Why migration policies fail[1]

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Abstract

Immigration and asylum are key political issues in Britain and the European Union. Yet the policies of states and supranational bodies seem to have had little success in preventing unwanted flows and effectively managing immigration and integration. This article examines three types of reasons for policy failure: factors arising from the social dynamics of the migratory process; factors linked to globalization and the North-South divide; and factors arising within political systems. Key issues include the role of migrant agency, the way the North-South divide encourages flows, and hidden agendas in national policies. EU efforts attempts to address the root causes of migration in countries of origin are discussed. The article concludes that migration policies might be more successful if they were explicitly linked to long-term political agendas concerned with trade, development and conflict prevention. Reducing North-South inequality is the real key to effective migration management.

Immigration control has been an important issue in Britain since the late 1950s and in the rest of Western Europe since the mid-1970s. In more recent years, it has gone right to the top of the political agenda. Indeed, some politicians, sections of the media and academics argue that there is a 'global migration crisis' (Weiner 1995; Zolberg 2001). Yet the more that states and supranational bodies do to restrict and manage migration, the less successful they seem to be. 'The gap between the *goals* of national immigration policy . . . and the actual results of policies in this area (policy *outcomes*) is wide and growing wider in all major industrialised democracies' (Cornelius, Martin and Hollifield 1994). Undocumented migration, entry of asylum seekers and the formation of new ethnic communities all seem to be driven by forces which governments cannot control. This does not mean that state policies do not matter – they do influence migratory patterns in

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important ways – but often not in the ways policy-makers say that they intend. Here is an example.

For years the US Government has been trying to stop illegal entry and employment of migrant workers. Mexican workers were officially recruited for agriculture and other sectors from the 1940s. In 1964 this programme was terminated, but labour demand remained high, and large-scale illegal entry continued. The US Immigration Reform and Control Act [IRCA] of 1986 made hiring of unauthorized aliens an offence, and introduced arrangements to legalize migrant workers who could prove they had worked in the USA for a certain period. About 2.7 million aliens obtained legal immigrant status. However, the US Government failed to implement effective employer sanctions (i.e. fines or imprisonment for those employing undocumented workers). Legalized workers moved out of low-wage agricultural work into better-paid industrial or services jobs, and were able to bring in dependants under family reunion rules. Agricultural employers demanded – and obtained – a Replacement Agricultural Workers scheme, but on the whole it was cheaper and easier for them to employ illegal workers (Kramer 1999; Martin and Miller 2000; Castles and Miller 2003, Ch. 5). Thus IRCA led to a considerable increase in the legal immigrant population, but did nothing to curb undocumented entry.

In response to the failure of IRCA, the Clinton Administration announced 'Operation Gatekeeper' in 1994. The US Immigration and Naturalisation Service [INS] introduced double steel fences, helicopters, searchlights and high tech equipment along the US–Mexico border. The number of agents patrolling the border doubled. The INS budget tripled from 1994 to 2000, reaching $5.5 billion. However, there was no decline in illegal border crossings, and Californian agriculture experienced no shortage of migrant labour. The number of people dying as they attempted to cross the border increased from 23 in 1994 to 499 in 2000. The cause of death also altered as people were forced to cross in remote areas. In 2000, the victims died mainly of dehydration, hypothermia or sunstroke in the Arizona desert, or drowning as they attempted to swim the All American Canal. The average cost of hiring 'coyotes' (people smugglers) rose from $143 to $1,500 in six years (Cornelius 2001). In the 1990s, other flows of illegal labour migration developed, notably from China. Calculations based on the 2000 Census put the undocumented immigrant population of the USA at 9 million.

There are many other examples of policies which achieved almost the opposite of their original intentions:

- Australia's postwar immigration programme, which was designed to keep the country white and British, and yet led to one of the world's most diverse societies.

- Germany's 'guestworker' recruitment from 1955–73, which aimed to provide temporary labour, but in the long run led to family reunion, permanent settlement and the emergence of new ethnic minorities.
- The post-imperial migration and citizenship policies of France, The Netherlands and Britain, which were designed to maintain spheres of political and economic influence, yet led to large-scale migration and ethnic diversity.
- Recent European immigration restriction policies, which have created a profitable international business for people smugglers.

These examples are well known, but nonetheless instructive. First, they involve strong, efficient states. Thus *it is not necessarily the weakness of the receiving state which is crucial in policy failure*. Second, the failure of policies only became clear after considerable periods. This indicates *that migration policies may fail if they are based on a short-term view of the migratory process*. Third, it appears that factors inherent in the experience of migration can lead to outcomes which were not expected or wanted by the participants. *It is necessary to analyse the migratory process as a long-term social process with its own dynamics* starting from the migration decision in the country of origin right through to settlement, community formation and birth of new generations in the immigration country.

What is meant by *policy failure*? This is used here in a normative sense. Some people might say that ineffective migration policies have actually led to more open and inclusive societies. In an analytical sense, *policy failure can be said to occur when a policy does not achieve its stated objectives*. However, this means basing evaluation of policies on the accuracy and openness of policy objectives. But politicians and officials may be reluctant to declare their true objectives, for fear of arousing opposition. This makes it necessary to question ostensible goals and look for hidden agendas. In any case, policy success or failure is not usually not absolute: policies may achieve some, but not all, of their objectives, or have unintended consequences.

