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Migration Management:

The radical violence of the international politics of migration

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Submitted for the degree of DPhil

University of Sussex

January 2012

Statement

I hereby declare that this thesis has not been and will not be, submitted in whole or in part to another University for the award of any other degree.

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Submitted for the degree of DPhil

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Abstract

In the 1980s, the narrative of international migration was significantly altered in Europe. This thesis examines how this new narrative was brought about by policy-makers and shows how the narrative re-configured our understanding of international migration.

Empirically, the focus of the thesis is the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC). These consultations are situated in the context of debates in the 1970s and 80s concerning 'free-market conservatism'. The thesis argues that these debates comprised the conditions of possibility for the emergence of an 'informal plurilateralism'. Through thus far confidential memos between high ranking public servants, summaries distributed across embassies, background papers, minutes of meetings and personal letters, I trace the development of an altered discourse and the construction of a new figure: the 'illegal migrant'.

'Migration Management', I argue, is best seen as a hegemonic paradigm which embodies a tool-box of mechanisms for governments to deal with international migration; introduces a distinctive way of treating human mobility; prescribes specific ways of constructing migrants, including a minority of illegal migrants who remain just outside of the European external boundaries, stripped of their juridico-political status. As such, these migrants are suspended from the community of those with a place and function.

The figure of the suspended migrant points to the disappearance of the political, understood as a space where public encounter of the heterogeneous is possible. This raises crucial questions about what democracy is, how it works and how the political can be realised in a climate where the logic of necessity and efficiency has filled the space previously occupied by bipolar grand-narratives. Most urgently, it raises

questions about the way in which the value of a human being is established, granted or denied. Arendt and Rancière help me to start addressing these questions.

Acknowledgements

This thesis was inspired by working for a good number of years in the non-governmental sector, nationally and internationally. I have worked in organizations such as Caritas and the UNHCR in Germany, the International Catholic Migration Commission in Geneva offering services to asylum seekers, refugees and migrants and being engaged in research and advocacy. This working context has greatly shaped my understanding and the questions which motivated this research. I will, therefore, start by thanking the many people I have met along the way. I admire the resourcefulness, perseverance and creativity with which migrants negotiate European bureaucracy and society without losing hope.

In particular, I want to express my deep gratitude and friendship to Mariette Grange with whom I have worked in Geneva. Her passionate and gently forceful approach inspired the concrete questions addressed here. Mariette believed in me. She taught me to follow my curiosity and strengthened my perception that sharing of knowledge, ideas and more generally openness to stand up for equality and uncompromising respect is central to who I am. Mariette, this thesis was very much written with you in mind throughout the past years.

This research would not have been possible without the generosity of Sharon Stanton-Russell and Charles Keely. Charles listened to my very first attempts to make sense of the changing governance landscape of international migration. Sharon and Charles had been given the documents which form the basis for this research by Jonas Widgren, the founder of the Intergovernmental Consultations on Migration, Refugees and Asylum (IGC). Jonas Widgren was interested for academia to engage into his particular policy thinking on international migration. A few weeks after meeting Charles three large boxes containing the documents of Jonas Widgren's archive arrived for me to start the research.

Over the past five years, Martin Coward has more than exceeded his call for duty in teaching me and supervising the progress of the thesis, by patiently accompanying this journey. He has been generous with his time, knowledge and advice. Without Martin's direction (despite my often stubborn first responses) this thesis would not have been as rewarding to write as it turned out to be. Equally, Marie-Benedicte Dembour's meticulous eye for detail and her curiosity about what I was trying to express have been a great support and motivating elements. I hope I have lived up to her expectations of academic maturity. I am indebted to both my supervisors.

In many ways the most important person to have accompanied me throughout the process of writing this thesis was Richard Black. He both motivated me and kept me grounded. At all points throughout the journey he has asked probing questions while nonetheless believing in my capacity to think and to add to academia and knowledge more widely. I thank Richard deeply for his loving and supportive friendship.

I was told at the beginning of this process that my research will either be a great success or a great failure. I have humbler aspirations and was certainly not able to achieve this on my own. Michael Collyer has enriched this thesis and my thinking by allowing me to use some of his empirical material that I was not in a position to collect myself and thus the last few chapters of this thesis could not have been written without his generous engagement. Though the mistakes are all my own, I am grateful to many colleagues and friends who have read and commented on draft chapters and enriched my understanding through discussions. Particularly, I want to thank Ron Skeldon, Tony Fielding, Stefan Elbe, Rebecca Napier-Moore, Ilse van Liempt, Susan Thieme, Fran Meissner, Ceri Oeppen, Jeff Crisp, Khalid Koser, Evelyn Dodds, the SCMR and IR community here at Sussex and the many interview partners, including those not individually cited in the text. Very special expressions of thanks go to Neil Stammers who offered – as a gesture of friendship – to read the first full draft and thereby make sure that both language and argument are reader-friendly and coherent. I also want to mention Christina Boswell, Andrew Geddes and Christien van den Anker, Jenny Money and Russell King, who have published earlier versions of chapter three and four as articles in BJPIR and JEMS respectively.

The last people to have read this thesis were my two examiners Jef Huysmans and Michael Collyer who have made the viva voce examination the best conversation I have ever had in my life so far. Their ability to ask questions, their enthusiastic engagement with my work and their positive comments have erased all doubts I might have had about this project.

Further, I want to thank Rosa Weeks. Throughout writing this doctoral thesis I was employed full-time by the University of Sussex. Rosa, in her generosity and flexibility has greatly supported me and has thus ensured that I was able to comfortably keep within my deadline for submission.

Finally, were it not for my parents, I would likely not have succeeded. The last three Christmas holidays were unilaterally cancelled by me to facilitate writing and my family have accepted this with generosity and understanding. My mother has taught me perseverance, humility and groundedness and my father a critical alertness and

indignation vis-à-vis some uses of politics and power – traits that were vitally important to the thinking and exercising of this research. I hope this thesis does justice to their love and support.

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Glossary of Acronyms

| | |
|----------|---|
| AENEAS | Programme for financial and technical assistance to third countries in the area of migration and asylum |
| AI | Amnesty International |
| BBC | British Broadcasting Corporation |
| CAHAR | Ad-Hoc Committee of Experts on the Legal Aspects of Territorial Asylum, Refugees and Stateless Persons |
| CIA | Central Intelligence Agency |
| CIREFI | Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration |
| CoE | Council of Europe |
| EC | European Commission |
| EP | European Parliament |
| EU | European Union |
| Eurodac | European Dactyloscopy |
| EUROPOL | European Police Office |
| Eurostat | European Statistical System |
| ExCom | Executive Committee, UNHCR |
| FRONTEX | European Agency for the Management of Operational Cooperation at the External Borders |
| GCIM | Global Commission on International Migration |
| GFMD | Global Forum on Migration and Development |
| GPE | Global Political Economy |
| HERA | Operation HERA, FRONTEX |
| HLWG | High Level Working Group, EU |
| HRW | Human Rights Watch |
| IBRD | International Bank for Reconstruction and Development |
| ICCPR | International Covenant on Civil and Political Rights, UN |

| | |
|----------|---|
| ICMPD | International Centre for Migration Policy Development |
| ICVA | International Council of Voluntary Agencies |
| IGC | Intergovernmental Consultations on Migration, Asylum and Refugees |
| ILO | International Labor Organization |
| IMF | International Monetary Fund |
| IOM | International Organization for Migration |
| LoN | League of Nations |
| Migeurop | Camps d'étrangers et politiques d'externalisation |
| MSF | Médecins Sans Frontières |
| NATO | North Atlantic Treaty Organisation |
| NGO | Non-Governmental Organization |
| OECD | Organization for Economic Development and Co-operation |
| OED | Oxford English Dictionary |
| PBI | Peace Brigades International |
| RCP | Regional Consultative Process |
| TIES | The Integration of the European Second Generation, EU |
| DFID | Department for International Development, UK |
| UKBA | United Kingdom Border Agency |
| UN | United Nations |
| UNDP | United Nations Development Programme |
| UNODOC | United Nations Office on Drugs and Crime |
| UNHCR | United Nations High Commissioner for Refugees |
| US | United States of America |
| USSR | Union of Soviet Socialist Republics |
| UK | United Kingdom |

Chapter 1

Illegal + Legal Migration = Migration Management

Today, all of us are supposed to be “included” in a totality that is defined in consensual terms as an addition of groups each regarded to have its own identity

(Rancière, 2001: 348)

In the past few decades concern about international migration has moved from the realm of ‘low’ politics to that of ‘high’ politics. Those interested in ‘law and order’ find themselves in a seemingly new context where global interdependence demands governance beyond the nation-state. This is particularly the case where international migration is concerned: control of frontiers – those boundaries which grant or deny access – is part of the founding narrative of nation-states as bounded sovereign territories encompassing a people who are deemed legitimate political subjects, all with a place and function in the society it delimits. Not only does the myth of the nation-state face the challenge of globalization as a process based on free market conservatism. At the same time, international migration has become a problem of urgency as it undermines the myth of the nation-state and especially the particular conception of ‘law and order’ held in the Global North.

There is a firm belief among governments, in particular European governments, that the nature of international migration is a threat to the stability of their nation-states, because they have lost control and this control needs to be re-gained. This is particularly so, it is argued, where it concerns the seeking of asylum. Implicit here is the assumption that migration had been ‘under control’ at some point in the past and that it is possible to control the movement of people across borders providing the systems applied are efficient enough to bring about ‘law and order’.

It is in this context that Jonas Widgren¹ gave birth to the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC) in the early 1980s. This came after a decade of thinking and discussing the pressing issue in the multilateral context of the Council of Europe – where debates about how to regulate in particular asylum mobility resulted in paralysis and was abandoned². The IGC was invented in order to create a private space to think about ways to re-gain control over the unsolicited movement of people across borders. Widgren formulated these concerns coherently a further decade later for a conference in 1994:

Taking into account current concerns at the world political level, [...] a new global migration order would be directed towards two major policy objectives:

- a concerted and comprehensive international effort with a view to preventing mass movements from occurring, through appropriate security, human rights, humanitarian, social, environmental and economic policies (A);
- the creation of orderly migration channels between continents and nations to avoid disorderly movements between them (B).

Under these two objectives, a number of priority areas would have to be addressed: (i) the modalities for the protection and eventual voluntary return of internally and externally displaced refugees; (ii) the harmonization, at regional and global level, of national entry regulations, on the basis of human rights, humanitarian, economic and other concerns; (iii) the establishment of satisfactory mechanisms for return and reintegration of refugees and migrants; (iv) the joint consideration of norms to be applicable to further the smooth integration of newcomers; (v) the modalities for the joint fight against illegal and irregular migration and the trafficking in migrants; and (vi) the establishment of joint policy development and monitoring mechanisms to evaluate overall developments.

(Widgren, 1994: 10)

¹ Jonas Widgren was seconded by the Swedish Government to the United Nations High Commissioner for Refugees (UNHCR) and as a result of this formed the IGC, as well as later on the International Centre for Migration Policy Development (ICMPD).

² Council of Europe, Ad-Hoc Committee of Experts on the Legal Aspects of Territorial Asylum, Refugees and Stateless Persons (CAHAR), explained in UNHCR document MP/dm-22.5.85, Back up action; see also page 115 of this thesis.

This thesis argues that the IGC is in essence a deeply anti-democratic grouping, where high-ranking government bureaucrats specializing in migration meet – in secret, and in their private capacity. The reason why such meetings need to be secretive is that “distortions by the media”³ need to be avoided (conversation, Apave, 30 March 2011). Orderly international migration is thus reduced to a technical issue – and not one for political discussion. Migration needs to be managed in terms of both its security component and in its economic component. The resulting technical regime has come to be called ‘Migration Management’, a phrase that needs to be understood in these terms. The genesis and political consequences of Migration Management (a doctrine formation largely initiated by the IGC) are at the heart of this research.

The contribution I seek to make in what follows is three-fold: (a) I offer an understanding of a particular form of governance, that I conceptualize as ‘informal plurilateralism’, which has moved considerations of international migration onto the foreign policy agenda of countries in the Global North and South; (b) on the basis of this I then offer an alternative understanding of the historical conditions of possibility of what is normalized as Migration Management and I ask questions about the production of political subjectivity; finally (c) I offer a conceptual formulation of how the radical violence of not having a juridico-political status can be made intelligible even though the process of negotiating foreign policy does not acknowledge such violences. I label this violence of not having the validity to exist and being seemingly irredeemable ‘suspension’.

In the remainder of this chapter I first offer a brief account of what is at stake in this thesis. I set out the particular problems presented by a forum such as the IGC, the formulation of Migration Management and in particular the construction of the illegal migrant which is a result of discussions about asylum, as suspended. I then outline the involvement of academia in developing and

³ This statement ignores the fact that media – although often rhetorically versed – is situated in a wider discourse picking up on sentiments that are voiced by public officials, amongst others.

supporting the narrative as set out by the IGC, before offering an overview of how the thesis will address this problematic, theoretically and methodologically. Finally, I briefly outline the chapters to come. Overall the study argues that informal plurilateralism as a phenomenon within the context of what I call 'consensus-democracy'⁴ following Rancière (2001) neutralizes the political and exerts radical violence to the point that some people are killed socially in that their ability to establish political subjectivity is annihilated.

What is the problem and why it is important

Simply put, the problem is that the Global North, through its discourse of Migration Management and what it keeps silenced/invisible, creates a new world map in re-drawing the boundaries, as map 1 and 2 illustrate.



Map 1: Boundaries of containment (source: Easterly (2009) How to write about poor people, aidwatchers.com)

It is no coincidence that these maps highlight the overlapping and contrary boundaries so neatly. Those boundaries are geographical insofar as they create seemingly distinct spaces. At the point of the geographical boundary radical violence is done to few but nonetheless too many who are deemed to have lost their validity to exist because they are too tired and too poor.

⁴ As a way of incorporating and governing 'free market conservatism'.



Map 2: Countries participating in the IGC (source: IGC leaflet, 2005)

Visible markers of this phenomenon are the dead bodies of people from Africa or Asia found in the Mediterranean Sea. This radical violence is an outcome of the re-negotiation and marriage of neo- conservatism with neo-liberalism. According to Rancière (2001), this marriage is called ‘consensus-democracy’. In this thesis I argue that what is done in the name of democracy today neutralizes the political and exerts radical violence against those who are deemed not to be includable in consensus-democracy’s all-inclusiveness. Consensus-democracy is police order (Rancière, 2001). It is the management of the social as technical problem and, as such, it is deeply hierarchical, characterized by (often non-coercive) domination and thus productive of inequality insofar as it allocates functions and places to those deemed capable of belonging and excludes those deemed to not have the capacity to belong.

Within the discourse of consensus-democracy, Migration Management is a narrative composed of two articulations: that of securitizing migrants and that of entrepreneurializing migrants. What is radically excluded is the possibility of claiming political subjectivity by seeking asylum⁵.

⁵ This is not to say that there are no claims for asylum. Yet comparing figures provided by UNHCR (2011) shows how relative the ‘flood’ is. Of 43.3 million displaced people in 2009, 12 million were (unofficially) estimated as being stateless, 1 million claimed asylum globally and just under 400.000 applicants were counted in countries of the European Union. In 2010, Europe is said to have received 33% fewer claims than in 2009. (UNHCR, 2011) This figure of 268.000 is a very small figure, given the wealth and affluence of European Union countries.

On the 6th of April 2011 EU Commissioner Cecilia Malmström, responsible for Home Affairs and particularly focusing on migration and security, wrote a blog as follows:

A boat from Libya sank this morning in the Mediterranean with 265 people on board. So far only 48 have been rescued. The latest information we've received is that 20 bodies have now been found and that the search is ongoing.

It is awful that criminal networks exploit vulnerable people and make money on smuggling them to Europe. When I visited Tunisia last week, I was told that it costs 1500 Euros for a ticket to go on a small boat to Europe, with often more than 100 people on board and no life-vests. With a life-vest it's even more expensive.

In order to minimise the risk of people drowning in the Mediterranean a long-term effort is needed, including close cooperation with the countries in the region. In the short term, the Frontex mission remains crucial in detecting boats and saving people from drowning. Europol has also deployed a special group of experts to Italy to help the law enforcement authorities to identify criminal networks that make a fortune on the exploitation of people in need.

At the same time, the right of people fleeing persecution or violent conflict to seek asylum must be guaranteed. People in such a situation should be given protection wherever they seek it, and I am very grateful to the authorities, international organisations and NGOs in Tunisia and Egypt who are making such great efforts to host the many refugees who have been fleeing Libya in recent weeks. I have also asked the EU's Member States to make a gesture by agreeing to resettle some of them here in Europe.

<http://blogs.ec.europa.eu/malmstrom/tragedy-in-the-mediterranean/> viewed June 2011

On the face of it this sounds like a genuine concern for those people exploited by smugglers, dying on the high seas, asking European governments to resettle such people. However, herein already lies a clue to re-reading blogs like this in a more critical light. First, resettlement requires an administrative procedure by which a person has to ask to be recognized as a legitimate asylum seeker and thus be granted the status of refugee. Since seeking asylum has become a near impossibility before entering the physical territory of one of the European countries, seeking to be 'exploited by smugglers' becomes a necessity when other avenues for international mobility are not granted. This then raises the question of how one gets to be regarded as either deserving and legitimate or not. It also begs the question of how seeking asylum can be done in a world where asylum seekers are claimed to be bogus, criminal and useless and

therefore they are fought – quite literally - by military helicopters, police vessels and large-scale surveillance technology.

In a context where the Global North conceptualizes its Other in the following and not so subtle way, the above account of concern for such boat people by the EU Commissioner begins to have a different – cynical - meaning:

West Africa is becoming the symbol of worldwide demographic, environmental and societal stress, in which criminal anarchy emerges as the real 'strategic' danger. Disease, overpopulation, unprovoked crime, scarcity of resources, refugee migrations, the increasing erosion of nation states and international borders, and the empowerment of private armies, security firms and international drug cartels are now most tellingly demonstrated through a West African prism. West Africa provides an appropriate introduction to the issues, often extremely unpleasant to discuss, that will soon confront our civilization.

(Kaplan, 1994, in O Tuathail et al.1998: 189)

Libya is in Africa⁶. The coast between Libya and Europe is patrolled by FRONTEX: the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. FRONTEX became operational in 2005 and has conducted its activities until earlier in 2011 in a legal vacuum. The European Parliament called

for the mandate of FRONTEX to explicitly include an obligation to meet international human rights standards and a duty towards asylum seekers in rescue operations on the high seas”; the European Parliament did so in order “to eliminate legal vacuums (...), setting out in particular the precise legal conditions for its sea rescue operations.

(European Parliament (2008/2157(INI))

However, the call to meet human rights standards is beside the point. Activities undertaken by FRONTEX are couched in a narrative of Migration Management unconcerned with Human Rights other than by empty declaration, nor is it concerned with providing protection for asylum seekers, because at that point the asylum seeker is not constructed to be a rights-bearing subject *vis-a-vis* European governments. The practices have shifted altogether as can be seen

⁶ Geographically Libya is in North Africa. Yet, North and West Africa are the regions most prominently identified by European Union countries as causing a migration problem. Hence, most activity is focussed on the Maghreb and Sub-Saharan Africa.

from the following analysis of FRONTEX conducted by *migreurop*⁷. First, the narrative of Migration Management has turned ‘asylum seekers’ into ‘illegal immigrants’:

The Agency’s annual reports focus deliberately on statistical results in terms of detection, apprehension and “*refusal of entry of illegal immigrants*” at the main borders of the EU (FRONTEX, 2006: 7, 12). The 2007 report, for example, states that 130,000 third-country nationals were refused entry to the EU; in the 2008 report the figure is 140,000. Neither report mentions the possible presence among those refused entry of potential asylum seekers or vulnerable individuals (lone minors, etc.).

FRONTEX is only too willing to comment on the growing number of ‘bogus asylum seekers’ allegedly trying to cross the EU’s borders, without referring to any method enabling it to distinguish [...].

(Keller et al., 2011: 11)

Second, the one premise that the League of Nations (LoN) and the United Nations (UN) had agreed on with regard to international mobility - namely that every person has the right to leave any country, including their own (Art 12.2 of the ICCPR) - is undermined. Further, the involvement of FRONTEX in the territorial waters of a third country makes a mockery of oft-heard claims to respect for self-determination granted to ex-colonies of European countries:

The deployment by FRONTEX of operations in the territorial waters of third countries [...] poses serious risks in terms of respect for the principle laid down in the UDHR and the ICCPR.

FRONTEX notes approvingly that its experts and the Spanish authorities had been able to identify “100% of the illegal migrants” that they had [apprehended and] interviewed. It goes on: “Through the information collected during the interviews, it was possible to detain several facilitators mainly in Senegal and to avoid the departure of more than one thousand people.

(Keller, et al., 2011: 13)

migreurop, somewhat polemically, asks how many of those 1000 people would have had a legitimate claim for protection and further what interrogation

⁷ <http://www.migreurop.org/> is an association of 42 organizations in Europe and Africa which include mostly non-governmental organizations (NGOs) and some research groups, located within universities. It was established in 2005.

techniques were used to achieve a 100% success rate to solicit information (Keller et al., 2011)

Third, anecdotal evidence⁸ collected by media, NGOs and published testimonies, tells stories of physical violence used by FRONTEX. Stories cover capsized boats; calls for rescue at sea which are ignored for days until it is too late for many of the people on those boats; as well as actual killings through mal-treatment when European governments organize deportations with or without the involvement of FRONTEX. Those experts – as they are referred to above in the quote – have the mandate to make claiming asylum an impossibility.

It is at this point where the European Parliament misses the point – a discussion about living up to human rights standards and granting of asylum points to the existence of institutions and instruments capable of application of its standards in such particular situation. It points to an acceptance that the existence of a person is valid and therefore care is extended. In contrast, Migration Management establishes altogether new knowledges and practices which do not accept the validity of the existence of some people. It kills and, if it does not kill physically, it kills by way of invalidating a person's juridico-political status. Migration Management shifts the conceptualization of international migration from thinking about it within an approach of integration to one that instrumentalizes (Skeldon, 2011); it is thus about the integrity of the system rather than about the integrity of the person.

It is this moment which shows that consensus-democracy has limits – despite its best efforts to portray itself otherwise. The problem is that consensus-

⁸ For some examples see <http://www.dailymail.co.uk/news/worldnews/article-1224133/Migrant-dead-lorry-prepares-enter-Channel-Tunnel.html> viewed 20 June 2010; http://www.airliners.net/aviation-forums/general_aviation/read.main/2253119/ viewed 20 June 2010; <http://www.euroweeklynews.com/2010050578252/news/costa-del-sol/illegal-immigrant-dies-in-motorway-fall.html> viewed 20 June 2010; <http://www.repubblica.it/online/cronaca/palo/trovati/trovati.html> viewed May 2010; or <http://www.guardian.co.uk/world/2001/jun/10/davidrose.rorycarroll> viewed 20 June 2010.

democracy neutralizes politics - to the point where no debate can be had about what constitutes the functions it allocates on what basis. FRONTEX enacts the technical solution to a seemingly self-evident problem. Nor is it possible to ask probing questions about the character of what *is* in the first place. Consensus-democracy dis-allows thinking proper (Arendt, 1978). For example, asking if the smugglers may not render a vital service made deadly by European policy or at least wonder if smugglers extent respect to those with the will to move where European governments assume – as common-sense – a lurking threat.

What, exactly, is Migration Management? How has Migration Management come to be such a hegemonic narrative? How come Migration Management is normalized and given such prominence in the normation of other countries policies and behaviour around the globe? What are Migration Managements' components and their function? And more importantly, what are its limits and the consequence of consensus-democracy for political subjectivity?

But, first: Why wonder about Migration Management and why the IGC? In the early 2000s I was working in Geneva with the International Catholic Migration Commission (ICMC). The ICMC has consultative status with various UN agencies, among them the High Commissioner for Refugees (UNHCR) and the High Commissioner for Human Rights (UNHCHR). In this context I participated in many meetings which had discussions of refugee protection and the rights of the migrants at heart. Often in those meetings and during corridor discussions I heard reference to the IGC; however, without anyone really being willing to elaborate on what this organization is, what they do or who is participating. It was a regular reference point for justifying Migration Management, it's benign nature and positive influence on getting international migration under control. I heard this from ambassadors, UN officials, and others working for both governmental and non-governmental organizations. On asking, I was regularly rebuffed, though politely. The IGC remained an opaque thing, not to be known or discussed in concrete terms. With time I came across documents which made reference to the IGC, such that I understood it was a non-formal forum, led by mainly European and other governments of the Global North, it sits in Geneva and is composed of people of diplomatic rank, government officials and technical experts.

In the late 1970s the UNHCR was pushed by its major donor governments, to institute a working group specifically to address questions of how Western European countries should cope with what they perceived as the 'asylum crisis' (Haddad, 2008). Negotiations in the Council of Europe were paralysed and a way out needed to be found. On the basis of this working group the IGC gained autonomous status in 1992. Yet, from the early 1980s it hosted annual plenaries, working groups, but mainly worked on the basis of ad hoc meetings. Its membership was hand-selected. I learned that, notably and more specifically, it comprised its membership from high ranking civil servants who had briefs in international migration recruited from interior, foreign and finance ministries; but also from police forces, international organizations and other parts of civil society. The IGC produced background and working papers to guide its work, however the communication between members was equally important and was supported by memoranda, personal letters and minutes of meetings drafted by its secretary, the only permanent post of the organization. It was based on the following aims: developing a sense of collegiality and mutual confidence among members; building trust and predictability to facilitate international agreements or at least policy coordination. It is stressed that discussion should be open and frank to also allow for differences to be confronted and ideally overcome in order to reach consensus. All activity takes place under 'Chatham house rules'. The IGC - through its membership - is indirectly linked to more formal institutions involved in governing international migration.

In this context UNHCR was blamed for not taking the 'new situation' seriously. Participating governments wanted a new pragmatic approach in order to avoid irregular movements and ensure orderly mobility arrangements. Thus, the IGC stated that its senior participants should be facilitated to meet within informal consultations as and when this was felt to be required in order 'to nurse the totality of mobility related issues' (Lopez-Pozas, IGC, 19 June 1991) and to coordinate common action by establishing a common and conceptual linguistic field – an explicit aim of the forum.

In practice, participants with a brief in international migration attended and discussed within the IGC in their private capacity, since the IGC is a non-

decision-making forum; definitions and solutions were discussed which were then taken back into the national context which served to formulate a national position which was then taken to European-level negotiations, where the agreed consensus was then formalized and implemented. Since a 'common sense' position and vocabulary had already been agreed within the IGC, there was no perceived need for further debate; more importantly international migration was constructed as technical problem and not a political question. This informality and confidentiality meant that there was no scrutiny as to how definitions were set and action taken as a consequence. The emphasis on consensus, efficiency and effectiveness also meant that disagreement and questioning of this new common sense is not possible. I understood that the IGC was a major reference point for doctrine formation. I further understood, with time, that the IGC's major activities which would inform discussions in my time in Geneva had been the 1980s, in their first decade of meetings.

Further, it was intriguing that a direct link was established, by those working in the International Community, between the IGC and Migration Management as the major paradigm within which international migration was made sense of and within which it was governed. This is intriguing as success stories, which this seemed to be portrayed as, are usually told as biographical stories which centre a person or persons as having brought about change or formulated a solution. This was not the case, the reference was to the IGC as such and to Migration Management. The informality, secrecy and opaqueness around the IGC and its doctrine formation compelled me to undertake this research and ask what Migration Management is.

Studying the Mobility of People across Borders

The notion that "[i]nternational migration is part of a transnational revolution that is reshaping societies and politics around the globe" (Castles and Miller, 2009: 7) has been accepted by almost all migration scholars. This, 'age of migration' Castles and Miller argue arises because of several tendencies. Firstly, globalization of migration means more and more countries are affected by human mobility. Similarly, an acceleration of international migration gives rise to

the impression of 'mass migration'. Further the notion of a growing politicization of migration is noted, meaning that international migration is increasingly more often on the agenda not only domestically, but also regionally and internationally. In the early 1980s such a perceived crisis situation thus moved some governments of the Global North to come together to constitute the IGC with the aim to manage migration and to bring it under control.

