramatically dependent on the successful acquisition of new projects to save the jobs of its staff and keep its local offices.[31] This financial dynamic leads to a strong competition between NGOs and IOM over donor money. Juliette Engel, head of the Moscow based MiraMed foundation, sums up her experiences with IOM:

> *»I think that's a pattern for [IOM]. To go in, take the resources, they really absorb the resources that would be going to the NGOs. So they sort of intercept the resources and dismantle NGO networks.«*[32]

As a consequence, Juliette Engel argued, these policies made IOM »ineffective in terms of human rights«[33], and that IOM took away money from local, community-based NGOs who, in her opinion, worked effectively for the ›sustainable‹ protection of people affected by trafficking.[34]

Anti-trafficking-work is a central field where NGOs accuse IOM for not living up to the high-standards of a rights-based approach.[35] NGOs make six

28 Amnesty International/Human Rights Watch, Statement by Amnesty International and Human Rights Watch to the Governing Council, p. 2.

29 Manisha Thomas/Ed Schenkenberg van Mierop, Editorial. IOM, Darfur, and the Meaning of Undermining, in: Talk Back. Newsletter of the International Council of Voluntary Agencies (ICVA), 6. 2004, no. 1, http://www.icva.ch/doc00001253.html #editorial.

30 For further details see: Georgi, For the Benefit of Some, p. 62f.

31 Personal interview: Staff members of the IOM headquarters, Geneva (September 2009).

32 Personal interview: Juliette Engel (Director of MiraMed Foundation, Moscow; August 2008).

33 Ibid.

34 Ibid.

35 An internationally binding definition of trafficking is fixed in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime (2002). Based on this definition NGOs, GOs, and IGOs strive to put into practice the 3p-approach: to *prevent* trafficking, to *protect* people who were affected by trafficking and to *persecute* trafficking as a criminal offence. Arguably,

central accusations. They say that: (1) IOM's assistance programs are defined by a *lack of legally fixed standards*[36]; (2) IOM's *assisted voluntary returns* of people identified as *victims of trafficking* are often in fact *mandatory* returns due to IOM's restrictive understandings of voluntariness[37]; (3) returns within IOM-programs often *stigmatize* the returnees in their home societies[38]; (4) IOM's assistance programs *re-victimize* the women affected by trafficking[39]; (5) IOM shelter staff members treat affected persons in a *paternalistic way*[40]; (6) many former victims of trafficking returned by IOM face *scarce chances* in their home countries and are unable to start a new living.[41] In sum, NGOs argue that their own anti-trafficking-work aims to *substantially* empower women affected by trafficking to claim their human rights and to gain back control over their lives. In contrast, they portray IOM's anti-trafficking-work as characterized by a narrow, technocratic interpretation of human rights that limits the support for people affected by trafficking to physical and psychological elements of temporary wellbeing.[42]

A third, well-documented field where NGOs see IOM activities in opposition to a rights-based approach are IOM's AVR programs for persons

these rescue-industries contribute less to help trafficked people, than to contain migration through a stricter handling of visas and border crossings, applying new technologies to reduce the number of those migrating or intimidating potential migrants through anti-trafficking prevention campaigns. In contrast we would suggest an anti-trafficking approach that supports people to use their mobility according to their wishes, e.g. as a resource for gaining a better life (see Mirjana Morokvasic, Transnational Mobility and Gender: a View from Post-Wall Europe, in: idem/Umut Erel/Kyoko Shinozaki (eds.), Crossing Borders and Shifting Boundaries, vol. 1: Gender on the Move, Opladen 2003, pp. 101–133).

36 Bärbel Heide Uhl, Zerrreissproben. Internationale und Europäische Menschenhandelspolitiken zwischen Kollateralschäden und Menschenrechtsschutz, in: Katrin Adams (ed.), Frauenhandel in Deutschland, Berlin 2008, pp. 144–151.

37 Personal interview: Marion Böker (KOK e.V.; April 2003).

38 Barbara Limanowska, Bosnia and Herzegovina, in: Global Alliance Against Trafficking in Women (ed.), Collateral Damage. The Impact of Anti-Trafficking Measures on Human Rights around the World, Bangkok 2007, pp. 61–86, here p. 75; Elaine Pearson, Half-Hearted Protection. What Does Victim Protection Really Mean for Victims of Trafficking in Europe?, in: Gender and Development, 10. 2002, no. 1, pp. 56–59.

39 Limanowska, Bosnia and Herzegovina, p. 76; Heide Bärbel Uhl/Claudia Vorheyer, Täterprofile und Opferbilder. Die Logik der internationalen Menschenhandelspolitik, in: Osteuropa, 56. 2006, no. 6, Special Issue: Mythos Europa. Prostitution, Migration, Frauenhandel, pp. 21–32, here p. 31.

40 Limanowska, Bosnia and Herzegovina, p. 76; Wennerholm/Zillén, IOM Regional Counter-Trafficking Programme in the Western Balkans, p. 31.

41 Limanowska, Bosnia and Herzegovina, p. 75.

42 Personal interview: Marion Böker (KOK e.V.; April 2003).

that states want to remove from their territory.[43] The main point of contention between NGOs and IOM is whether or not these AVRs are in fact *voluntary*. NGOs criticize that, often, deportation by force, imprisonment or destitution are the only other options.[44] Under these conditions, NGOs say, so-called *voluntary* returns are actually often *mandatory* returns.[45] They see them as a »cheaper variant of deportation.«[46]

Limits of Human Rights-Based Criticism: An Immanent Critique

The survey on NGO criticism of IOM has shown that, in public, NGOs affirm the migration control measures IOM is involved in – while at the same time sharply criticizing legal rights violations and the gap to the standards of a rights-based approach. There is evidence, however, that many NGO workers, human rights activists, academics and, in fact, many people within the liberal mainstream, have an awareness of what we would call the fundamental injustice of migration controls. Stephen Castles for example argues that, while few people may openly call for open borders, »*many more of us* might agree« with »the defence of open borders based on ethical principles.«[47] Tellingly, a

43 AVR programs that have been especially criticised include the certainly not-that-voluntary return of Iraqi refugees from Jordan and Lebanon to Iraq (Human Rights Watch, Flight from Iraq: Attacks on Refugees and other Foreigners and their Treatment in Jordan, London 2003; Human Rights Watch, Human Rights Watch's Statement to the IOM Council. Geneva 2007). Other IOM's return programs have drawn criticism include IOM's work with internally displaced persons, namely in Sri Lanka and Sudan/Darfur.

44 Human Rights Watch, Statement to the IOM Council, 27–30 November 2007 (94th Session), Geneva 2007, http://www.hrw.org/en/news/2007/11/28/human-rights-watch-s-statement-iom-council (6 Jun 2011) see especially footnote 4; Human Rights Watch, IOM and Human Rights Protection in the Field, pp. 4–8; Human Rights Watch, Rot Here or Die There. Bleak Choices for Iraqi Refugees in Lebanon, London 2007, http://www.hrw.org/en/reports/2007/12/03/rot-here-or-die-there (30 Oct 2010).

45 European Council on Refugees and Exiles (ECRE), Position on Return by the European Council on Refugees and Exiles, Brussels 2003, p. 3, http://www.unhcr.org/4d948adf9.pdf (15 Jun 2011); Stephan Dünnwald, Angeordnete Freiwilligkeit: Zur Beratung und Förderung freiwilliger und angeordneter Rückkehr durch Nichtregierungsorganisationen in Deutschland (Pro Asyl-Studie), Frankfurt-on-Main 2008, p. 83.

46 Thomas Berthold, Die zweite Säule der Abschiebepolitik. Der politische Rahmen der freiwilligen Rückkehr, in: Flüchtlingsrat 104/105. 2005, pp. 57–60, here p. 57 (our own translation).

47 Stephen Castles, A Fair Migration Policy – Without Open Borders, London 2003, http://www.opendemocracy.net/people-migrationeurope/article_165 7.jsp (20 Apr 2011), own emphasis added. On practical grounds, however, Stephen Castles rejects open borders because he believes that it would disadvantage workers in the industrialized countries and therefore such a position will be marginalized and achieve nothing.

representative of the British think tank IPPR (Institute for Public Policy Research), proponent of a managed migration-approach, complained in the British Newspaper *The Guardian*: »[*M]any* migrant support groups make it their mission to frustrate any return of refused clients, whatever the merits of their case.« [48] And in an interview one IOM representative explained:

> *»[A] part of the NGO constituency […] believes a migrant should have the right to stay where he wishes and wants to stay. I mean, it is a little bit blunt but that is pretty much what a lot of people think. And [we are] an intergovernmental organization that lives in the real world of sovereign states, borders, and nationalities, and residences categories, where what this group would like to see is never gonna happen.«* [49]

Thus, beyond pragmatic strategies, the ethical principles mentioned by Stephen Castles lead many people in the NGO community, in academic migration research and related fields to perceive a lot of IOM operations instinctively as *unjust*. These ethical principles lead them to perceive it as *wrong* to detain people who seek a better life in IOM-run migrant processing centers in Nauru; they feel it is *not just* to force people who search for a better life in unseaworthy boats out to the sea because IOM-propagated integrated border management prevents their legal entry; they think it is *unfair* to blackmail people into IOM-conducted assisted voluntary return-programs. This kind of ethical sensitivity often leads to an implicit attitude of solidarity, sympathy and even practical support for the illegalized practices of refugees, migrants and workers. Thus, while the individual consciousness of NGO staff and some of their activities point towards a much more radical critique of IOM, most of their public statements fall far short of it. The UK ›No One Is Illegal‹ Manifesto argues a similar point, saying that even people who reject all migration controls, sometimes do not openly say so because they fear to alienate potential allies:

> *»The result is that the argument against controls is simply not presented. Many people, perhaps most fair-minded people, if they are presented with the case, do agree that in principle immigration controls are wrong, but may also believe that to argue for their abolition is unrealistic.«* [50]

But what follows from this? In our view, the IOM is not criticized the way it needs to be criticized; be it because of theoretical and political ambiguities or

48 Tim Finch, Immigration must be a Bigger Part of the Reform Agenda, in: The Guardian, 2 Aug 2010, http://www.guardian.co.uk/commentisfree/2010/aug/02/immigration-part-of-reform-agenda (15 Jun 2011), own emphasis added.