This article examines a range of factors which cause migration, and discusses the interaction of these factors in shaping policy regimes, and in undermining them. It then examines current European Union [EU] policies on migration and asylum, with special reference to measures designed to address 'root causes' of migration.

Factors shaping migration and their consequences for policy formation

Migratory processes are determined and influenced by a broad range of conditions in sending and receiving countries, and in the relationships between them. A full understanding of any migratory flow requires a detailed analysis of all the societies involved. However, it is possible to

abstract from specific cases, and to present some of the most important general factors. Three types will be discussed here:

- Factors arising from the social dynamics of the migratory process
- Factors linked to globalization, transnationalism and North-South relationships
- Factors within political systems

Factors arising from the social dynamics of the migratory process

Two beliefs have been particularly influential in migration policy formation. One is the economic belief in market behaviour based on neo-classical cost-benefit calculations: people move if this maximizes their individual utility (usually through higher income), and cease to move or even move back if the cost-benefit equation changes. The second is the bureaucratic belief that regulations designed to categorize migrants and to differentially regulate their admission and residence effectively shape aggregate behaviour. Together these two beliefs add up to the idea that migration can be turned on and off like a tap by appropriate policy settings.

Both these beliefs ignore a wealth of historical experiences. For instance, in the 1970s German policy-makers thought that unwanted 'guestworkers' would go away, because of the temporary residence principle built into the recruitment system, and because employment opportunities had declined. These predictions proved false. Migrants brought in their families and decided to stay on for the long term. Yet Germany had experienced similar patterns with regard to Polish migrant workers before World War I. Historical memories were perhaps over-ridden by the belief that modern administrative systems were more effective than in the past. However, the main reason was probably a simple failure to see migration as a social process, with its own inherent dynamics. This can be broken down into a number of factors.

Chain migration and networks. Chain migration describes the way an initial migration – usually of young workers – is often followed by others from the same family or community (Price 1963). Today, migration scholars emphasize the role of *migrant networks* in easing the move to a new country, and providing help with work, housing and other needs on arrival (Boyd 1989). Such links provide vital resources for individuals and groups, and may be referred to as 'social capital' (Bourdieu and Wacquant 1992, p. 119). Networks are important not only for economic migrants, but also for refugees and asylum seekers, whose choice of route and destination is strongly influenced by existing connections (Koser 1997). Networks also provide the basis for processes of settlement and community formation in the immigration area.

The family and community play a vital role. Migration decisions are

often made not by individuals but by families. In situations of rapid change, a family may decide to send one or more members to work in another region or country, in order to maximize income and survival chances (Hugo 1994). Family linkages often provide both the financial and the cultural capital (that is the knowledge of opportunities and means of mobility), which make migration possible. The 'new economics of labour migration' approach emphasizes the importance of family strategies designed to obtain secure employment and investment capital, and to manage risk over long periods (Taylor 1987; Stark 1991).

Position within the life-cycle. In economic migration, the primary migrant is usually a young man or woman in search of temporary work, who often intends to return home once certain savings targets have been reached. Difficulty in achieving such targets may lead to prolonged stay. This, in turn, encourages family reunion or formation. People start to see their life perspectives in the new country. Once migrants' children go to school in the new country, learn the language, join peer groups and develop bicultural or transcultural identities, it becomes very difficult for the parents to leave.

The migration industry. Once a migration gets under way, needs arise for a variety of special services. The migration industry includes travel agents, lawyers, bankers, labour recruiters, brokers, interpreters and housing agents. If a government decides to curtail migration, it may have difficulties, because such agents may go on organizing migration, though the form may change (e.g. from legal worker recruitment to asylum migration or undocumented entry). Facilitating migration is a major and largely legal international business (Salt and Clarke 2000, p. 327). However, public attention has lately focused on the illegal side of the migration industry. The campaign against smugglers and traffickers can lead to criminalization of all migrants, and may serve to legitimate failures in official policies.

Policies as opportunity structures. People lucky enough to enjoy a middle-class position in developed countries tend to have a positive view of the state and the law. The majority of the world's population, who live in inefficient, corrupt and sometimes violent states, may see things differently. They have to cope despite the state, not because of it. From this perspective, migration rules become just another barrier to be overcome in order to survive. Potential migrants do not decide to stay put just because the receiving state says they are not welcome – especially if the labour market tells a different story. Policies become opportunity structures to be compared and negotiated.

Migrant agency. All of the factors mentioned so far can be summed up in the notion of migrant agency: migrants are not just isolated individuals who react to market stimuli and bureaucratic rules, but social beings who seek to achieve better outcomes for themselves, their families and their communities through actively shaping the migratory process. Migratory

movements, once started, become self-sustaining social processes. It is vital to add this sociological and anthropological insight to the structural or institutional models provided by economists, political scientists and legal specialists.

However, structural factors are also part of the migratory process. Both emigration and immigration countries can become structurally dependent on migration.