Castles and Miller thus provide succinctly the background and context for the evolution of Migration Management in the literature. Migration Management is further defined by Barbara Marshall (2006) *The Politics of Migration - A Survey* as

An initiative to supplement the emphasis on restrictive migration controls by a more constructive approach. For the potential receiving country, it means transparency, i.e. the public acknowledgement of its needs for immigration (demographic developments, lack of skilled and less skilled labour etc.) and its humanitarian obligations. It also involves the integration of legal immigrants. When fully implemented, it would result in 'joined-up government', with all departments making an input into migration policies. Internationally it involves regional co-operation (e.g. in the EU) and with sending countries.

(Marshall, 2006: 250)

What this account misses, however, is the logic behind 'restrictive migration control' in the European context and why an emphasis on legal migration is needed - in particular when Marshall in her introduction to the survey also writes that 'illegal migration' is such a fuzzy concept (Marshall, 2006: 6/7). In other words, it is not clear what it means.

Christina Boswell has focused much of her research precisely on the evolution of migration policy-making at the level of the European Union. She describes and explains categories used in migration policy-making: labour migration, migration control/irregular migration, asylum systems and integration (Boswell, 2006). Since questions of migrant integration are not covered by the narrative of Migration Management as conceptualized by the IGC explicitly I will not introduce the vast variety of thinking in this area. I will, however, give a brief overview of pertinent issues leading up to the formulation of the above definition of Migration Management. The argument put forth here, is that the introduction of Migration Management effectively reduces the perceived complexity of

international migration into two broad categories: first, illegal migration; and second, legal migration.

What is Migration Management composed of then? The International Organization for Migration (IOM), in their publication *Essentials of Migration Management: A Guide for Policy Makers and Practitioners* (2004) indicates a broad schematic overview of what falls under the category of migration management as follows:

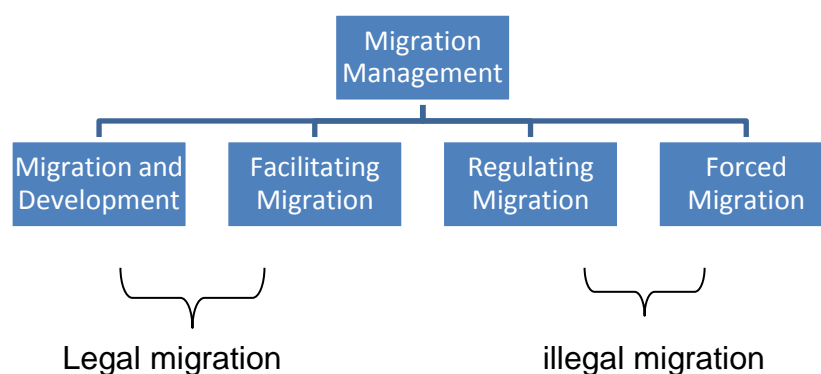


Figure 1: schematic illustration of Migration Management (source: author)

As can be seen, the categorization of migration issues run along seemingly coherent lines and these are now repeated in almost all of the migration studies literature⁹ (Mitchell, 1989; Koser, 2007; Castels et al., 2009; Soysal, 1998; Portes, 2007). Academic literature, following deliberations in policy circles, evolved from a discussion about the ‘asylum-migration nexus’ to research on the ‘migration-development nexus’. The former, introduced in the 1980s, led to a blurring of juridical status concerning migrants, opening the door to a narrative of threat and security regarding asylum-seekers and other unwanted migrants.

⁹ In recent years, scholarship has developed which follows more critical lines of enquiry of which scholars such as Didier Bigo and Jef Huysmans were among the first; more recently Jennifer Hyndman, Vicky Squire, and others have added their voices. I will draw on these critical voices in my analysis. However, throughout the elaboration of how Migration Management was filled with meaning I will draw on those ‘established’ scholars who are influential in policy terms. These scholars work in a more positivist-empirical tradition.

The latter in its current meaning was introduced in the early 2000s and offers a way to talk about labour migration when this form of migration had seemed to be discredited in the early 1970s. I will briefly introduce both *nexi* in turn as they will be relevant throughout the thesis.

The basic argument advanced by the 'migration-asylum' nexus is that changes, noted above by Castles and Miller (1993), make it impossible to delineate clearly between those whose cause of movement is forced and those who move voluntarily. Forced movement is traditionally related to displacement due to war, violence and individual risks of persecution; while voluntary migration is usually thought to be movement for the purposes of finding employment or family reunification (King, 1993). While most migration scholars argue that drawing on supposedly clear categories formulated and applied until the 1970s (either one was a refugee or one was a labour migrant) does not work anymore, the prevalent cause-effect logic underlying much of the making sense of international migration is upheld. Thus, we can read statements like:

Clearly, conditions in countries of origin are a major factor behind these changing patterns of mobility. [Programmes] certainly cannot absorb all would-be labour migrants. [...] The limited scope of these programmes therefore contributes to the continued trend of irregular entry, stay and employment.

(Boswell, 2006: 95).

Yet, instead of questioning the level of analysis (cause-effect relationship) a wealth of new categories is created to cope with perceived rising complexity¹⁰. Thus movement became labelled 'mixed' in the late 1970s. The background to this logic is a discourse led by (western) European countries which stated that recruitment of labour migration was officially stopped after the 1973 oil crisis. Public discourse in Europe has remained rather anti-immigrant in its stance and served to legitimize more restrictive policies which were further justified by discrimination and racist harassment against 'foreigners' in white, Christian

¹⁰ According to the website of the UKBA there were in 2008 at least 44 different categories for occupational migration to the UK alone. <http://www.ukba.homeoffice.gov.uk/employers/points/> viewed December 2008 – note: this web-page is regularly up-dated and may therefore change substantially.

European countries¹¹. Europe never identified itself as a region of immigration. Yet, instead of completely banning migration for work, European countries formulated more specialized policies for the recruitment of what came to be termed 'skilled migration'. "Today, labour migration fills critical gaps in the IT sector, engineering, construction, agriculture and food-processing, health-care, teaching, catering and tourism, and domestic services" (Boswell, 2006: 96). This list shows that so-called skilled migration is always such migration needed by European governments to fill shortages. Un-invited international migrants are seen to be un-skilled and therefore unwanted. Consequently they are unlikely to gain legal access to the territory of European countries. One regularly reiterated position is that governments, on the grounds of their country's sovereignty, are 'naturally' entitled to choose who they allow access to their territory (Sassen, 1999; Weiner, 1993; Joppke, 1998; Noll, 2003). The 2003 IOM World Migration report puts this logic as follows:

Distinctions in the treatment under international law of refugees and migrants are understandable. For reasons of national identity, security, political independence, tradition, and much more, nation states have been historically vested with the right and responsibility to protect their own citizens and to determine which foreigners may enter and remain in their territories.

(IOM, 2003: 98)

Such a statement is particularly interesting as it contradicts the otherwise widely held belief and argument about interdependence, according to which international migration is considered to be an issue for cooperation and – precisely – not a case for domestic policy-making anymore. Such a view is also reiterated in the context of forced migration and here is where the problem for western European governments lies. After the Second World War, the International Community - first and foremost European states - formulated a set of international legal regulations known as the Geneva Conventions or humanitarian conventions which regulate the relationship of states towards individuals – rather than just between states and citizens. One of these, the

¹¹ For different perspectives: Geddes (2003); Huysmans (2000); Freeman (1995); Black (2001); Malkki (1995); other notable authors writing on this subject are Virginie Guiraudon (2000a) or Sandra Lavenex (2001a).

1951 Convention Relating to the Status of the Refugee, regulates the definition of who, under which conditions, can be defined as a refugee. The convention then proposes protection from political persecution in whichever state the claim for asylum has been filed. Importantly, the Convention was elaborated in order to deal with the 40 million (Statistisches Bundesamt, 1958) people displaced through the Second World War. Yet, at the same time the competition and enmity between the communist and the capitalist blocs formed, so that the Convention became a tool of its time: protecting those who fled the communist regime (Loescher, 1993; Hyndman, 1997; Weiner, 1992; Zetter, 1991; Roberts, 1998). The European 'refugee regime' was considered to be very open and liberal. Yet, "[s]ince the early 1980s, European States have virtually exhausted the repertoire of feasible restrictions to asylum systems – short of outright abandonment of the 1951 Geneva Convention" (Boswell, 2006: 100).

The justification leading to these restrictions in the 1970s and 1980s was not only that there were numerically more refugees and asylum-seekers (e.g. boat people from south-east Asia, refugees arriving through the Mediterranean and refugees generated by the Iran-Iraq war pose the geo-political background) than there had been before¹². Another more important argument for western European governments was that issues such as human rights abuses but also those aggravated by economic marginalization, poverty, environmental degradation, population pressure, and poor governance were seen as responsible for increased immigration into Europe (Weiner, 1995; Hein, 1993, 1995; Suhrke, 1994; Zolberg, 1989). It is this view, which became the unspoken assumption and sedimented as grounding for justifications for the sorting of migrants into those who are seen to be valid and those who are not seen to be valid. This latter justification was expressed through a racism of Europeans which was excused by the fact that 'newcomers' were different from refugees known before in that they were of a different ethnicity and also visibly different (Miles, 1993; Lentin, 2004). A last argument was that the administration was

¹² This is incorrect when compared to the number of Europeans being displaced just 20 years before. We are in fact talking about roughly 3 million refugees.

overwhelmed with refugee status determination, the welfare state drained by too many being dependent on it (Joly et al., 1989).

All this leads to the proposition that restricted possibilities for legal entry make it necessary for migrants to move clandestinely (Collinson, 1993) or with the help of smugglers (Kyle et al., 2001) or worst being trafficked (Laczko, 2005). As a consequence, the illegal migrant was constructed. I will delve deeper into this articulation later in the thesis, suffice it here to say that the category of the illegal migrant is indeed very opaque – because it leaves unspoken many underlying political functions: it deals with those people who do not fit into our skilled categories, but gives them the status of the deviant; it supports our restrictive policies on refugees and asylum seekers, but allows for a juridico-political status awarded ‘post-hoc’ for the deviant. Thus, between the 1970s and the 1990s the illegal migrant was constructed out of the ‘asylum-migration nexus’.

The ‘migration-development nexus’ was originally a research project to re-construct the legal migrant and mitigate the harshest outcomes of the ‘asylum-migration nexus’ (conversation, Black, 10 September 2009). This happened in two ways; on the one hand the terminology of development allowed for thinking and researching forms of skill and employment with regard to migration, it was thus possible to re-include labour/ economic migration back into the narrative. On the other hand, the new nexus, while maintaining the cause-effect analysis, made it possible to think more about the sending country. While the link between migration and development was already debated in the 1980s and 1990s, research and vocal incorporation of findings into policy-making gained momentum from the early 2000s¹³. Particularly researched were questions pertaining to whether or not migration is conducive to the development of countries of origin. An underlying issue, according to Castles and Miller, is whether or not development will reduce emigration (Castles and Miller, 2009: 73). This articulation already present in the 1970s goes along the line of

¹³ French speaking countries in particular and the Dutch government had already in the 1970s discussed ‘co-development’; however, this was not widely taken up by the International Community until its reformulation into the migration-development nexus in the 2000s.

argument that Europe does not have the capacity to care for all the poor people of the world.

Plans for using development to reduce migration are based on the idea that migration is driven by poverty, underdevelopment and unemployment and that tackling these 'root causes' can keep people at home. This leads on to the notion of 'virtuous circle' of migration and development, in which circular migration is used to support development efforts, which will in the end reduce emigration.

(Castles and Miller, 2009: 73; drawing on Bakewell, 2007)

This discursive move, in particular mentioning positive effects of the temporary and circular nature of labour migration for developing countries, is supposed to make the idea of international migration more palatable to the European public. On this basis, it is thus possible to re-introduce legal migration as a possibility – the terminology used is 'facilitated movement', rather than regulated human mobility. The notion of the 'migration-development nexus' will be discussed more in-depth in order to show the shift from stopping migration to legal immigration from the perspective of European states, with particular attention to be given to the establishment of what is to be regarded as 'norm'.

Noteworthy, in relation to the study of the international politics of migration is the symbiosis between academia and policy-making even though both groups read each other selectively. Thus, policy-making thinks the asylum-migration nexus in security terms¹⁴; yet, the academic community was surprisingly blind to the re-articulation of the asylum seeker as illegal migrant. The same seems to be the case for the migration-development nexus which has adopted a more economic narrative; although academics seem to have been more independent from policy-making within this particular articulation.

Data and Methodology

The argument of this thesis, which centres around democracy, doctrine formation and political subjectivity, will be substantiated by using the

¹⁴ For an in-depth and critical academic analysis see especially Didier Bigo (e.g. 2000) and Jeff Huysmans (e.g. 2000, 2006). With a slightly different focus William Walters (e.g. 2002, 2004) and Elspeth Guild (e.g. 2003).

international politics of migration as a case study. Thus, the last quarter of the 20th Century has led to the discursive establishment of the paradigm of Migration Management with a particular consequence of suspending a certain minority of human beings from their existential/political validity to exist.

Data

In order to think about the evolution and meaning of Migration Management and its consequences this study relies on documentary evidence - which is not in the public domain but which I was privileged to have received to facilitate this research project, thus on the explicit understanding that I would be quoting from it in my research outputs - from the IGC¹⁵: speeches, memoranda of understanding, plans of action, resolutions, agenda for meetings, minutes of meetings, background documents etc. This documentation was produced in ad hoc meetings in which government experts participated, by way of discussions based on background papers circulated by the secretariat of the IGC. The documents I draw from were generated by the late Jonas Widgren, then coordinator of the IGC and seconded by the Swedish government. He made his personal archive available to Professors Sharon Stanton-Russell (Emeritus, Centre for International Studies at MIT) and Charles Keely (Emeritus, Georgetown University). The intention, according to Professors Stanton-Russell and Keely, was to allow research to support the endeavour that Jonas Widgren, a strong proponent of social democracy, had in mind. The Professors then made these documents, covering the period between 1982 and 1992, available to me for my analysis.

This archive consists mostly of preparatory documents for conferences and faxes/memo's between participants or diplomatic missions involved which concern pre-meeting discussions or post-meeting clarifications. Only some documents are authored by participating government experts. A few documents

¹⁵ Friedrich Loeper, the current coordinator gave verbal acknowledgement of this on two occasions, the last having occurred during the Global Forum for Migration and Development on 01 December 2011.

offer statistical data – which was not collected at that time in as a detailed and structured fashion as it is now – as well as answers to questionnaires which had been sent to governments in order to determine views on issues of discussion. Widgren's personal archive is a selection of documents which were mainly relevant from his perspective as a coordinator. The archive thus offers a broad overview of all topics covered by the IGC in the period between 1982 and 1992 of the discursive evolution of Migration Management. However, the selection is patchy, in that some background documents and conference papers referred to in the archive around two conferences held in Nyon during the period are purposefully (by Widgren) not included. It is reasonable to assume that other documents from this time from within the IGC are also not included in this archive. I was able to view some, for example, in Oxford's Social Sciences library which holds a small archive of Guy Goodwin-Gill¹⁶ from his time when he was closely affiliated with UNHCR. Yet, during a conversation with the current coordinator of the IGC¹⁷ it became clear that there is no possibility to review the IGC's archives either at the moment or for the foreseeable future (conversation, Loeper, 30 March 2011).

Without the documents contained in Widgren's archive this research would not have been possible. It is very difficult to find documents from the time and the source through individuals as those participating in the IGC did not do so as their primary task. Additionally participation often fluctuated according to which brief officials were given by their national governments. So, lists documenting attendance at IGC meeting changed frequently due to either re-deployment within government or because meetings were so specialized that different expertise was needed. Further, in order to shed light on the doctrine formation within the IGC it is important to highlight the internal logic of Migration Management as read through the IGC as a forum and not based on a people

¹⁶ Barrister and Professor of public international law at the University of Oxford and served as legal advisor in UNHCR from 1976 to 1988 – thus he was (although marginally) involved in the evolution of the IGC.

¹⁷ Friedrich Loeper has been the IGC's coordinator since 2005.

story which would divert attention away from such formation, which is also in line with the theoretical approach taken here.

The Widgren archive comes in a pre-catalogued fashion and is sorted according to time and logical unit. Logical units (relating to a conference or a particular chronological order) are termed 'book' with an assigned number. Overall there are just over 90 'books', comprising more than a thousand documents. However, in the following I refer to each document by its reference number, or date and/or author whenever this information is available. As is analytically grounded further below, I have started reading these documents at face-value first in order to get an understanding of what the IGC discussed and how the issues were framed. After doing so, I then started to catalogue and re-read with a particular view to dominant themes and clusters of issues, thus focusing on what is actively 'there'. This has informed the content and structure of the chapters which follow. In a further step I have then re-read the archive for such statements and information which indicate what is excluded as valid knowledge, valid political subjectivity and acceptable form of governance. In addition to this informal archive I also have drawn on publicly available documents from the Council of Europe, UNHCR, the European Union, the IOM or other relevant bodies, as well as some interviews.

Throughout the course of this research I conducted interviews as verbal, open conversations. I have chosen this approach to give freedom to the interviewed person to offer their individual perceptions on historical events and their understanding of the meaning of concepts/issues that I had identified as relevant to this research. In this way I have held conversations with those persons engaged with the IGC today and in the past. Here, I have supplemented the above analysis with 10 explicit conversations and some additional conversations with staff from e.g. the UK Border Agency (UKBA), staff from diplomatic missions I have met at international conferences and think tank researchers (e.g. MPI and IPPR). Secondly, I have held conversations with academics who have, with their particular kind of knowledge production, filled many of the concepts with a more in-depth logic than policy-makers have done. Individual articulations of the narrative of Migration Management, by both policy-makers and academics, are situated within the discourses they also mould. I

thus do not wish to imply here any notion of objectivity but want to rather emphasise these as accounts of knowledge production in their own right which – retrospectively - are meaning-giving exercises.

The research I am presenting in the following chapters is based to a major extent on informality. The IGC is an informal forum, which does not hold its own formal archive where a researcher can ask for permission to gain access. Rather, and as mentioned above, it was thanks to Professors Stanton-Russell and Keely that I gained access to the Widgren archive. The archive portrays the very early documenting of what was evolving to be the IGC. Many people I have spoken to were willing to engage with me, however many have insisted to talk ‘off the record’. Further, even those who have agreed to being quoted in some instances have been very particular about which information was ‘on’ or ‘off record’. This is not because activity surrounding the IGC is engaged in conspiracy, but rather because participants state to be concerned about the rhetorical climate within which international migration is discussed publically and emphasise the very real need to be and stay private about their thinking, learning and doctrine formation. Thus, the reader will, in the following, notice that parts of this research portrays an ‘absence’ of the IGC. The reason for this is not that there was no information in these instances, but rather my concern for those who have engaged with me in paying respect to their wishes.

This informal material and the informal nature of conversations, thus shed light on the IGC as a major reference point in the doctrine formation to become Migration Management. It also raises questions, more broadly, about the nature of theory applied in the social sciences which too often assume linearity, formality and positivism. My research shows that the self-assuredness of some theoretical approaches may possibly not be warranted.

Theory and Methodology

With the exception of the last chapter I will thus engage in portraying the internal logic of Migration Management as read through the IGC. In what follows here, I next outline and discuss the theoretical approach within which my thinking about the political consequences of the particular construction of social

meaning, that is Migration Management, is situated. There would have been alternatives to the way I am approaching this thesis. Yet, by way of asking for the meaning that is produced and its effects I am focussing on a particular relationship between words and actions/practices that make meaning. The international community and governments acting at the level of the international 'do' words, before they enact in practice. Practice then produces more words to make sense of itself and justify actions and actors.

I will turn to what Todd May (1994) has termed 'tactical philosophy', and more concretely, post-structuralism, in order to help me think about Migration Management and its consequences. Post-structuralism pictures the world as an intersecting rhizome, build on, and sustained through, differences. Most importantly, it does not conceive of any centre within which power resides. In other words, the political – as agonistic moment - is understood to be irreducible to an essentialized, singular 'cause'. The interplay of many sites from which power arises creates the social world as a dynamic, pluralistic web of relationships. At the same time as the elements of this plurality try to stabilize themselves to a degree, this interplay has the capacity to rupture the social world as it attempts to totalize itself. It then follows that poststructuralist thought is sceptical about top-bottom conceptions of the world. The exercise of power does not consist in mere suppression; rather it comes into play in the very constitution of the world. May explains: "Tactical thought thus performs its analysis within a milieu characterized not only by tension between what is and what ought to be, but also between irreducible but mutually intersecting practices of power" (May, 1994: 11).

The appeal of this perspective is its concern for difference. I rephrase here closely Todd May's arguments in his introduction to *Reconsidering Difference* (1997). Difference within this perspective is seen to be constitutive of our world, both in terms of sharing with, but also as obsession with the Other. It is this sharing of, and obsession with, the Other that is so pertinent in the political, and more concretely, in the policy-making processes focussed on international

migration. How does post-structuralism¹⁸ argue its engagement with difference? Why is it important?

First, it argues that marginalization and elimination of difference is closely linked to foundationalism. Foundationalism designates an account that is exhaustive and indubitable. That the world and our experience of it can be brought under absolute conceptual categories as for example Migration Management seeks to do. Post-structuralism argues that this is an illusion. This capturing of an essence of a matter which cannot be surpassed is not only not possible but also dangerous as it leads to radical violence against those marginalized; that is, those who are not seen to be able to conform.

Second, and closely related to the first argument against foundationalism, is that marginalization and the elimination of difference is closely linked to totalitarianism theoretically but also, by extension, empirically. Totalitarianism constrains the world into narrowly defined parameters, giving an absolute account of what reality is to be. So much so that it does not marginalize, it eliminates. Such accounts, thus, are not only false; they are also 'evil' in the Arendtian sense (1976). Historically, two events in the 20th Century gave impetus to poststructuralist thinking and the focus on totalitarianism and difference. The experience of the holocaust and of May 1968 in France came as a deeply seated shock in the case of the former and in the latter case the reactionary role of the communist party came as a surprise to those who were engaged in critique. A brief look at the characteristics of the May 1968 demonstrations is helpful. These demonstrations had no leadership – as proposed by some strands of Marxism; their demands were multiple and not singular; and lastly, the participants were diverse, rather than exclusively composed of workers rising against the bourgeoisie. May states

Thinking of community in terms of a common substance that we all must participate in marginalizes those who are different from the participants in that common substance; thinking of language in terms of presence masks the difference that subtends it; thinking of ethics in terms of the likeness or analogies of others to oneself refuses the insight that what is

¹⁸ I am here not reducing poststructuralism to Todd May, as will be seen throughout my thinking is informed by a variety of poststructuralist thinkers.

ethically relevant is often the difference of others from oneself; thinking of ontology in terms of identity precludes considerations of ontological possibilities that are irreducible to any identity.

(May, 1997: 4)

It is in this context that any discursive practice which proclaims to be superior and indubitable and assumes power to reside in an essentialized centre – either implicitly or explicitly – needs close scrutiny. This is also the ethical motivation of poststructuralist thought. Any form of thinking and living that is reductive of others who are constructed to not be like us, or not treatable to become so, and which therefore marginalizes is not acceptable. By extension, any practice which contributes to such reduction and marginalization is therefore radical violence and needs to be unequivocally abandoned. The IGC, by forming the doctrines which compose Migration Management, construct such a reductive, essentialized system through the way they meet as well as through the ideas they attempt to mould into a totalizing coherence and homogeneity. The IGC is not open to scrutiny. The move to form the IGC and the practices of re-ascribing meaning is remarkable because, the fact and effect of Migration Management is accepted as unavoidable but: (a) the concentration of power is an invitation to abuse; and (b) the practices established within the IGC are not inevitable, nor are they necessarily transparent in their effects to those policy-makers which hold their government's brief on international migration. The sedimented hegemonic narrative does not absolve anyone from the responsibility that the IGC's brain child is ultimately answerable for suspension and killing of those migrants the European Union does not want.

Post-structuralism then focuses attention on the reproduction and transformation of hegemonic orders and practices in order to show how we are held by a particular discourse while making plain that there are counter-discourses. On the basis of these counter-discourses the theoretical approach insists on the primacy of politics. Thus, in the following I will not only explain why things exist, but also how they exist as essentially unstable. In this sense, neither the purely hermeneutical nor the positivist accounts will help to clarify the constructed and political character of social phenomena. Rather, I propose to view the phenomenon of Migration Management as a dialectic between incompleteness and acts of identification to sustain stability. On the basis of this

I propose to view change as brought about by rupture made possible on the presupposition of equality. This is particularly important in order to conceptualize not only what stabilizes but also to conceptualize the consequences of Migration Management, i.e. suspension. Rancière's argument that equality is not a goal to strive for but rather the presupposition that politics needs to start from will help me to re-think politics as a sporadic agonistic endeavour and to formulate a 'bottom-line' on which basis I can assess where the practices of what we identify as democratic become unacceptable.

Thus, thinking about the consequences of Migration Management, it is – at this point difficult to see how those people that I conceptualize as suspended will likely be able to establish themselves as being visible enemies – an antagonism, rather than an agonistic possibility for action and rupture. Rather, the power differences are so asymmetrical that in thinking about how to undermine this power differential, there may be the chance of the suspended establishing themselves as adversaries on the level of everyday practices, as occasional rupturing events so as to make themselves visible in the first place. Jacques Rancière and also – to an extent – Hannah Arendt help me overcome the difficulties experienced when trying to make sense of the particular doctrine formation that Migration Management as brainchild of the IGC poses. In particular when the suspended are to be conceptualized, when I am trying to analyse what the specific governmental logic of Migration Management is and when I am thinking about possibilities to disrupt this logic.

Jacques Rancière helps me to think, on the one hand, social order in such a way that its logic is not necessarily restricted to the boundedness of the nation state, by employing his idea of 'police order' which is used in the broader Foucaultian sense. He offers the tools to understand the fusion of policing and policy-making. On the other hand, he helps me to think the radical violence of exclusion which makes comprehensible the suspended person – as being beyond norm and deviance as the person without ac/count. In a final step, I employ a rather more eclectic mix of thinking by Hannah Arendt and Jacques Rancière to develop a notion of agonistic politics which breaks the police order and helps me think about suspension as also containing a generative moment.

Jacques Rancière, on the basis of his breaking with Althusser, develops the most important and unifying element of his academic endeavours: the conviction that equality is neither an essence and a value, nor a goal. In other words, equality in Rancière's terms is neither formal nor substantial as understood in the more orthodox theoretical traditions. Rather, it is the first presupposition from which the political starts (Rancière, 1998).

What kind of equality are we speaking about? It is not the equality of the contemporary liberal view – an end to achieve as a good for those who have the capacity to achieve equality who already inhabit a place and a function in the social hierarchy. In short it is not about equal opportunities. Rancière explains:

There is order in society, because some people command and others obey, but in order to obey an order at least two things are required: you must understand the order and you must understand that you must obey it. And to do that, you must already be the equal of the person who is ordering you.

(Rancière, 2010: 16)

Equality is a presupposition, it is not a “founding ontological principle but a condition that only functions when it is put into action” (Rancière, 2004: 52). “Equality is not a given that politics then presses into service, an essence embodied in the law of a goal politics sets itself the task of attaining. It is a mere assumption that needs to be discerned within the practices implementing it” (Rancière, 1998: 34).

Rancière's political thought starts with criticising philosophy's presupposition that there is a rational way to account for community. In doing so, the motivation is to find principles of justification for social and political orders. It needs an underlying principle (*arkhe*) for how people are tied to particular political functions. This, so Rancière argues, justifies domination on the one hand and it denies the capacity for being politically active (in the Arendtian sense). For Arendt 'activity' is the political being-in-the-world as experience, appearance and distinctively ethical mode. Beyond Arendt, I understand this being public as wider than speaking in the agora. It is, rather, the discursive circularity of being ac/counted for which manifests in speech, practice, interaction as well as in a physical and tangible space. Yet, it is in particular the human capacity to begin, to initiate – something that she captures with her idea of natality (Arendt, 1958).

Natality, the capacity to initiate is – like Rancière's equality - something that is inherent to every human being. Therefore, the focus on *polis* and the focus on the social as the place for the distribution of function and power - in short, the establishment of a hierarchy - contradicts fundamentally equality and natality as rooted in the *demos*. By extension then, the traditional relation of the social and the political as radical opposites does not make sense. Rather, for Rancière, the social is always the field of hierarchy and domination which denies an independent ontological status to the political, it de-politicises an established logic of inequality.