49 Personal interview: Staff members of the IOM headquarters in Geneva (September 2009; own emphasis added).

50 Steve Cohen et al., No One Is Illegal Manifesto (UK), London 2003, http://www.noii.org.uk/no-one-is-illegal-manifesto (15 Jun 2011).

because of – understandable but still highly problematic – tactical considerations and opportunism on part of the critics. In sum: To limit the criticism of IOM and similar migration control institutions to legalistic points and a rights-based approach, runs danger of missing the actual problem: In our view the actual problem is that migration controls *as such* can never be fair and just and adequate to the ideal of humans as free and equal beings. To us, this demonstrates the need for an alternative approach to the critique of IOM. As a first step towards such an approach, in the next section we develop its *ethical* and *political* groundwork.

Groundwork for a Critical Theory of Migration Control

The Counter-Hegemonic Project of Global Freedom of Movement

Karl Marx regarded his critique of political economy in a specific relation to the real struggles of the working class: »[Marx] criticizes the existing social order from the point of view of real struggles against it, judging that workers' struggles point towards a fuller realization of human freedom.«[51] In a similar way, we think that any critical theory of migration control must anchor and build its critique on the ›real movements‹ of migration that struggle for freedom of movement on the face of the earth. Without aiming to be comprehensive, we will sketch briefly the context and some episodes in the development of these movements.

Roughly since the early 1980s, migration became a survival strategy for many people in the Global South, set against a background of poverty, destitution, Cold War-related (civil) wars and the social devastation inflicted on large parts of the developing world by neoliberal structural adjustment programs and free trade. As a result of complex relations of forces, including strong racist dynamics, (Western) industrialized states (over)reacted and continue to react with ever more restrictive, ever more repressive migration and border controls, among them mandatory detention, illegalization, forced destitution and mass deportations. These state practices resulted in massive human suffering, embodied in the thousands of refugees, migrants and workers who die every year at the rich country's borders. They drown in the Mediterranean or off Australia's northern coast; they die of thirst in the Sahara or in the Arizona desert.

The control practices and their terrible effects have increasingly been attacked since the 1980s by migrant groups, NGOs, social movements, trade unions, churches and leftist organizations. What became clear in the last three decades, though, was that their struggles against specific elements of

51 Paul Blackledge, Marxism and Ethics, http://www.isj.org.uk/?id=486 (Website of International Socialism, article posted 6 Oct 2008) (6 Jul 2011).

the new migration regimes were not succeeding in changing the course of these regimes: While they prevented many individual deportations and, often, the worst elements of new legislation, overall their political opponents, the social forces pushing for *more* repression, forced through an ever more extreme radicalization of control and exclusion. As a counter-reaction to this radicalization of control, some sections of the movements fighting these developments radicalized their own political visions or applied older notions of internationalism to the new, anti-racist struggles around migration: Since the 1990s, the demands for a more generous treatment of asylum-seekers or, if only, the conformity of state practices with national and international law, were accompanied by slogans like ›No One is Illegal‹, ›No Borders!‹ or ›Global Freedom of Movement‹.

Slowly, these ostensible utopian ideas are coalescing into a substantial *counter-hegemonic political project*.[52] In the 1980s, the *Sanctuary movement* in the US set up a covert network to smuggle political activists and refugees from the US-backed civil wars in El Salvador and Guatemala to the US and hide them from authorities. Today, similar groups provide water, food, orientation and rest to Latin American migrants crossing the Southern US deserts. Both movements have drawn explicitly on the experiences and the heroic spirit of the *underground railroad* that in the 19th century helped people enslaved in the South to escape to safety in the North and in Canada.[53] In 1969/70 rebellious student groups in Germany campaigned under the slogan ›Tear the Foreigners Law apart!‹ (›Zerreißt das Ausländergesetz!‹), portraying the law as a link in the chain of global imperialism.[54] In 1983 the political refugee Cemal Altun committed suicide by throwing himself out of a courtroom window in Berlin, to prevent his deportation to Turkey, where he was threatened with torture. His death was a catalyst for the anti-racist migrant-

52 With the concept of counter-hegemonic political project we draw on Neo-Gramscian political theory to describe a more or less loose, often only implicit or indirect coalition of different social and political forces that coalesce around a specific political aim or idea in order to challenge and alter an aspect of the existing hegemonic order (Adam David Morton, Unravelling Gramsci. Hegemony and Passive Revolution in the Global Political Economy, London 2007).

53 Renny Golden/Michael McConnell, Sanctuary. The New Underground Railroad, Maryknol 1986; Welcome to Europe, No Border Lasts Forever Conference. From Abolitionism to Freedom of Movement? History and Visions of Antiracist Struggles, Frankfurt-on-Main 2010, http://conference.w2eu.net/files/2010/11/abolitionism.pdf (1 Jun 2011); Luis Cabrera, Underground Railroads. Citizen Entitlements and Unauthorized Mobility in the Antebellum Period and Today, in: Journal of Global Ethics, 6. 2010, no. 3, pp. 223–238.

54 Niels Seibert, Vergessene Proteste, Münster 2008, pp. 133–139.

solidarity movement in Germany. A broad coalition, among it the Green Party, demanded the free movement of people on earth for the first time.[55]

In the mid-1990s the autonomous struggles of the ›sans-papiers‹ in France strongly influenced and inspired anti-racist movements in Germany, the UK and many other countries.[56] In Germany, the racist violence of the early 1990s and the inspiring example of the ›sans-papiers‹ contributed to a radicalization of parts of the anti-racist movements. In 1994 refugees in Germany began to organize as The VOICE Refugee Forum and since then the group struggles continuously against legal discrimination, detention camps, deportations, and the German residence restriction law for asylum-seekers (Residenzpflicht).[57] In 1997 the broad ›No One Is Illegal‹-network was founded. From 1998 onwards a series of Antiracist (No)Border Camps began at Germany's eastern border. The concept of NoBorder Camps spread, and camps were held in Poland (2001, 2003), Romania (2003) and the Ukraine (2008), as well as in Spain (2001), France (2002), the UK (2007), the US (2007) and Australia (2002).[58] These camps became crystallization points for the freedom of movement-project, as several generations of anti-racist activists (and academics) were socialized there.

One key actor of these movements was the European NoBorder Network, initiated in 1999 and comprising groups from Germany, France, Austria, Poland, Finland, Romania and the Ukraine.[59] In 2002 the network initiated a campaign against the IOM carrying the title ›Combat Global Migration Management‹. The NoBorder activists singled out the IOM because it seemed to have its finger in nearly every pie of migration control activities, all over the world, making it a key factor in the »globalization of migration control«.[60] They interpreted IOM's concept of migration management as combining two formerly distinct elements of migration policy: first, control-measures like borders, illegalization, detention camps and deportation; second, the selective recruitment of labor and the regulation of labor mobility.[61] The NoBorder Network targeted IOM in a series of direct actions: In Novem-

55 Ibid., pp. 181–189; Kanak Attak/Vassilis Tsianos, Border Clash. Festung Europa. Polysemie des Grenzregimes, Autonomie der Migration, 2002, http://www.rechtauf legalisierung.de/text/border.html (7 Jun 2011).

56 Madjiguène Cissé, Papiere für alle. Die Bewegung der Sans Papiers in Frankreich, Berlin 2002.

57 See The VOICE Refugee Forum website: http://thevoiceforum.org/taxonomy/term/6.

58 NoBorder Network, About No Border, http://www.noborder.org/about.php (22 Sept 2010).

59 Ibid.

60 Düvell, Globalisierung des Migrationsregimes.

61 Antirassismusbüro, Stop IOM, p. 22.

ber 2002, protests were held at IOM offices in Berlin, Vienna and Helsinki. In June 2003, during the G8-Summit in Evian, a major demonstration with 2,000 people marched to the IOM headquarters in Geneva. In August 2003, several hundred people gathered for a rally in front of the IOM office in Bonn.[62] Discursively, the NoBorder Network challenged the IOM in a number of articles, leaflets and brochures. One pamphlet put the criticism into a nutshell: ›The IOM, Spies and Migrant Hunters‹.[63] In May 2003, the network released a 33-minute anti-IOM documentary and in October 2004 it published a brochure that documented activities and results of the campaign.[64]

Overall, the movements calling for global freedom of movement produced a series of key political documents that lay down their principles.[65] The 1997 German manifesto of ›Kein Mensch ist illegal‹ (No One Is Illegal) was calling, explicitly despite and against state laws,

> *»for the support of migrants on entry and the continuation of their journey […] for the provision of work and identity papers […] for the supply of medical care, education and training, accommodation and material survival, because no one is illegal.«*[66]

Thousands of individuals and organizations signed the call, including many Members of Parliament. Antonio Negri and Michael Hardt, in their book

62 Personal interview: NoBorder Activist (May 2009).

63 NoBorder Network, The IOM, Spies and Migrant Hunters. Campaign to Combat Global Migration Management, http://www.noborder.org/iom/index.php (22 Sept 2010).