Structural dependence on emigration. Many less-developed countries have identified labour export as important in reducing unemployment, improving the balance of payments, securing skills and investment capital, and stimulating development. Where governments encourage emigration, as in the Philippines under Marcos, it can become a long-term structural feature of the economy (Abella 1993; Saith 1997). Migration can become a substitute for development rather than a contribution to it (Castles 2000). This, in turn, can lead to a *culture of emigration*, in which working abroad can become a normal *rite de passage* for young people. This applied to Italy until about 1970, and applies today to Mexico, the Philippines and other countries.

Structural dependence on immigrant labour has been significant in many countries. In the 1970s Western European countries found they could not dispense with migrants despite the existence of high unemployment, because migrant workers were concentrated in jobs which locals were unable or unwilling to do. The US agricultural sector needs undocumented Mexican workers, in order to keep production costs low. Labour migration in Asia resumed quickly after the 1997–99 Financial Crisis, even though many nationals remained jobless.

Factors linked to globalization, transnationalism and the North-South divide

International migration is by definition a cross-border process with transnational dimensions. There is therefore nothing intrinsically new about these factors, but they are gaining in significance, due to global economic, political, technological and cultural changes. Estimates for 2000 indicated that there were 175 million international migrants worldwide (defined as people who had lived outside their country of birth for at least twelve months). The global total has doubled since 1975, and 60 per cent of migrants now live in developed countries, where almost one in ten persons is a migrant, compared with one in 70 in developing countries (United Nations Population Division 2002). Although North-North and South-South migration remain very large, South-North migration seems to be growing fastest.

The North-South divide generates migration. International borders help maintain inequality (Zolberg 1989, p. 406). Today, the most crucial borders are no longer those between nation-states, but those between

North and South: that is, between the powerful nations of North America, Western Europe, Japan, and Oceania, and the poorer countries of Africa, Asia and Latin America. The North-South divide is, of course, not a geographical expression, but a political and social one. Nor is it absolute, since the North includes areas and groups subject to social exclusion, while the South has prosperous cities and elite groups. There are also important regions and groups in intermediate or transitional positions. The North-South divide is a useful general term for the growing disparities in income, social conditions, human rights and security linked to globalization. These create considerable pressure to migrate in search of better living conditions and greater personal freedom and security. Since weak economies and weak states generally go together, people move both to escape impoverishment and human rights abuse. Such 'multiple motivations' lead to a 'migration-asylum nexus', which makes it hard to distinguish clearly between economic migrants and refugees. Thus, the perceived 'migration crisis' is really a crisis in North-South relations, caused by uneven development and gross inequality. Migration control is essentially about regulating North-South relations.

Globalization generates the cultural capital and technical means needed for migration. Globalization essentially means flows across borders: flows of capital, commodities, ideas and people. States welcome the first two types, but are suspicious of the others. The mobility of people is regulated and differentiated. Developed countries compete to attract highly trained managers and specialists, such as Indian IT professionals, or African and Asian medical personnel for the British National Health Service. The demand for unskilled workers in agricultural, construction, industry and services is also high, but many states fail to recognize this, so that workers have to move through illegal channels. Globalization also creates strong cultural pressures for mobility. Global media project idealized images of First World life-styles into the poorest villages. Electronic communications facilitate the dissemination of knowledge of migration routes and work opportunities. Long-distance travel has become cheaper and more accessible.

Globalization transforms the character of migration. People move further, giving rise to greater ethno-cultural diversity. In the past, migrants moved mainly with the intention of permanent settlement or a temporary sojourn in one country. Now patterns of repeated or circulatory mobility are proliferating. North African migrants to France, Italy and Spain often develop migrant careers which lead neither to permanent settlement nor permanent return, but rather to repeated sojourns of varying duration, punctuated by returns to the country of origin (Peraldi 2001). Even classical migration countries like Australia now find that temporary entry for work and study exceeds permanent settler entry (DIMIA 2001). At the same time, many young Australians find that a

period of work abroad is essential for professional advancement. Thus migration is becoming far more amorphous and complex.

Transnational communities. Modes of incorporation of migrants in receiving countries are changing. Until the 1960s, most migrants were treated either as permanent settlers, who were to be assimilated, or as temporary sojourners, who were to be kept separate from the host population through special legal regimes. By the 1970s, community formation and ethnic mobilization led a third approach – multiculturalism. But all these approaches were based on the principle that people would base their social relationships in just one society, and would owe their allegiance to just one nation-state. The new ease of movement and communication makes it possible for people to live their lives across borders, forming *transnational communities*. These may be defined as groups based in two or more countries, which engage in recurrent, enduring and significant cross-border activities, which may be economic, political, social or cultural (Portes, Guarnizo and Landolt 1999). If frequent mobility across borders is part of a group's everyday life, this drives migration and provides a powerful motivation to overcome barriers imposed by states.