The structure that regulates the social is called in the terms of Rancière 'the police', thus he speaks of police order (Rancière, 1998). More broadly he criticises the contemporary as 'consensus-democracy'. Deranty explains 'consensus-democracy': "Modern democracy is no longer governed through the logic of agonal rhetoric and the challenge to the laws, it is ruled by experts, the policy-makers and the statisticians" (Deranty, 2003: paragraph 17). It thus creates the impression of all-inclusiveness, hiding the fact that it not only includes its own exclusion, but that it suspends. Suspension, I understand to be radical violence. The political, in opposition, is based on radical equality – the equality of anyone with anyone else - and thus is in essence democratic. This is why, logically, the social cannot provide for the political as it divides, it distributes places, roles and functions.

It is in the evolution where natality and equality work via the political to found the social and where the social is ruptured by the political. Within the context of Migration Management the citizens – as justification for policy-makers to regulate - demand to be recognized by the migrants as rights holders, thus they demand to be recognized as rightfully dominating migrants. Yet, for this inequality to work, citizens must rely on migrants to acknowledge this inequality – the migrant's capacity to understand their position and place in that order as being dominated must be recognized by the migrants – and this relationship introduces the 'logic of the wrong', of torsion. "The social order is wrung because it must produce ontological inequality since hierarchy is its basic *arkhe*, while at the same time this inequality is only logically possible on the basis of radical equality" (Deranty, 2003: paragraph 5). It is this torsion which accounts

for the possibility of struggle and the moment where natality comes to bear. The verification of equality is always punctual and is something which cannot be theorized or generalized as it needs to be quite simply done – it happens in the moment when the suspended - the subject which both is and is not, the person without juridico-political status - claims recognition. This process is termed by Rancière subjectification (Rancière, 1998). It is the process of quarrelling about who is entitled to take part as meaningful speaker, who is a subject to start with and what can be quarrelled about.

It is at this point that Rancière's thinking is helpful, as the police order can more easily be thought within the context of international politics and in particular within the international politics of migration. It also is his thought which helps to make the person without juridico-political status which is outside of the boundaries of territorial sovereignty intelligible. Thus the dynamics between the norm and the deviance (subjects which are both political subjectivities and subjected, both holding subject positions – citizens, legal and illegal migrants) are comprehensible through the *partage du sensible* (the police order) as much as the suspended can be understood with Rancière as those wronged and without ac/count – not as those engaging in struggle about identity, but in struggling to claim the stage in order to become political subjects in the first place. And it is then their capacity to initiate, to become politically active - to claim a place on the stage and be recognized as having voice - which instigates to think about agonistic politics as focusing on struggle rather than consensus. That is: giving primacy to the political, rather than to the social. I will elaborate on this in more detail in the context of chapters seven and eight.

Having thus situated myself theoretically, I am interested in taking academic and policy-making aspects of the relevant research area into account. I do not wish to imply that the policy discourse I am mainly focusing on is the master discourse: there is a wide array of research into the role of media and public opinion which is not dealt with here. I will, as stated above, however, draw on academic discourse. Doing this, I hope to show how the organization of ideas, subjects and technology in both the academic and policy arenas are vital elements in understanding the historical processes that lead us to adopt and unquestioningly accept most of the concepts we take for granted today to

comprehend and steer international migration. The research field of international migration is a particular case, as both policy and research are so closely enmeshed (see for discussions: Black, 2001, Bakewell 2008, and O'Connell Davidson and Anderson, 2006) with policy more often than not providing the 'concepts' for academia to substantiate and legitimize (see for example Boswell, 2003a and b).

I make use of the thinking that post-structuralism offers as this supports my endeavour to show how the last quarter of the 20th Century lead to the seemingly coherent paradigm¹⁹ of Migration Management. In doing so, I hope to show the multifaceted development without reducing it to a sequential, inevitable history which can be understood in terms of determinism, causality and linearity. In effect, this will also mean that I cannot eradicate ambiguities from the narrative, it is precisely in accepting the undecidability that foreclosure of certain lines of thought and understanding is avoided. However, in what follows below I insist that this is not an 'anything goes' approach, but on the contrary that it is informed by its ontological premises and empirical givens. The 'theoretical analytic' I employ aims to describe, understand (in the sense of *Verstehen*) and explain particular historical events and processes by way of asking how, for which reasons and under which circumstances meaning (and with that order) is constructed, contested and changed. I will outline in a linear way below what is necessarily an interconnected process of analysis, explanation, interpretation and critique.

Thus, first the phenomenon – in this case Migration Management, its condition of possibility, sedimentation and possible rupture – will be problematized in such a way that the theoretical and empirical object of investigation is constructed. This arises out of a concern with the present. In other words, I will - in the following chapters - pose the problem of the institutional set up in which Migration Management was conceived. I will also pose the problem of

¹⁹ I understand 'paradigm' in the Kuhnian way. Although this notion is problematic and has generated many discussions. Suffice it to say at this point that paradigm is understood to be a philosophical and theoretical framework of a discipline within which theories are bound together to form a broader understanding of a social phenomenon.

consequence arising from the particular narrative of Migration Management, which is suspension as a devastating but also generating phenomenon.

In order to make plain the necessary conditions of possibility for Migration Management I will, secondly, engage in what Howarth et al. (2007) call retroductive reasoning. Thus, I am going to start from the familiar and taken-for-granted position that migration needs to be managed. Such an analysis is done by way of a 'double reading' – deconstruction as textual labour in Derridian terms – of the data described above: On first reading the empirical resources are taken at face-value to follow the dominant interpretation. The first reading seeks to describe through making clear the premises, the concepts it puts forth and the argument it states and executes. On second reading that which is excluded - the limits that are established - are traced by paying attention to repressed and inferior interpretations of the undercurrent of the text (Torfing, 1999: 65). By taking this approach the dependency and undecidability of elements within a discourse on each other can be shown and thus the political moments of decision-making and 'truth'-establishment can be highlighted and explained. More importantly, though, this approach enables me to point to the deeply seated ambiguity of any discourse that constructs a field of acceptable meaning as hegemonic and therefore seemingly closed totality.

A third step is then to provide the content, by pointing to the three interrelated logics which capture the point, the rules and ontological preconditions of regimes of practice (as opposed to causal laws, mechanisms or contextual self-interpretations as distinct methodologies). The three logics are the social (what Rancière calls police order, in other words the rules informing practice); the political (Rancière's disagreement or rupture, in other words the historical emergence and formation of changed social practices and forming hegemonies); and lastly, fantasmatic logics (the moment of identification, which accounts for how subjects/subject-positions are held and sustained by a regime of practice) (Howarth, 2007).

These logics are, fourthly, articulated. I will use the term 'articulation' to explain how a phenomenon achieves being, what its meaning is. Articulation employs genealogy as a tool for the explanation of how meaning is established (Laclau, 2005). Thus, within the context of this thesis international migration is made

sense of in its relation with and context of 'security', 'development' (and to a lesser degree 'integration') within a particular ideology of growth, stability and competition. It is NOT made sense of – articulated - in the context of community, hospitality, or freedom, for example.

Finally then, I will engage in evaluation and critique. In order to do so the 'bottom line' within the context of my understanding of post-structuralism is that any form of thinking and living that is reductive of others who are constructed to not be like us, or not treatable to become so, and which therefore marginalizes is not acceptable. By extension, any practice which contributes to such reduction and marginalization is therefore radical violence and needs to be unequivocally abandoned. Thus evaluation and critique will be the step which seeks to go beyond explanation in order to think about what could transcend the existing order towards something different (May, 2007). Again, these five steps are interrelated. I will apply my theoretical analytic to archival material and some conversations as described above.

Brief outline of the thesis

I will differentiate in the following between discourse, narrative and articulations. By discourse I will understand the underlying logic of free market conservatism or in Rancière's language consensus-democracy (chapter two). Migration Management is a paradigm forms the narrative (chapter six) which is composed of different but interrelated articulations (chapters four and five) which are constructed by the IGC (chapter three) and then elaborated and implement by the European Union (EU). In chapters seven and eight I will offer a critical reading of the internal logic of the IGC as presented in chapters two to six. The below structure will be echoed in the concluding chapter.

The discourse and the invention of a new narrative: Migration Management

Migration Management, as it evolved since the 1970s, cannot be understood outside of the context of changes in thinking about and doing politics before this time. Chapter two, thus, brings into focus the broader transformation of ideology since the late 1960s and shows how this was relevant for changes in the way

international migration is perceived, understood and re-constructed. Thus Migration Management is one narrative of a broader discourse bounded by limits of what is intelligible within free market conservatism or consensus-democracy. The problem is formulated as that of 'excess' and a 'culture of poverty' which undermines productivity and threatens the ethos of skill-intensive, science-based and innovative self-management of the social. It is a re-inscription of the story of 'the white man's burden' to avert the crisis of democracy on a global scale. On this basis chapter three introduces the concept of Informal Plurilateralism as an instrument to make sense of the IGC, what it does and how it goes about taking international migration on as an urgent problem for the period between the 1980s and 1990s. More concretely chapter three shows how the driving force was the problem of 'mixed flows' which were constructed as undermining the integrity of the system; a construction that makes asylum-seeking impossible to think as an option and re-represents international migration in line with the broader discourse. Informal plurilateralism as a new diplomatic tool for doctrine formation by private citizens. The IGC in this reading appears more like a conceptual machinery which is deeply anti-democratic as it moves without scrutiny directly from doctrine formation to implementation of policy.

Articulating the Narrative

Within the IGC two articulations take shape which are instrumental. Thus, chapter four turns to discussing the asylum-migration nexus through which the securitization of international migration is articulated. The asylum-migration nexus is the device to secure states identities by representing migration as a security issue through the invention of the 'transit country'. This is a juridico-political and geopolitical function which produces treatable deviance and irredeemable suspension as access categories. It is an articulation which cannot conceive of alternatives, such as those framed in terms of rights or hospitality. It thus constructs suspension as the deferral of the validity to exist. Chapter five offers a discussion of the migration-development nexus, which introduces the entrepreneurialization of international migration. The migration-development nexus functions as the device to re-legitimate mobility which is

constructed as entrepreneurial, this construction is vital in order to secure the stability of Migration Management as a narrative. The juridico-political and geopolitical function here lies in the extension and sedimentation of Migration Management as a foreign policy tool vis-a-vis humanitarian action and migrant circularity thereby establishing the norm and making the category of the deviant more precise. It thus describes the 'good' migrant as self-managing, competitive, productive and efficient participant of the global order. Chapter six draws on those two previous chapters and shows how these two articulations compose the narrative of Migration Management. This is the chapter which elaborates on the meaning of Migration Management. Migration Management makes contradictory positions intelligible and sorts people into access categories along a typology of norm/deviance versus suspension; the juridico-political status as sole condition to realize humanity. The suspended have thus neither a place nor a function. Importantly, they are poor and tired, yet, they are not victims. Thus, Migration Management simplifies and essentializes; it is the individualising, quantifying and representational tool with which the geopolitical powers of the Global North impose consensus and manifest domination.

The Effects and Consequences of Discourse and Narrative

What is needed, however, is an in-depth critique of consensus-democracy, that is Migration Management in particular, and how this is constituted through a technocratic approach which minimizes all considerations around international migration to a calculable problem for which a juridified solution can be found. Thus undermining precisely those values European countries claim to stand for – respect for life, freedom and equality – and producing the social and physical death of what I call the suspended. This critique will be offered in chapter seven. Chapter eight, however, then argues that suspension has not only a devastating side to it, but can also have generative potential. The potential generative of staging a conflict and thus claiming a place on the stage where roles and places in the social are questioned and negotiated. Chapter eight will be followed by a conclusion which asks if and how Migration Management can be destabilized and if there may be a disruptive response to 'consensus-democracy'.

Chapter 2

Geopolitics, Consensus-democracy and the International Politics of Migration

Order is the burden of the white man; efficiency may be the demonstration of it in a modern rationalized society

Michel Crozier (1975: 45) *The Crisis of Democracy*

In the previous chapter I briefly elaborated the reasons why Migration Management as a paradigm is at the heart of this thesis. Appealing to a perception of rising interdependence between countries in the 1980s, the international community - particularly the European Union - argued that the historical approach to migration must be revised fundamentally. This historical approach:

[...] can be termed an 'integrationist approach', where migration is seen to be an integral part of a development process. Recently, a different approach has emerged, the 'instrumentalist approach', in which migration can be 'managed' in order to achieve specific [security and development related] objectives. As such, migration becomes a 'tool' of [...] policy.

(Skeldon, 2011: 1)

It therefore must be asked how such neutralization of politics is established so that a paragraph such as the one in the introduction by Robert Kaplan (1994) can be published and accepted as a valid opinion, if not legitimate knowledge.

Three conditions (Foucault, 2007: 107) are important for consensus-democracy to have become a hegemonic discourse. First sovereign power needs to be understood as an improvement of the institutions of the nation-state geared at the welfare of the population (Foucault, 2007). Thus, state institutions must ensure continued growth for prosperity as well as for stability and security in order to remain competitive and enable the citizenry to fulfil its role and take its place within society. The nation-state cannot spend 'good money' on the administration of asylum seekers where these are potentially dangerous to competitiveness and national stability. In other words, the integrity of the nation-state's institutions is conceptualized to be at risk where bogus asylum seekers try to fraudulently gain access to the citizen's resources.

Second, disciplinary power needs to be exerted on other nation-states to live up to their obligations in investing in development and the welfare of their populations enabling these populations to stay at home (Foucault, 2007). Democratization is to lead to a form of international conformity geared towards what is today often called 'human security'. In this regard, European governments are keen to 'convince' rather than coerce their neighbours across the Mediterranean, Sub-Saharan Africa and elsewhere to adopt standards of good governance, which include the rule of law, and within it legislation and enforcement mechanisms to deal with apprehended or returned would-be-migrants and asylum seekers while combining this with the allocation of development aid. Disciplinary power, in this case, is normation into conformity.

Third, governmental management is needed (Foucault, 2007). The welfare of populations cannot be guaranteed if they are not managed and, in order to manage well, population groups need to be known and stratified by statistical means so as to identify those who are normal (the citizen), and those who need to be targeted for improvement (resettled refugees, humanitarian refugees, victims of trafficking). Thus, overstayers, for example, those who have entered a member state of the European Union legally but have then failed to return to their country of legal residence when the visa expired, are listed by way of their country of origin, so as to feed the databases with those countries which pose a danger of causing the government to be inefficient as it has to deal with such law-breakers. Further, those migrants who are deemed skilled or semi-skilled are admissible in order to improve their skills and experience which they can then bring back to their country of origin and thus support its development. The same is true for those who have been granted refugee status – they are treatable. Thus the statistical stratification of the population modifies and normalizes a certain 'common sense' as to who counts and who is of no 'ac/count' (Rancière, 2001).

It is in the context of sovereign and disciplinary power and governmental management that Rancière states: "Today, all of us are supposed to be 'included' in a totality that is defined in consensual terms as an addition of groups each regarded to have its own identity" (Rancière, 2001: 348). All those which have an allocated place, role and function within the social – and this

extends beyond the territorial and otherwise boundaries of a particular country – are included; with the myth of having left no-one ‘outside’. Yet, there are those without political subjectivity, without juridico-political status. These are the dead bodies found in the sea, but these are also people who live rough outside of those fences the European Union has established on the African continent. However, these few people are so radically excluded that we ‘don’t know’ about them – or rather do not want to know them as real persons - and thus can claim that Migration Management covers all there is to manage about international migration. FRONTEX thus enacts the schema of sovereign, disciplinary and governmental power. Elbe explains that the schema points to a “process by which security practices [such as those conducted by and through FRONTEX] themselves become infused with new tactics of governmental management operating at the level of population, which in turn are flanked by the concurrent recourse to sovereign and disciplinary forms of power that now are enlisted in this same effort to manage the welfare of populations” (Elbe, 2009: 71).

As such international migration moved from low to high politics but a focus on strong regulation was kept intact. Thus, the 1980s set a process in train which would develop into a complete overhaul of the underlying meaning of those concepts which make international migration comprehensible. It therefore fundamentally changed the symbolic order ascribed to migration.

How is it possible that our understanding of international migration and, by extension, policy-making concerning international migration was altered so substantially? How is it possible that these new knowledges normalized so quickly and without any major noticeable dispute? The challenge is to account for the establishment and impact of this new narrative: the process of production of meaning which originated in a European context but spread globally.

This chapter outlines the discourse of the 1970/1980s which frames debates around the international politics of migration. The international politics of migration is firmly a question of a geopolitical discourse insofar as it constructs ideas of how places, populations, diplomacies and power-practices interrelate (O’Tuathail, 1996). In what follows I introduce this geo-political discourse which frames the boundaries or limits for what is intelligible to policy-makers and the

social more generally and within which 'consensus-democracy' as free market conservatism was conceived and established as hegemonic discourse. This major shift is an historic instance which answers the two questions posed above, namely how our understanding *vis-a-vis* international migration could change so substantially and normalize so quickly. This chapter thus sets out what the basic conditions of possibility are to enable a narrative of Migration Management such as we accept it now. It situates and builds the stage for the subsequent chapters which elaborate on the narrative and its articulations as portraying the internal logic of Migration Management as read through the archives of the IGC.

The 1960s had experienced what Samuel Huntington termed 'democratic distemper' (in Crozier, 1975: 37). It is the Trilateral Commission's analysis of what they perceived as counterculture of radical opposition (by e.g. women and ethnic minorities): a lack of constraint, lack of respect for authority and the undermining of order. Crozier (1975: 12) identifies two basic characteristics of the fundamental problem that Europe in particular was faced with in a study commissioned by the Trilateral Commission:

- The European political systems are overloaded with participants and demands, and they have increasing difficulty in mastering the very complexity which is the natural result of their economic growth and political development.
- The bureaucratic cohesiveness they have to sustain in order to maintain their capacity to decide and implement tends to foster irresponsibility and the breakdown of consensus, which increase in turn the difficulty of their task.

According to the '*Crisis of Democracy*' (1975) Atlantic Alliance states (North America, Western Europe and Japan) were in danger of becoming ungovernable through democratic overload. Populations, voicing demands for greater equality, rights and participation; but also more freedom from the state were asking for too much. The social movements of the 1960s were seen to have posed a considerable challenge to North America and Western Europe. Populations asked not only for welfare for parts of society that had not been seen to be eligible in their own right, (such as women having given birth out of wedlock); they were demanding a voice not given to them before (such as the black community and other minority groups). One such struggle was the call

from women to gain more freedom, for example with regards to their sexual and reproductive rights, but also on the other hand for government to more actively protect them as individuals for example *vis-a-vis* their husbands in cases of domestic violence. Minorities demanded equal rights not only with regard to political and civil rights. This 'excess of democracy' (Campbell, 1998: 163) posed a danger to being able to act at home and abroad. It poses a two-fold danger relevant for the purpose of this thesis, (1) the 'excess' makes demands on being part of policy-making and (2) efficiency, not only in economic terms, is endangered by deranged, uneducated and tired migrants trying to enter Europe in an uninvited and unsolicited way. The discourse is a situated knowledge – 'the burden of the white man' as the quote above puts it.

The IGC, inspired by a particular form of social democracy, is an attempt to address both the above dangers. Migration Management needs to be situated and understood in a context where social democracy was re-thought and the management of the social emerged instead. It combined security and economic considerations such that they could build a coherent narrative which was 'globalizable', yet tried to contain and fix social plurality within the limits of the nation-state. This is why I will briefly discuss the transformation of ideology in this chapter. I will first introduce Bilderberg and the Trilateral Commission. These two fora (as examples of informal plurilateralism) were vital in introducing a transformation of doctrine and providing a blue-print for how the governance of migration came to be thought up within the IGC. I will then look in more depth at the contours of this transformation and give an account of what kind of learning was to be done for this transformation to become hegemonic and how this transformed ideology was to be expressed. Thirdly, I will recount the history of the global political economy as it is relevant to international migration. Lastly, I will show how the governance of migration is constructed to pose a danger whether it is viewed as a domestic issues or one of international 'high politics'. This chapter thus frames and portrays the background to the study which is to follow.

Bilderberg and the Trilateral Commission

The political atmosphere in the late 1960s and early 1970s was perceived as de-stabilizing the order maintained by elites. However, the perceived stability of the 'golden age of social democracy' was at best exaggerated; dislocations within this system of nation-state governance had started almost with its inception after World War II. Embedded liberalism²⁰, associated with American hegemony²¹ had come to be criticised by many western European countries. Europeans²² became critical on three accounts: first, there was growing dissatisfaction with US American occupation; second, obstacles to American investment in Europe developed and Europeans worried that America would withdraw from its engagement in reconstruction; and third, the American right became more and more dominated by an anti-communist hysteria (Campbell, 1998). In European eyes, Strange comments:

the 'decline' [of American power] arises partly from an original overestimation of America's capacity to remake the whole world in the image of the U.S.A. In this vision, Washington was the centre of the system, a kind of keep in the baronial castle of capitalism, from which radiated military, monetary, commercial, and technological as well as purely political channels carrying the values of American polity, economy and society down through the hierarchy of allies and friends; classes and cultural cousins, out to the ends of the earth. The new kind of global empire, under the protection of American nuclear power, did not need territorial expansion. It could be achieved by a combination of military alliances and a world economy opened up to trade, investment and information.

(Strange, 1982: 481-2)

²⁰ Embedded liberalism is defined, by Ruggie (1982) as corporate liberalism, Fordism, Keynesianism, welfarism, retreat from colonies and a permanent arms economy through Cold War ideology. (see also Gill, 1990)

²¹ Here understood in its realist incarnation.

²² I am aware that it is generalizing to talk about 'Europeans' in this context. There was not a unified perspective in all (western) European countries. Britain is particularly difficult to subsume under this banner. However, British voices had also been critical – at least until the Labour government had to go to the IMF and introduced monetary policy in the late 1970s, before Thatcher then re-imaged the country in strongly neo-liberal terms.

Raymond Aron published *The Imperial Republic* in 1974 hinting at how some Europeans had conceptualized their relationship with the US. Another author writing from London, George Lichtheim, put it more succinctly in concluding that since the Atlantic Alliance was imposed on Europe, it had to live with the United States as a “temporary overlord” (Lichtheim, 1963: 217/18).

In this climate of growing frustration first Bilderberg and then the Trilateral Commission were formed by ‘private citizens’ to foster closer cooperation and to nurture practices of working together across the regions of the Global North on issues perceived as a potential threat to order.

Bilderberg

Europeans, felt imposed on, without – precisely - being accepted as partners in an equal relationship where approaches to the way of doing the governing was free of influence. Bilderberg was established in 1952 (Gill, 1990: 129) as an informal, private counterpart to the formal institutions governing North Atlantic relations (Gill, 1990: 129). The membership was composed of a high proportion of social democrats (academics, corporate and banking chiefs, media people and unionists) along with centrist politicians, some military officials and the odd CIA senior. The CIA provided the funding for Bilderberg meetings. The meetings brought together those with “modernising and forward-looking internationalist tendencies” (Gill, 1990: 129). Although not new as a tool for governance – there had been the anglo-american round tables in the context of US aid to Britain in the Boer Wars – Bilderberg became an important blueprint for future informal governing of international, contentious relations in problematic issue areas. It was a form of diplomacy which believed in multilateralism and wide participation of ‘stakeholders’ but on the basis of a chosen and controlled membership which met secretively. Bilderberg smoothed over disruptions and conflicts between Europe and America, until the early 1970s. At this point American unilateralism led to the establishment of the Trilateral Commission.

Trilateral Commission

The Trilateral Commission formed in 1973 and comprised European states, Japan and the USA. It was a forum of 'private citizens' who met in order to discuss 'matters of common concerns' and to propose new ways of thinking about policy in the fields of the economy, the military and politics in order to assist mutual learning and to ensure that the domestic would not interfere with effective international cooperation. The Trilateral Commission and its forerunner 'Bilderberg' brought about the transformation of ideology which ended the 'golden age of social democracy' and led to its reformulation in the 1990s. The Trilateral Commission is not widely known, yet, it is not secretive in the sense that commissioned reports and other documents are available online²³.

The Trilateral Commission is highly relevant in the context of this study for various reasons: first, it introduced so-called a shift in thinking by marrying neo-conservative and neo-liberal sentiments to form free market conservatism; second, it pushed the underlying view of interdependence in the world; and third, it engaged many diverse people, adding to the spread and acceptance of re-formulated ideas and methods of governance. These three factors would inform not only the way in which the IGC would operate but also the way in which the IGC would re-think international migration. It also transformed political subjectivity insofar as those deemed probable to undermine the efficiency of the social order, and were therefore a threat, were more subtly identified and more radically excluded. It created and disseminated the new hegemonic discourse that would guide thinking and governing in the 1980s and 1990s, the effects of which are notable on a global scale.

The Trilateral Commission set out with three objectives summarised by Gill: First,

'significant groups of leaders' from the three areas [North America, Western Europe and Japan] working together 'on matters of common concern' to lessen 'communications breakdowns' and to develop a 'shared understanding' of common problems. Second, the Commission was intended to 'propose policies' which Trilateral states could follow, particularly in the economic, political and military fields, with respect to

²³ www.trilateral.org

each other, the developing nations and communist states. 'In the cases where it is not possible to reach agreement on what ought to be done, it may be possible to agree on certain things which ought not to be done.' Crucially, the Commission would 'suggest approaches to common domestic problems' *in order to assist in mutual education*, and to 'assure' that domestic policies 'do not raise obstacles to effective cooperation'. Finally, the third objective was 'to foster understanding and support of Commission recommendations both in governmental and private sectors in the three regions.

(Gill, 1990: 143, my emphasis. Citations are to an internal Trilateral Commission document of 1973)

These objectives were conceptualized on the basis of the primacy of politics. Gill cites one of his interviewees, Brzezinski an active academic, who directed the Trilateral Commission until 1976 and member of the Carter administration from 1977:

It has been often said that this decade is witnessing the surfacing of economic issues as the predominant concern of our time. Yet, paradoxically, the effect is to reiterate the *primacy of politics*. Today, even apparently strictly economic considerations must increasingly be viewed from a political and even philosophical standpoint, for the appearance of more intimate global interactions, not to speak of trilateral interdependence, has the effect of politicising most issues – be soybeans, or raw material, or foreign investments. Accordingly, overt political acts and *perhaps even the creation of new political structures* will be needed to cope effectively with what may appear to be now essentially technical and economic problems.

(Gill, 1990: 145, my emphasis)

This was in 1973. By 1977, however, the message had been reduced to 'war on inflation'. Industrial policy was the singular focus and it was described by a trilateral commission report on the OECD to be based on the following principles: efficiency, freedom and health of the market system, social aims, security and international cooperation. Under social aims, the most important factor was to reduce government expenditure (Gill, 1990: 98ff). Within this climate of struggle and change, social democracy in Europe also changed and impacted on how international migration was understood.

In Europe, international migration was like a ball in the erratic game of changes regarding social democracy. After the split of the European labour movement in the wake of World War I into a communist and a democratic-socialist variant, the central project of a de-radicalized social democracy has been the 'just society' (Merkel et al., 2008). The underlying core values of social democracy

were gleaned from the French revolution: liberty, equality and fraternity. The logic proposed was that liberty and equality are only possible because fraternity (solidarity) unites the actions of individuals and the economy is organized in accordance with values of social responsibility. These values are expressed in the expectation that the state is to tame market forces and to protect people. Thus, on the face of it social democracy was expressed almost exclusively in and through economic policy. Yet, it always had a strong underlying current of security with a view to the safety of the people as introduced into liberal theory already by Locke – the security of the public, the integrity of the state (Locke, 1988: 373). In the discourse of social democracy migrants were always in the position of being marginal as they did not constitute a proper part of society but rather an ancillary and usually threatening addition.

The most problematic challenge for social democracy in the post-1945 era was the conflict between an emphasis on full employment and growth while also aiming to fight exploitation. This was to be done via re-distribution. The tool with which social democracy sought to prevent inequality was technocratic regulation. As Weber (1976) and Foucault (1990, 2004, 2008) amongst others have shown, technocratic regulation as a means of doing government is not a new phenomenon (see also Stammers, 2001). However, what had developed as a tendency from the Industrial Revolution to the early 1970s changed drastically in scope and pace thereafter.