64 Antirassismusbüro, Stop IOM; Gina Bremen, The IOM, Spies and Migrant Hunters, 2003, 33 Min., VHS.

65 These political movements have also found expression in academic and philosophical debates, with a focus on political philosophy: Veit Bader, The Ethics of Immigration, in: Constellations, 12. 2005, no. 3, pp. 331–361; economics: Nigel Harris, Thinking the Unthinkable. The Immigration Myth Exposed, London/New York 2002; geography: Harald Bauder, Justice and the Problem of International Borders: The Case of Canadian Immigration Regulation, in: ACME. An International E-Journal for Critical Geographies, 2. 2003, no. 2, pp. 167–182. Among the most important works are: Joseph H. Carens, Aliens and Citizens: The Case for Open Borders, in: The Review of Politics, 49. 1987, no. 2, pp. 251–273; Brian Barry/Robert E. Goodin (eds.), Free Movement. Ethical Issues in the Transnational Migration of People and Money, University Park 1992; Teresa Hayter, Open Borders. The Case Against Immigration Controls, London 2004; Antoine Pécoud/Paul de Guchteneire (eds.), Migration without Borders. Essays on the Free Movement of People, Oxford/New York 2007. This literature, however, is very fragmented and authors do not take excessively account of each other. A detailed debate between them would be high time.

66 No One Is Illegal, Appeal: No One Is Illegal. Documenta X. Kassel, Germany, 1997, http://archiv.antira.info/kmii/appell/proclaim.html (4 Jun 2011). For lists of signatories see http://www.medialounge.net/lounge/workspace/cross_the_border/DOCS/2/rightbar%281%29.html (28 Jun 2011).

›Empire‹, proclaimed in 2000: »The multitude must be able to decide if, when and where it moves. […] The general right to control its own movement is the multitude's ultimate demand for global citizenship.«[67] The 2003 ›No One is Illegal Manifesto‹ (UK) called in the clearest possible words for a world without borders and the end to all immigration controls.[68] With the 2006 ›Call of Bamako‹ European and African movements joined together for »a year long international mobilization in defence of the right of all people to circulate freely around the world and to determine their own destiny.«[69] And on 5 February 2011, during the 11th World Social Forum in Dakar, Senegal, the ›World Charter of Migrants‹ was proclaimed on the Isle of Goreé near Dakar, a symbolic place for the transatlantic slave trade. The Charter declares:

> *»Since we all belong to the Earth, all people have the full right to freedom of movement and settlement on our planet anywhere on this earth. […] All laws in regard to visas, laissez-passer and authorizations as well as all those limiting the freedom of movement and settlement must be abolished.«*[70]

In our view, these struggles and movements create social relations, experiences, practices, affects, feelings, norms, ideas and thoughts that point towards an internationalist, post-national or cosmopolitan solidarity. They point towards a world that is beyond the one that IOM helps to shape through *migration management*, *migrant processing centers* and *assisted voluntary returns*. They reveal an immoral reality, provide a basis for its critique and produce the relations, experiences, affects that are necessary to overcome it. Friedrich Engels once described Marx' critique of political economy as »nothing but the reflex, in thought of the social conflicts endemic to capitalism.«[71] Similarly we understand our critical theory of IOM and migration controls to be *one* reflex in thought to these struggles of migration.

Critical Theory as an Unfolded Existential Judgement

In the classic text, ›Traditional and Critical Theory‹ Max Horkheimer described critical theory as »unfolding a single existential judgement«.[72] An existential judgement is a statement on how practices and circumstances could be and ought to be. Other than a *categorical judgment* (»It is like that.

67 Michael Hardt/Antonio Negri, Empire, Cambridge, MA 2001, p. 400.

68 Cohen et al., No One Is Illegal.

69 Polycentric World Social Forum, For The Dignity and The Respect of Migrants, Bamako 2006, http://www.manifeste-euroafricain.org/spip.php?article37 (6 Jun 2011).

70 World Assembly of Migrants, World Charter of Migrants, Declaration of the World Assembly of Migrants in Gorée 2011, http://www.blaetter.de/archiv/dokumente/world-charter-of-migrants (6 Jun 2011).

71 Blackledge, Marxism and Ethics.

72 Max Horkheimer, Critical Theory. Selected Essays, New York 1972, p. 227.

Nothing can change it«) and a *hypothetical judgement* (»This may be so. Or it may be different«), critical theory as an existential judgement declares: »It must not be like this, men can alter being, the conditions to do so already exist.«[73] Alex Demirović explains that theoretical analysis as unfolded existential judgement »includes the proposition about whether specific social conditions should or should not exist«, it includes a »negative judgement with regard to the continued existence of the concrete ontological order«[74] that is target of the critique. Marx himself demonstrated in emphatic prose one of the existential judgements underlying his theory when he attacked the reactionary state of affairs in Germany in 1844:

> »*War on the German state of affairs! By all means! They are* below the level of history, they are beneath any criticism*, but they are still an object of criticism like the criminal who is below the level of humanity but still an object for the* executioner*. In the struggle against that state of affairs, criticism is no passion of the head, it is the head of passion. It is not a lancet, it is a weapon. Its object is its* enemy*, which it wants not to refute but to* exterminate*. For the spirit of that state of affairs is refuted. In itself, it is no object* worthy of thought*; it is an existence that is as despicable as it is despised. Criticism does not need to make things clear to itself as regards this object, for it has already settled accounts with it. It no longer assumes the quality of an* end-in-itself*, but only of a* means*. Its essential pathos is indignation, its essential work is denunciation.*«[75]

Similarly, John Holloway, an Irish-Mexican Marxist argues that the starting point of theoretical reflection is opposition, negativity, struggle. »It is from rage that thought is born, not from the pose of reason, not from the reasoned-sitting-back-and-reflecting-on-the-mysteries-of-existence.«[76] Yet, before we can unfold the specific critique of IOM, we think it necessary to at least sketch briefly the philosophical, ethical and political reasoning that lets us arrive at a position so starkly removed from positions publicly voiced in the mainstream today. In the following we sketch six arguments in favor of global freedom of movement that we hold to be especially relevant:[77]

73 Ibid.

74 Alex Demirović, Kritik und Materialität, Münster 2008, p. 32f. (our own translation).

75 Karl Marx, Contribution to the Critique of Hegel's Philosophy of Right. Introduction, Paris 1844, www.marxists.org/archive/marx/works/1843/critique-hpr/intro.htm (28 Jun 2008).

76 John Holloway, Change the World without Taking Power. The Meaning of Revolution Today, London 2005, p. 1.

77 As the philosophical, academic and political debate on these questions is still in its very early stages, these arguments may appear partly additive or contradictory. They are preliminary and by presenting them we hope to foster further debate.

(1) Global freedom of movement as end in itself: Today, at least in theory, freedom of movement within a national territory is enshrined as a basic human right. The Universal Declaration of Human Rights of 1948 states in article 13(2): »Everyone has the right to freedom of movement and residence *within* the borders of each state.«[78] We hold that in the same way *global freedom of movement* must be understood an end in itself, as a good in its own right and as a condition to realize meaningful human freedom in a globalized world. In a world so deeply inter-connected as ours, to discriminate and hierarchically order people according to citizenship, and to privilege *fellow national citizens* or *compatriots* over people with a different citizenship or people living in different countries, starkly undermines the conditions for human freedom. Authors using the concept of *cosmopolitan justice* have argued that today the nation-state can no longer be the ethico-political frame of reference. It must be the global scale, a cosmopolitan realm.[79]

(2) Global justice: Second, we hold that at the very least as long as there is dire poverty and massive inequality in life chances, any restriction to global freedom of movement cannot be justified because the *normative good* of a life without destitution for all overrules almost all other considerations that might justify restrictions. Moreover, today's inequality is the result of a »history of conquest, colonialism, and imperialism. […] The starting positions of the better- and the worse-off are a result of massive crime, force, and fraud.«[80] Since the 1970s migrant activists are shouting: »We are here because you were there.« In the 1990s they reformulated it to: »We are here because you destroy our countries.«[81]

(3) »Citizenship is like feudal privilege«: In an often-quoted passage, Joseph H. Carens argues:

> *»Citizenship in Western liberal democracies is the modern equivalent of feudal privilege – an inherited status that greatly enhances one's life chances. Like feudal birthright privileges, restrictive citizenship is hard to justify when one thinks about it closely.«*[82]

78 United Nations, Universal Declaration of Human Rights, New York 1948, http://www.ohchr.org/EN/UDHR/Pages/Language.aspx?LangID=eng (30 May 2011).