National versus transnational logic. Taken together, these factors add up to the idea that state migration control efforts still follow a national logic, while many of the forces driving migration follow a transnational logic. Clearly the new forms of mobility and transnational behaviour fit a transnational logic much better than do state migration rules. On the other hand, it would certainly be misleading to claim that the logic of globalization or transnationalism has completely superseded national logic. Only about 3 per cent of the world's population are migrants (United Nations Population Division 2002), and most of these probably still see themselves either as settlers or sojourners. States and their policies remain important, and the most powerful states do seek to exercise hegemony in global governance and economic affairs. My argument is that there is a trend for transnational phenomena to become increasingly important, and to pose a challenge to national regulation, especially in the field of migration control. Migration networks are one of the unexpected and unplanned ways in which the South and North reconnect, despite the containment strategies of Northern states (Duffield 2001).

Factors within the political system

Difficulties in implementing migration policies arise to a large extent from the interactions between the factors already mentioned and the political systems of the states concerned. However, these systems are complex and contradictory in themselves. This applies particularly to liberal-democratic receiving states, but countries of emigration also face

contradictions, and even less-democratic receiving states find that migration control comes up against competing interests.

Political conflicts in emigration countries. Some governments have encouraged labour migration, while others have concluded that, since they could not prevent it, some form of regulation was desirable (Abella 1995). Sending countries have set up special departments, such as India's Office of the Protector of Emigrants, and the Philippine's Overseas Employment Administration [POEA] and Overseas Workers' Welfare Administration [OWWA]. But as national economies and local communities become dependent on migrant remittances, it becomes increasingly difficult for governments to effectively regulate migration or protect their citizens. This can lead to political conflict, based on the accusation that the inability to provide a decent livelihood at home is a major failure of the state (Aguilar 1996).

The Philippines provides a good example: in 1995, the execution of Flor Contemplacion, a domestic worker hanged for murder in Singapore, appeared to the Philippines public as the culmination of a long series of humiliations suffered by overseas contract workers [OCWs]. There was large-scale mobilization by opposition parties, church associations, women's groups, labour unions and OCW organizations (Gonzalez 1998, pp. 6–7). The Ramos Administration temporarily suspended migration of domestic workers to Singapore, and Parliament passed the Migrant Workers and Overseas Filipinos Act – the 'OCWs' Magna Carta'. This Act claimed to represent a shift in philosophy away from the primacy of economic goals, in favour of protecting the dignity and human rights of Filipinos (Go 1998). Yet there is no evidence of a subsequent reduction in migration of female entertainers or domestic workers, nor of substantial improvement in the conditions of OCWs. A major difficulty is the unwillingness of labour-recruiting countries to cooperate by entering into bilateral agreements, or by adhering to multilateral instruments such as the 1990 UN Convention on the Rights of All Migrant Workers and Members of their Families. In a situation of global labour over-supply the overwhelming market power remains with the labour-importing countries.

Interest conflicts in immigration countries are also linked to structural dependence. In Malaysia, for example, pressure by plantation owners curtailed a planned mass expulsion of workers during the 1997–99 Asian financial crisis. This was part of a trend to politicization of migration (Pillai 1999, pp. 182–6). By 1999, the Government was under pressure from the Malaysian Agricultural Producers Association, the construction industry and some state governments to bring in more workers. The Malaysian Trade Unions Congress opposed labour recruitment due to its effects on jobs and wages for local workers, while Chinese political groupings feared that Indonesian immigration would alter the ethnic balance to their disadvantage. The government party, UMNO, and the

main Islamic opposition party, PAS, both supported Indonesian entries as a potential boost to Malay and Islamic interests (Jones 2000).

Even authoritarian immigration countries may experience interest conflicts. Oil-producing states in the Persian Gulf and Africa have been notorious for draconian labour rules and for mass deportations. Yet two factors could lead to change. The first is dependence on foreign labour: by the 1990s non-nationals outnumbered nationals by more than two to one in the workforce of Saudi Arabia, Kuwait and other Gulf states. The second is the feminization of the foreign labour force, due to recruitment of domestic workers, teachers and medical personnel. This could create a potential for family formation. As elsewhere, employers will want to retain good workers. Labour market authorities will be reluctant to take steps that could destabilize the economy. This is hypothetical at present, since some Gulf states are trying to reduce dependence on foreign labour. It remains to be seen whether they will be more successful than Germany, Japan or the USA in this.

Interest conflicts and hidden agendas in migration policies. In democratic states, interest groups are seen as important actors in policy formation. Migration is perceived as advantageous by some groups, and as negative by others. Typically, employers in certain sectors favour recruitment of migrant workers, while competing local workers are opposed. Unions are ambivalent: they may wish to oppose immigration in the interests of local workers, but be reluctant to do so, because they want to organize the newcomers. Some people may oppose settlement of immigrants in their neighbourhoods because they feel it will worsen housing conditions and amenities, while others may see immigration as a source of urban renewal and a more vibrant cultural mix. Politicians, social movements and the media all have a role in shaping and directing people's reactions to migration.

In such situations, governments usually cannot openly decide to favour the interests of one group and ignore others. There are examples, such as the German guestworker policy, which was overwhelmingly driven by employer interests. But more often, the state tries to balance competing interests, or at least to convince certain groups that their wishes are being considered. The strength of nationalism and racism in immigration countries has made it easier to mobilize public opinion against immigration than for it. This can mean that politicians are content to provide anti-immigration rhetoric while actually pursuing policies that lead to more immigration, because this meets important economic or labour market objectives. This explains the *hidden agendas* in many migration policies – that is, policies which purport to follow certain objectives, while actually doing the opposite.