Why is this relevant for questions of policy-making on international migration? Social democracies' focus on re-distribution was centred on assumptions of relative homogeneity of the social and a boundedness of space within which re-distribution and state-provision would apply. Who then is ac/counted for, or has a legitimate place to claim such provision? The panic around the 'crisis of democracy' makes clear how instable such claim making and claim granting is. As will be shown below in this chapter, this problem was solved by constructing economic migrants as 'guests' who leave or refugees to be integrated. Yet, by the 1970s such considerations became mixed with populist xenophobic sentiments rooted in more conservative political perspectives and thus constructed a threat. While much of the discourse focussed largely on de-regulation and liberalization/globalization of the market, the effect of the

changes during the 1970s and 1980s for international migration was hyper-regulation.

The dual imperative of social justice *and* economic efficiency find their limit at the point where social democratic values and economic globalization merge to become free market conservatism, which favours competitiveness and private responsibility over fraternity/solidarity. This will be elaborated further below. It is also the reason why this thesis emphasises technocracy as a phenomenon, especially in chapters four and eight, despite it having been central to social democracy in the past two centuries. The scope and pace of governance through technocracy has vast and destructive effects which are witnessed by international migrants in an unmediated and untamed way. Somewhat provocatively Ong writes in the context of international migration “residents [...] are valued and protected not because of their citizenship status but for their powers of self-management and cutting-edge skills that sustain the competitiveness of growth zones” (Ong, 2006: 239). The subject is recognized as having juridico-political status when s/he is actively self-enterprising and reflexively risk taking, when s/he engages in breeding of intellectual capital and self-improvement, in short when the subject is deemed efficient. “Nonbreeding subjects are rendered nonworthy subjects” (Ong, 2006: 239). To regulate this is the ‘burden of the white man’, the civilized and efficient man.

Transformation of an Ideology

This marked a significant change to views of social justice and redistribution during the ‘golden age of social democracy’ or the so-called *Pax Americana* (Ruggie, 1982). So far, the welfare state had been constructed as a comprehensive and accepted way of seeing the world: “This particular organization of society combined mass production in assembly-line factories with a public social safety net to compensate for the negative workings of the free market” (de Goede, 1996: 322). Yet, by the early 1970s, this way of seeing the world was replaced by the notion that the “free market must be the sole organizer of life because [free market] consequences are either invariably beneficial or at least impossible for human agency to alter” (de Goede, 1996:

322). This message led to a completely revised logic of welfare provision by the state. Gilder argues that “the current poor [...] are refusing to work hard [...] [They] choose leisure not because of moral weakness, but because they are paid to do so” (Gilder, 1981: 87-88). Van der Pijl explains: “This new [way of conceiving the poor] in turn is broadly seen as an almost natural, self-evident truth rather than as [an] ideological program” (van der Pijl, 1995: 5). Murray took these new truths to heart and wrote:

The proposed program, our final and most ambitious thought experiment, consists of scrapping the entire federal welfare and income-support structure for working-aged persons [...] I am hypothesising, with the help of powerful collateral evidence, that the lives of large numbers of poor people would be radically changed for the better.

(Murray, 1984: 228-229).

Nonetheless it was granted that a small scale system of subsistence-level unemployment benefits for victims of economic hic-ups should be retained. But the emphasis was on efficiency and competitiveness.

As drastic changes as those cited above have not happened. However, the underlying ideas have found forceful incorporation into ‘common sense’ thinking where migrants, especially asylum seekers, are concerned. “Consequently”, writes de Goede, “welfare recipients are seen [...] as [people] who should be pitied and helped in the best case or ignored and feared in the worst” (de Goede, 1996: 327). The mobile person, the migrant from Africa for example, is constructed as such a poor person and worse it is a *potential* threat against which the social order has to be secured.

In (continental) Europe, civil society was much more embedded in processes of governing. Governments did not attempt to completely restructure the ‘common sense’ of civil society²⁴. Market-centred change was promoted so as to encompass, according to Trilateral Commission studies, a move towards more efficient, high-tech and capital-intensive production and services. Finance Ministries in trilateral states were accorded high importance in domestic and

²⁴ An exception to this is Britain where the Thatcher regime (aided by earlier moves of the Labour government) did re-shape the political landscape for civil society considerably. (see for example Hall, 1988).

global governing, based on the idea of transnationalization and interdependence in a response to international competition. In this context, Gill cites another Trilateral study written in 1978-9 which points to the need to devise policies to promote an economy that is more skill-intensive, science-based, innovative and high in value-added (Gill, 1990: 99). Terms that have translated into migration policy making almost without mediation. The language of political economy throughout hides the strong narrative of order and stability which was implicitly driven by security considerations as promoted, for example, by the CIA. Unskilled migrants (and potential asylum seekers) who are not seen to be (able to be) enterprising are thus a danger to efficiency and competitiveness.

Linked to the above is a more general problem which the Global North faced:

The [post-war democratic] system has worked well enough as long as societal change was slow, the intervention of public authorities rather limited, and the fragmentation and stratification of society strong enough to insure a pragmatic acceptance of social order and established authority. But once the explosion of communication and social interaction has disturbed the necessary barriers that made societies more simple and therefore more manageable, [the] basic pattern of rationality disintegrates.

(Crozier, 1975: 41)

This quote has to be understood as based on an impression of 'cultural and moral breakdown of the late sixties' (Crozier, 1975: 42). A process which set in train the recognition of a vastly multiplied array of recognized social identities, a process perceived as threatening. The problem is formulated as how to govern the pluralisation of roles and functions proper to the social. A shift begins to become apparent from an analytical discourse to an instrumental and technical discourse. An important step which underpins what evolved as consensus-democracy (Rancière, 2001): the management of the social by technocratic means.

I understand the 'traditional rationality' Crozier refers to as the simple and linear logic of means-ends analysis, where means and ends can be clearly demarcated and redefined in order to propose a solution according to the preferences of those who govern. The '*Crisis of Democracy*' (1975) report argues that a broader kind of rationality must be found in order to manage the

social. It is made clear that the 'crisis of democracy' is actually a crisis of governance, power and boundaries, not so much of core values.

What is advocated is that learning needs to take place to overcome the lack of congruence between political, economic and security demands and the new interferences by civil society so as to avoid chaos and instability in a world that is not only characterized by increasing interdependence, but by 'complex interdependence'. Whereas interdependence was marked by military and trade alliances, complex interdependence describes a fusion of *realpolitik* (with its authoritarian tendencies) with what Keohane and Nye (1977) describe as the world-wide integration of positive-sum interactions (production, exchange and communications) which, nevertheless, constrains individual states. This complexity – so the logic goes – is best handled through a technocratic and instrumental approach.

While such logic was largely successful in managing the global economy based on free-market liberal thinking, trilateral relations were perceived to still face two problems by the late 1980s: increasingly disparate perspectives *vis-a-vis* classical security considerations and, more pressingly, the fact that many domestic issues were still largely conducted at the level of the nation-state thus hampering the new order the Trilateral Commission envisioned to counter global chaos and instability. Gill explains: '[A] continuing problem for the Commission and its interests is how to incorporate and modify the outlook of some elements of the security structures and 'internationalize' their outlook, and help to make [governance] more 'organic' (Gill, 1990: 229, 230). This problem was solved in the 1980s and 1990s through the securitization of formerly domestic issues at the global level.

It is in this respect that Bilderberg and the Trilateral Commission are important to understanding the evolution of Migration Management. They provide the broader discourse within which international migration came to be (re)articulated. Much of the migration literature dates grave changes in the governance of international migration back to the 1973 oil shock or to the 1989 break-down of communism. I argue here that these events – although not unimportant – are symptoms of an on-going evolution of governance thinking in western Europe. They are vastly overstated in a narrow 'cause-effect analysis'

often prevalent in migration studies and ignorant of changes in the narrative of governance more generally. However, in the perception of most people there was a distinct turning point. The turning point which made us all perceive the world as more complex, more difficult to comprehend, more difficult to govern with calculable certainty. This turning point was largely self-induced by American policy towards the Bretton-Woods Institutions which were meant to facilitate economic stability and social wellbeing. It was the perception of having lost stability and order, as well as the narrative of an un-fundable welfare system and claims made by groups who were not seen to have the right to do so, that led the Trilateral Commission commissioning the report on the '*Crisis of Democracy*' and the notion that a new system needs to be established – by the elites of the Global North.

Constituting a new World View

The reaction of the Trilateral Commission to the '*Crisis of Democracy*' (Crozier, 1975) report was to open up space for more inclusion, representation, transparency and accountability (Walters, 2004). This is no contradiction to what I have recounted above. More inclusion was precisely what the social movements of the 1960s had called for. Under the impression of ever more diversifying society, consultation with communities and 'the public' became the new practice. Governance, and by extension policy, was therefore seen to have become much more inclusive. It has indeed, but at a cost of neutered 'multiculturalism', rather than agonistic plurality. The development of technocratic management channels what is say-able, who can speak and what cannot be expressed into tightly prescribed circumscriptions. Technocracies' aim is pragmatism; controversy is not needed anymore because there are no existential ideological differences anymore; much like the 'end of history'²⁵ argument where liberal politics is seen to have no enemies anymore (Gill, 1990). The assumption is that the identification of 'best practices' on 'evidence-based knowledge' will lead to a solution which facilitates the self-management

²⁵ Fukuyama (1992) However, his argument has been, according to some authors, vastly and willingly misread.

of individuals in society. However, this assumption comes with a problematic connotation according to which knowledge based on a particular kind of evidence is to be favoured over what is constructed to be ideologically infused speculation. Technocratic management is elitist, it imposes decisions which have been formulated based on methodological positivism (Stammers, 2001) which is reductive and essentializing and therefore necessarily exclusive of plurality. It undermines the meaningful participation of demos.

Such technocratic understanding of governance leads to two other outcomes: a change of the role of the academic, as part of the elite of society, and a change of the constitution and meaning of the political subject.

Hartley, a Trilateralist, states:

the business of the intellectual [is] to provide a remedy [...] by drawing the attention of his rulers to the existence of new problems and the need for new attitudes of mind in facing them. In 1967 the speed of communication and the increasing cosmopolitanism of the intellectual community allow this task to be carried out on a level above old national oppositions and ideological feuds...contrary to Marx's celebrated phrase, to understand the world is also to change it.

(in Gill, 1990: 139)

What this quote indicates is that there is a clear expectation on the part of governments for academic involvement in their technocratic endeavour. Hall describes this as a 'passive position'. Academics are to be supportive of "[c]hanging the terms of an argument, [which is] exceedingly difficult, since the dominant definition of the problem acquires, by repetition, and by weight and credibility of those who propose or subscribe it, the warrant of 'common sense'" (Hall, 1982: 81). Such 'changing the terms' was the declared goal of the Trilateral Commission. New attitudes of mind and a call for 'relevant' research has paved the way for social science research to be acceptable if it is policy-relevant, evidence-based, finds and offers solutions. Strange (1982) critically observes the consequence of this change in the nature of the academic 'business' in writing that this move "[...] accords to governments far too much of the right to define the agenda of academic study and directs the attention of scholars mainly to those issues that government officials find significant and important" (Strange, 1982: 491). This is particularly the case in 'migration studies' which is tied closely to the policy-making process. Primary definitions,

as Hall shows, set “*the limit* for all subsequent discussion by *framing what the problem is*. This initial framework then provides the criteria by which all subsequent contributions are labelled as ‘relevant’ to the debate, or ‘irrelevant’ – beside the point” (Hall et al., 1978: 59 original emphasis). It is the connotations and definitions that I am interested in within the context of this thesis. The Trilateral Commission defined and gave new connotations to the meaning of old and new concepts and ways of thinking. In this way, the stage was set for the IGC to securitize and to entrepreneurialize the international migrant. There is no conspiracy involved as some may think. Such discursive constructions, rather, point to the contingency, historicity and the inherent power-dynamics of processes of consultation and identification of what is perceived to be meaningful.

However, what falls by the way-side and establishes antagonism in this reconstruction of the scholarly role is the legitimacy to go beyond data-generation for analysis aiming at solutions, but to highlight and discuss areas in which there is controversy, areas where there is exclusion, areas where there is a need to debate assumptions, to point to disparate ideas, and to develop a general interpretation which is historically aware and politically critical of processes of constructions of meaning. Those academics who do not conform to such technocratic solution-finding enterprises were referred to as ‘value-oriented’ in Huntington’s Trilateral Commission report (Gill, 1990: 159). “Excluded are scientists [...] who work within the more scholarly traditions of international relations” (Gill, 1990: 159). It still seems to be the case that those academics who do not engage in the liberal, functionalist business of generating data and offering policy recommendations because they are asking a different kind of question find themselves marginalized even within the scholarly community.

Controversy may rage as long as it adheres to the presuppositions that define the consensus of elites, and it should furthermore be encouraged within these bonds, thus helping establish these doctrines as the very condition of thinkable thought while reinforcing the belief that freedom reigns.

(Chomsky, 1989: 48)

As indicated above, much of 'migration studies' portrays a surprising symbiosis with policy making²⁶. For Papastergiadis, there are notable limits of explanation (2000: 17). 'Migration studies' is not only often still firmly rooted in positivist and largely linear assumptions, but also, the models and typologies which are used are often isolated from the broader thinking and broader explanation in which they were historically conceived. Such isolation and lack of theoretical context limits explanation even further. Thus, we find case study presentations. These focus on individual, economic or social aspects of mobility, but seldom critically question conceptions of political subjectivity, or the function of power-relations in a global historical context in which policy-decisions take place.

Most contemporary accounts of migration are now either empirical, or present an eclectic theoretical model composed of both voluntarist and structuralist concepts. The presentation of a new general theory of migration, or even an extension to the previous theoretical debates, is lacking. [...] Narratives of migration in the social sciences have thus repeated the territorial competitiveness and binary oppositions that they were meant to critique.

(Papastergiadis, 2000: 17/18)

In short, there is hardly any critical engagement with hegemonic discourses which provide the background for processes of creation and delineation of meaning, boundary drawing and systemic questions of inclusion and exclusion. Thus, the literature accepts to varying degrees the key issues as set out by the Trilateral Commission: political order and economic efficiency which are globally defined through concepts such as possessive individualism, consumerism, interdependence, and bounded welfare concerns; as well as particular notions of security and urgency *vis-a-vis* the Other. International migration is accepted by most scholars as a technical question to manage rather than a phenomenon which is deeply political. Yet because there is the requirement to be policy-relevant certain probing questions about the very 'limits which frame what the problem is' are excluded, because they are 'ideological' or 'more scholarly' – as the Trilateral Commission has it.

It is this background - of technocracy and changes in the function of academia - which then renders an understanding of the construction of political subjectivity

²⁶ With the same exceptions, as noted earlier.

more intelligible. Against the back-drop of changes about what politics is and does, the 'active citizen' (the norm), the 'targeted population' (the deviance to the norm) and 'the suspended' can be understood. 'Active citizens' as those who will exercise responsibility for themselves, akin to the Trilateral logic of possessive individuality and efficiency as being competitive self-managing skill-breeding persons understood as recognizable and respected individuals. The 'active citizen' need not be naturalized, but needs to be understood as defining the norm, as opposed to 'targeted populations' who require special measures if they are to exercise their capacity to be self-governing and are thus deviant. This logic can be followed in the media where those who are deemed poor and in need of treatment "are only considered as a group" (de Goede, 1996: 336). They are yet to gain the capability of individuality and efficiency. As De Goede shows (1996) referring to a group such as 'welfare mothers' is illustrative of a paternalistic view of the world where women (even today) are portrayed to be irresponsible or otherwise victims who have morally straddled away from what is 'good' for a lack of male guidance. In the case of the international politics of migration 'the victims of trafficking' are ascribed similar connotations (O'Connell Davidson, 2006). Yet, what happens to those who do not fit the bill – those who are assumed to be beyond treatment, rehabilitation and redemption? For the Trilateral Commission these problems did not arise, since everyone was assumed to fit into a place, a role and a function within consensus-democracy.

Thus, the discourse which evolved out of the Trilateral Commission sets the boundaries for what are acceptable areas of contemplation and learning as well as those actors who are defined such that they can speak, can be heard and are respected – everyone else has to adapt and do the learning. Consensus-democracy claims to be all-inclusive and totalizing. How did we get there? How did we get to understand human beings as functional-efficiency-machines or 'active citizens' who can be differentiated from 'targeted populations' for which some treatment is available if there is the promise to turn them into active citizens? And what happens to those who do not fit the prescription?

What does all this mean for this study? In the early years the Trilateral Commission promoted free market conservatism, as a reaction to changes perceived as being caused by the increasing interdependence of states – the

opening of global markets, a move to monetarist policy, an emphasis on self-regulated markets and a notion of welfare dependency as to be countered. The notion of interdependence is significant in this regard. As Susan Strange points out interdependence was brought into use by scholars close to the Trilateral Commission “when what they were describing was actually highly asymmetrical and uneven dependence or vulnerability” (Strange, 1982: 485). Governance now – because it is done under the premise of global interdependence - is generally portrayed as networking, coordination and management to force consensus and bring about solutions. The state now emphasises the technocratic nature ‘of the job’ – something that Walters calls ‘the antipolitics of governance’ (Walters, 2004: 33). It is what I term, with Rancière (2001), consensus-democracy.

The Trilateral Commission was, it seems, not successful in reacting to and changing the course of American unilateralism. Neither was it successful, according to Gill (1990), in promoting and sustaining a multilateralism that was more than a very schematic dance of polished position statements in international organisations, such as the United Nations. The Trilateral Commission was, however, very successful in spreading ideas, turning them in to new ‘truths’ through reiteration and changing approaches to doing governance both domestically and internationally, not least because it sought to strengthen the establishment and consolidation of the European Union and spreading regionalism and facilitated the rise in bilateralism after the 1970s. This had a profound effect on making sense of international migration from the point of view of European policy-makers – I will turn to elaborate this now.

The Global Political Economy of Migration

Within the scope of this thesis the particular geopolitical circumstances associated with the rise and fall of Bretton Woods, mediated by the Trilateral Commission are relevant. They are relevant not only in respect of the transformation of ideology but also, more practically, with regard to a particular form of international migration – what was then termed voluntary or economic migration.

Economic theory of the time together with the Bretton-Woods-System with its formal institutions; i.e. the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (IBRD, now World Bank); set the structures and rules for economic interaction to be brought in after the war had ended. It is generally known, that from 1947 it became clear that Europe's economic crisis was far greater than could be dealt with on the basis of loans by the US through Bretton Woods. George Marshall stated in a speech at Harvard University in 1947:

The breakdown of the business structure of Europe during the war was complete. [...] Europe's requirements for the next three or four years of foreign food and other essential products [...] principally from the United States [...] are so much greater than her present ability to pay that she must have substantial help or face economic, social and political deterioration of a very grave character.

(USA, The Department of State, 1947: 1159-1160)

The more relaxed Marshall Plan was thus instated, giving financial aid in the form of grants to European countries (Weber 2002). The *Pax Americana*, of which the Marshall Plan was an important part, maintained by the Bretton-Woods-System, was not solely marked through fixed exchange rates and allowing institutions international free trade (Andersen, in Woyke, 2000: 216). Its linking to (mainly) Keynesian economic theory, which provided the basis for what is now called 'the welfare state' allowed also for domestic intervention into the market for stability via social security provisions and redistributive measures. It is this system of societal order which set the standard for 'improvements' sought for developing countries marking the shift from colonialism to development. It is also in this context, that guestworkers were recruited to re-build the destroyed Europe.

The theoretical context in which workers were recruited is important to shed light on the struggle inherent in social democratic thinking within economic theory as far as international migration is concerned – a tension that is still at work today. On the one hand, there are 'dual economy' models which draw mainly from the rational choice tradition in economics. On the other hand, there is theorizing from within the more explicit Marxist tradition which proposes that migration is a response to, or consequence of, uneven capitalist development (Gidwani, 2003: 188). Rational choice approaches are to this day used to

legitimize 'labour importing' policies whereas Marxist approaches have been and still are employed to critically interpret and also advocate against labour migration arguing that it is exploitative (Gidwani, 2003: 188).

The labour recruitment of the 1950s to 1970s, which has come to be known as 'Gastarbeiter schemes'²⁷ still set the standard either explicitly or implicitly for thinking about labour migration today. Goektuerk et al. (2007) explain that the recruitment from the 1950s to western European countries, in particular to Germany, was heralded in the spirit of European solidarity. It "evoked a progressive vision of pan-European mobility [... and] idealized a flexible, multifunctional labourer who [...] could be transplanted to new sites and milieus with ease" (Goektuerk, 2007: 23). This should be understood in the context of the Marshall Plan which had as one of its goals the economic 'scrambling'²⁸ or interdependency of European countries to ensure and stabilize peaceful relations (Hogan, 2007; Miller, 2000; Hollifield et al., 2000). Two assumptions are inherent in this thinking: (1) that the labourer, the host country and the labourer's family back home would benefit²⁹; and (2) that the 'recruit' would neither necessitate nor want a more stable membership in the host country (Declaration of Accord, Federal Republic of Germany, 1956) because *he*³⁰ was rooted in *his* country of origin.

The enthusiasm of governments which led to the expansion of the Gastarbeiter schemes was not universal. However questioning voices were not heard until

²⁷ I am aware that a considerable quantity of migration literature awards a specialized, time bound meaning to the concept of 'Gastarbeiter'; however, I think it justified to use this term in a more general sense as the underlying logic of pragmatic functionality of a migrant worker is captured by the concept which is equally applicable for other schemes of labour recruitment European governments have been and are engaged in. Thus, I am building on the particular understanding of the idea from the economic boom period to use its underlying logic for programs henceforth.

²⁸ The idea of the scrambled egg is sometimes used as a visual aid to emphasise the need for deep interdependence to avoid war.

²⁹ Akin to language of 'win-win-win' used today in much of the policy and academic literature. Betts (2009), Skeldon (2008), or Ozden and Schiff (2006) are examples of this.

³⁰ The documents reviewed here and the majority of the academic literature at the time assumed the migrant to be the male worker.

the wider system which had provided the 'Golden Age'³¹ broke down at the end of the 1960s.

The steering of the domestic economy through different forms of welfare governance which had been established throughout Europe was impacted by the 1970's economic crisis leading to the subsequent abandoning of the Bretton-Woods-System (Hunt, 1986: 154). This move was explained to be due to a lack of willingness by member states to enter into monetary-political compromises, especially with regard to a giving up of national freedoms to intervene and thus react to the gap between the value of free market gold and central bank gold. As I have shown, the discussions within Bilderberg and the Trilateral Commission provided the backdrop for a debate going beyond economic policy covering a much wider realm addressing broader questions associated to good practice of government and of the particular form of democracy that should be at its centre.

The late 1960s and 1970s saw, what Gill (1990) terms 'cumulative transnationalization of the world political economy'. He argues that the rising number of formally sovereign states presented the precondition for the increasingly vigorous pursuit of competitive policies. Again, in more concrete terms, policies now encouraged competition to attract foreign capital investment, low and stable inflation, provision of suitable infrastructure and the weakening of organized labour. All these were seen as the ingredients for a suitable business climate. The outcome of this thinking was that transnational corporations were gaining in influence in the wake of this ideological shift. By way of transnationalizing transactions, these players profited from reduced costs and loopholes in the taxation system. The idea was to have a world market for commodities, finished products and finance (Gill, 1990: 91). In short, free movement of goods but not of persons. Aided by new developments in technology the process of transnationalizing markets was accelerated and made more sustainable for growing global businesses.

³¹ The Bretton Woods institutions in their ideal form. Yet, Gill (1990) shows how the embodiment of the ideal form of Bretton-Woods was never actually reached, as noted earlier.

In conjunction with the liberalizing and transnationalizing of the markets, the discourse stating that welfare creates dependency and is too expensive was emerging, as shown above. When guestworker recruitment programmes were brought to a halt the focus and interest of nation-states and international fora turned to questions of integration; and more importantly for the task at hand towards those migrants who did not fit established categories: one of them being the invention of the early 1970s: 'undocumented migrants'. Thus the IOM held a conference in 1983, drawing on earlier publications on the question of undocumented migrants and framing this category of people largely in terms of social security provision for those without legal documentation residing within the country they had been recruited to³². Previously undocumentedness had largely been linked to the vagabonds of historic times (Groebner, 2004). Undocumented persons from the 1970s onwards were cast as migrants who had lost their legal status due to the termination of work programs but who were still resident in the host country or came without a government prescribed frame for entry (IOM, 1983). The problem was largely phrased with regard to social service provision – lack of legal status meant restricted or no access to social security (IOM, 1983). Such a discourse set the condition which enabled an understanding of movement for economic purposes to be constructed as burdening European welfare systems and therefore cheating citizens out of their scarce resources. In the context of a changing world economy and under the impression of recession, within a very short timeframe European governments abandoned all their guest worker programmes. International migration for economic purposes became illegitimate. The assumption that migrants just came to Europe to benefit from generous social security systems became seen as the predominant truth about economic migration.

This discourse is not surprising given the above brief overview of the wider politico-economic discourse at the time. Most labour migrants at the time were, indeed, low or unskilled workers needed in Europe's (heavy) production

³² See for example journals like *Migration Today* issued by the Centre for Migration Studies (New York) or *Migration News* issued by the International Catholic Migration Commission (ICMC), but also monographs such as Testa Alvarez 'La Emigracion clandestina' Madrid, 1974 or working papers like ILO's *Evolution of Illegal Migration in Western Europe and the United States*, Geneva 1976

industry. With a shift away from a Fordist system towards a post-fordist system focussing on services, skills and knowledge within a monetarist logic these workers not only became redundant but formed a special kind of knowledge that prevailed for decades to come: Migrant workers come from poor, underdeveloped regions; they are uneducated and therefore not skilled; because they are not skilled they do not have the capacity to be entrepreneurial, hence they cannot be 'winners' (in Gill's terms) and will therefore illegitimately extract scarce resources which we (the Europeans) need for ourselves. Additionally, such movement was interpreted as a sign for failed development attempts (Taylor et al., 1996).

Students of migration learn – as mentioned above - that with the oil crisis in 1973 all 'Gastarbeiter' Programmes were stopped and that international migration - framed as a problem – started (Castles et al., 2009: 96ff). The lesson learned was that, if a country recruits migrants for labour purposes, the people do not go home if they are not needed anymore and that brings – so the narrative goes – problems for social cohesion. The conclusion on the part of governments was: don't recruit migrant workers³³. Accordingly, public and academic discourses in the 1980s started focussing on questions of integration and associated phenomena like family-reunification or racism (Favell, 1995). However, this is only part of the story and it is a limited story.

On the basis of these politico-economic changes, the 1980s - the Thatcher and Reagan years - were dominated by a discourse of 'no-alternative claim' (Gill, 1990: 95). The 'no alternative claim' would stay influential until very recently if not until today. (Investment) banking and its securitization as well as the high-tech sector were promoted. This led to the need for services and a particular kind of knowledge (today often referred to as evidence-based knowledge) which

³³ A strand within migration studies shows that work migration into European countries has never so completely stopped, despite all the policy rhetoric, to the contrary. The ILO estimated 7.5 million foreign workers in European countries in 1973. Following the stop of recruitment it is thought that about 1/3 of those work migrants returned (Salt and Clarke 2002). However, since the late 1980s the number of work migrants is steadily rising again, not least because all European countries are engaged in various forms of short-and long-term recruitment. The agricultural sectors in European countries, for example, have never stopped recruiting for work. (Stalker 1994)

the Trilateral Commission started to advocate during the 1970s and which most European governments have adopted today. In particular the World Bank espoused this trend, taking on the mandate to be the 'knowledge bank' (Cohen, 2004) – the kind of knowledge that is assumed to accurately predict the future based on hard and fast data used to calculate probabilities and statistical significances and to formulate policy solutions. This narrative is based on the assumption that the market is rational. Steered through competition, so the rationale, growth will occur in spite of finite resources (conversation, Ratha, 29 July 2009). Such a rational market would create an economy that is more skill-intensive, science-based, innovative with enterprises being the prime movers (Pinder et al., 1979: 67). The state has to withdraw by not bailing out 'lame ducks', in order for the market to concentrate on the 'winners' (Gill, 1990). Winners are those capable of rational, self-interested competing and innovating. Because migrants come from poor areas in countries with underdeveloped infrastructure the migrant is not seen to be *homo economicus*.