79 Omid A. Payrow Shabani, Cosmopolitan Justice and Immigration. A Critical Theory Perspective, in: European Journal of Social Theory, 10. 2007, pp. 87–98; Seyla Benhabib, The Rights of Others: Aliens, Residents, and Citizens, Cambridge 2004.

80 Bader, Ethics of Immigration, p. 344.

81 Arun Kundnani, The End of Tolerance. Racism in 21st Century Britain, London/Ann Arbor 2007, p. 22; The Voice Refugee Forum, We are here because you destroy our countries! Solidarity against deportations! Caravan Tour from May 19th to June 4th 2007, pamphlet, http://thecaravan.org/files/caravan/Call_Tour_07_en.pdf (28 Jun 2011).

82 Carens, Aliens and Citizens, p. 252.

This argument confronts migration controls with the promises of the human rights discourse: If all humans are free and equal, have the same worth and dignity, then all privileges that come from arbitrary criteria of a person or a group are indefensible and must be abolished.[83] Since the Enlightenment a series of grand struggles have been led about the abolition of such arbitrary institutions, among them the distinctions between nobels/serfs and freemen/slaves, the caste-system, the superiority of men over woman, the discrimination of non-Whites and of LGBTI[84]-people. While almost none of these power relations have disappeared, what has changed is that they once appeared to be completely self-evident and natural (appeared so at least to the superior side). In the past, especially white people thought that *of course* a black person cannot have the same rights as them; men thought that *of course* women were inferior to them. And today most citizens of rich, industrialized countries think that *of course* a non-citizen cannot have the same rights as them, that *naturally* foreigners living somewhere else must be excluded from the citizenship privileges they enjoy. What we argue is that whereas in the 19th and 20th centuries the great emancipatory struggles to end discrimination based on race, caste, gender or sexuality were led primarily within the nation-state, in the globalized world of the 21st century the political, economic, social and ethical frame for struggles of emancipation has been irreducibly expanded to the transnational sphere. Thus, the historic struggle for the abolition of migration continues in the 21st century as the successor of the older abolitionist struggles against feudal privileges, slavery or patriarchy.

(4) Migration controls and capitalism: Stable and profitable capital accumulation was and is always based upon other, intersecting relations of domination and social hierarchization[85]: Capitalism was and is build on *racism* that legitimized colonialism, slavery, and racially segregated labor markets; capitalism was and is based on *patriarchy* that provided free or cheap reproductive labor of women; and capitalism relies on discrimination based on

83 In its core this is of course a liberal bourgeois argument because it implies that in capitalist societies inequality is morally acceptable if it is based on differences in merit, hard work, private enterprise or event inherited ›talent‹ and if there are *equal opportunities*. Leftists and especially Marxists reject privileges derived from capitalist competition and confront them with their principle of: »From each according to his ability, to each according to his needs!«; Karl Marx, Critique of the Gotha Programme. Part I, 1875, http://www.marxists.org/archive/marx/works/1875/gotha/ch01.htm (28 Jun 2011).

84 Abbreviation for Lesbian, Gay, Bi, Transgender, Intersexual.

85 Nandita Sharma, Home Economics: Nationalism and the Making of Migrant Workers in Canada, Toronto 2006; Pia Garske, Intersektionalitat als Herrschaftskritik? Die Kategorie Klasse und das gesellschaftskritische Potential der Intersektionalitätsdiskussion [forthcoming].

citizenship because it leads to the juridical disenfranchisement of »migrantised«[86] workers, even their illegalization. As a consequence, their position vis-à-vis capital and the state is weakened, which allows for more intensive exploitation. The profitability of whole economic sectors is built on this, with famous examples being agribusinesses in Spain and the US.[87] The struggle for the abolition of migration controls, then, is another reiteration of the long-ongoing struggle to emancipate those sections of the *global working class*[88] that are most disenfranchized and that, because of it, allow capital to continue accumulation despite all of its crisis tendencies.

(5) Migration controls as global apartheid: Migration controls and borders stabilize the capitalist world system because they regulate its massive inequalities by containing them, violently, in distinct spatial territories. Migration controls make it possible for the citizens of rich countries to largely ignore the dire conditions in the developing world because the people living under these conditions are spatially confined to their home countries. They are imprisoned within a system of »global apartheid«.[89] This global apartheid is materialized in the institutions of migration and border controls, among them IOM.

(6) Exit is voice: The consequence is that most people in the periphery have no effective exit-option to escape from inhuman living conditions. And because they have no exit-option, their voice is weakened:

86 In our view, the process in which people are socially constructed as different kinds of migrants has to be problematised. The effect of constructing people as migrants is to position them at the periphery of today's nationalised political communities. As used today, migrants and migration are methodologically nationalist concepts: Nina Glick-Schiller, A Global Perspective on Transnational Migration: Theorizing Migration without Methodological Nationalism, Working Paper No. 67 (Centre on Migration, Policy and Society, University of Oxford), Oxford 2009. In order to overcome methodological nationalism and its exclusionary and hierarchising effects, we suggest a deliberate *de-migrantisation* of language, research topics, theory and politics as crucial part of a critical engagement with migration and border regimes. Instead of using the migrant concept it would be analytically and politically more productive to either speak and write in a humanist way about people, or in a more historical-materialist sense about workers who belong to a global working class; Marcel van der Linden, Workers of the World. Essays toward a Global Labor History, Leiden 2008.

87 Europäisches BürgerInnenforum (ed.), NoLager Bremen, Peripherie & Plastikmeer. Globale Landwirtschaft, Migration, Widerstand, Wien 2008; Martin Geiger, Les Acteurs Locaux et l'Inclusion Sociale des Ouvriers Agricoles Marocains dans la Province Espagnole d'Almería, in: Migrations Société, 102. 2005, no. 17, pp. 215–233.

88 Marcel van der Linden/Karl Heinz Roth, Über Marx hinaus, Berlin 2009; Van der Linden, Workers of the World.

89 Étienne Balibar, We, the People of Europe?, Princeton 2004, p. 113.

»›Exit‹ – to claim one's freedom of movement and to migrate in order to find a different, better life, and ›Voice‹ – to raise one's voice and struggle locally, are not contradictory, they are rather mutually intertwined.«[90]

›Exit‹ functioned as ›voice‹ in 1989 as the migration of thousands of people from the state-regimes of the Eastern bloc were a key factor in their downfall. In patriarchal marriages husbands only stop to treat woman in oppressive ways, if and when women have the effective exit-option to divorce and to live independent lives. ›Exit‹ as the right to leave any country is enshrined in the Universal Declaration of Human Rights, article 13(1): »Everyone has the right to leave any country, including his own, and to return to his country.«[91] Thus, because *exit is voice*, for billions of people in the ›developing world‹ visa regimes, border controls and immigration restrictions massively weaken their position in the *national* as well as in the *international* relations of forces – and thereby perpetuating their inferior status. Global freedom of movement, then, would have the effect to massively improve the power position of the subaltern classes of the developing world. It may be that only then the aim of ending poverty and achieving global justice can finally be achieved.

An Existential Judgement on the IOM

Now the ethical and political existential judgement that is unfolded in our critical theory can be formulated, at least roughly: In the previous three decades the struggles of migration have mercilessly exposed the hypocrisy of migration controls. It is intolerable to live in a world where a minority defends its privileges with an ever more extreme radicalization of border controls, detention and deportations. It is unbearable to live in a system of global apartheid, materialized in IOM's migrant processing centers, assisted voluntary returns and the ideology of migration management that aims to confine, to steer and to disenfranchise the movements, hopes and aspirations of human beings seeking a better life. Most fair-minded people know the situation is intolerable. They know because the practices of migration have made it clear to them: desperate but determined border crossings in deadly peril, everyday appropriation of rights to stay, to education and to medical services, uprisings in deportation prisons and the continuous, conscious struggles of the ›sans-papiers‹, the NoBorder movements, of NGOs resisting every single deportation or the activists of the new underground railroad. To

90 Afrique-Europe-Interact/Welcome2Europe/kritnet, Freedom, Not Frontex. There cannot be Democracy without Global Freedom of Movement, 2011, http://w2eu.net/files/2011/03/fsf.en-freedom.not_.frontex.pdf (24 Jun 2011).

91 United Nations, Universal Declaration of Human Rights.

actualize today the radical emancipatory promises of the Enlightenment[92] means to assert: Migration controls need to be abolished. The abolition of migration controls is an indispensable, irreducible condition of human freedom.