The political ability to control migration. Official rhetoric stresses the will and capacity to manage flows, but the reality seems to contradict this. Why, for instance, does the Japanese Government not take effective

measures to stop employment of undocumented workers? Administrative weakness does not seem to be a major reason. Nor is ignorance, when a casual observer can find streets where illegal day-labourers are hired by contractors every morning. Instead, it seems to be a way of managing the contradiction that Japan desperately needs unskilled workers, while public opinion will not accept a labour recruitment policy. In 1989 the government introduced severe penalties for illegal foreign workers, brokers and employers. Since then the authorities have opened various 'side-doors': hiring of *Nikkeijin* (people of Japanese origin) from Brazil and Peru, and recruitment of 'trainees' or 'language students', who are permitted to work twenty hours per week (Oishi 1995; Mori 1997). The 'backdoor' of irregular labour migration also appears to be tolerated.

Parallels with the US example above are obvious. Similarly, one could ask why the 2002 UK Immigration and Asylum Act failed to set up a legal entry system for low-skilled workers, even though the need for them in agriculture, catering and the National Health Service was widely recognized? In a wider sense the growth of undocumented migration throughout Europe can be seen as a response to neo-liberal labour market deregulation, which has led to a weakening of inspection systems and the decline of the trade unions. Growth of casual employment and sub-contracting has caused a rapid growth in the informal sector, even in Northern European countries. This informal sector is a major source of attraction for migrant workers. Thus, undocumented migration is an indirect effect of state policies which have quite different motivations (Reyneri 1999).

Contradictions within the policy formation process. The preceding points underline the importance of economic and social interests, and the way the state tries to balance these. This has led to the notion of 'clientelist politics', according to which migration policy-making can be dominated by powerful organized interests, such as agricultural employers or the construction industry (Freeman 1995). Such critiques often take on a normative tone, with the implication that the state is somehow being captured or manipulated, yet surely this is how the liberal state is meant to function: as a mechanism for aggregating and negotiating group interests. In any case, such approaches are economically over-determined, and portray the state as a mere reflection of societal interests. Hollifield argues instead that state itself should be a main unit of analysis in explaining policy formation processes and outcomes (Hollifield 2000, pp. 144–6). Similarly Sciortino seeks to explain the 'low rationality of immigration policy in relation to its declared goals', by focusing on the 'social structure' of policy-making, rather than on the interests it is supposed to serve. Such an analysis could explain how migration policy could shift from being seen as an economic issue to a national identity issue in Europe (Sciortino 2000). However, it seems to me that looking at the

political economy of interests and looking at the political sociology of the state are not mutually exclusive. Both clearly influence policy outputs and outcomes. The interaction between the two is yet another factor which makes migration policy so complex and contradictory.

The importance of rights. In his 'liberal state thesis', Hollifield draws attention to the importance of rights as a factor limiting the ability of the state to manage migration (Hollifield 2000). Similarly, Hammar has shown how the acquisition of rights within receiving states has led to what he calls 'denizenship' (Hammar 1990). Soysal emphasizes the role of international legal norms in improving migrant rights (Soysal 1994). Constitutional norms concerning protection of the family and role of the courts in enforcing these were major factors in preventing repatriation policies in 1970s Europe. Today, the European Convention on Human Rights is regularly invoked by migrants, leading to appeals against national decisions before the European Court of Justice. In Japan, constitutional rights and the strong legal system have been important in improving migrant rights (Kondo 2001). As long-term immigrants acquire rights in liberal states, it becomes harder to see them as temporary outsiders in society. This generates strong pressures for social incorporation and eventually for access to citizenship (Castles and Davidson 2000; Aleinikoff and Klusmeyer 2001).

The importance of civil society. Even liberal western countries have been reluctant to grant rights to migrants. Here various movements and non-governmental organizations [NGOs] campaign against discrimination and racism, and for the rights of migrants. As migrants settle and gain rights they have also played an important role through their own associations. Civil society can be even more important in the new immigration countries of Asia, where political systems are still very resistant to rights for immigrants (Castles 2001). Japan has many NGOs providing social assistance and support to migrants (Kondo 2001). In Malaysia, a growing number of associations support migrants. The trial of Irene Fernandez, leader of the women's rights organization *Tenaganita*, for exposing bad conditions in migrant detention centres, became a major public issue in the late 1990s (Jones 2000).

The welfare state. Social rights are an important part of citizenship in liberal states. Some observers suggest strong welfare states tend towards closure to newcomers (Bommes and Halfmann 1998). This is borne out by attempts to restrict access to welfare by recent immigrants in Australia and the USA. However, the welfare state has also been a major factor driving incorporation of immigrants. This is because it follows a logic of inclusion: failure to grant social rights to any group of residents leads to social divisions, and can undermine the rights of the majority. The local state was far ahead of the national state in providing integration programmes in education and welfare in Germany. A de facto local multiculturalism was evolving in the 1980s, long before it became a policy

issue at the national level. In Japan, public authorities are gradually including foreign residents – even irregular workers – in employment, health, education and welfare services (Mori 1997, pp. 189–206; OECD 1998, p. 131).