This is important, as this understanding is the underlying theorization of governmental rhetoric in Europe which holds there is not to be economic migration. It is further important in order to appreciate the slow U-turn which started to take shape in the late 1980s – a fusing of the development narrative with the migration narrative – which would make thinking about legal migration permissible again.

The Securitization of Migration

Migration and refugee issues, no longer the sole concern of ministries of labor or of immigration, are now matters of high international politics, engaging the attention of head of states, cabinets and key ministries involved in defense, internal security, and external relations

Myron Weiner (1992: 91)

Migration was a topic for the Trilateral Commission in 1993, suggesting that "growing migration pressure occurring at a time of increasing interdependence makes international migration a critical concern for peace and stability in the

post-cold war era” (Doty, 1998: 71). It is not very surprising that migration at some point started to feature in the Trilateral Commission. Migration had been discussed in other European policy-circles as an issue for security well before 1993. The Trilateral Commission had started conceptualizing issues of domestic governance as dangerous globally which were not classically regarded as such in the 1970s. Both, Human Rights and energy had featured, for example, as concerns in the context of relations with the Soviet Union but the Middle East (Gill: 1990: 179 ff). It is this securitization of issues of domestic politics that the Trilateral Commission sought when problems of ‘outlook’ with regard to security structures and their internationalization were discussed.

What does this mean? The narrative of interdependence had changed the meaning of the boundary, the already present *immigrant* would pose a danger internally by failing to be efficient and enterprising. Yet, the greater threat is posed by those potentially mobile (unskilled and poor) people who *might* (attempt to) cross the boundaries of the sovereign territory. To emphasise the point that international migration is ‘worthy’ of being constructed as a security issue, Weiner explains:

States that are capable of defending themselves against missile, tank and infantry attacks are often unable to defend themselves against the intrusion of thousands of illegals infiltrating across a border in search of employment or safety.

(Weiner, 1992: 97)

Such a construction of ‘illegals’ as objects is relevant in so far as the rule of law based on assumptions of individuality and political subjectivity does not apply. A mass such as those objectified as ‘illegals’ does not have rights that would be claimable (Schotel, 2010). Only individuals who are accepted as political subjects can claim and fall under the remit of the rule of law. What Weiner and others do in this case is to develop a particular kind of security knowledge (Huysmans, 2006). It is the political and normative practice of representing something as an existential threat to stability and security. Huysmans explains:

Security questions [...] result from a work of mobilization in which practices work upon each other and thus create an effect that we call a security problem. [...]. Immigration as a security problem is thus not a natural given; it does not just pop up as a new threat manifesting itself and triggering a security policy trying to curtail the danger.

Turning immigration issues into a security question involves a mobilization of certain institutions (e.g., the police), a particular kind of knowledge (security knowledge), and specific expectations concerning the social exchanges between various social groups. It is an intersubjective understanding of security, rather than a subjective one. The central level is [...] the interaction between different actions articulating a security knowledge and mobilizing security expectations in an already institutionalized context.

In this interpretation, speaking and writing about security is never innocent.

(Huysmans, 2002: 42)

How does such framing come about and what does it do? According to Didier Bigo (2000) experts “all agree that the threats come from the social world and that a government has the responsibility to answer them. [...] Security needs to be ‘global’” (Bigo, 2000: 324). He explains that diverse notions circulate as labels between politicians, bureaucracies and academics. The latter, as part of their profession define and propose solutions, “but often they begin with statistics coming from political labels or registrations of bureaucracies and they forget this point” (Bigo, 2000: 325). It is thus, that academia frames its answers – in short, it essentializes.

Campbell describes what securitization does as the construction of formerly domestic policy issues as threat discourses which have notions of insecurity in the form of systemic instability and vulnerability at their heart (Campbell, 1998). It is at this point where critical security studies probe the implications and dangers of expanding the security agenda to include what was formerly regarded as non-security issues (Weaver, 1995). This works, as Elias (1993) holds, because the fear of losing one’s life and soul has been replaced by the multiplication of trivial fears concerning one’s property. In other words, securitization is the profound move by which military and police agencies start overlapping in their mandate, both stripped of the clarity of purpose that was constructed through historical discourses. Thus, the difference between orthodox security – which is understood as the absence of armed conflict (Elbe, 2006) – and securitization (Buzan et al., 1998) is a question of the referent object of security and the consequences of such construction.

[S]ecurity will include undertaking activities such as surveillance of clandestine immigration, surveillance of cultural and social influences from the country of origin of migrants and even their offspring,

surveillance and maintenance of order in so called problem districts, and control of transborder flows.

(Bigo, 2000: 322)

Securitization is thus the capacity to create and manage insecurity, in particular related to transnational flows and surveillance of boundaries. This articulation is, thus, “not a threat to a state’s identity or existence: it is its condition of possibility” (Campbell, 1998: 13) It is a discursive construction which fulfils the function of changing the ‘outlook’ as called for by the Trilateral Commission. The military starts to look inside the territory and the police force looks outside the territory and both look for the enemy from the outside as much as from the inside.

It is in this context that there was an analytic differentiation over the past 20 years of security questions into national, societal, human and international security. Within these security frameworks different emphasis is set on how they analyse international migration. However, all frameworks convey the notion of international migration being out of control along Foucaultian lines that ‘everything is dangerous’ and therefore needs to be pro-actively addressed (Foucault, 1997: 256). Below I will discuss the frameworks in turn in order to set out their relevance for international migration and to show how migration is securitized.

National security (Elbe, 2006) focuses most classically on the integrity of the nation state. It is an argument used often by policy-makers, as I will show throughout the thesis, in the context of international migration. Migrants in this framework are constructed as posing a threat to sovereignty by entering the territory without permission, and by undermining the integrity of national institutions such as the courts of law and the capacity of immigration administration. As a response governments feel legitimized to invest in new technology of surveillance to strengthen border control systems – often drawing on the support of the military. FRONTEX is a major actor in this context.

National security overlaps to a certain degree with societal security, which focuses on the wellbeing of an imagined community. Here the focus is more clearly on social cohesion, but also on redistribution of resources. Thus, migrants are problematized in terms of their cost – financially, in-kind and

culturally - to the functioning of the social. In other words the 'foreignness' of habits and behaviours that migrants introduce into a seemingly coherent community, as well as their assumed 'abuse' of the welfare system is made an issue of fear.

The human security (Elbe, 2006) narrative offers a markedly different perspective, which is directed at the situation in a migrant's country of origin and at the person of the migrant him/herself. Here the argument is that migrants have no choice but to move because their personal security is undermined by internal conflict and/or under-development. As such it is the responsibility of the country of origin to develop; and failing that, it is the responsibility of the international community to engage in development activities, in order that the national of such country can invest in a livelihood 'at home'.

Finally, international security (Elbe, 2006) focuses on the safeguarding of the international system as a whole. Here the narrative constructs populations which are mobile as a threat to the stability of states by moving and to inter-state relations more generally – thus, they become a focus of foreign policy-making. This may be because too many displaced persons move into a neighbouring state. An example may be the number of displaced people who move into Pakistan and Iran. However, European governments have engaged in this narrative, by constructing the concept of 'irregular secondary movement' whereby migrants have been assumed to have found a country able to protect them close to 'home', but then move on and cross into the European Union without a legitimate reason.

All of the above mentioned security considerations play a role in the construction of Migration Management. As a consequence European countries are now regularly assuming the international migrant as a threat to their security, stability and order and the underlying logic is that left to its own devices and unchecked the phenomenon of international migration will spiral out of control and therefore must be managed as an international issue and not only one to be considered as a domestic problematic.

Conclusion

The effects of the transformation of ideology which evolved through the Trilateral Commission and which have advanced in the context of managing international migration as both an economic and a security issue are dramatic. Bilderberg and the Trilateral Commission have achieved several things that are relevant in this thesis: (1) the particular way of 'private citizens' meeting to discuss issues constructed as problematic is important as it provides a blueprint for the IGC of engaging in informal plurilateralism; (2) the ideational changes introduced by the Trilateral Commission introduce a technocratic approach to policy-making which neutralizes politics into an exercise of problem formulation/solution finding; (3) the parameters of establishing political subjectivity have been narrowed which in effect means the measure is efficiency expressed in either socio-economic terms or framed within an analysis of danger to order and stability. In short, by way of representing a very narrow version of democracy, the Trilateral Commission has silenced the political that is thrown up by the very question of democracy.

Thus, in articulating free market conservatism the crisis of democracy as it was elaborated by the Trilateral Commission has brought about what Rancière came to call consensus-democracy (Rancière, 1998) Consensus-democracy is the policing of the social by oligarchy.

Politics is generally seen as the set of procedures whereby the aggregation and consent of collectivities is achieved, [that is to say] the organization of powers, the distribution of places and roles, and the system for legitimizing this distribution.

(Rancière, 1998: 28)

The Trilateral Commission was thus successful in establishing a transformed ideology by formulating new connotations and instruments through informal plurilateralism. This above recount of the historical development not only of a particular form of governance, but more importantly with a view to how the hegemonic discourse of consensus-democracy came into being is thus important as a frame for the discussions to follow, in particular for an understanding of what the IGC is and how it was able to spread so very forcefully a new narrative about the international politics of migration. The

subsequent chapters to follow now will then proceed to set out the internal logic of Migration Management as read through the archives of the IGC.

Chapter 3

The IGC's Informal Plurilateralism

The screenshot displays the IGC website portal. At the top, the logo 'igc' is followed by the text 'intergovernmental consultations on migration, asylum and refugees'. Below this, a paragraph describes the IGC as an informal forum for information exchange and policy debate, involving 17 participating states, the UNHCR, IOM, and the European Commission. A list of participating states is provided, accompanied by their respective flags. The main section is divided into two columns: 'Registered Users' on the left and 'You don't have access yet?' on the right. The 'Registered Users' column contains a login form with fields for 'Login' and 'Password', a 'Login' button, and a link for 'Forgot your login or password?'. The 'You don't have access yet?' column features a blue link that says 'Apply Now!... It's quick and easy!'. At the bottom, there is a link for 'igc staff webmail' and a copyright notice: 'Copyright © Intergovernmental Consultations on Migration, Asylum and Refugees - IGC. All rights reserved.'

Figure 2: IGC website portal (source: www.igc.ch)

This chapter introduces the IGC in more detail and conceptualizes the IGC as an example of informal plurilateralism. Informal plurilateralism has crept into policy making, pushing aside more transparent and democratic processes. The IGC is situated in the historically specific and socially constructed discourse outlined in the last chapter and influences the international politics of migration. I argue that ideas about the international migrant and about the steering of international migration are molded by civil servants of mainly European governments in these informal processes. These ideas filter subtly through into technocratic systems of governance at the national and, more importantly, the European and, increasingly, the international level. Ideas, in this case about how to manage migration efficiently, are introduced informally and normalized

into the formal, public discourse. In the few publications in this area, informal plurilateralism tends to be portrayed as a welcome addition to formal multilateralism (Channac 2002; Channac 2006) suggesting that, on the basis of ideational affiliation, policy makers move to extra-institutional and opaque fora to consult on problems they identify as shared. Such a benign presentation obscures the closed, non-transparent and excluding nature of these non-decision-making conversations.

The term multilateralism “implies joint consideration of international issues of mutual interest, by many or several states, with the purpose of finding mutually acceptable solutions” (Sewell 2000: 49). Diplomacy between groups, with the nation-state as the principal organizing unit, is the form of multilateralism that has broadly been implemented, for instance, in the form of the United Nations after the Second World War. The UNHCR is one such body relevant for internationally governing one particular category of international migrant. The IOM is another example of an intergovernmental body in international cooperation. Thus, multilateralism can range from preparing and convening meetings and conferences to setting up permanent institutions with a written mandate guided by legal provisions and institutional procedures that are widely ratified. Within the UNHCR, for example, governments are bound by international law; whereas within the IOM government’s interactions are based merely on a Memorandum of Understanding.

Such organizations (also found in areas such as trade or the environment) have the main purpose to facilitate what is generally considered as a positive outcome: increasing interdependence between nation-states, as this is seen to facilitate peaceful coexistence (Gelpi et al., 2008). The processes of globalization have facilitated such interdependence and have, in consequence, undoubtedly considerably altered how we perceive the nature of the nation state (Stohl 2005: 447; Sassen, 2006; Strange, 1988). Paradoxically, what is generally regarded as positive, namely transnationalism and cooperation in the context of rising complexity and interdependence, is not seen as such in the case of international migration. Here the notion of interdependence is used on the one hand in terms of expressions of anxiety of ‘floods’ of migrants coming into the European Union, or America or Australia. That is to say, other nation-

states are too close for comfort. On the other hand interdependence (selectively understood) is used to emphasize the need to pull together to (re)-gain control over immigration into the European Union or America or Australia.

Wilkinson (2005) perceives contemporary global and supranational governance mainly as a response to an ever greater sense of uncertainty and a perceived inability to control. He writes that global governance has evolved in times when:

uncertainties reign; when state power is changing; when greater interdependence is occurring; when conflict, poverty, environmental degradation, ill health and human insecurity are rife; when existing mechanisms for dealing with catastrophe are in crisis; when new sources of authority and novel patterns of governance are emerging; and when calls for transparency and democratic accountability grow louder

(Wilkinson 2005: 1)

Thus, formal multilateralism today “focuses on the dynamics of change and flexibility in which established intergovernmental organizations are challenged to meet new demands and requirements while accommodating new mandates and members as well as non-state actors with global reach” (Forman 2006: 205). Whereas formal multilateralism has placed emphasis on formal legislation and procedures in the shape of covenants and laws and formally established institutions to deal with collective issues, it has, however, also always made use of more informal ways of dealing with issues through guidelines, or temporary arrangements such as in-house working groups.

This distinction is important: formal multilateralism happens in the United Nations or in the European Union when meetings are called, ministers assemble and law of one kind or another is decided. An example of formal multilateralism is the Executive Committee (ExCom) of the UNHCR, where resolutions are discussed by way of governments offering their views in short speeches, with a right to reply granted and a resolution passed. Informal multilateralism happens, equally in the UN or the EU for example when formal meetings or decisions are prepared or a new issue area is explored in working or task groups. An example of informal multilateralism was UNHCR’s working group on asylum and migration, which was tasked in the beginning of the 1980s to understand a phenomenon experienced as new at that time: mixed flows. Mixed flows describing the perception of national governments in western Europe that it is not possible anymore to distinguish clearly between those

migrants who move because they are forced to or displaced and those who move voluntarily, out of economic motivation. The impression on the part of governments was, by the early 1980s, that many people who said they were refugees claiming asylum in Europe did so illegitimately. This particular informal working group would later evolve into the IGC.

What happened then to motivate governments to supplement formal and informal multilateralism? And what is the consequence? Policy making in international migration now tends to be framed as a technocratic matter, and has become an issue of almost exclusive bureaucratic consideration, especially since it is so strongly focused on cross-border mobility. This requires an explanation. Why is it that the international formal, multilateral fora established to debate and steer migration are not deemed sufficient anymore, so that governments, from the early 1980s onwards, have begun to take recourse in what has now come to be called 'informal, controlled multilateralism' (Channac 2002, 2006) - what I call 'informal plurilateralism'? And why is it seemingly necessary to set up informal plurilateralism as a setting in which only 'like-minded' governments – governments of the Global North – meet?

The IGC's single objective is to pragmatically address issues of international migration as they arise. The IGC documents offer a historical perspective on how governments have perceived their predicament and argued their particular 'truth constructions'. In the following I will define what I mean by informal plurilateralism. I will first briefly outline the history of informal plurilateralism. I will then discuss the IGC as particular example of informal plurilateralism used as a forum to discuss international migration, their impact being hegemonic doctrine formation. I shall finally discuss the consequences of this form of steering.

Informal Plurilateralism

The shift in ontology from the largely ideologically charged thinking during the Cold War towards a free market conservatism and technocratic mind set has prompted a transformation in the institutional make-up of the international community. In what follows, I will offer a discussion which has at its heart to

clarify what I mean by informal plurilateralism. Illustrations are drawn from the IGC and the wider migration field and will already anticipate what follows in the remainder of the chapter.

Multilateralism denotes a formal, multi-participant process that involves organizing internationally with regard to political questions through legal institutions. The purpose or rationale of multilateralism is broadly good governance, underlying the assumption that nation-states must attempt to cohabit or 'get along' (see for example Rosenau, 1995). It is in short, international inter-governmental cooperation. The refugee-regime, for example, created through the UNHCR and the 1951 Convention alongside intergovernmental organizations like the ILO are good examples. Their mandate was to find mutually acceptable solutions for steering through regulations to formulate rights and standards for limited control of human mobility. Governments came together to discuss, debate, and negotiate common resolutions on the basis of often diverging perspectives, largely divided into sending and receiving country views. Thus, multilateralism denoted international inter-governmental cooperation in such a way that broad formal agreements could be decided upon, which were open enough for specific and contextual implementation by individual nation-states.

However, as previously discussed, by the 1970s nation-states established the Trilateral Commission as they became disillusioned with social democracy. The perception at that time was of having lost stability and order. This perception led to a new hegemonic discourse that would guide thinking and governing in the 1980s and 1990s. A hegemonic discourse which led to the 'no-alternative claim' during the Regan and Thatcher era. More importantly though for the present chapter is the particular approach to working that the IGC established. Meetings were held without many formalized procedures, in which it was more important to have the possibility to exchange views in a private atmosphere than to have governments present inflexible standpoints. It was also important to 'try out' new ways of making sense of international migration.

Plurilateralism, according to Cerny (1993), denotes differentiation from a total global multilateralism occurring across various crosscutting areas so that the different levels and structures of a system are separated from each other and,

as a consequence, various functional dimensions become more distinct (Cerny, 1993). In its Latin derivation plurilateralism carries the connotation of a more homogenous 'we' – the belonging to an agreed majority - as opposed to an uncomfortable multilateralism of vastly different perspectives. Examples for such plurilateralism could lie anywhere on the spectrum between security issues and the cultural. Informal plurilateralism, as I define it, is an opaque process in which a shared interest brings a limited number of governments together for consultation. Keohane et al. (2009) argue that it is unlikely that nation-states make use of multilateralism in the area of international migration as this is deemed too controversial. The IGC is a forum which provides space to voice ideas without formal restrictions, associated with fixed institutional structures and international law (conversation, Penninx, 08 September 2007). It is also a forum where there is no legal or public scrutiny as to what is discussed, how, and which consequences would follow from ideas produced. In fact, the most recent coordinator of the IGC emphasized in a conversation held on the 30th of March 2011 that the meetings of the IGC are private not only in the sense of a tightly controlled membership but also that the participants attend in their private capacity – though they do hold the brief for international migration within the government and attend European and international meetings in their professional (diplomatic or technical) capacity (conversation, Loeper, 30 March 2011).

Informal plurilateral processes leave the formal institutional base and form an autonomous process of 'structural differentiation'. As a consequence, the functional structure of regulating migration not only becomes more prominent but, more importantly, the informal extra-institutional space leads to concepts used to steer migration becoming more differentiated and distinct as well. The two most prominent examples of this will be discussed in the following two chapters separately, as they are representations of what evolved out of the 'mixed flows' problem – the asylum-migration nexus and the migration-development nexus respectively. However, the formulation of what is now known as 'illegal secondary onward movement' provides a brief illustration at this point. It describes the movement of people who have been awarded refugee status in the region of origin, but who, nonetheless, move on to seek

asylum in the European Union. 'Illegal secondary onward movement' thus renders the mobility of a person illegitimate since it is assumed that a person has found protection. Yet, it ignores the circumstances – human rights abuses, undignified living circumstances, *de facto* detention – in which these refugees exist (conversation, Crisp, 12 November 2005). It is an abstraction of the problem of a person seeking protection from persecution, arguing that this was found in the region of origin, ignoring the dysfunctional actuality and therefore undermining the idea of granting asylum via spatial distance and a de-personification of the process, making it open to managerial control. Further, since participation within the IGC is a matter of private capacity, there is no accountability at the point of doctrine formation.

Informal plurilateralism is not without historical precedent as Jervis (1986) and Elrod (1976) have demonstrated.

The plurilateral model of political order (here defined in a rather state-centric way) has already been tested in the 19th century system of power balance called the European Concert. The concert arrangement was based on consultations among the great powers which acknowledged their equal status and agreed to protect established members of the states-system and, consequently, prevent territorial change. The system was essentially conservative, [...].

(Hettne 2002: 19)

Through a Foucaultian lens, in today's context this could be interpreted as preventing changes in population composition within neat territorial boundaries despite a globalized world order where everything else, including capital, is highly mobile, and thus giving rise to a sharp distinction between irregular migration, and regular migration which is defined as the 'other' of irregular migration. In the 1980s regular migration/admissions policies were excluded from these informal settings. For example, the skilled migration of health or IT professionals is not regarded as so contentious as to warrant discussing in such a forum as the IGC, which is regulated abstractly through the GATS agreement and then as part of domestic steering.

Distinguishing characteristics of informal plurilateralism are precisely its informality and its technocratic approach. The informality of this form of consultation is said to be conducive to trust-building, that is strengthening the 'we'-impression of the group, and open to finding new practices. Yet, they tend

to be coteries of the like-minded. For example, civil society is excluded from deliberations within the IGC (conversation, Bartsch, 10 November 2005). The prolific participation of civil society involvement in multilateral fora is regarded as a threat to the workings of policy-making. Thus the director of the Global Policy Forum points out that 'governments and international organizations at times find NGOs a nuisance or even threatening to their interests' (Stohl 2005: 453). Formal multilateralism finds civil society a threat, undermining its authority or not playing to its tune. However, plurilateralism has no such pretenses. A 'restricted format, the confidentiality of the discussions and the focus on substantial and technical issues are the main characteristics' (Puetter 2004: 861) of informal plurilateralism. It is argued that it is conducive to policy deliberation and a trigger to consensus-oriented discussion in that the organization is focused around a clearly defined and shared problem while maintaining a flexible agenda. The 20 year review of the IGC clarifies the view of participating governments:

For senior level participants the benefit has been the extent to which the IGC process offers an opportunity for reflection on issues facing national administrations in a setting where participants are not held to account for a national position and are not in negotiating mode but are there simply to hear from and learn from others. [...] For the technical level participants the benefit is being able to exchange information about current procedures and practices and to bring back to their home base a wider awareness of the situation in other states and of the 'best practices' that are being developed in a rapidly changing environment. There appears to be no other forum that allows this to happen in a sustained way.

(Johnston, 2005: 15)

Formal multilateralism, on the other hand, does not provide for the privacy needed to share data and intelligence on certain pertinent matters with 'groups of friends' or like-minded governments. Hence, formal multilateral fora are considered to be too inflexible, restrictive and slow as to react to complex, contentious and urgent matters such as international migration (Channac, 2002). Thus, a participant to the IGC, for instance, writes on 30 April 1991 to delegations and participants that the nature of the informal consultations within the IGC should:

[b]asically [...] have a strictly informal character, so as to facilitate an open dialogue between participants, who are considered to reflect for the

purpose of the discussion their own ideas not necessarily being their governments' views. This [...] cannot but function properly *if its intellectual products keep their informal character*. Consequently, the only documents being circulated are contributions prepared by its participants.

(anonymous author, 30 April 1991)

The informal character has yet another purpose. It tries to prevent the participating countries from being seen as a group of now 16 western nations³⁴, which takes “common policy measures *against* refugees, asylum seekers and migrants” (Dutch participant, notes circulated for meeting 13 May 1991 in Switzerland) in focusing exclusively on preventative measures in respect of movement. However, IGC consultations in the 1980s did precisely this and in taking measures to control movement they created (though without intention) what is today discussed as irregular migration. Previously mobile people fell into two distinct legal categories: most were work migrants and some were forced migrants who were awarded refugee status and the focus was on questions of integration. In the 1980s governments started discussing the phenomenon of what came to be called ‘mixed flows’: analytically and practically the distinction between economic (legal) migration and forced migration was seen to be increasingly untenable as it was argued that many migrants who were in actual fact economic migrants were posing as refugees to gain access to European countries (Ghosh, 1998). This narrative was possible because European governments had abandoned their labor migration policies in the mid-1970s, and therefore there were hardly any legal ways to enter Europe other than as an asylum seeker hoping to gain refugee status.

The perceived need to keep ideas within the small group, especially when those ideas have the purpose of informing new knowledge and practices upon which decision-making is based is intriguing. It shows the internal tension between being obliged to adhere to international norms based on a ‘European value system’ and an urgency felt to respond to the ‘threat of mobility’. While at the same time discussing substantial issues with regard to Migration Management, IGC participants tried to define how they organizationally go about identifying

³⁴ Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Italy, Netherlands, Norway, Spain, Sweden, Switzerland, United Kingdom, USA

their position in what was perceived as a new political reality. This - so the argument goes - can only be discussed in a small like-minded group, within the safety of informality and without the media distorting what was discussed (conversation, Apave³⁵, 30 March 2011).

Beyond secrecy, dealing with irregular movement is the perceived urgent goal and a technocratic approach is promoted as more promising than old ways of finding solutions. Thus, the larger ontological shift from an ideology-infused conflict between East and West to an apparently consensual, hegemonic order built on liberal market principles, introduced the notion of management. This reformulates issue areas as challenges which need information gathering in order to establish evidence-based knowledge upon which governments can then implement pro-active (administrative) mechanisms and practices³⁶. Examples here would be the gamut of border control strategies introduced during the past 10 to 15 years (and ongoing)³⁷.

This organizational change in idea-production and policy-making is interesting in so far as the issue of governance is, at least in public discourse and in academia, still largely looked at exclusively with regard to formal multilateralism. Hardly any theory of international relations from realism, via neo-liberalism to constructivism or other critical approaches, offers a grid to understand the move to informal plurilateralism. This literature writes about democratization, transparency and adherence to the rule of law or distributive justice in its widest sense at a time when there is a very distinct move towards anti-democratic practices, secrecy and the side-lining of law, through administrative measures and agenda development in the guise of informal plurilateralism. More recent examples are the so called Regional Consultative Processes (RCPs), which are functioning along the same principles as the IGC, though they are regionally organized and are marginally more transparent. The first of these was the Budapest Process, which came into being in 1992. Its purpose was to prepare

³⁵ Gervais Apave was IGC coordinator from 1997 to 2001

³⁶ Primarily the collection of data on 'flows' and 'stocks' of (im)migrants

³⁷ Such as: the use of new technology; professionalization of visa requirements and control; internal checks and controls maintained by ever growing data-bases such as the Schengen Information System

accession countries in terms of their capacity for border control and Migration Management as most of these countries would constitute the outer border region between the European Union and other countries. A form of policy export, which placed the onus of policing the outer European borders with regards to migration, on those joining and 'reliving' those old countries from their responsibility. Thus, technocracy merges policy-making and policing into polic(y)ing, as will be discussed in chapter seven.

Drawing on the field of peace and security studies/practice, Forman (2006) suggests that the retreat of governments into informal arrangements. Due to asymmetrical power relations and a perceived lack of effectiveness/efficiency of formal multilateral fora, it increasingly becomes the rule rather than the exception to revert to extra-institutional arrangements (Forman 2006: 208). These asymmetrical power relations are perceived on two different levels. First, attempts by developed-country-led intergovernmental motions with regard to agenda setting and action tend to be rejected by countries less heavy-weight, simply by virtue of the proposal coming from the Global North. The Global South accuses developed countries of disregarding their position and hence undermining the original idea of mutuality³⁸.

Another strong reason for retreat is the perceived lack of effectiveness or efficiency of formal multilateral institutions. Under globalization and ever more increasing interdependencies, formal multilateralism is regarded as less and less capable of addressing pressing global problems due to long and tightly rule-bound intra-organizational decision-making processes (Forman 2006: 212, see also Channac, 2002, 2006; Samers, 2004; Zylinska, 2004; Lippert, 1999; von Koppenfels, 2001). Decentralization of governance on the one hand and a general cross-over between various governance areas on the other may provoke institutional conflict. This is thought to be un-conducive to policy deliberation (Puetter, 2004). Authors such as Samers (2004; see also Koslowski, 1998; Guiraudon and Lahav, 2000; Geddes, 2000; Guild, 2003; T. Kostakopoulou, 2000; D. Kostakopoulou, 2005; Lavenex, 2001a and b and Stanton-Russell and Keely, 2000) have referred to what has come to be termed

³⁸ Participant observation during the years 2001 to 2003 at the UNHCR and UNHCHR in Geneva

'intensive trans-governmentalism', meaning activities of governmental (particularly interior ministries) actors

below the levels of chiefs of government such as ministerial officials, law enforcement agencies and other bureaucratic actors. These officials act with a certain degree of autonomy *vis-à-vis* their chief executives and are free to develop their own policy agenda.