But the concrete utopia of global freedom of movement is not about the formal equality of bourgeois monads who, in their capacity as laboring wage workers and entrepreneurs, can then finally circulate and compete without limits on the capitalist world market. The negation of migration controls is also *strategically necessary* because it is part of a much broader negation. It is part of a historic effort that is motivated by Marx' »categoric imperative to overthrow all relations in which man is a debased, enslaved, abandoned, despicable essence.«[93] In this effort, critical scholarship has a role to play. For Max Horkheimer, critical theory

> *»is not just a research hypothesis which shows its value in the ongoing business of men. It is an essential element in the historical effort to create a world which satisfies the needs and the powers of men […]. Its goal is man's emancipation from slavery.«*[94]

Based on our current knowledge, the IOM appears to be a serious hindrance to this effort. The organization not only passively affirms migration controls, as today still the vast majority of people in the privileged countries do. Instead, the analysis shows that the IOM actively propagates and contributes to the modernization and perfection of the system of global apartheid by performing control functions, expanding state capacities and rationalizing controls with its utilitarian migration-management ideology. Thus, in a way, our critique of IOM »does not need to make things clear to itself as regards this object, for it has already settled accounts with it.«[95] To a certain degree, then, the urgently necessary extensive and sober empirical analysis of IOM serves to provide detail, sophistication, adequacy and faculty of judgement (Ur-

92 In referring to the emancipatory potentials of the *Enlightenment* we are influenced by Horkheimer's and Adorno's key work *Dialectics of Enlightenment*. For them Enlightenment (understood in a broad sense, as a historical tendency since mythological times) set in motion a process of instrumental reason in which humans aimed to control threatening, dangerous nature. But, they argued, the process of Enlightenment tipped over into an ordering domination of nature, of people and social reality. But while they sharply criticized the positivist, technocratic and managerial mindset that corresponded with this tendency, they did not give up on its radical emancipatory potentials (Max Horkheimer/Theodor W. Adorno, Dialectic of Enlightenment. Philosophical Fragments, Stanford 2002).

93 Marx, Introduction to Critique of Hegel.

94 Horkheimer, Critical Theory, p. 246. In the German original both men and man translate to *Menschen*, that is literally humans.

95 Marx, Introduction to Critique of Hegel.

teilskraft) to an existential verdict on IOM whose »essential pathos is indignation, its essential work is denunciation.«[96]

This judgement has no ultimate, indubitably philosophical or even meta-physical justification. But by grounding it in a reflection of real struggles it *is* anchored in actual, historical reality and its dynamics.[97] What we have formulated is only the groundwork of a critical theory. The proper work of critique as *critical theory* only starts from here.

Methods for a Critical Theory of Migration Control

Two Methods: Immanent Critique and Radical Contextualization

Marx and Marxism have been interpreted as rejecting ethics and morality and instead performing cold-hearted analysis of economic categories. In fact, Marx criticized bourgeois morality and ethics as a tool to gloss over and partly civilize the immoralities of capitalist society. But as is evident in many of his emphatic formulations, he was very much motivated by moral notions of justice or human dignity.[98] With his method of immanent critique he and other critical theorists turned bourgeois morality against itself. Marx propagated this method in memorable words as he attacked the reactionary state of affairs in Germany in 1844:

> *»The point is not to let the Germans have a minute for self-deception and resignation. The actual pressure must be made more pressing by adding to it consciousness of pressure, the shame must be made more shameful by publicizing it. Every sphere of German society must be shown as the* partie honteuse *[eyesore] of German society: these petrified relations must be forced to dance by singing their own tune to them!«*[99]

In following Marx' method, we argue that IOM and other migration control institutions must be criticized immanently from their own alleged standpoint, that is the liberal promises of the international human rights discourse. We have already employed this method in our evaluation of the human rights criticism directed against IOM and within some of the arguments making the case for the abolition of migration controls. To put it simply, part of the critique should be to see how these organizations' practices match up with their own rhetoric.

But historical-materialist critical theory cannot stop here: »Immanent critique attacks social reality from its own standpoint, but at the same time

96 Ibid.

97 Demirović, Kritik und Materialität, p. 10.

98 Robert J. Antonio, Immanent Critique as the Core of Critical Theory, in: The British Journal of Sociology, 32. 1981, no. 3, pp. 330–345; Blackledge, Marxism and Ethics.

99 Marx, Introduction to Critique of Hegel.

criticizes the standpoint from the perspective of its historical context.«[100] Therefore, a second crucial method of critical theory is a radical historical and structural contextualization of the object of critique and its manifold elements, categories and concepts. It's a *critique of ideology* in the sense that it fundamentally analyses the historical processes that have brought about, for example, the migration management-ideology. To criticize the IOM, then, means to deeply analyze how the organization and its concepts and categories are bound up with specific historic structures of power and domination, how it is embedded in social, economic and political dynamics, how it is associated with concrete spatio-temporal materializations and tied up with the associated strategically organized interests. It also means to ask the cui-bono question: Who benefits?[101]

Critique in the form of such a fundamental analysis is necessary because its sole reason to exist is to fundamentally change society. And because it is a means to that end, in its analysis of society it cannot allow itself to be anything but as level-headed and *objective* as it possibly can. Critical theory is not ideological or dogmatic. It does not mix up aim and diagnosis, nor hope and understanding. Again: Marx saw critique not as an emotional passion of the head. Critical theory is the sober head that grows out of passionate ethical and political negativity. It is a determined head that analyses patiently and thoroughly to unmake the conditions that breed the negated object.[102]

In the following sections we outline preliminary elements of such a critique by analyzing and contextualizing the development of IOM since the 1970s.

The Crisis of the 1970s

Capitalist societies are centrally driven and structured by the constant need to maintain stable and profitable capital accumulation. Private corporations and the capitalist state, by way of taxes, are dependent on it. This ubiquitous, overarching need to create constant growth**,** as it is normally referred to, is difficult to fulfill because there are various factors that tend to decrease the profit rate and bring about crisis. This is what happened in the 1970s. In terms of regulation theory[103], the global recession of 1973 was the final crisis of the Fordist mode of regulation of Western post-war capitalism, characterized by class compromises and relatively strong workers movements. Cen-

100 Antonio, Immanent Critique, p. 338.

101 Horkheimer, Critical Theory; Demirović, Kritik und Materialität; see also Georgi/ Wagner, Macht Wissen Kontrolle.

102 Marx, Introduction to Critique of Hegel.

103 Stephen Gill, Power and Resistance in the New World Order, Basingstoke 2008.

trally it was a profit crisis.[104] As the crisis intensified there were bitter political and ideological battles over strategies to overcome it and re-increase profits. As is known, it was neoliberalism that prevailed in becoming the new hegemonic project, dominating politics, economy and even culture for at least the three decades of 1979–2008 (and, as it appears now, much longer than that). Neoliberal reforms (deregulation, privatization, finanzialization and free trade: 1989 summarized in the ›Washington Consensus‹) were pushed through in intense societal struggles in country after country and in the international sphere. European states established the common market, the G7 countries and transnational corporations promoted the globalization of production and trade, and capital markets were largely deregulated.[105] These so-called reforms defined the conditions for the changing migration policies since the early 1980s – and for the expansion and transformation of IOM. Two neoliberal strategies have become especially relevant for migration policy: First, it was what David Harvey describes as »accumulation by dispossession«, second it was the regulation of transnational labor mobility under the imperative to optimize its utility for growth.

Neoliberalism in the Periphery: Accumulation by Dispossession as a Historical Chance for IOM

Several neoliberal strategies to overcome the low profit rates of the 1970s and 1980s targeted directly or had deep effects on the periphery. In large parts of the so-called developing world, millions of people reacted with community-supported migration projects to the shock strategy[106] of IMF structural adjustment programs that followed the debt crisis of the early 1980s. Economic reforms and the political manipulation of crises resulted in an »accumulation by dispossession«.[107] People could no longer survive as small-hold farmers in competition with international agribusinesses. Millions were driven from their lands, or lost jobs after public companies became privatized, public sector spending was reduced, or when uncompetitive firms could no longer survive after their local markets were opened to transnational corporations. As postcolonial societies were trapped between the double gears of forced world market integration and hegemonic power interventions in the context first of the Cold War, then the ›War on Terror‹, local elites took to ethnic identity politics and state terrorism to assert their power, thereby fuelling

104 David McNally, Global Slump, Oakland 2011; Robert Brenner, The Economics of Global Turbulence, London/New York 2006.

105 David Harvey, The New Imperialism: Accumulation by Dispossession, London 2004; Naomi Klein, The Shock Doctrine, New York 2007.

106 Klein, Shock Doctrine.

107 Harvey, New Imperialism.

wars, civil wars and mass oppression.[108] Thus, millions of people began to move from villages to towns and cities and from peripheral countries to capitalist core regions. The post-war migration control apparatuses of Western industrialized countries, among them the IOM (or ICEM/ICM[109] as it was known until 1989) were no match for these new migration movements that flexibly adapted to new political regulations by subverting or circumventing them.