European Union attempts to address 'root causes' of migration

Inevitably, the preceding discussion of factors affecting migration policies has been rather abstract and general. The following is an attempt to show the interaction of these factors through a specific example: EU policies designed to improve management of migration and asylum by addressing the root causes of migration. This section is based on a recent report published by the Institute of Public Policy Research (Castles, Loughna and Crawley 2003).[2]

Development of EU migration policy

The 1957 Treaty of Rome, which established the European Economic Community [EEC], laid down freedom of movement of workers (along with free movement of capital, goods and services). However, this only referred to workers moving between member states. The much larger flows from outside the EEC were seen as a matter for national regulation. The unplanned processes of family reunion and ethnic community formation in EU countries led to varying national responses (Baldwin-Edwards and Schain 1994; Baubock 1994; Koopmans and Statham 2000; Castles and Miller 2003, Chs 10 and 11). Until the mid-1980s, there was little European cooperation on migration and integration policy. The 1985 Schengen agreement laid the foundations for an area of free movement within strictly controlled external borders. But this agreement was not part of the European Community framework, and initially included only France, Germany and the Benelux countries (and it was not implemented until 1995). From the 1980s, perceptions grew that immigration and integration were issues that needed to be addressed at the European level (Geddes 2003).

The 1997 Treaty of Amsterdam (Articles 61, 62 and 63) defined policy objectives with regard to migration, asylum, the free movement of persons, visas, rules governing the crossing of the EU's external borders, and the rights of nationals of third countries. Community competence is to be introduced by 2004 (with the exception of immigration controls, and rights of third country nationals). Policy principles were laid down by the 1999 European Council meeting in Tampere. These included four main elements: the more efficient management of migration flows; a common European asylum system; partnership with countries of origin; and fair treatment of third country nationals (Commission of the European Communities 2000). The account here concentrates on the

third element: partnership with countries of origin. This is generally understood as measures to address the root causes of emigration in countries and regions of origin and transit. In looking at EU policy, it is important to remember that the current period is marked by multi-level policy-making: responsibilities are shared between the EU and the member-state governments. Within the EU, various bodies – including the Commission, the Parliament, the Council of Ministers and the European Court of Justice – have differing and often cross-cutting roles. Even after 2004, responsibilities will still be shared (and contested) in many areas.

European states have seen migration control as central to national sovereignty and identity. However, governments and European Commission [EC] officials have increasingly realized that restriction alone would not work. In December 1992 the Edinburgh European Council[3] called for measures to address the causes of migration, including preservation of peace and ending armed conflicts, respect for human rights, the creation of democratic societies and adequate social conditions, and liberal trade policies to improve economic conditions. It was recognized that this would require coordination in the fields of foreign policy, economic cooperation and immigration and asylum policy (Spencer 1996). This approach was reinforced by influxes of people fleeing the wars in former Yugoslavia. Efforts to achieve conflict resolution and reconstruction in Bosnia-Herzegovina and Kosovo were motivated by a range of considerations, but limiting the extent of migration and asylum to EU member states was certainly an important aspect. This led to initiatives concerning early warning systems, conflict prevention, cooperation with neighbouring states and post-conflict reconstruction (De Jong 1996).

In practice, it proved hard to implement measures to address root causes. The call for a comprehensive approach came mainly from EU officials and member state ministries concerned with immigration and home affairs. However, the EC Directorates-General[4] and the member state ministers responsible for external affairs, development assistance and humanitarian aid showed little willingness to address migration issues explicitly. This was partly because policy objectives and priorities in these areas differed from those of home affairs ministries. In fact, since the early 1990s, the EU has included a so-called human rights clause in most of its bilateral trade and cooperation agreements with third countries, but these did not have the prevention of migration or asylum seeker flows as an overt objective.

Towards comprehensive approaches?

Effective policies to address the root causes of migration seemed impossible without a strong EU coordinating mechanism. The basis for this was

provided by the Amsterdam Treaty. Soon afterwards, the EC established a High Level Working Group on Asylum and Migration [HLWG], consisting not only of Justice and Home Affairs officials, but also experts in the fields of foreign, security, development and economic policy. The HLWG was to produce Action Plans for specific countries to address the root causes of migration. The 1999 Tampere Principles underlined the need for a comprehensive approach. The HLWG drew up Action Plans for Albania, Afghanistan, Iraq, Morocco, Somalia and Sri Lanka. According to an EU report:

> The Action Plans contain proposals for measures for cooperation with the countries concerned in three integrated categories: foreign policy, development and assistance as well as migration and asylum. The Action Plans can be considered as a first attempt by the European Union to define a comprehensive and coherent approach targeted at the situation in a number of important countries of origin or transit of asylum seekers and migrants. (Council of the European Union 2000, paragraph 10)