(Samers 2004: 30)

He goes on to state that processes "are secretive and for the most part do not have to answer to juridical control [...]" (Samers 2004: 30).

Interestingly, these are also characteristics of the working of the IGC. Yet the important difference is that Samers refers in the same breath to what I would term in-house working groups embedded in formal multilateralism. Thus examples for informal multilateralism would be the Ad Hoc Immigration Group within European institutions which was active since 1975 or the Schengen Group which has ceased to exist as the Schengen agreement is now incorporated in to EU legislation. I argue that, even though these groups are outside the 'community-method', they are still firmly within the broader informal mechanisms of a formal universal multilateralism. The IGC, on the other hand, is contractually autonomous and thus has no links to any formal multilateralism, except for inviting UNHCR and IOM staff to certain meetings in an observing role. I will offer a more concrete description of the IGC's evolution below.

The IGC: Historical Development of a Conceptual Machinery

In 1983, UNHCR hosted an informal seminar on the 'Integration of Refugees in Europe'. It was noted that irregular arrivals, procedures of refugee status determination and issues around manifestly unfounded claims of asylum were of urgency to participants. Irregular movements with regard to asylum seekers and refugees were also an issue during the 35th ExCom session in October 1984 (Minutes of the Task Force on the European Protection Seminar 1985 – meetings held on 2 and 5 November 1984). Reactions of participating states to the IGC are summarized by the coordinator of the IGC, Jonas Widgren, in a background paper prepared for the full round of consultations in Stockholm over 25-26 June 1991. This gave a brief overview of the history of, and rationale of

establishing, the IGC and passages of this document merit quoting since they show the perceptions underlying the assessment of those delegations of the particular situation since the inception of the IGC:

In 1984, when the irregular movements of asylum-seekers to Western Europe and Canada had started to increase, contacts were taken between States in the region with a view to discuss this new situation. [...] These contacts led, at the suggestion of States in the region, to the establishment by UNHCR of a working group on Irregular Movements [...].

However, the appreciation of States concerned at this juncture was that neither of these [formal] institutions was offering a fully appropriate framework for inter-State discussions on multilateral cooperation related to the new situation, taking into account the large number of member States in each of these bodies and the scope and modalities of their activities in the asylum areas³⁹. [...] As regard UNHCR, there was the impression among States that the qualitative changes under way as regards the new flows of asylum-seekers were not taken seriously enough by UNHCR. [...]

In an effort to establish dialogue, a major meeting was convened by UNHCR [...] attended by 35 member States, [...] as well as by NGOs and by inter-governmental organizations [...].

However, many of the States in the region felt that meetings of this scope and nature, valuable as they may be as fora for general stock-taking, would not allow for the new pragmatic approaches needed to reinforce inter-governmental co-operation aimed at better solving acute problems emanating from the new asylum situation. [...] Among issues [identified to be] discussed between delegations was information exchange, orderly arrangements [...] to avoid irregular movements and the intensification of the work on a convention on country of first asylum.

(IGC, Stockholm 25-26 June 1991, Background Document, pages 1 and 2)

Substantially, this quote is interesting as it already outlines the IGC's program of pragmatically reacting to the urgency and qualitative changes of a 'new *asylum* situation' constructed as irregular movement. The person seeking protection from persecution is re-constructed and represented as threat which needs urgent, pragmatic action – a new expression of political subjectivity. At this point however, I want to focus on the rationale of institutional change necessary in

³⁹ This refers to a convention on country of first asylum, which the CoE had worked on since 1978 and which would eventually enter into the Dublin Convention (1990). The Convention was signed in Dublin, Ireland on 15 June 1990, and first came into force on 1 September 1997

this 'new situation'; explicitly: UNHCR is not regarded 'fit-for-purpose'. The gap between participants and UNHCR seems to have persisted and widened as the report shows when it states that:

[...] two short notes had been prepared [...]. The Dutch note suggested a scheme for dealing with irregular movements, whereas the note submitted by UNHCR stressed basic principles, urging increased and concerted international cooperation. A decision was taken to set up two joint Working Groups, one on Iranians and one on Tamils. [...] The Working Groups on Iranians and Tamils, having been convened by UNHCR for a total of four meetings during the summer, had not corresponded to Government expectations of pragmatic and quick collaborative action.

(IGC, Stockholm 25-26 June 1991, Background Document page 3)

It is note-worthy how a qualitative difference is established between an efficiency-focused Dutch proposal and a tedious UNHCR call for adherence to basic principles, noting how this latter approach fails and disappoints governments looking for flexible and 'pragmatic' solutions. Looking back at the 'Consultations on the Arrival of Asylum-Seekers and Refugees in Europe' held in May 1985 Cabinet Minister of Labor for Sweden, Ms. Anita Gradin makes two important remarks:

It is obvious, that developments like [large-scale influx of asylum-seekers, restrain on resources etc.] taking place simultaneously in a number of European countries, must be met by new international solutions. [...] These consultations showed that there is a great interest among countries concerned to explore the possibilities of a closer co-operation in the search for new policy avenues. [...]

The aim of our meeting today is thus to informally discuss how to continue on the basis laid at the meeting in May. But the holding of our meeting today is an event in itself, since it might develop, if it works well, into such a flexible, consultative ad hoc mechanism which many delegations asked for at the May meeting.

(Gradin, Ministry of Labour, Sweden, Opening Statement, 25.11.85)

It is remarkable (though maybe not surprising) that states had met a deadlock in a formal multilateral setting, but seem to be content in this new informal plurilateral setting. There arises then the question of what conditions had made a conducive environment possible and what conditions were eliminated that had led to a deadlock in the formal multilateral environment? The arrangements for consultations Ms. Gradin referred to in her opening statement are outlined in a UNHCR document of 13 May 1985 as follows:

[...] The first purpose may be obtained by the creation of a contact group consisting of officials from a few European (or Western) states similar to that established following the seminar on integration in Europe. Due to the far-reaching implications of the questions to be discussed, the members of the contact group should be selected among policy makers. In view of the difficulties which the participation of agencies in the May meeting seems to have created for certain European governments, it might be preferable not to include agencies in the contact group.

As for arrangements to discuss solutions to specific refugee situations, it does not appear appropriate to establish an organ with permanent members which holds regular meetings. Meetings could more appropriately be called and participants chosen in view of the specific refugee situation to be discussed.

It may however also be considered to establish an organ with a few permanent participants representing European states. Ad hoc participants could then be called if the topic to be discussed requires it. [...]

In order to enable UNHCR to have sufficient influence on the consultations, they should take place in the framework of UNHCR. Meetings should therefore be called by UNHCR (eventually at the request of one or more states). The meeting place does not necessarily have to be Geneva.

(UNHCR, MP/dm – 13.5.85 Draft, Annex IX)

The IGC⁴⁰ is thus a consequence of both internal discussions specific to international migration, but also of larger geopolitical changes. As indicated above, not only diplomats but also governments and thematic experts (conversation, Penninx, 08 September 2007) came together and formed a forum with the goal of informally consulting about fundamental challenges they felt were common to each other, but could not be discussed within the formal, universalist multilateral meetings of the ExCom (conversation, Paiva, 10 November 2005). Thus far, issues occurring around asylum-seeking and refugees in Europe had been discussed in an in-house working group of the UNHCR. With the consultations in 1985 the IGC was established as an independent group but working within the UNHCR in order to function as a clearing-house for statistics and information and as an informal network of key persons to study the exchange of data relating to individuals, border-control and transportation issues as well as case-studies on particular groups. However,

⁴⁰ Since it is composed of UNHCR's major donor countries, it is often related to as the donor club.

from the latter part of the 1980s UNHCR leadership and participants within the IGC struggled increasingly with differences in judgment about the effects of events in the former USSR on international migration, but especially on the quantity of asylum seeking to be expected (conversation, Penninx, 08 September 2007). As a result the IGC was included into UNHCR's Executive Office in 1989 according to a letter from Jonas Widgren dated 19 May 1989 addressed to the Deputy Permanent Representative of Austria. Jonas Widgren was formally appointed as coordinator in 1990 (he had held this position informally since 1987) as a consequence of the disputes noted earlier on⁴¹. Finally, in 1991 the IGC left UNHCR to become an autonomous body. Thus, in a letter of the Permanent Mission of Denmark to the United Nations Office in Geneva in 1991 informs that

[...] a group headed by H.E. Mr. M. R. Morland, Ambassador and permanent Representative of the United Kingdom to the United Nations in Geneva, has, on behalf of participating States, entered into discussions with Ms. S. Ogata, United Nations High Commissioner for Refugees, with a view to seek to establish a suitable arrangement.

The Permanent Mission of Denmark has the honor to inform that these discussions have resulted in a draft agreement between the High Commissioner and the representatives of participating States, as will be seen from the attached copy of letter with enclosure, dated 19 June 1991, from the High Commissioner to Ambassador Morland.

(Permanent Mission of Denmark (20 June 1991) letter to the United Nations Office at Geneva, with official seal)

This letter is labeled 'confidential' at the time and includes an outline of the suggested relationship between UNHCR and the IGC. UNHCR promises administrative support where contracts and budget are concerned, that is UNHCR holds a trust fund from which expenses of the IGC are paid – this includes staff costs, accommodation fees, travel and subsistence and audit. Crucially, Ogata assures in this letter that UNHCR's involvement in the IGC ends there, and accepts a position as observer with restricted access – bringing them on the same footing as IOM or the Council of Europe (Ogata, (June 1991) letter to Ambassador Morland).

⁴¹ This is expressed in a range of letters and memos dated in early 1990

Participating states had outlined in various versions why they deemed the IGC to be important, why it was essential to become independent, and what tasks the IGC would have to fulfill. For instance, the Swedish MP, Ibanez Lopez-Pozas of the Arbetsmarknads-Departementet in Stockholm writes on 7 May 1991 that the main objectives and functions of the IGC are to:

- a) develop and maintain, 'nurse' the totality; i.e. to develop a coherent and to a certain extent harmonized view and policy among participating states on asylum, refugees and migration
- b) based on this totality, take initiative in various cases, without necessarily taking executive action
- c) coordinate actions and policies among participating states in various international fora, as the need arises.

(Lopez-Pozas, (19 June 1991) letter to Ambassador Morland)

The IGC is thus a conceptual machinery engaging in doctrine formation. It strives to make sense out of geopolitical chances and adjust the migration regime accordingly. Participants are being led much more by perceptions of threat and urgency rather than by a broader understanding of historical developments, contextual circumstances and legal requirements⁴². Thus, the IGC molds new concepts and recycles old ideas.

Johnston states in his 20 year review of the IGC, that

[it] is difficult to find hard evidence for the impact of the IGC in the development and harmonization of policies and procedures within the European Union. Nonetheless, there is considerable anecdotal evidence that the IGC process has indeed influenced developments in Europe by facilitating the discussion and resolution of problems and issues in EU committees. It was Jonas Widgren's assessment in 1993 that the "nearly one hundred meetings held in the consultations with a total of three hundred officials involved, have allowed for the creation of an informal network between national administrations, and hence for a subtle and efficient harmonization process". There is indeed a widespread view that the subsequent ongoing, informal confidential exchange of views within the IGC framework may well have resulted in what might be called a 'soft policy convergence' that came about through learning what other states were doing and why they were

⁴² The documents available to me suggests that participants draw on their 'un-evidenced' experience, while critiquing UNHCR for introducing too stiff conditions on their discussions, when for example insisting on the adherence to refugee law.

doing it. Others have noted that this type of informal, non-binding process encourages the development of a common and conceptual linguistic field. This certainly appears to have been the case with IGC.

(Johnston, 2005: 16⁴³)

The ideas, the common and conceptual linguistic field, so the final part of the argument, are normalized and thus find their way into official policy without though passing through democratic processes of scrutiny.

From Doctrine Formation to Policy Implementation

The IGC was, thus, instrumental in informing new concepts, data gathering⁴⁴ and harmonization of views on the handling of cross-border movements into European countries. It was instrumental in that these hegemonic ideas informed the drafting of, for example, the Schengen Agreement and the Dublin Convention, both now part of the *acquis communautaire* (Lavenex 2004b; Koslowski 1999).

What is interesting, as well as problematic, in my view, is the use of informal plurilateralism as an indirect means of adopting policies that might not win straightforward approval through formal political processes. This approach resonated with what Weber already described in *Economics and Society* as 'bureaucratization' and 'professionalization', which are complementary processes involved in rationalization: "the bureaucratization of all domination very strongly furthers the development of 'rational-matter-of-factness'" (Weber 1968: 998; in Ritzer 1975: 631-633). Weber predicted this would produce a perfectly functioning machine. More importantly though, this machinery normalizes the emergence and formalization of ideas over time as common sense (sedimentation), so that in effect their legitimacy is never questioned. As

⁴³ Johnston quotes from Jonas Widgren Informal Consultations: An overview, p 30 – no other bibliographic information available and he refers to Hansen, Randall (2004) Inter-State Cooperation: Europe and Asia Paper prepared under the auspices of the Bern Initiative, p.18

⁴⁴ According to Johnston the data-bases used within the EU to observe and control migrant movements have been developed within the IGC and only recently handed over to the more formal EU organizations once the EU had more capacity. In particular he speaks of TIES (Trafficking Information Exchange System) going to Europol and an asylum data base going to Eurostat. Johnston, 2005: 12)

such, this is not new, as I have pointed out above – the making of *politique*; that is the drawing up of proposals and the debating of such proposals until a consensus is negotiated is the fundamental practice in the steering of communities.

What is new is the sole emphasis on technocratic practices – evidence-based policy-making directly translated into policing. What is new – and what I claim to be illegitimate practice – is that the IGC or rather informal plurilateral approaches undermine the element of public/political agonism. A struggle between adversaries which remains open to questioning outside of the boundaries as set by a particular discourse. Furthermore, due process of law is weakened too as new policies can only be challenged after they see the light of day once they are formalized and ratified in a bureaucratic environment, making any challenge tedious, lengthy and costly, if at all possible. The main argument here then is that this approach to policy-making normalizes new ideas that would otherwise be contested and thus creates a new common sense - newly proposed ideas are not perceived as such and hence policies are not scrutinized but accepted as matter-of-fact truth, in line with the Weberian logic outlined above.

An example is the attempt to negotiate an agreement between certain European governments on who would be held responsible for examining asylum claims in the late 1970s in the Council of Europe (CoE). A UNHCR document of 22.05.1985 recalls:

Whereas the CAHAR [Ad hoc Committee of Experts on the legal aspects of territorial asylum, refugees and stateless persons of the CoE] has produced a certain number of useful instruments with regard to refugees and asylum-seekers it appears to be more and more difficult for it to agree on solutions which go beyond the lowest common denominator. It is therefore suggested to examine the possibilities of refugee matters being treated [...] in a forum which would adopt a more liberal approach.

(UNHCR, MP/dm – 22.5.85, Back up action)

Answers to challenges within the framework of the UNHCR or other formal multilateral fora are not provided in a timely enough manner because of tedious and time consuming administrative and legal processes. Additionally, the political environment was perceived to have changed to the degree of needing new knowledges (Lemke, 2002) and more flexibility with regard to how to

address these issues. With the 30th ExCom meeting in 1980 the problem of people without a country of asylum coming to Europe (and related: venue shopping⁴⁵) thus moved from the European up to the international agenda. ExCom conclusion 19 (d)

[stresses] the fundamental importance of the provisions of the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol; and of the 1967 United Nations Declaration on Territorial Asylum and the need for constant advice by UNHCR on the practical application of these provisions by countries exposed to a large-scale influx of refugees;

and further (f): “[recognizes] the need to define the nature, function and implications of the grant of temporary refuge;” (ExCom, 1980). So, here it can be seen that, at least within UNHCR, a certain transparency and the rule of law as principle is pushed through while drawing up new policies. However, the conclusion cited above portrays the notion of there being a gap or an unsatisfactory moment within the process which is to do with the need to find a new language and practices to deal with the perceived crisis on the part of European governments. The unsatisfactory moment is between UNHCR and European governments; the latter pushing for more flexible space to think of solutions where procedural control is structured against democratic standards of control of power and arbitrariness. In effect, governments were adamant that both the informal and the formal multilateralism were not providing output and hence, moved the discussion and, crucially, solution deliberation into the IGC.

The unfolding narrative is the one alluded to earlier: the turning of legitimate refugees into bogus asylum seekers into irregular migrants who need to be eliminated. The director of UNHCR’s International Protection P.M. Moussalli notes in the context of the IGC that “[...] present-day refugee problems constitute a special burden [...]” (UNHCR, Documents for consultation May 85, Annex IV), especially since the application of the principle of non-refoulement is obligatory. Hence people cannot be rejected at the border and need to be dealt with; but there is the impression of new arrivals and the new ‘quality’ of those arrivals posing problems which the region of origin should deal with. He then

⁴⁵ The phenomenon by which one asylum seeker places his or her claim in various European countries

goes on to acknowledge “the close link existing between our present deliberations and the question of irregular movements [...]” (UNHCR, A/AC.96/INF.174, 4 July 1985). These comments point to the already accepted version of telling the not-anymore-refugee story. Irregular movements with regard to asylum seekers and refugees were also an issue during the 35th ExCom session in October 1984⁴⁶. However, official documents do not mention at this point any of the contentious issues which are under active discussion within the IGC. These contentious issues were to become one of the major building blocks of Migration Management: the linking of asylum and migration, expressed as ‘mixed flows’ and then ‘illegal movement’ which triggered more and more policy responses geared towards containment of these flows in the region of origin – equivalences formed for a new ‘truth’. The Conclusions adopted in 1984 simply mention in (d) “[n]oted with deep regret that restrictive practices were being followed with respect to the granting of asylum, the determination of refugee status and the treatment of asylum-seekers and refugees;” (ExCom Conclusion No 33).

The above discourse was hardly questioned after the mid-1980s and the notion of Europe facing a burden of illegal migrants entering the territory was normalized to the degree that doctrine was formulated within the IGC which ultimately led to the notion of ‘Fortress Europe’. ‘Fortress Europe’ (Geddes, 2000) thus, came into existence – at least as an idea - from the late 1970s and is not a phenomenon originating from the late 1990s; meaning, that entry conditions of a formerly relatively liberal Europe changed quite drastically in only a few years. However, this process of leakage into official discourse also shows that some of the more far-reaching doctrine developed within the IGC took about two decades to enter into the public realm of knowledge as ‘common sense’. New knowledges and truths then made their way into formal (legal) instruments of the EU and of participating countries. It is crucial here to be clear that this is not a causal, linear development but a process, and a very anti-democratic process at that. A senior level official and bureaucrats tasked with

⁴⁶ Minutes of the Task Force on the European Protection Seminar 1985 – meetings held on 2 and 5 November 1984

technical application are given a brief to deal with migration for a government. These persons are then invited in their personal capacity to participate in IGC meetings discussing in a frank and confidential manner their views on international migration and its steering. Such forming of views is then filtered into national and EU processes via their professional capacity, though without being discussed publically. Instead those views are presented as conceptual 'common sense' (conversations, Apave, Loeper, 30 March 2011). In defining and gathering data on the self-defined and un-scrutinized doctrine formations the IGC can maintain a narrative of "contribut[ing] to the effectiveness of the process [in] that discussions are supported by a disciplined approach to developing accurate and timely information and data bases" (Johnston, 2005: 17). The document goes on to state that there is an "awareness that the data 'stays in the family' [...]" (Johnston, 2005: 18).

Secondly, and as noted above, the CoE's CAHAR had debated a draft agreement on 'country of first asylum' regulations since 1978. In 1984 the CoE Committee of Ministers instructed the group to defer any further deliberations on the text as states seemed not to be able to find consensus and had got lost. The IGC took up the task of clarifying, recycling and defining doctrine that was needed to eventually be able to draft a consensus document which would deal with questions of entry into European countries' territories, dealing with asylum claims, cooperation and exchange of information and data between governments agreeing to participate, yet, without the pressure to formulate such a consensus document for all participants within the IGC. The trajectory can then be traced from the informal documents coming out of the IGC to the Schengen Agreement drafted in 1986 and documents issued by the European Commission on how the Union should deal with irregular movement. The Schengen agreement was first signed by West Germany, France and the Benelux. Giuseppe Callovi states other European governments "regarded their initiative as a kind of test bed that can point a way to technical solutions [...]" (Callovi, 1992: 359). Technical solutions mainly with regard to cross-border mobility from so called 'third country nationals', but also with an eye on issues identified earlier pertaining to welfare provision and labor market needs. Thus, he goes on: "From this exercise it emerges that there is no alternative policy but

integration, and that a common control of migration flows is itself a prerequisite for integration” (Callovi 1992: 363). This being the rational justification aiding the normalization of concepts that would otherwise have been contentious for a much broader audience than just those lawyers, researchers and pressure groups with direct experiential, political and juridical knowledge of this specific area. The Dublin Convention (Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities) of 1990 was then the step to render legally legitimate those doctrines formed in the IGC 15 years earlier. This approach to making policy as well as the content sets a precedent for other regions of the world to copy such restrictive approaches. Today, close cooperation between informal plurilateral fora such as the IGC and various RCPs across geographical regions, examples here are the Budapest Process⁴⁷ and the Bali Process, already facilitate the export of such policies.

Conclusion

The IGC came about through historically specific changes and a socially/politically constructed deadlock in informal and formal multilateralism. The IGC was possible because firstly, the Trilateral Commission had not only set the precedent for organizing in the form of informal plurilateralism. Informal plurilateralism is theorized to distinguish the need for a ‘we’ as opposed to the acceptance of plurality ensuring *politique*, that is, political debate – at least in a very formalized way. The informality of the IGC ensures that participants are ‘like-minded’, which in turn ensures little dispute over the understanding and conceptualization of the issues at hand. Thus the notion that asylum seekers pose a threat and are illegal is arrived at consensually and elevated to the status of common sense. By way of repetition within the IGC, in the home ministries and then at the level of the European Union such truth is sedimented without having received any democratic scrutiny along the way. UNHCR, as the institution seen to be hampering the flexible and pragmatic approach is side-

⁴⁷ www.icmpd.org

lined to the point of being effectively silenced. Other possible parties to such discussions are not invited.

The Trilateral Commission, secondly, had also ideologically set the ground for the production of the particular kind of 'evidence-based' knowledge within the framework of a rather technocratic mind set. The IGC is composed of governments from the Global North to react to what they perceive as sudden irregular mass influx of people to be dealt with in an urgent and more concerted way without making prescriptions or producing binding legislation on the individual participant. Thus discussions about who is responsible for asylum seekers once they arrive in Europe are paused, while the issue is moved to the border and beyond: if people are dis-enabled from access the problem does not arise. In this process re-constructing the political subjectivity of such a person from needing protection to being a threat is a first step. This is then followed by implementation of measures such as today taken on by FRONTEX. The policy-making results in direct policing without (much) democratic scrutiny, as the knowledge is already naturalized and common-sense and therefore not problematic.

It is important to understand informal plurilateralism as a policy laboratory which frames ideas, sets agenda, serves as a resource and generates tests and promotes practical policy in an opaque way. The currents within the IGC have gained momentum and – in the past decades – they have evolved into the hegemonic narrative unquestioned and unchallenged. Discourse theoretically this can be explained through the specific logic which the Trilateral Commission offered with regards to what democracy is for us and the place free market conservatism takes in this explanation and which then was 'translated' into Migration Management. The problem identified is the illegal migrant who may encompass any form of international migrant attempting to enter illegitimately. This is the foundational idea which evolved from the IGC. Migration Management is built and further elaborated from this vantage point as will be shown in the following two chapters.

Chapter 4

The Asylum-migration nexus:

or how to securitize international migration

In the previous chapter I have begun to give brief examples of how the IGC constructed the illegal migrant as one of the founding building blocks of Migration Management. In this chapter I want to look at this process of constructing a new political subjectivity in more detail. I follow the chronological narratives established by the IGC. Thus before discussing norm and deviance, the IGC constructed deviance and suspension. A geographical and a juridico-political move on the part of the IGC were necessary to render the contemporary notion of 'illegal migrant' intelligible. The geographical move was to go outside of the European Union to create the 'transit country' as a tool supporting the chain of equivalence which would lead to 'illegal migration' without which illegal migration would not make sense in the way it does today. However, since this conceptual constructing is not coherent one consequence of this move is 'suspension' of a few imagined migrants who were (and are) surplus to an otherwise stable definition of the migrant.

At the heart of these consultations was the question of how to deal with what came to be termed 'illegal cross-border movement' of assumed to be (bogus) asylum seekers. As already indicated, the IGC is the place where doctrine was originally (re-)formulated and subsequently translated into many of those categories which we commonly use today to make sense of international mobility. The IGC's concern was constructed around the issue of asylum seeking which soon was framed as illegal movement:

When the irregular movements of asylum-seekers had started to increase, contacts were taken between States in the region to discuss this new situation, [in 1982/3]. These contacts led, at the suggestion of states in the region, to the establishment by UNHCR of a working group on Irregular Movements [...]. However, the appreciation of States concerned at this juncture was that neither of the formal institutions [i.e. UNHCR] was offering a fully appropriate framework for interstate discussions on multilateral cooperation related to the new situation [...]. As regard UNHCR, there was the impression among states that the

qualitative changes under way as regards the new flows of asylum seekers were not taken seriously enough by UNHCR.

(IGC, 29 April 1985, HCR/CAE/85/1, page 4)

Governments at that time sought to develop pragmatic approaches to an asylum situation that was understood to be 'acute'. The representatives of Western governments, right from the start, used the IGC to talk about illegal migration, rather than about refugees or asylum seekers. Their discussions focused on measurement and control, rather than protection. This is problematic, not only because it is a one-sided approach, but also, because the consequences of moulding new ideas and implementing them administratively conceals the political nature of defining.

The asylum-migration nexus establishes the problem of seemingly being unable to differentiate between those who flee persecution and claim to be in need of protection and those who move for rather voluntary reasons. One phenomenon resulting from the IGC's perception of having lost control over the regulation of international migration is that European governments have started to impose 'premature labelling' on people who may or may not be migrants of whatever kind. It is at this point where the geographical and the juridico-political effects of the IGC's constructions become visible. Premature labelling - the imposition of a juridico-political status from one sovereign state into the realm of another sovereign state - involves assuming people are illegal migrants before they have entered the territory of the state passing judgement. Before they have even migrated between jurisdictions for which migration is a legally meaningful category. For this to be possible a person needs to be identifiable as a juridico-political unit with a passport or another method of identification. Assuming for a moment, with European governments, that some of these persons indeed intend to engage in cross-border movement, there are, however, no reliable indicators to understand how and, with which past, present or future status, these people might go about such movement prior to them engaging in mobility. Thus, prematurely labelling individuals who cannot even be identified as international migrants leads to the construction of identities based on no evidence whatsoever.

The unquestioned assumption is that migrants in 'transit' countries are 'would-be asylum-seekers'. They are automatically understood as illegal (Duvell, 2006). This perception is even up-held by UNHCR assuring European governments that the agency does not regard 'stranded migrants' (those people who have not yet moved into the territory of the European Union but are also unable to move elsewhere) as refugees, thus invalidating the possibility for them to claim protection needs on a rights-basis (Dowd, 2008). This means that governments can claim not to be in breach of their international legal obligations at the same time as it becomes effectively impossible for someone to claim asylum and thus be recognized as a legitimate political subject. The 'impossibility' in this context arises out of the particular perspective taken: on the one hand, European governments are those who establish a hegemonic definition (which has juridico-political consequences) and on the other hand, a country labelled as transit possibly not having any institutional or legal mechanisms – or interest in applying those – to identify migrants as such whether they are legal or not. Thus, the threshold for inclusion into an order which acknowledges the possibility of claiming asylum is deferred and so are the people who fall below this threshold.