The reactions of industrialized countries to these new migration movements varied. In general, however, sooner or later they institutionalized new migration and border policies that were more restrictive than before, less generous for asylum-seekers and deeply hostile towards all but the most ›useful‹, mostly highly qualified migrant workers. Terms like ›The Wall around the West‹[110] and ›Fortress Europe‹ were applied widely to describe these processes. A major reason for these developments were the independent and at the same time intersecting dynamics of racism, directed especially against non-White immigrants, workers and asylum-seekers in many Western countries. There was, however, no real consensus on more restrictive policies or even ›zero-immigration‹. Since the 1970s, different capital factions and political forces within the industrial countries disagreed sharply over tightened migration controls. This often resulted in lax enforcement and the tacit, if controversial, acceptance of immigration as long as the ›migrantized‹ workers and working refugees were actively illegalized by state policies.[111]

It was in this situation, in the 1980s, that Western countries began to establish dozens of new institutions for migration control and migration research and exhibited a serious interest in international cooperation in the field for the first time. This was a historical chance for IOM. From the early 1960s onwards ICEM/IOM had experienced a severe crisis: Steady economic growth in Western Europe and the Iron Curtain between East and West reduced the demand for ICEM's services. Its institutional existence was openly questioned. From 1961 to 1981, ten member states left the organization, among them Canada and Australia.[112] Only slowly ICEM diversified its

108 Kundnani, The End of Tolerance, pp. 27–29.

109 Intergovernmental Committee for European Migration (ICEM) resp. Intergovernmental Committee for Migration (ICM).

110 Peter Andreas/Timothy Snyder (eds.), The Wall around the West. State Borders and Immigration Controls in North America and Europe, Lanham 2000.

111 Nicholas de Genova, Migrant Illegality and Deportability in Everyday Life, in: Annual Review of Anthropology, 31. 2002, no. 1, pp. 419–447.

112 Worldstatesmen.org, International Organizations, http://www.worldstatesmen.org/International_Organizations.html (29 Jun 2011); see also Luise W. Holborn, Canada and the ICEM, in: International Journal, 18. 1963, no. 2, pp. 211–214; Freda Hawkins,

activities, taking pains to prove its continued utility to its member states.[113] In the mid-1970s, ICEM-Director General John F. Thomas failed to convince skeptical member states to make it a permanent organization by reforming its constitution. It was only in 1987 that IOM succeeded in mobilizing the support of its member states for a reform of the Constitution, thereby widening its mandate, becoming a permanent agency and increasing its membership.[114]

This enhancement from ICEM (a *commission*) to IOM (a permanent *organization*) must be understood before the historical background: As millions of people in the periphery were dispossessed of old forms of subsistence or wage labor through accumulation by dispossession and as some of them reacted with migration projects to the industrialized countries, migration became to be seen by Western governments as a new *problem*. In the mid-1980s, an *International Organization for Migration* became to be seen by them as a useful thing to have. The utility of IOM for Western governments was further fuelled by the disappearance of the Iron Curtain after 1989 and the shock therapies of privatization and market-reforms in Eastern Europe and the CIS-countries.[115] Thus, the reform and expansion of IOM since the early 1990s was an element of a complex process in which hegemonic forces in Western industrialized countries tried to shift the balance of forces between their migration control capacities on the one side and the mobility strategies that people employed as a reaction to neoliberal reforms on the other.

IOM Migration Management as a Neoliberal Strategy to Solve the Labor Problem

A second neoliberal strategy that had severe effects on migration policy and on the IOM was the regulation of labor mobility. The control of labor, its reproduction, its mobility, its skills and the condition of its exploitation belong to the key problems firms and states have to solve in order to maintain stable and profitable accumulation. For capital, in order to stay competitive, the structural problem is to maximize its flexibility in the utilization of labor in

Critical Years in Immigration. Canada and Australia compared, Montréal 1991, pp. 161–163.

113 Marianne Ducasse-Rogier, The International Organization for Migration, 1951–2001, Geneva 2001, pp. 44–69; Søren Kjøller Christense, Relief. The Story of Helping Seven Million People to a New Future, Bedfordshire 2009, p. 111.

114 Personal interview: Staff members of the IOM headquarters in Geneva (September 2009); Richard Perruchoud, From the Intergovernmental Committee for European Migration to the International Organization for Migration, in: International Journal of Refugee Law, 4. 1989, no. 1, pp. 501–517, here pp. 506f.; Ducasse-Rogier, International Organization for Migration, pp. 88f.; Georgi, For the Benefit of Some, p. 51.

115 Klein, Shock Doctrine, ch. 9 and pp. 11–13.

terms of wages, conditions and quantity.[116] Transnational labor regimes that target the world labor market aim to solve some of these problems. There have been at least three neoliberal strategies that focus on labor to increase profits and growth[117]: (1) *Changing local conditions for the exploitation of labor*: limiting trade union influence, reducing wages, flexibilization and deregulation of labor laws, education, illegalizing workers; (2) *Moving production to where labor is:* foreign direct investments, relocation of production sites, outsourcing; (3) *Moving labor to where production is:* migration policy, managed migration, contract labor.

The implementation of managed migration policies in many industrialized countries since the 1990s was, then, a version of the third strategy. It was an attempt to overcome crisis tendencies and to increase economic growth and stabilize accumulation by optimizing labor supply and conditions of the exploitation of migrant labor. Migration became to be seen as positive because and insofar it helped to meet skill and price-specific labor demand. IOM's migration management discourse has been interpreted by many critical scholars as a strategy to make migrants' labor available and retrievable in order to utilize it in the process of capital accumulation and to anchor this strategy in the emerging global elite consensus on migration policy.[118] But IOM's migration management project is more complex. It is the attempt to forge a compromise. Against the background of stiff opposition from nationalist and racist social forces in the industrialized countries, the migration management compromise propagates restrictive border controls and effective deportation regimes as necessary preconditions to make a »regulated openness«[119] for the economically desirable politically feasible.[120] IOM tries to advance this compromise by depolitizing the deeply political concepts of its migration management-discourse as apolitical and technical

116 Lydia Potts, The World Labour Market. A History of Migration, London 1990.

117 Ibid.; Beverly J. Silver, Forces of Labor. Workers' Movements and Globalization since 1870, Cambridge/New York 2003; Ferruccio Gambino/Devi Sachetto, Die Formen des Mahlstrohms. Von den Plantagen zu den Fließbändern, in: Marcel van der Linden/Karl Heinz Roth (eds.), Über Marx hinaus, Berlin 2009, pp. 115–153.

118 Düvell, Globalisierung des Migrationsregimes; Georgi, For the Benefit of Some; Henk Overbeek, Globalisation and Governance: Contradictions of Neo-Liberal Migration Management, Hamburg 2002; Katrin Meyer/Patricia Purtschert, Migrationsmangement und die Sicherheit der Bevölkerung, in: Patricia Purtschert/Katrin Meyer/Yves Winter (eds.), Gouvernementalität und Sicherheit: zeitdiagnostische Beiträge im Anschluss an Foucault, Bielefeld 2008, pp. 149–172.

119 Bimal Ghosh, Towards a New International Regime for the Orderly Movement of People, in: idem (ed.), Managing Migration. Time for a New International Regime?, New York 2000, pp. 6–26, here p. 25, see also the contribution of Bimal Ghosh in this volume.

120 See also Georgi, For the Benefit of Some, pp. 63–65.

necessities, as just reasonable, and thereby constructing the particularist interests behind it as the general interest. Rutvica Andrijasevic and William Walters have pointed out that IOM's

> *»reformulation of the border in terms of technical norms, standards, and regulations and their implementation through networks and partnerships allows the control of borders to be represented as ›beyond politics‹.«*[121]

To sum up: One key reason why state migration controls expanded and have become more restrictive since the 1980s and, thus, why IOM has expanded into the role to support states and building up their control capacities, was that governments needed to react to the counter-reactions of peripheral populations to accumulation by dispossession and other neoliberal reforms. These counter-reactions were migration projects, unintended and unwanted by the industrialized states. The societal relations of forces within the industrialized countries and increasingly also newly industrializing countries were strongly shaped by racism and nationalist anti-immigration mobilizations. Moreover, there was a deep hegemony in these states, that effective migration controls should be upheld and that state control capacities had to adapt to the new situation. State institutions reacted to the challenges that the mobility projects of peripheral refugees, workers and other migrants posed to them. But there was another, more offensive element of migration control within the neoliberal hegemonic project: It was the attempt to regulate the mobility of labor and the conditions of exploitation for migrant labor according to rationality of maximizing economic growth. The IOM became instrumental for its rich state donor governments in both dimensions of the new migration controls – and it grew and expanded accordingly.

Conclusions

We started out in this article by describing the two ways in which IOM and other migration control institutions are mostly criticized: the legal strategy and the confrontation with standards of a rights-based approach. We then moved on to establish the groundwork of our alternative approach of critique by sketching some episodes of the struggles that coalesce in the counter-hegemonic project for global freedom of movement. We pointed out six arguments that make the case for an abolition of migration controls. We also roughly outlined the existential judgement that is unfolded in our own critical analysis. In the previous section, we demonstrated the method of radical contextualization by locating the massive expansion of IOM within the geo-

121 Rutvica Andrijasevic/William Walters, The International Organization for Migration and the International Government of Borders, in: Environment and Planning D: Society and Space, 28. 2010, no. 6, pp. 977–999, see here p. 995.

political and economic transformation and struggles in the capitalist world system since the 1970s.

By way of conclusion, we highlight three points, which in our view, should be debated among (critical) scholars, NGO staff, activists, people subjected to migration controls and others. First, we think it is crucial to have a broader exchange between researchers, NGOs and others working with or about IOM in order to correct misinterpretations, achieve faculty of judgement and, overall, advance a critical engagement with the organization. Second, our aim was to contribute to the on-going discussion on the groundwork, justification, self-conceptions and methods of *critical migration and border regime studies*. In our view, further development of the series of arguments and analyses we made the case for global freedom of movement would be productive. It would also be interesting to make explicit and then debate the mostly implicit *existential judgements* that underlie different critical approaches. Third, we think that the critique of different migration control institutions can function along similar patterns. While each critique must be informed and ultimately structured by an intensive knowledge and deep analysis of its object, we think that the framework and the methods sketched here can be productively applied to other institutions.