However, an analysis of the HLWG process reveals a number of problems. First, the Action Plans deal only cursorily with preventive measures such as conflict resolution, development and poverty reduction in countries of origin. Their primary focus is on exporting migration control measures, such as airline liaison officers, anti-immigration information campaigns, and readmission arrangements to the source countries. NGOs have criticized the Action Plans for failing to adequately address human rights violations in countries of origin. For example, the report on Iraq draws attention to generalized persecution, yet makes no proposals to facilitate the entry into the EU of people in genuine need of protection (Human Rights Watch 2001). Second, despite the principle of cooperation with countries of origin, the Action Plans were not based on exhaustive consultation with the governments concerned. The Moroccan Government, for instance, was critical of the emphasis on the 'security dimension' and of the tone and language used to describe the causes of migration (Council of the European Union 2000, paragraphs 19–22). The HLWG found that several countries of origin were reluctant to cooperate because they felt that they were 'the target of unilateral policy by the Union focussing on repressive action' (Council of the European Union 2000, paragraphs 53–5).

Another criticism concerns the lack of collaboration with NGOs both in countries of origin and EU countries. Although there has been good cooperation with the major international organizations [UNHCR, IOM and the Red Cross] this has not extended sufficiently to smaller NGOs and policy institutes. Perhaps the most significant criticism of the HLWG

Action Plans was that they were for the most part a collection of policy objectives which had almost all already been included in EU and European Commission policies, particularly in the areas of trade, external relations and development (Van Selm 2002a, 2002b). Any proposals or recommendations for action were so vague and non-specific as to be virtually meaningless. As a result the Action Plans did not amount to programmes to effectively prevent human rights violations, or combat the root causes of forced migration.

Despite attempts to revive the HLWG, its work has largely stalled since 2000. Discussions have continued within the EC, but they have not resulted in full budgeting for the implementation of the plans, nor in the addition of new countries, nor in any alterations in the original reports and action plans updating any changed circumstances (including the changes in Afghanistan and Iraq). This is significant, since the HLWG represents the most concrete effort so far by the EU to achieve comprehensive policies in this area.

Restriction versus root causes

Meanwhile the main focus of EU activity has remained the fight against illegal migration. In February 2002 the Council of Justice and Home Affairs Minister adopted a *Comprehensive Plan to Combat Illegal Immigration and the Trafficking of Human Beings in the EU.* At the Seville European Council meeting of June 2002, proposals were made by the Spanish and the British Prime Ministers to directly link agreements on readmission of undocumented migrants and failed asylum seekers to cooperation arrangements with countries of origin. The Conclusions adopted by the Seville Council stopped short of these proposals, but defined readmission agreements as vital instruments. Retaliatory measures could be taken under Common Security and Foreign Policy in the case of 'persistent and unjustified denial of such cooperation'. The Conclusions focused almost entirely on combating illegal immigration. There was no substantive mention of tackling root causes (Council of the European Union 2002).

However, the debate within the EU continues. In December 2002 an EC Communication reiterated the EU's commitment to develop a balanced approach to address the root causes of migration flows, through development programmes aimed at poverty eradication, institution and capacity building and conflict prevention. It stated the intention of cooperating with countries of origin; and it undertook to give greater weight to migration aspects within the Regional and Country Strategy Papers which form the basis of the EU's assistance programmes (Commission of the European Communities 2002). The June 2003 European Council in Thessaloniki seemed to represent a shift away from the emphasis on border control, towards more attention to integration of immigrants and

cooperation with countries of origin. At the time of writing, it is too early to assess the effects of such trends.

Overall, there seems to be a gap between rhetoric and action in EU policies in this area. Despite a series of declarations on the need for a comprehensive policy ever since 1992, comparatively little has been done so far to address the root causes of undocumented movements and forced migration. This is partly because of the difficulties in securing cooperation between Directorates-General with differing roles. It is also because of differing member-state approaches, and their emphasis on national sovereignty in this area. However, at a deeper level, the lack of progress in addressing root causes lies in fundamental interest conflicts. As outlined above, a major cause of both economic and forced migration is the huge gap between North and South in economic prosperity, social conditions, security and human rights. It is quite possible therefore that the most important measures to reduce flows of undocumented workers and asylum seekers would have no direct connection with migration at all.

Many economists argue that the most effective way of encouraging development is through policies designed to bring about free trade and to include less developed countries in global economic relationships. This is likely to lead to increased migration in the short-run but should, in the long run, lead to greater equality and reduced pressure for South-North migration (Martin and Taylor 2001, p. 106). Similarly, when authoritarian regimes collapse, there may be a 'refugee hump' as people seize the opportunity to flee, but in the long run democratization and improved governance are likely to lead to reduced outflows and return of exiles (Schmeidl 2001).

A report by Oxfam estimates that trade restrictions by rich countries cost developing countries around $100 billion a year – twice as much as they receive in aid. This raises important issues. The EU claim to support free trade policies towards less developed countries is not always realized in practice. On the one hand, the EU calls for free access to the commodity and service markets of such countries; on the other, it maintains protective policies that restrict access to its own markets. The Common Agricultural Policy remains a major barrier to trade. EU agricultural products are exported at subsidized prices that are more than one-third lower than the costs of production. Such exports do considerable damage to producers in less developed countries, especially in Sub-Saharan Africa. The costs to less developed countries exceed by far any benefits provided by EU aid polices (Oxfam 2002, p. 11).