This construction is not open to discussion. What is discussed instead are technical questions of definition and enforcement such as length of stay in a transit country, possible indicators of potential intent to move on, and ways to reach such a population in order to conduct (ethnographic) research or information campaigns to convince people to stay in their region of origin rather than undertake a dangerous journey. Conceptualizing 'transit country' as a political tool for European governments raises questions about the legitimacy of Europe's reach in imposing policy onto other countries, or Europe's interest in avoiding such people being understood as potential asylum seekers. Academics in the field of migration studies are guided by questions formulated by policy makers – explicitly or otherwise – and try to offer solutions via empirical research structured in a way which often ignores deeply political connotations (Bakewell, 2008, Black 2001) - in this case the use of the idea of 'transit'.

The concept of 'transit country' has a vital political function situated in an 'us v. them' binary which is conceptually still undecided about whether to formulate itself as a security/threat or a development/humanitarian discourse, or both. As Collyer (2007) points out, many geographers have, for a long time, emphasised that imposing a linear logic on human mobility between country of origin and destination is insufficient and hence including the transit space is common practice⁴⁸. However, the meaning and connotations attached to the idea of the 'transit country' have changed in recent times. But these changes have gone unnoticed by those using the concept in their research. Accordingly, I propose a set of questions: How was 'transit country' constructed? What role does the concept play? Also, how can we overcome the criminalizing/victimizing of premature labelling and its destructive effects for those labelled?

This chapter argues that the particular historical construction of 'transit country' gives rise to the need for a new analytical lens. Current thinking constructs migrants as either invisible, illegitimate or in need of humanitarian aid. This leads to the assumption that they can be found, enumerated and categorized. I apply a notion of enacting 'suspension' as a first step for understanding the role of the 'transit country'. This notion is largely understood as describing exclusion from society with the ultimate outcome of death (Rajaram and Grundy-Warr, 2004). However, I use it as a vehicle to describe the temporary juridico-political debarment of a person (in the sense of deferment). My perspective conceptualizes such potential-but-not-(yet)-migrants as people inhabiting a space in which there is opportunity for reinvention. It moves away both from the criminalizing and victimizing notion of people in transit countries and from the fatalistic implications of 'death'.

To illustrate what I will argue below: The IGC participants construct the transit country in which they imagine those who may or may not be potential migrants. Such would-be-migrants waiting to enter the European Union illegitimately are assumed to be physically present. Yet, at that point this is an assumption before

⁴⁸ For insightful discussions of conceptions of time and space see Helliwell and Hindess (2002); Jones, R. (2004), Legg (2005). This article will look at the specific political question of 'transit' but is informed by literature taking the construction of spatial power dynamics into account.

the fact and hence cannot be argued, logically or legally. In the course of policy thinking instruments are developed that are indeed productive of the suspended person. The policies are enacted. The suspended as a material phenomenon comes into being.

The Emergence of the ‘Transit Country’

Historical Trajectory

The changes which led to the perception in European countries of having lost control over the governance of international migration started in the late 1960s. These were not only sparked by the slow dismantling of the Bretton Woods Institutions and the coming together of what now is the European Union; but also by the ensuing war between Iran and Iraq and conflicts further afield which brought about refugees from Indo-China, Africa and the Middle East. When Collinson wrote in 1993 that “the pressures which could give rise to large-scale migration into Western Europe in the years to come are intensifying” (Collinson 1993: 2), she expressed what government officials had already thought by the late 1970s (Huysmans 2000: 755). Academic publications from 1993 speak of ‘mass migration in Europe’ and draw mainly on figures provided by government statistical sources since the 1950s, but largely looking at the 1970s and 1980s (e.g. see King, 1993). However, these immediate indicators are insufficient to explain the ensuing reaction towards international migration as a general problem threatening Europe.

It is worth quoting at length from a document the UNHCR drafted in 1985 for the ‘Consultations on the arrivals of Asylum-Seekers and Refugees in Europe’ (IGC, 29 April 1985, HCR/CAE/85/2, ‘Note by the High Commissioner’, page IV A) where the High Commissioner addresses a ‘large-scale influx [of people]’ as one then key current issue. This ‘large scale influx’ is to be understood as the precursor to how the migration problem was subsequently framed in policy-making and – to some degree – in academic circles.

In recent years, large-scale influx into developing countries has been a prominent feature of the world refugee situation. To quote some examples, countries in Africa, [...] and several countries in South-East Asia have provided first asylum to large numbers of asylum-seekers. [...]

Except for South-East Asia, from where, in the absence of alternative durable solutions, nearly one million displaced persons have been resettled mainly to industrialized countries, the greater part of the refugee population has remained in countries of first asylum [...].

(UNHCR, 29 April 1985, HCR/CAE/85/2 page 4 (11))

Setting this above description in a wider context, it becomes clear that many of those displacement-producing conflicts are a direct result of the struggles to end colonialism and of the transformation into independent and sovereign states mainly in Africa (Mkandawire, 2002; Hyndman, 2000; Allen, 1995). American involvement in wars against communism in some of the Asian countries was another important factor (Buckley, 2002: 13). However, the perception of industrialized Western European countries of 'masses' entering Europe appears somewhat exaggerated relative to world population and compared to the relatively small numbers of refugees which countries of the Global North hosted (and are still hosting today).

Despite the best efforts of the Governments of first asylum countries and the financial support of industrialized nations, conditions for refugees and asylum-seekers in developing countries of first asylum in many instances remain problematic. [...] In such circumstances, there is a natural tendency amongst refugees and asylum-seekers, particularly young men and/or those of urban/professional background, to seek an appropriate durable solution elsewhere. For refugees in this situation, industrialized countries, including Western Europe, with their relative economic prosperity and liberal asylum traditions, have become a pole of attraction.

(UNHCR, 29 April 1985 HCR/CAE/85/2, page 4/5 (12))

The logic portrayed here has remained the leitmotiv for governments to think about migration ever since. Europe is economically attractive, its policies too liberal and it is in relative close proximity to, as well as having historically close ties with countries in Africa and Asia. Although many migrants may be able to go to countries in closer geographical proximity, for all the above reasons they do not. There are two main streams to regulate this 'large scale influx' or 'mass migration' from the perspective of Western countries: support countries of first asylum with aid and/or cope with those who move on through 'transit countries'. Western European governments fear(ed) the latter which made the focus on country of first asylum and consequently 'transit countries' an important caveat in debates on Migration Management.

Assuming that the fear of numbers is a symptom of broader underlying uncertainty and change, additional issues mentioned in the documents reviewed become crucial, particularly matters of economic stringency and high rates of unemployment. Most migration literature refers back to the oil crisis of 1973/4 in order to explain why guest worker programmes were abandoned (Appleyard, 2001; Castles, 2000; Joppke, 1998a; King, 1998; Weiner, 1995). However, following Pollard (1985) I want to propose that the end of the Marshall Plan and the slow dismantling of the Bretton-Woods-System were conditions of possibility for growing globalization and interdependence. This offers a more important explanatory approach for change; not only for the end of guest worker recruitment, but also for the rise in restrictive mechanisms and the conflation of refugees and economic migrants into illegal migrants. The wider effect of the end of the Bretton-Woods-System and colonialism was a complexification of relationships, into – apparently paradoxically – more fragmented relations at the same time as interdependence was felt more strongly. This condition had a more concrete impact for the field of international migration in that clear distinctions between voluntary and forced migration were put to question. The 1985 response by UNHCR to the delegation of the US Embassy as a follow up to an informal meeting of the IGC includes the following passage:

The High Commissioner also wished to provide a forum [...] for European countries which are encountering similar problems in relation to arrivals of asylum seekers and refugees [...]. It is apparent that some of the problems discussed at these Consultations will be pertinent to certain issues raised in the context of [...] irregular movement [...] One of the concerns expressed by the United States in informal discussions is that the UNHCR study would address broader issues of economic migration [...].

(UNHCR, 04 April 1985, Irregular Movements of Asylum-Seekers and Refugees: Meeting of Working Group of Executive Committee on 11 – 12 April 1985)

This short quote shows the beginning of the conflation of formerly distinct categories into 'illegal movement'; justified by the perceived instability of welfare states and international political unrest more generally. Hence, drawing on various documents produced by members of the IGC (for example, a memorandum of 28 October 1987 No 391.84 by Jonas Widgren) it can be argued that the terminology of 'irregular movements' precisely establishes this

conflation of forced and voluntary migration. 'Irregular movement' and by extension the 'illegal migrant' were thus constructed and already firmly in usage by the mid-1980s.

In addition to the above described conflation, another moment driving governments to re-think international migration was that asylum-seekers and refugees came to be suspected of fraudulently claiming protection. For instance, in the mid-1970s through to the 80s the Malaysian response to Indochinese refugees illustrate the challenge UNHCR and the international community had to face. Malaysia perceived itself to be overwhelmed by a sudden mass influx of people who were ethnically related to the Malaysian minority and therefore seen to threaten the stability of the receiving country (Abbott, 1989). In effect Malaysia refused entry. The situation in Thailand was much the same. In response to this, Indochinese refugees were resettled as *prima facie* refugees. Thus everyone who declared themselves as belonging to that group automatically fell under protection by the UNHCR and were signed up for resettlement programmes to the Global North without any further questioning. Much the same was the case for Hong Kong - then a British territory - where boat people landed and were processed for third country resettlement immediately. This practice, however, soon came to be seen by the international community as lending itself to fraud as those *prima facie* refugees were increasingly represented to be economic migrants and not fleeing persecution at all (Abbott, 1989). These events introduced notions of displaced people as being bogus and a threat to the stability of a potential host country and the numbers of displaced people resettled or spontaneously arriving in Europe as being overwhelming for the host welfare state. Both these arguments were justified by an underlying notion that new arrivals were claiming for something they did not deserve (Holborn, 1975).

In parallel, another key event influenced both the perception and the steering of international migration: the signing of the Helsinki Accords in 1975 between the Western and Eastern geo-political blocs⁴⁹ (Edwards, 1985). Two particular

⁴⁹ Final Act of the Conference on Security and Cooperation in Europe

sections in the Helsinki Final Act were explicit with regard to freedom for human contacts and to the rights of minorities more generally. The right to family reunification is derived from this and thus made emigration possible (Gaddis, 2005). However, with emigration - that is freedom of movement - on the increase after 1975, a dilemma was created for the West. On the one hand, the West had pressed for adherence to international instruments, in particular the Human Rights covenants and conventions emphasizing freedom of movement. On the other hand, governments in the West faced the prospect of an east European exodus, as well as international crisis situations elsewhere, which created conflicting pressure on how the steering of migration was perceived and implemented.

The key moments outlined above give an overview of the context within which interpretation and debate took place at the IGC and which firmly established the notion of an 'illegal migrant'. Set against this background the events which unfolded after the Iranian Revolution in 1979 provided Turkey with a very particular position. I will turn to this now, in order to illustrate the process of constructing the 'transit' country'.

The pilot project: Turkey

Events which followed the Iranian Revolution added an element of urgency to developments in migration policy-making. The Iranian Revolution in 1979 and its aftermath highlighted Turkey's important geopolitical position between Eastern and Southern countries on the one hand and Western and Northern countries on the other. Turkey became the first country to be what is now termed a 'transit country', mainly for Iranians and Iraqis, as well as for people from countries in the Balkans, the Caucasus and the Middle East⁵⁰ (Icduygu, 2005).

The full round of the informal consultations (held near regularly by the IGC) in 1987 introduced a catalogue of measures which had been developed, in the

⁵⁰ More recently this list expanded to include people moving into Europe from Bangladesh, Ghana, Nigeria, Pakistan, Algeria, Afghanistan, Sri Lanka, India, Palestine and Azerbaijan (Icduygu, 2005).

previous years by the IGC, in a working paper titled 'Role of international organizations and governments in establishing an improved control of illegal movements: political and diplomatic action'. A list of tools to be implemented includes:

- the coordination of visa practices (among these the exchange of conditions for granting visas and the harmonization of such practices);
- ways for improving control of immigrants coming from countries with migration problems (such as: carrier controls in national and international legislation);
- the abolition of the privilege of transiting without a visa (including more specifically, the common introduction of transit visas and exchange of information and agreements which oblige transit countries to examine applications of asylum seekers who seek transit. This is linked to a Europe-wide agreement on Country of First Asylum processing, which is today known as The Dublin Convention and Dublin II);
- improved measures to prevent illegal entry (among these the exchange of information on 'filières' – today known as either smugglers or traffickers -, penalties for illegal residence and the use of Interpol for their identification);
- exchange of asylum seekers' personal data (today implemented in the Schengen Information System).

(IGC, Gerzensee, 29.01.1987 Working Paper Agenda Item 4 C)

A second working paper for the 1987 IGC 'full round' meeting outlines the potential use of international economic, financial and development assistance in preventing illegal movements. This was geared at addressing internal migration in so-called source countries, as well as defining measures to be taken by so called 'transit countries' (IGC, Gerzensee, 29.1.1987 Working Paper Agenda Item 4 D).

Turkey was the first country chosen to implement those measures. A fax sent out from UNHCR headquarters in Geneva on 21 May 1987 by Jonas Widgren records the following agreement:

Re Meeting W.G. on Iranian Asylum Seekers and Refugees on 18 and 19 May

[...]

Secundo It was stressed that the issue of strengthening the control of irregular outgoing flow as well as other matters relating to the situation of

Iranians in Turkey should be re-examined with the Turkish authorities through UNHCR;

Tertio It was agreed that the process should continue and that UNHCR should have further contact with the Turkish authorities as soon as possible to transmit the participants' message. Next W.G. meeting foreseen end June; at which time six month trial period for arrangements made at the meeting will start.

(IGC, 21 May 1987, HC TX EA, 391.84 100.GEN.IRN)

Thus, Turkey was now considered a country where illegal migration originated, and not as one to recruit work migration from. As opposed to undocumented migrants, who were already in the host country and had lost their status mainly with regard to social security, this new category of migrants crossed international borders without legal documentation permitting them to do so through another country. The issue became one of access to territory, rather than one of domestic integration or questions of protection.

Migration of this kind was new in the sense that those international migrants coming into a European country had, in previous years, been easily absorbed into the labour market (and had thus been given a legal status). They had not been asked about their motivation for movement or their legal status on entry. This is relevant insofar as the majority of people moving through Turkey were fleeing turmoil and general violence in those countries on Turkey's southern and eastern borders (Duvell, 2006). Those who did not have family or the possibility to build a livelihood in Turkey (for political, ethnic, religious or other reasons) would try to move on. Thus, refugees on their way to find a safe haven reasonably could not (and still cannot) be expected to have a passport, apply for a visa to the country in which they may end up applying for asylum, or wait to organize a transit visa in a country where they may be at risk of persecution⁵¹.

In consequence, Turkey corresponded to the particular geopolitical situation which the IGC participants described during their discussions about international mobility and illegal migration, where categories conflate and

⁵¹ This is already mirrored in the 1951 Convention (Art. 31). The article provides that asylum seekers should not be criminalized due to not being able to prove legal documentation.

general distrust is normalized so as to obscure migrants' legitimate intentions of movement. A pilot project was set in place to gain more information and to develop new approaches (Collection of memoranda, faxes, notes and letters concerning the pilot project in Turkey in the context of the IGC from the year 1987). The project included, in addition to the issues raised above, discussions around non-refoulement; temporary protection; resettlement; and return/readmission to Turkey. According to the records, there were three working groups: one working on irregular movements; a second covering issues of return/readmission; and a third concerned with the notion of non-refoulement, i.e. advocating for the Turkish government to give protection to asylum-seekers even though Turkey is not a signatory to the 1969 Protocol (Jonas Widgren, Fax, EA 89 391.84, 9.5.88 Confidential, Provisional Agenda, The informal consultations in Oslo 18 – 20 May, Agenda Item 5, Annex 6). Issues of interest to European countries were given precedence. In the annex it is noted that

[...] the Working Group endorsed, in July 1987, the idea of establishing a 'Tentative joint operational scheme on Iranians in Turkey'. Furthermore, the Working Group authorized UNHCR to mention to the Turkish authorities that an annual total of 3,000 resettlement places *might* be placed at the disposal of UNHCR, *depending on the extent to which the Turkish authorities were prepared to participate* in the various elements which would form part of a *mutual* informal agreement.

(IGC, EA 89 391.84, 9.5.88 Agenda Item 5, Annex 6, emphasis added)

Turkey's sovereignty was actively undermined through an informal agreement which nonetheless bound Turkey to introduce formal measures, setting a precedent for the political, diplomatic and (although problematic) legal function of a 'transit country'.

The above elaboration has shown that the term 'transit country' seems to be attractive to the labelling entity – the European Union. Yet, it can also be attractive to the labelled entity - i.e. the 'transit country' itself. The labelling entity is for various reasons in the controlling position, the example of Turkey being a case in point. Turkey has been involved in accession talks with the European Union since the 1960s. This puts the EU in a position where it can make demands on Turkey to implement certain practices, to show good will in relation to their wish to accede to Union membership. Turkey, on the other hand, benefits from development and capacity-building support but is also indirectly

given the legitimacy to side-step its responsibilities and to justify any controversial actions by calling on its difficult geo-political position. On these grounds, I argue, that 'transit country' is a politically constructed space which fulfils a convenient labelling function in various ways. The consequence, however, is that it is not a neutral analytical concept through which to understand the particular situation of a person who finds him/herself in such a country.

Designating countries around the European member states as being source, transit or destination countries (or all at once) is arbitrary. The accession countries in the European East, for example, can highlight how the discourse changes over time. Considering 'transit countries' to be a worry, the EU imposed regulations upon those countries from the 1990s onwards. The EU thus funded capacity-building in order to improve border controls and administrative systems dealing with people arriving within the territory of such 'transit countries'. However, as soon as those countries acceded to the European Union, they became labelled 'destination countries' and as a result attention and resources were turned to others, such as Ukraine and Moldova (Lavenex, 2006). This experiment and its outcome served as a blueprint and legitimizing example, since it is regarded as knowledge and information derived from an evidence-based approach as shown above. These are examples of illegitimate responsibility-shifting, based on the argument of interdependence and globalization, supported by a rhetoric of threat which is employed in order to combat unwanted asylum seekers, now commonly subsumed under the heading of illegal migrants, as shown above.

The 'Transit Country' as a Tool

In the previous sections I have shown how the conflation of voluntary and forced migrants has brought about a new definition of an 'illegal migrant'. I have then argued that the notion of 'transit country' has been re-conceptualised from being a descriptive idea in geography to becoming a tool of governance. In this section I will show the reach and impact of the doctrines formed within the IGC. It is important to reiterate that the change in discourse brought about by the IGC

and picked up by academics has led to the particular phenomenon in ‘transit countries’ of suspension of people who cannot actually be identified.

The practical outcome of this concept introduces the following logic: (1) protection in the region of origin (‘country of first asylum’ idea) leads to (2) the assumption that there are countries labelled to be ‘safe third countries’ and, (3) on those grounds, to the inference that people who move on from a place where they had found protection must necessarily be illegal.

As of 1985 Western countries had already restricted entry into their territory to such a degree that UNHCR commented that

Restrictive trends have been noticeable in applying the concept of country of first asylum and the refugee concept itself. One result of the restrictive application of the concept of country of first asylum has been that a relatively short period spent in another country with which the asylum-seeker has no other connection has been increasingly considered as sufficient for that country to be regarded as the country of first asylum.

(UNHCR, 29 April 1985, HCR/CAE/85/1, page 6/7)

What is more, this concept was not only applied to the countries surrounding Western European countries but even more so to ‘the region of origin’ as this was linked with the logic of financial aid and capacity-building. Thus, reflections such as “It is evident that many difficulties including those discussed in the present note could be alleviated if refugee problems were to be addressed effectively at their origin” (UNHCR, 29 April 1985, HCR/CAE/85/1, page 11) are important in supporting the idea that refugees are better protected and supported in close proximity to where they had to flee from⁵².

The next step in this line of argument has thus been the labelling of some countries as ‘safe third countries’. UNHCR had already started to collect ‘country of origin information’ as mandated by its ExCom in its conclusions 8 (1977) and 30 (1983). Thus, governments had a template for categorizing countries as being safe or not. All Western European countries considered each other a ‘safe third country’ reciprocally, which means that claims for asylum

⁵² For an overview critique of the idea of ‘root causes’ argument and approach see Saskia Gent, 2002 at <http://www.sussex.ac.uk/migration/1-3-3.html>

were not accepted as reasonable. However, this idea was extended to Asia, Africa and the Middle East. Such policy provided the basis for the idea that people could find a place of protection near to their putative home. This proposal is referenced in an IGC confidential document. Here it is stated that:

[...] co-operation would be to elaborate joint assessments on the situation in relevant countries of origin. States participating in the Schengen co-operation had already established a similar system. As suggested in the Swiss working paper [its original source], one might even go one step further, i.e. to establish joint "lists on safe countries of origin.

(unknown author, no date, written after March 1990, 0071i, page 26)

A fax sent some time after this meeting endorses the Swiss working paper (BMAA-Sektion IV, 19 March 1991). In effect, there was no longer any legitimate reason to attempt to enter and seek protection in Western European countries⁵³ (conversation, Crisp, 12 November 2005).

In the wake of these developments, governments experimented with language such as 'onward migration', 'secondary movement' and the like. Noll draws on data from an ICMPD source of 1997⁵⁴ and writes:

It is quite another matter if persons attempt to migrate westwards after they have been recognized as refugees. Anecdotal evidence suggests that this happens, but it is naturally hard to substantiate this claim with any official statistics.

(Noll, 2000: 327)

Now – two decades later – the term 'irregular secondary movement' (as defined in the previous chapter) is normalized in both policy and academic parlance. It is interesting to observe how normalized this concept has become, so much so that even NGOs self-mandated to monitor governments and International

⁵³ The European Union has formalized these deliberations with their Conclusions adopted on 30 November 1992 concerning countries in which there is generally no serious risk of persecution, WGI 1281; Circulation and Confidentiality of joint reports on the situation in certain third countries, 20 June 1994, Council of the European Union, OJ (1996) 274/43 and institutionalized these activities formally with the Conclusion of 30 November 1994 on the organisation and development of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI), Council of the European Union, OJ (1996) C274.

⁵⁴ For other critical appraisals see Tuerk (2003), Betts (2006) (2006a), Loescher and Milner (2003), Human Rights Watch (2002)

Organizations use this language in their advocacy to maintain standards of protection for refugees. For example, a statement by the International Council of Voluntary Agencies (ICVA) during the UNHCR's Forum on Irregular Secondary Movements of Refugees and Asylum-Seekers states that

The issue of secondary movement is not an isolated one, and must be considered in the context of principled approaches to responsibility- and burden-sharing, as well as the question of effective protection.

(ICVA, 2004: introductory paragraph)

'Irregular secondary movement' has come to denote a situation in which a first forced movement within the region of origin has taken place, with protection of some sort found. In the case of Turkey, the country was expected by the IGC members to provide protection and at least temporary residence to (Iranian) refugees. However, no questions were asked with regard to the sufficiency or the appropriateness of the de facto protection offered on the ground. The same holds true for Europe's activities in the Maghreb, to the degree that Morocco has instituted 'show-policing' which involves dumping people identified as illegal migrants in the Sahara, on the Algerian side of the border⁵⁵. Consequently, in the case where people are thought to attempt to move on to Europe, this further movement is considered illegitimate; it makes people illegal on the basis of Western countries' understanding and regulations of control. Why should European countries accept a claim for asylum if people have found protection elsewhere? Should these 'would-be-asylum-seekers' ever make it into Europe, their claims would be considered unfounded and therefore rejected.

This held true for movements from other parts of the world as well. An enumeration of asylum seekers in the IGC documents informed governments who participated that, after 1984, more than 60 per cent of asylum seekers came from Asian countries, less than 20 per cent from Eastern Europe and little more than 10 per cent from Africa (unknown author, Oslo, 11.05.88, Policy Perspectives – A coordinated Refugee and Asylum Policy, p1). To phrase it differently, it follows that a person arriving in Western Europe must have already been able to find protection in the region of origin, because of the development

⁵⁵ For an in depth description see Michael Collyer (2006, 2006a, 2007) also Hein de Haas (2008)

aid and capacity-building invested in migrant-sending regions. Should a person move on, this would be illegitimate as this person must have passed through a 'safe third country' and should be 'readmitted' to this 'transit country' enabling Western European countries to argue that they are not committing refoulement of persons in need of protection (Hyndman, 2008).

The above description of conditions of possibility leading to the specific definition and function of what a 'transit country' constitutes, is the condition under which 'illegal migrants' can be constructed as deferred persons (neither physically nor individually known or identifiable for governments) as they in effect have not actually moved in a juridico-politically intelligible fashion. These are the people who fall below the threshold as mentioned in the introduction. Thus, the 'transit country' is about the potentiality of someone being in existence who has in fact not yet juridico-politically materialized *vis-a-vis* the crossing of a European border, because they are trapped. How then can we understand what the phenomenon is and what its consequences are?

Consequences arising out of the Concept of 'Transit Country'

Our state-centric account of spatiality is characterized by three assumptions. They are "first, that states have exclusive sovereign power over their territories; second, that 'domestic' and 'foreign' are separate and distinct realms; and third, that the boundaries of a state define the boundaries of society" (O'Tuathail, 1998: 17). Proponents of this view, according to O'Tuathail (1999), take structures for granted and so the mode of thinking and working is declarative and imperative, much like political realism. In this mode of thought the aspiration is to give advice to those in the decision-making body, while not realizing that this approach necessarily thinks in a binary of 'us' v 'them' and 'here' versus 'there'. This portrays the perspective the IGC seems to adopt.

Authors of a post-structural critique denounce this as a "superficial and self-interested [as well as exclusionary] way in which orthodoxy 'reads the world political map' by projecting its own cultural and political assumptions upon it while concealing these very assumptions" (O'Tuathail, 1999: 108). Such a critical perspective wants to examine theoretical assumptions in order to

question the existing structures of power and knowledge. “Knowledge”, writes O’Tuathail, “is always situated knowledge, articulating the perspective of certain cultures and subjects while marginalizing that of others” (O’Tuathail, 1999: 108). The orthodoxy is contradictory. On the one hand, a simplified universal notion of territoriality is assumed where institutions still base their decision-making and implementation on the tools and mechanisms of the past (O’Tuathail, 1999). On the other hand, arguments about fluidity, interdependence and uncertainty are employed to legitimize new knowledges. Above, I have shown the evolution and critically assessed the knowledge and truth-creation of the particular narrative linking ‘transit country’ - a particular governmental tool - with the definition of an ‘illegal migrant’.

The disappearance-from-recognition (the deferral) of some of these ‘illegal migrants’ as suspended persons is portrayed as a technical procedure, where it is sufficient - in a world that recognises belonging in terms of passport, identification cards and other methods of visualizing eligibility and rights - to render such status invalid. It is useful to draw on the thought of Rancière (1998) to clarify what ‘suspension’ means. ‘Suspension’ is generally understood to mean a temporary debarment from, or cessation of, a privilege. I propose to understand the ‘transit country’ as a place of acute undecidability. In this place persons may find themselves to be suspended from their juridico-political existence in two ways. Either a person’s passport is not recognized as legitimate or else a person does not have an identity document and, as a result, this person is denied access to the wider community. That is access is denied to political subjectivity – a person finds him or herself to be in-between identities. Following Arendt (1958) I propose the main line of distinction to be between the activities sustaining existence and the juridico-political status of a person. In the case of those people finding themselves suspended in a transit country the phenomenon is such that they are reduced to the bareness of existence even though they theoretically have a juridico-political status (they are a political subject) where they have left, they ‘ought’ to have a status where they are and they will have a status where they may go – thus they are in-between identities but without political subjectivity. Therefore, there is the establishment

of a border-area that is deprived of the protection of the law⁵⁶: suspension. It is this border-area, I argue, that some persons fall into and, by doing so, die metaphorically out of their own political existence.

The suspended are no longer recognized as having a valid existence. The production of the suspended is a constitutive but unrecognized part of politics. A criminal – those who are deviant, such as the smuggled migrant - could claim certain legal guarantees and formal procedures. In contrast, a suspended person is completely unprotected due to his/her deferral. Since these individuals are ascribed a status beyond human and natural law, the suspended becomes - temporarily or not - some kind of invisible living dead (Lemke, 2003). In the context of this thesis I argue that the labelling of a person as being an 'illegal migrant' by a country in which they are not physically present because they are physically in a 'transit country', becomes such a 'suspended' person. Such people, stuck in a 'transit country', lose their juridico-political status, as they are assumed to be illegitimate. In being suspended, excluded from the juridico-political community, they are thus reduced into living dead by the discursive construction of 'illegal secondary movement' and 'transit country'.