Some of the ideas we have developed in this text may appear rather radical – and they are. But they are a reaction to a historical situation characterized by massive human suffering and deep hypocrisy. In a way, to us, global freedom of movement is the only realistic solution. We think the authors of the ›No One is Illegal Manifesto‹ are right when they concede: »The struggle against the totality of controls is certainly uphill.« *But*, they argue, »the achievement of fair immigration restrictions […] would require a *miracle*.«[122]

122 Cohen et al., No One Is Illegal (own emphasis added).

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IMIS-Day 2010: The New Politics of International Mobility and Workshop: Disciplining Global Movements. Migration Management and its Discontents (12 and 13 November 2010)

Duncan Cooper

On the 12th and the 13th November, 2010, academics from around the world met at the IMIS Institute (Institute for Migration Research and Intercultural Studies) of the University of Osnabrück in Germany to critically evaluate the concept of migration management and to appraise some of the ideas which have been developed in the recently published book ›The Politics of International Migration Management.‹[1] On the first day, the 12th November, the institute played host to an international conference in which strategies adopted towards dealing with international mobility were critically appraised in five keynote speeches and a panel discussion. On the second day, a series of short presentations were given by early-stage researchers and scholars from a range of different academic disciplines working on issues connected to the management of migration in different parts of the world, although the large majority of the presentations focused on Europe. Both the conference and workshop were made possible by the funding from the Robert Bosch Stiftung. The first section of this report briefly summarizes the speeches given on the 12th November. The second section subsequently sums up some of the more important issues discussed in the workshop which took place the following day.

The conference started with a few introductory remarks by the director of the IMIS Institute, Andreas Pott. These were then followed by a more detailed introduction into the subject of migration management by the two organizers of the event, Martin Geiger (IMIS Osnabrück) and Antoine Pécoud (UNESCO Paris). Both stressed that while the term ›migration management‹ was now frequently used when discussing migration, very few attempts had been undertaken to precisely define the concept. In this context, the organisers added that one of the aims of the conference was to critically assess whether migration management represented merely a new way of talking

1 Martin Geiger/Antoine Pécoud (eds.), The Politics of International Migration Management, Basingstoke 2010.

about migration or a genuinely new approach towards dealing with migration flows.

Virginie Guiraudon (University of Lille) discussed this issue in the day's first presentation. The professor of political science questioned whether international organizations (IOs) employed catch-all phrases such as the much cited ›triple-win situation‹, whereby well managed migration can be a benefit for all parties involved (i.e. the countries of origin, the countries of destination and the migrants themselves), and ›global governance‹ as smokescreens in order to push through their own agendas. She further emphasized that a fragmentation in the field of migration management was taking place due to the presence of increasing numbers of non-state actors engaged in migration management. Thus while the term migration management lacked on the one hand a degree of substance, the proliferation of actors was on the other allowing states and the EU as a whole to choose which issues they wished to address. The result had been an increasing diversification in the policies employed towards managing migration.

The lack of a coordinated strategy for dealing with the effects of migration at a Global or European level was bemoaned by the Chief of Staff of the International Organization for Migration (IOM) headquarters in Geneva, Peter Schatzer, in the day's second presentation. Mr Schatzer commented that the absence of a single migration strategy severally hampered the work of both the IOM and other organizations involved in managing migration. This was because the IOM, in the same way as many other organizations involved in migration management, is financed to a great extent through projects carried out on the behalf of individual states and supranational organizations (chiefly the European Union). In this context Mr. Schatzer added that the IOM was required to apply separately for funding for each individual project and was hence unable to make coherent, long-term plans.

The next presentation was given by John Bingham, the Head of Policy of the International Catholic Mission Commission (ICMC) in Geneva. In a similar way to Mr. Schatzer, Mr. Bingham stressed the urgent need for a global response to the phenomenon of migration. He highlighted the reactionary, remedial nature of the migration strategies employed by European states and stressed that differing interests meant that European states did not always adopt identical policies on issues related to migration (e.g. the differences between the percentage of refugees whose asylum petitions were officially recognized in differing countries). The short-sighted, state-orientated nature of European migration policies prevented the development of more coherent strategies capable of doing justice to the complex nature of modern-day migration flows.

In the day's fourth presentation, William Walters (Carleton University, Ottawa) examined how an increasing fear of migration had led states to be-

come more and more security conscious in their approach towards migration in the last few years. He critically appraised three different aspects of this increasing securitization of migration during his presentation. Mr. Walters showed initially that the ›policing‹ of transport routes (i.e. at ports of entry, state boundaries etc.) had a significant influence on the public's perceptions of migrants. Mr. Walters labeled the conflicts which were taking place at the level of road (used as a metaphor to refer to all forms of transport) ›viapolitics‹. The political scientist also suggested that the threat of uncontrolled international migration was resulting in perceptions of belonging to a country or nation increasing in importance – something which he labeled ›domopolitics‹ in allusion to the Latin term ›domos‹ meaning ›home‹ or ›domestic‹. In the final part of the presentation, Mr. Walters explained how recent attempts to securitize and tighten national borders had gone hand in hand with a certain ›humanitarization‹ of migration management. By way of an example, Mr. Walters contrasted the attempts to securitize the US-Mexican border of the last few years with the humanitarian action of placing of water barrels along different sections of the border.

The day's final keynote speech was given by Bimal Ghosh. The renowned former UN migration expert and IOM Chief Consultant noted that, while attempts to manage migration were in themselves not new, the expression ›migration management‹ had been avoided up until the late 1980s. This was only to gradually change from the early 1990s onwards in wake of the new political and economic situation which had emerged following the collapse of communism. The editor of the seminal work ›Managing Migration. Time for a New International Regime?‹[2] added that neither an open-door policy favored by sections of the business community nor a restrictive, state-centred approach were capable of adequately responding to the challenges posed by migration in today's world. Instead, Mr. Ghosh argued that migration flows could best be managed by developing a set of comprehensive rules aimed at turning migration into a more predictable process. He labeled an approach of this nature ›regulated openness.‹ The conference finished with a discussion about the new politics of international mobility, during which future scenarios, critical perspectives and research gaps were discussed. The five keynote speakers together with Catherine de Wenden (Sciences Po, Paris), Andreas Pott (Osnabrück) and Antoine Pécoud (UNESCO, Paris) participated in a lively discussion on the issue of migration management in which both elements of the speeches and issues which had not been mentioned were discussed.

2 Bimal Ghosh (ed.), Managing Migration. Time for a New International Regime?, Oxford 2000.

The international workshop ›Disciplining Global Movements. Migration Management and its Discontents‹ that took place the following day (13 November) was able to examine different aspects of the concept of migration management in a little more depth. Around 30 academics participated in the workshop, organized by Martin Geiger and Antoine Pécoud. The workshop was divided into three parallel sessions, each of which concentrated on a different aspect of the migration management paradigm.

The first session examined the discourse of migration management which has developed in the past few years. Migration management has, in the words of one of the participants, Christina Oelgemöller (University of Sussex/UK), »come to stand for the recognition that migration is a normal feature of today's globalized world and should be more than the control of immigration by northern governments.« However, many participants criticized the concept as being too Eurocentric, and as merely serving the interests of European states. An example given here was the instrumental use of development aid to reduce migration pressures from developing countries (Janine Kisba Silga, European University Institute, Florence). In addition, discussions on migration management tend to produce a discourse which fits the needs of what Antonina Levatino (Universitat Pompeu Fabra, Barcelona) labeled the »central knots« of an increasingly interlinked, globalized system. In this respect the supposed ›win-win-win‹ situation can be exposed as being indeed to a certain extent an ›empty shell‹ which conceals the true hegemonic nature of the new migration discourse.

The second session critically evaluated international organizations and the management of migration. The number of international organizations involved in this field has increased exponentially in the last few years, especially following the adoption of the Global Approach to Migration by the European Commission in 2005. While increasing numbers of international bodies are now involved in migration management, the extent to which their involvement represents merely a continuation of a restrictive approach to migration was critically examined in many of the papers (e.g. Bernd Kasparek, University of Munich and Fabian Wagner, University of Frankfurt-on-Main). In this context many presentations actively discussed the connection between the policies carried out by IOs and conceptualization of migration management by European states, who together with the European Union largely finance programs in developing countries (Clotilde Caillault, University of Amsterdam, and Nadia Khrouz, NGO ›GADEM‹, Rabat). The involvement of IOs in migration management has increasingly allowed states and the EU to transfer responsibility of difficult projects to these non-governmental organizations and to thereby depoliticize issues related to migration. In this context some participants criticized the work of IOs as representing a mere continuation of the restrictive policies towards migration

which states had previously employed (e.g. Fabian Georgi, University of Frankfurt-on-Main and Susanne Schatral, University of Bremen).