In any case, the free trade approach favoured by Northern governments and international financial institutions does not necessarily benefit less developed countries, and may indeed lead to impoverishment of some groups. Structural adjustment programmes based on the 'Washington Consensus' policies of free trade and investment, privatization and

restrictions on social expenditure can in fact lead to severe strains which may make emigration a 'coping mechanism of last resort' (Adepoju 2000, p. 385). Moreover, certain forms of trade actually cause and sustain conflicts. The UNHCR emphasizes the importance of a global ban on illicit trading in 'conflict diamonds' as a way of reducing internal armed conflicts. One could add trade in oil, coltan, cobalt and other commodities, especially in central Africa. The UNHCR also regards the stopping of arms exports to conflict regions and to governments which repress their citizens as vital (UNHCR 2000, p. 22). Again the willingness of the EU to accept economic sacrifices in order to reduce conflicts has not been demonstrated. EU countries like the UK, France and Germany are among the world's biggest arms exporters.

It is thus clear that there is still a long way to go in addressing fundamental causes of migration to the EU. The need for coordination of external affairs, conflict prevention, development and trade policies within a comprehensive framework is clearly a priority. It would be important to analyse interest conflicts between the various actors in policy formation processes within the EU and its member states. In the end, the key issues are whether EU populations are willing to accept the major changes that would be needed to address global inequalities, and whether member states and EU policy-making bodies are capable of introducing measures to bring about fundamental transformation.

Conclusion

The forces driving international migration are extremely complex and deeply embedded in general processes of social transformation (Castles 2003). In turn, they interact with another complex set of forces in the processes of policy formation and implementation. It is not surprising that the results are often poorly conceived, narrow and contradictory policies, which may have unintended consequences. The very complexity of the factors involved makes any attempt at a general framework or theory impractical (Portes 1997). However, this is not meant as a justification for resignation. It is essential for social scientists and policy-makers to examine the way these factors (and indeed others) interact in *specific processes* of migration and community formation, in order to achieve more balanced and realistic polices. Such analyses need to take account of certain crucial aspects of migration.

First, it is important to site contemporary migrations in a broader understanding of migration as a social process, with its own inherent dynamics. This can be summed up in three key principles: the importance of migrant agency, the self-sustaining nature of migratory processes once they are started, and the emergence of structural dependence of both emigration and immigration countries. In the case of the EU, it is clear

that all these factors were at work in turning post-1945 labour migration into unplanned processes of settlement and community formation.

Second, it is important to understand much of contemporary migration (and particularly those flows seen by some as constituting a 'migration crisis') as an integral aspect of North-South relations in the current phase of globalization. Policy in this area is doomed to failure unless it addresses the causes of both economic and forced migration in current patterns of global inequality. Globalization has the inherent contradiction of producing both a North-South gap and the technological and cultural means of overcoming this gap. Transnational networks in all their guises will undermine migration control, as long as it is based on a national logic and separated from mainstream policies on aid, trade, development and governance. The EU example showed that even the most advanced supranational body has still a long way to go in overcoming this national control logic.

Third, understanding of the migratory process and of the importance of transnational factors must be linked to an analysis of the way policy formation takes place in states and supranational bodies. This includes examining interests and the way they are articulated, as well as the way the political system functions. Many policy failures or unintended consequences of policy can be explained in this way. In addition, migration processes are of a long-term nature, while the policy-cycle is essentially short-term and often determined by the length of electoral periods. The EU example showed the difficulties of achieving comprehensive policies to address root causes of migration, in view of the differing policy objectives of the various Directorates-General as well as of the various member-state governments and their specific ministries. Policy analysts have coined the phrases of 'joined-up policy making' or 'whole-of-government approaches' to characterize this problem. Clearly this has yet to be achieved even within each state, and is still more difficult at the supranational level.

Finally, it is important to realize that the declared objectives of states are often quite misleading. They are driven both by the need to maintain legitimacy and the unwillingness to face up to past policy failures. Policies that claim to exclude undocumented workers may often really be about allowing them in through side doors and back doors, so that they can be more readily exploited. This, in turn, could be seen as an attempt to create a transnational working class, stratified not only by skill and ethnicity, but also by legal status. The vast disparities of wealth and power in the emerging global order mean that not all citizens are equal and that some passports are better than others. Such hierarchies may be the basis of a new system of global economic stratification, in which migration – in all its guises – is a key element. In this context, migration control is really about regulating North-South relationships and maintaining inequality. Only when the central objective shifts to one of

reducing inequality will migration control become both successful and – eventually – superfluous.

Notes

1.   This article is based on the 17th Sir Robert Birley Memorial Lecture and the first *Ethnic and Racial Studies* Lecture given at City University, London, Thursday 8 May 2003. I thank the participants at the lecture for comments and suggestions.
2.   I acknowledge the contribution of my co-authors, Sean Loughna and Heaven Crawley to this analysis. However, the interpretation here is my responsibility.
3.   The European Council consists of member state ministers and is the most powerful policy-making body of the EU.
4.   A Directorate-General is the European Commission equivalent of a ministry or government department.

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