The third session examined practices of migration management. Various different aspects of migration management were highlighted by scholars presenting papers during this session. One of these presentations examined the possible advantages and disadvantages of partnership programs for developing countries by making reference to the mobility partnership recently signed between Cape Verde and the European Union (José Pina-Delgado, University of Praia). The challenges faced by states when dealing with the presence of illegal migrants in their territory were also highlighted in some of the presentations given in this session. In this context Anne Koch (Berlin Graduate School for Transnational Studies) highlighted on the one hand the problems states experience in balancing humanitarian concerns with the desire to assert their sovereign right to control access into their territory. On the other hand, Adèle Garnier (University of Leipzig) showed that European states are increasingly interested in following the Australian example of selecting which refugees they want to accept and thus integrating asylum into a strategy of migration management.

Both the conference and the workshop succeeded in highlighting some of the reasons why states are becoming increasingly interested in managing migration flows. However, the various presentations given during the two days also showed many of the problems of this new discourse. In addition, it remains to be seen whether the unpredictable nature of migratory movements, and especially of refugees and other displaced persons, can ever be truly ›managed‹.

Duncan Cooper wrote his PhD at the University of Osnabrück in Germany. His PhD thesis is entitled ›Immigration and German Identity in the Federal Republic of Germany from 1945 to 2006.‹ His research interests include nationalism, migration and recent German history.

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Clotilde Caillault currently works for Caritas France on a projects promoting asylum seekers' rights in France. In 2010 she graduated from the Bordeaux Institute of Political Studies (Sciences Po Bordeaux). She then pursued her studies at the University of Amsterdam and obtained a Master Degree in So-

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Fabian Georgi studied political science and international relations at the Free University of Berlin and the University of Kent, Canterbury/UK. His MA thesis, a critical case study of the International Centre for Migration Policy Development (ICMPD), was published as a monograph in 2007. He worked as a research associate at the Berlin Institute for Comparative Social Research and as a lecturer for political theory at the Free University of Berlin. In 2008 he received a PhD scholarship from the Hans Boeckler Foundation. His thesis focuses on the history of the International Organization for Migration (IOM). Since December 2009, he has been a research associate at the Institute for Social Research in Frankfurt-on-Main and part of the ›State Project Europe‹ research project funded by the Deutsche Forschungsgemeinschaft. His research interests include critical theory, materialist state theory and international migration policy. Fabian Georgi is the author of several publications, including the chapter *For the Benefit of Some: The International Organization for Migration and its Global Migration Management,* in: Martin Geiger/Antoine Pécoud (eds.), The Politics of International Migration Management, Palgrave Macmillan, 2010, and *Die International Organization for Migration,* in: Sabine Hess/Bernd Kasparek (eds.), Grenzregime. Diskurse, Praktiken, Institutionen in Europa, Assoziation A, 2010.

Bimal Ghosh is an emeritus professor of Colombia's Graduate School of Public Administration and a fellow at the Institute of International Policy and Diplomacy, University of Tadeo Lozano, Bogota. Previous academic assignments included the Institute of Development Studies, England, School of Advanced International Studies, Washington, DC, Harvard Institute for International Development and Graduate Institute of International and Development Studies, Geneva. Bimal Ghosh was senior director and coordinator in the UN development system and held positions, among others, as UNDP resident director, and ILO director of technical cooperation and development. He has served as the director of a UN/IOM global project on migration management (NIROMP), as a member of the UNHRC intergovernmental group of experts on migrants' human rights (1998–99), as the scientific coordinator of the West African Ministerial conference on migration and development (Dakar, 2000) and pioneered the UN/UNHCR program on refugee integration and development. He planned and coordinated Colombia's first national plan of development (technical) assistance (1971–75), hailed as a model program by the UNDP Governing Council. Bimal Ghosh is a recipient of various academic awards and prestigious national honors for his contribution to development and international cooperation, he is the author of more than a dozen books and numerous reports and papers on migration, including: *Gains from Global Linkages :Trade in Services and Movement of Persons* (Macmillan, 1987); *Huddled Masses and Uncertain Shores: Insights into Irregular Migration* (Martinus Nijhoff/Kluwer Law, 1988); *Managing Migration: Time for a New International Regime?* (editor; co-author, Oxford University Press, 2000); *Return Migration: Journey of Hope or Despair?* (UN/IOM, 2000); *Elusive Protection, Uncertain Lands: Migrants' Access to Human Rights* (IOM, 2003); *Myths, Rhetoric and Realities: Migrants' Remittances and Development* (IOM/THP, 2006); *Human Rights and Migration: The Missing Link* (University of Utrecht/ THP, 2008); *The Global Economic Crisis and Migration: Where Do We Go from Here?* (IOM, 2010) and *The Global Economic Crisis and The Future of Migration: How Will Migration Look Like in 2045?* (Palgrave [2012]).

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Susanne Schatral has studied cultural history of Eastern Europe, history, and cultural studies at the University of Bremen. At the Centre for Gender Studies at the University of Bremen, she is currently finishing her PhD with the working title *IOM and the Implementation of EU-Anti-Trafficking-Policies in Germany and in the Russian Federation*. Susanne Schatral is the author of several articles and book chapters on anti-trafficking activities, including *Categorisation and Instruction: IOM's Role in Preventing Human Trafficking in the Russian Federatio,* in: Tul'si Bhambry et al. (eds.), Perpetual Motion? Transformation and Transition in Central and Eastern Europe & Russia, UCL 2011, and *Awareness Raising Campaigns against Human Trafficking in the Russian Federation: Simply Adding Males or Redefining a Gendered Issue?*, in: Anthropology of East Europe Review, 28. 2010, no. 1, pp. 239–267.

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Yokuwakaru kokusai shakaigaku (Understandable Transnational Sociology), Mineruva Shobo 2009; *Theorizing International Norms and Immigrant Rights: Japanese Cases,* in: Hyun-Chin Lim et al. (eds.), The New Asias: the Global Futures of World Regions, Seoul and Washington: Seoul National University Press, 2010; *Sovereignty Game, Asylum Policy and Healthy Being in Japan*, in: Wai Ling Lai et al. (eds.), A Study of Healthy Being: From Interdisciplinary Perspectives, Azusa Shuppan, 2010; *Citizenship Models in the Age of International Migration*, in: Koichi Hasegawa and Naoki Yoshihara (eds.), Globalization, Minorities and Civil Society: Perspectives from Asian and Western Cities, Melbourne: Trans Pacific Press, 2008; *Kokusai imin to sitizunshippu gabanansu* (International Migration and Citizenship Governance), Mineruva Shobo 2012.

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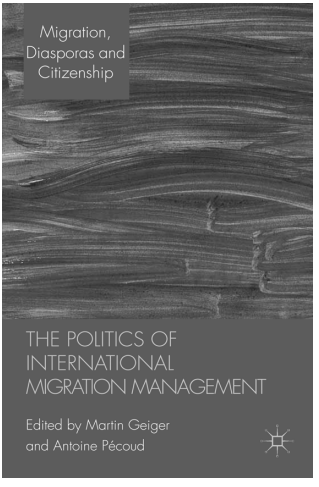

The Politics of International Migration Management

Edited by
Martin GEIGER and Antoine PÉCOUD
Series: Migration, Minorities and Citizenship
Palgrave Macmillan
320 pages

Hardcover, published October 2010
ISBN 978-0-230-27258-3
£58.00

Paperback, from August 2012
ISBN 978-1-137-03023-8
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'International migration management' is a new concept for understanding and rethinking migration flows. Throughout the world, governments and intergovernmental organizations, such as the International Organization for Migration, are developing new approaches aimed at renewing migration policy-making. This includes calls for cooperation between governments to govern migration flows; an understanding that migration is a normal process in a globalizing world rather than a problem; a 'post-control' spirit that goes beyond the restrictions on peoples' mobility to draft proactive policies; and a promotion of holistic approaches to migration, not only centred on security or labour, but also on development and human rights.
This book critically analyses the actors, discourses and practices of migration management, including both empirical investigations of new forms of migration policy and analytical explorations of their political and ideological foundations.

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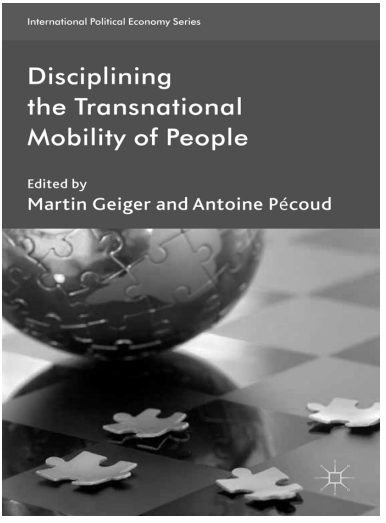

Disciplining the Transnational Mobility of People

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Hardback, publishing June 2013

ISBN 978-1-137-26306-3

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A core feature of contemporary migration politics lies in the claim to regulate and discipline the cross- border mobility of people 'through', 'in the interest of' and 'with the help of' the very individuals that cross national borders. Popularised by notions such as 'smart borders' or 'migration management', these practices and technologies raise important questions regarding strategies of migration control, the exercise of power, and their effects on individuals, societies and states. The authors of this book scrutinize these new developments and contribute to the critical debates surrounding the 'governance' of transnational mobility.