A convenient outcome (for governments) is that 'the suspended' become invisible. We do not need to recognize the individuals and their claims, which would call for – on the basis of our stated values of human dignity and non-discrimination – recognition. So, they are held, precisely, in 'suspension', because the suspended are operational in giving validity to our old story (us v them) and in maintaining order. What is more, the notion of 'the suspended' keeps us alert enough so as to maintain and manifest our new discourse of uncertainty. After all, 'the suspended' are themselves highly uncertain. This consequence arising out of the construction of the 'transit country' then poses questions about sovereignty and citizenship. The classical idea of sovereignty pertaining to territorial integrity, political independence and non-interference allows us to read our political landscape only in terms of friend and enemy: the former have rights and duties, while the latter pose a threat. Thus, O'Tuathail

⁵⁶ See also Agamben (1998)

reminds us that space is invested with power through the creation of knowledge⁵⁷. However, reading Rancière and O'Tuathail together, the authors provide analytical tools to grasp the effects of changes with regard to space and political action – both fundamental for the classical understanding of sovereignty.

Conclusion

Chronologically, the IGC has invested meaning in the category of the 'illegal' before it started conceptualizing other categories relevant to international migration. In discourse theoretical terms this is logical as it is the point where a limit is established that invests meaning into human mobility more generally. The spatial re-definition of boundaries - the invention of the 'transit country' - was indispensable for the IGC, as a discursive construction with a political function within a changed global order.

An asymmetry between old structures for decision- and policy-making and a new discourse promoted by the IGC around global interdependence and proximity brings about the phenomenon of 'suspension', rather than a binary between inclusion and exclusion, as will be developed in chapter eight. It is vital to emphasise that one consequence of the IGC's doctrine formation is that beyond deviance (the illegal migrant) they introduce the category of suspension, which goes beyond mere exclusion and formulates deferral of the validity to exist. The illegal and the suspended are conflated in the IGC's narrative, thus emphasising the urgency to act upon a securitized notion of migration by establishing the myth of an intangible and unknowable quantity of potentially dangerous people waiting to enter the European Union at the outer point of its external borders; aiding the normalization of the narrative in so far as the 'illegal migrant' who is within the territory of the European Union is 'treatable' and juridifiable as a political subject, and covering over the reduction of difference as radical violence of suspension as a phenomenon.

⁵⁷ See literature on Foucault's (1997) notion of power-knowledge and its function within governmentality

Therefore, the first ingredient of a seemingly coherent and complete discourse is established against which in a next step 'the norm' can be conceptualized. Thus, the 'transit country', as geo-political space, fulfils a political function of enacting 'suspension'. Suspension, accordingly, acts to stabilize Migration Management as a stable and fixed discourse which claims to be all inclusive of all phenomena there are in relation to international migration. Suspension, thus, becomes Migration Management's constitutive outside.

Chapter 5

The Migration-Development Nexus:

or how to entrepreneurialize international migration

Between the 1970s and the late 1990s in most policy and academic literature concerned with migration, the topic of migration for work into northern European countries was rather marginal, as the focus was on questions of integration of those populations. If it was mentioned this was only with reference to historical migration (Collinson, 1993). Thus, the 'question of asylum-seekers and refugees in Europe' was the preoccupation in the early 1980s for the IGC governments to come together, as has been shown in the preceding chapters. The relation of deviance/suspension was established. However, de-legitimizing much of the mobility of people across borders required the outlining of conditions of legitimate mobility in order to internally stabilize the narrative of Migration Management. The establishment of the norm/deviant relationship through the migration-development nexus provided the legitimate political subjectivity of the entrepreneurial migrant, who would fit the characteristics of an efficient non-threatening participant in the global economy as set out by the Trilateral Commission. Although marginal in the IGC, the discussions about adaptation of development policies were an important signpost towards formulating the migration-development nexus and the transition to openly talking about legal migration again. However, during the 1980s, legal and especially legal economic migration was the one topic loudest in its silence.

Legal migration is largely constructed as a particular kind of economically motivated mobility both by policy-makers and academics⁵⁸. It is primarily understood as migration for work. Legal migration is visible migration. It is the movement across borders that is legitimate for all involved, the migrant, the sending country and the receiving country. Most importantly it is economic in logic and legal in character, hence lawful. This point is not as banal as it may

⁵⁸ Notwithstanding there being some other ways to legally migrate, as for example through family reunification.

seem, in particular in the light of the previous chapter which has focused on the suspension of a person assumed to be a migrant illegitimately aiming to enter a country's territory. Empirically it is not banal since western European countries have historically tried hard to down play that in fact international migration is desirable. This chapter forms another step of my empirical argument leading towards the conceptualization of 'Migration Management' as elaborated mainly by European countries. The entrepreneurialization of migration, brought about by a particular linking of thinking in terms of GPE (Global Political Economy) with the migration-development nexus, renders some migrants as 'winners' and 'wanted' actors in European economies.

Here, I will focus on the historical discourse on the basis of which policy-makers have contemplated the steering of legal migration as mediated by the 'migration-development nexus'. The IGC draws on assumptions of the responsible actor and employs it (via the migration-development nexus) to partially (re)legitimize international migration for work as legal. It therefore establishes a norm against which other movements can be defined and measured. Thus, the legal migrant is constructed as the conformist, efficient actor who bears associated risks of mobility and adds value for all 'stakeholders' involved. The narrative of win-win-win is thereby normalized.

I argue that the migration-development nexus is a basket of concepts relating to economic migration incorporating an empty notion of development which, accordingly, is not clearly defined as such but makes use of different forms of articulation sponsored by the World Bank, UNDP, ILO, and other organizations. In this chapter I show how circular migration, as the most compelling narrative for European governments, is constructed. I show how circular migration was born out of the migration-development nexus, which originated in policy debates about forced migration rather than economic or voluntary migration. It is the most palatable concept because we know it already through other migration related concepts such as seasonal or temporary work migration, the idea of the *frontalier*⁵⁹. It is also the most palatable because it fits within the idea of improvement (Murray Li, 2007) and responsibility. Migrants come to European

⁵⁹ Frontalier is the terminology used to describe cross-border commuters

countries for a certain amount of time and everyone benefits, accepting the assumption that 'we' – the Global North – are the guarantor of advancement. The receiving society benefits because the migrant produces. The migrant benefits because she or he earns skills, experience and money and after the time is up the migrant returns with improved human capital to develop his country of origin. Again, win-win-win, as alluded to above. Circulation is (now) possible and coherent in our understanding as promotion of life-long-learning and entrepreneurship and it legitimizes legal migration into the European Union.

The argument put forth is that policy-makers in the IGC have advanced the logic that circular migration tackles root causes (usually conceptualized in terms of poor infrastructure and/or poverty) and brings development. This view requires the underlying assumption of people's own capacity for improvement. Such ideological grounding enabled scholars of migration studies to argue that migrants have agency. Yet, agency was not attributed to earlier generations of work migrants in the mainstream literature and policy discourse. In turn, this conceptualization of migrants led policy-thinking to focus on education, training and skill development, observing that working migrants sent remittances in money and kind which in many cases led to poverty-reduction⁶⁰.

The migrant began to be constructed as entrepreneurial, i.e. self-managing, competitive, productive and efficient within the social order. Out of this logic the promotion of circular migration seems to make the movement based on economic motivation legitimate. In short, circular migration has the capacity to combine most of the concepts linked within the migration-development nexus into a coherent logical narrative that resonates with the current European ideology of political economy. In this way, the migration-development nexus has made it possible to talk about legal migration again by way of entrepreneurializing some international migrants. However, theoretically, the migration-development nexus is problematic in so far as the migration narrative and the development narrative are much less integrated than is usually believed. The migration narrative is mainly articulated by justice and home

⁶⁰ Poverty-reduction in this case measured by way of introducing running water to more stable housing and improved sanitary; see for example Deshingkar (2006)

ministries and is focussed on control and regulation of the domestic sphere and the borders of national territory. It is hegemonic, thus silencing in part the more fundamental message which the development narrative aims to put forth - that migration should not be restricted as it is an important livelihood⁶¹ option for poor people. Thus, in what is portrayed as a linear and logical discourse, an unresolved paradox is nevertheless implicit. European governments want development to ensure people stay where they are, rather than genuinely provide for the normalisation and legalisation of the mobility of people.

I will start my account by portraying the narrative shift and framing introduced by the IGC, motivated by the assumption that it is better to invest in development than to administer asylum seekers. In a second step, I will elaborate on why the migration-development nexus is important as a precursor to potentially foreshadowing migration policy that accepts circular migration as the prime form of legal migration since its ban in the 1970s. I understand legal migration – that which Migration Management constructs as the norm - as economically motivated migration which had been considered illegitimate in Europe for the past three decades. The norm and only legitimate form of mobility is thus the entrepreneurial migrant.

The IGC: from the Administration of Asylum Seeking to Development Aid

Migration and development were brought together as an articulation of deterrence without explicitly stating so. The logic behind the deterrence argument builds on the following brief sequence. If we develop the underdeveloped world then migration will be a less relevant livelihood strategy. Eventually, there will no longer be any legitimate reason for these people to land on European shores. Yet, this discourse began to be undermined by its own evidence: people kept coming. So, the logic went on to postulate that, if individuals become migrants regardless, their return can be justified by also returning skills and knowledge that can be utilised to improve individual

⁶¹ Livelihood is the concept to express all those human activity which is geared at income generation and provision of day-to-day life. See for example de Haan and Rogaly (2002) or Ellis and Freeman (2005).

livelihoods and development more generally. This was the very first move towards thinking circular migration – a transformation of the migrant into an economically productive body.

An important example from within migration-relevant research was that growth was/is seen as the ultimate goal under conditions of finite resources which have to be made sustainable and distributed equitably. It is something that can be attained through the sending and receiving of remittances as one possible livelihood strategy (conversation, Ratha, 29 July 2009; Maimbo and Ratha, 2005). These insights popularised by World Bank research provided, in part, the grounds for conceptualizing work migration in terms of entrepreneurship, conceptualising migrants as promising actors of development, and thereby offering an alternative to a discourse which constructs migrants as a security threat.

It is notable that within public debate in the 1980s it was not the break down and drastic change of the world economic order that was a focus of the debate but, rather, xenophobia (Favell, 1995; Goektuerk, 2007) responding to the perception that easier and cheaper access to transnational activities would ‘flood’ Europe with migrants⁶². This would set the tone for the public discourse in the 1980s and serve as a justification for a strong governmental rhetoric in Europe against immigration, despite the slow U-turn which would lead to the articulation of the migration-development nexus and to the entrepreneurialization of migration. It was unthinkable to discuss the possibility of worker recruitment from abroad (Bade, 2003) or, more broadly, to accept economic reasons as a legitimate motivation for international migration.

The problem was formulated as one of root causes where governments in the region of origin were over-burdened with refugees on the one hand but – it was argued by the IGC - also did not live up to their responsibility to do something about and contain their own poverty on the other (Ghosh, 1998). This was portrayed as resulting in young men migrating in an illegal fashion, forcing IGC governments to spend ‘good money’ on the administration of asylum seekers

⁶² Many introductions to texts on international migration make use of such a starting point, see for example Nyberg-Sorensen et al. (2002); Bommers and Marowska (2005); or Martin, Martin and Weil (2006).

rather than investing this money into development projects (IGC, 29 April 1985, HCR/CAE/85/1). The solution which was tentatively formulated by IGC members was to strengthen return and repatriation programmes on the one hand and to emphasise education and vocational training in the region of origin on the other. Both measures were to be integrated in newly adapted development policies.

Yet IGC participants' discussions were paralysed by three circumstances: (1) conceptual lack of clarity as discussions were, and remained, informed by assumptions underlying the migration narrative rather than those of the development narrative; (2) no inter-ministerial cooperation and divergent, mutually exclusive mandates of international (UN) agencies, due to differing notions of purpose within the two narratives – where the development narrative has at its core the aim of poverty-reduction through diversification of livelihood choices (Rogaly, 2002); and (3) the assumption that conditionality in bilateral agreements was needed in order to pressure countries of origin into conformity with European wishes to rid themselves of unwanted and undeserving migrants.

For the IGC it then followed that the problem was 'large-scale influx' into and from the region of origin on the one hand:

In recent years, large-scale influx into developing countries has been a prominent feature of the world refugee situation. To quote some examples, countries in Africa, notably in the Horn, continue hospitably to accommodate large-scale influxes of refugees and displaced persons in their territories.

(IGC, 29 April 1985, HCR/CAE/85/1, page 4)

Additionally the lack of capacity of the country of first asylum, if it is a developing country, was seen as an issue for Western European governments and the international community:

Despite the best efforts of Governments of first asylum countries and the financial support of industrialized nations, conditions for refugees and asylum-seekers in developing countries of first asylum in many instances remain problematic.

(IGC, 29 April 1985, HCR/CAE/85/1, page 4)

On the other hand the situation in Europe was seen as equally problematic as Jonas Widgren, in his capacity as Under-Secretary of State, summarizes the perspective of his IGC colleagues:

[...] the overwhelming majority of today's refugees and asylum seekers is to be found in developing countries – often in the immediate neighbourhood of their countries of origin – and only a few per cent make their way to Western Europe. Nevertheless, due to the very nature of asylum procedures [in the developed countries], even a relatively small increase of the number of asylum seekers may cause disturbances in our system. [...] The number of asylum seekers has risen at a time of economic stringency and mounting unemployment. In a world where the gap between rich and poor countries increases, forceful economic, social and political factors push thousands of people to seek a future in other countries. Many of them are refugees according to the convention – others are not.

(Widgren, Swedish Government, 28-31 May, 1985, written version of Statement during IGC meeting)

In short, the context of the problem as seen by IGC members is that Europe's economic stringency and high unemployment means that Europe cannot afford to host those people crossing international borders but that, at the same time, the conditions in the region of origin due to underemployment and underdevelopment are not ones in which people can either be contained or to which they can be returned.

Instability and underdevelopment are identified as root causes which need to be addressed:

It is evident that many difficulties [...] could be alleviated if refugee problems were to be addressed effectively at their origin. As is known, initiatives to examine the question of the root causes of refugee flows have been undertaken in various United Nations bodies. The High Commissioner attaches great importance to these and to any other relevant initiatives which might be taken to deal with this aspect of the refugee problem. This matter is, however, one falling outside of the High Commissioner's competence due to the purely humanitarian and non-political nature of his mandate. It does, however, fall within the terms of reference of other competent United Nations bodies and can also be addressed by States directly either on a bilateral or multilateral basis.

(IGC, 29 April 1985, HCR/CAE/85/2, page 11)

This quote shows that the UNHCR can offer assistance but that this assistance is limited to the immediate refugee situation and that its mandate cannot expand to deal with the larger infrastructural and political problems in the developing world. In other words, the international community (still) emphasises UNHCR's non-political mandate and argues that addressing root causes is beyond its mandate. Addressing root causes is seen to be the realm of governments' obligations as Jonas Widgren states:

Governments must respect human rights and seek peaceful solutions to conflicts. They must also promote a fair distribution of resources in order to try to avert poverty, underemployment and so forth. When this is not done, people are often forced to leave their countries to seek a future elsewhere.

(Widgren, Swedish Government, 28-31 May, 1985, written version of Statement during IGC meeting)

This statement is directed at the classical agenda of development policy: the regulating of rural livelihood, the planning of mechanisms to address urban poverty, the reacting to ecological changes and finally nation-state building – an intrinsically political endeavour (Nederveen Pieterse, 2009: 34). Moreover one that has – and as development studies scholars commonly criticize – purely structural policies as ‘planned intervention’ at its heart, which leave no room for the possibility of empowerment of people or communities. The critique is that such a form of capitalism drives people out of their livelihoods into exploitation for the benefit of the Global North (Wallerstein 1987).

Therefore, in the 1980s there is no *official* labour migration into Europe (Castles, 1986). Yet, there is a distinction between illegitimate asylum seekers and (as I will show) ‘normal migrants’ as mobility had not stopped even though the logic would have it otherwise. Both types of movement the legitimacy of movement to western Europe is questioned. It is at this point where the undecidability of the narrative is most obvious. The UNHCR already pointed out at that time that ‘the emergence of restrictive trends’ with regard to possibilities of entering the Global North, and in particular Europe, was seen as problematic. However, this statement generated no response. Instead, IGC participants began to outline, in a more nuanced fashion, what they observed as the particular problem. In this discourse, the situation of young men was highlighted and formulated as a problem which was on the verge of turning into a threat. These young men from urban environments in the developing world - so said the narrative - did not stay in the country of first asylum. They moved on – the phenomenon of secondary illegal onward movement discussed in the previous chapters.

In such [problematic] circumstances [of underdevelopment], there is a natural tendency amongst refugees and asylum-seekers, particularly young men and/or those of urban/professional background, to seek an appropriate durable solution elsewhere. For refugees in this situation,

industrialized countries including those in Western Europe, with their relative economic prosperity and liberal asylum traditions, have become a pole of attraction.

(IGC, 29 April 1985, HCR/CAE/85/2, page 5)

It is interesting to note that this gendered construction of migrants is employed even today – especially with regard to economic migration; much of the mainstream migration literature makes no reference to the fact that labour migration is assumed to primarily be the migration of men⁶³. The political subjectivity which begins to form at this point is one of angry young men who are unskilled and thus inefficient, non-competitive and thus a threat to the social order of the civilized, skill-intensive, science-based and innovative Global North. Thus, the narrative goes on, those who ‘self-select’ to move are portrayed as people (i.e., men) who seek entry into developed countries to gain economically and who are therefore not refugees.

The steep increase of [the numbers of asylum seekers] over the last two years, and especially in 1985, has given rise to considerable concern. [...] The especially discomforting element was not so much the sheer number of applicants, although that certainly causes administrative problems, but rather the nature of the applications. Increasingly, asylum seekers got mixed up with *normal migrants*.

(Korte-van-Hemel, State Secretary for Justice, Netherlands, 16 April 1986, Opening Statement IGC meeting in The Hague, page 3, emphasis added)

And ‘normal migrants’ are those seen to come for legitimate economic reasons, those who deviate but can be treated into entrepreneurs or those who are skilled and thus wanted:

In view of the restrictive immigration policies of most western countries, normal immigrants increasingly pose as asylum seekers. These immigrants can be divided into two categories: those who are not in need of protection at all and those who are in need of protection but who, having found it in one country, move on to another country where protection can be enjoyed under better material circumstances. The open-ended character of our policy with regard to individual asylum-seekers was never meant to cater for those considerations.

⁶³ An exception would be the trafficked woman (for prostitution). This is despite a range of feminist writing published from the 1970s onwards which point out that many women migrated not only as a dependent to their husband but on their own. See for example: Davies (2008).

(Korte-van-Hemel, State Secretary for Justice, Netherlands, 16 April 1986, Opening Statement IGC meeting in The Hague, page 4)

Even UNHCR joins the chorus of voices which condemn those who try to move to Western Europe where they can live 'under better material circumstances'. Asylum seekers – illegal migrants – are thus implicitly understood to be economically unproductive – they are tired and poor. Such economically unproductive people migrating into European countries are not seen to be acceptable. Thus, in a summary report a high-ranking UNHCR bureaucrat recalls that:

[r]eference was also made to the abuse of asylum procedures by persons wishing to take advantage of the refugee mechanism for purely socio-economic motives. You will recall that the High Commissioner in his introductory statement made it perfectly clear that the office does not consider that such persons should be treated as refugees.

(Moussalli, UNHCR, 29 May 1985, A/AC.96/INF.174, Annex IV)

One practical step was to make sure that those urban professional men would not 'queue-jump'. Instead individual status determination was to be applied by UNHCR in the regions of origin and governments called on themselves to combat root causes and particularly focus on the distribution of resources which would avert poverty more widely. This needed to be discussed in an 'action oriented' manner. One participant of the IGC noted that,

[t]he lack of regular immigration channels has led to self-selection, through the claiming of asylum, to be used as a means of entry, [...] In effect, widespread abuse has led to a breakdown in the recognition of fundamental distinctions between the two categories: refugees as defined in the Geneva Convention and persons who, for economic and related reasons, use a claim for asylum as a means to settle in industrialized countries.

(Fax from Linklater, EXTOTT, OSPH0748 to Campbell, Geneva, 07 December 1990, page 4)

The burden imposed by these economically motivated movements, seemingly abusing European generosity, could not be tolerated as the Dutch State Secretary for Justice formulates:

Funds that could be used for the financing of projects for [the young men and those of urban and professional background in regions of origin] may have to be used instead for the reception and integration of the few resourceful enough to make their way to the West.

(Korte-van-Hemel, State Secretary for Justice, Netherlands, 16 April 1986, Opening Statement IGC meeting in The Hague, page 6)

This narrative frames these young men as a threat. The primary focus towards developing an aversion strategy for this threat is found in what the IGC briefly defined as ‘regionalization’⁶⁴. ‘Regionalization’ is the title of an Annex to a document prepared for the IGC annual conference in 1985 stating clearly what IGC participants in principle agreed on as a solution to this problem:

In the present context the term ‘regionalisation’ refers to the view expressed in certain quarters that, as a matter of principle, solutions to refugee problems should be sought in the region of origin, with the at least implicit criticism that UNHCR is not doing enough in this regard.

(IGC, 29 April 1985, HCR/CAE/85/2, Annex VII, Draft, WC/emj, 20.5.85)

It is interesting to note that IGC participants on the one hand reinforce the limited, non-political mandate of the UNHCR but, on the other hand, criticise UNHCR for not being a pro-active enough player. Consequently, an adaptation of development policies became a vital strategy. In this context IGC governments introduced the language of ‘co-operation and burden-sharing’. Financial aid needed to be given to those developing countries. Thus, “[a]ny meaningful assistance program would therefore have to be development-oriented and would require resources on a scale far beyond what is available to UNHCR” (UNHCR, 29 May 1985, A/AC.96/INF.174, page 9). The rationale is outlined by UNHCR as follows:

(a) Increased refugee relief and development assistance (with emphasis on refugee components) to countries of asylum and transit outside the industrialized world should be considered in its own right, apart from the question of irregular and spontaneous movements. The aim here would be to give an acceptable level of content to the concept of asylum and to maximise the contribution of resources to solutions. (b) A review of the allocation of development aid to non-industrialized countries to determine the extent and ways in which such aid can contribute to solutions in countries of origin. (c) Diplomatic efforts: Examination of the extent and manner in which individual states could further contribute to attenuation of the causes of exodus through their diplomatic means and channels. [...] (h) Role of other organizations: With respect to the three basic aims [refugee relief, development assistance and development aid], the

⁶⁴ This particular terminology of ‘regionalization’ was – as far as I am aware – only used once in the documents under review. It does not correspond to conceptions of ‘region’ in either the geographical or the international relations literature.

potential contributions of intergovernmental and non-governmental organizations should be actively explored.

(High Commissioner of Refugees, 28 November 1986, 011 108155, page 10)

Even though UNHCR tries to kindle the interest of western European governments, which are also its biggest donor, the Office still tries not to link forced movements with the language of illegality because of its particular mandate – a vain attempt as can be seen from IGC working papers from 1986 onwards. It also emphasises its role in local integration – an area of activity falling within its mandate:

The need to link refugee aid and development was reaffirmed during the 1985 Session of the Executive Committee and a consensus prevailed that the best means of helping refugees in low income countries to become self-supporting was through development projects that benefited both local population and refugees. [...] For refugees, a 'durable solution' means acceptance in the host country and the possibility of integrating into its economic life, within that country's development plan.

(UNHCR working paper for IGC meeting Oslo, May 1988, EA89-391.84, Annex 8, page 2)

It was, therefore, argued that local integration as one of UNHCR's long-term aims needed increased support from industrialised countries. UNHCR needed to improve its assistance programmes as one implementation of this aim. Assistance to urban refugees was identified and criticised as a weak measure. In its defence UNHCR lists:

2. Some actions have already been taken to analyse these problems with a view to undertaking corrective measures. These include, inter alia, involvement of ILO in the design and implementation of projects benefiting urban refugees; special evaluations have been carried out in Central America and Africa to assess the effectiveness of urban refugee projects; re-orientation of educational assistance from university and academic education to vocational training has taken place. 3. Further measures are studied and include the possibility of stronger involvement of NGO's and their local counterparts; establishment of a catalogue of skills of trained but unemployed urban refugees in Africa; etc.

(IGC, 29 April 1985, HCR/CAE/85/2, Annex III)

The wider logic promoted here (in theory rather than practice, as documents after 1985 show) was that improvement at the places of origin was fundamental to solve the problem of asylum seekers arriving in European countries. Regions of origin were, therefore, deserving of development aid as it was accepted that

these countries took on far more displaced people than European countries did. Switzerland, in view of this understanding, advocated for the creation of, and was made, a 'clearing house' by the other IGC participants for the identification of countries where economic problems were seen to cause international migration (IGC, Gerzensee 1987, Working paper, Agenda Item 4d, p2-3). Thus, thinking went beyond the identification of those countries in violent conflict which could be seen to produce refugees and moved on to identifying 'interim' destination countries. This, however, was still kept under the banner of dealing with Europe's refugee crisis.

A letter by Ernst Andres, Head of Permanent Mission of Switzerland, to a number of other Heads of Mission participating in the IGC and dated 5th December 1986, outlines what is seen as major problems: "Commitment for increased efforts, including political action, to tackle root causes of irregular and spontaneous asylum seeker movements [is needed]" (Ernst Andres, 5.12.1986, page 4); Andres continues by proposing agenda items assessing long-term solutions by way of a bilateral approach:

action to be taken at international level: a) individual or concerted diplomatic efforts aiming at lessening the cause of massive departures; b) increased economic and financial cooperation with and support to countries affected by the migration movements; c) additional development assistance to countries directly affected by increased influx of irregular migrants [such as Turkey].

(Ernst Andres, 5.12.1986, page 4)

In line with this, an extension of the argument was that European governments needed to address ways to reduce incentives to leave an underdeveloped country by investing development aid for economic improvement (IGC, Gerzensee 1987, Working paper, Agenda Item 4d, p2). The thinking behind this is, for example, that development aid needs to be invested in training for skills. However, in this context the idea of 'brain drain' became part of the discussion, a strategy allowing thinking of ways to 'keep them out' without being explicit about it.

To categorically accept the young men and those of urban and professional background who had the resources to make their own way to Europe, as has been suggested, would promote the brain drain that is already impeding the progress of developing countries.

(Korte-van-Hemel, State Secretary for Justice, Netherlands, 16 April 1986, Opening Statement IGC meeting in The Hague, page 5)

The logic here is that young men migrating under the assumption that they will find work in western European countries are an important part of the work force in their country of origin and, through their migration, the capacity for reconstruction and development in the country of origin is hampered. Brain drain, although framed as a problem, serves simultaneously as an argument in favour of a second set of strategies in development policy discourse: namely return and repatriation. Thus, beyond the benevolent focus on supporting poorer countries - mainly in Africa - the IGC participants also considered the return and repatriation of 'illegitimate' migrants as a development strategy that would simultaneously alleviate European countries of the burden of illegal migrants already present on their territory.

In a final comment Denmark mentioned that the starting point had been how to cope with irregular movements. There should be a 'regional containment policy' until voluntary repatriation or resettlement became real options.

(R. van Leeuwen, 25 February 1987, Note IGC Gerzensee meeting, page 4)

An official from the Swiss Department for Refugees emphasised in January 1987 that a 'plan of action' must include among other steps: "b) Return of asylum seekers who have been denied refugee status and [...] d) Role of international economic, financial and development assistance in the context of prevention of irregular movements" (Delegierter fuer das Fluechtlingswesen, Switzerland, 12.1.1987). Yet, the UNHCR had already warned: "Even though they may not qualify as refugees under the 1951 Convention and 1967 Protocol definition the possible serious consequences of forcibly returning such persons to their country of origin must be acknowledged" (High Commissioner of Refugees, 28 November 1986, 011 108155, page 4). This warning is justified – in particular with regard to Switzerland which, according to the IGC documents, seemed to be less worried about returning Tamils to Sri Lanka (IGC meeting Oslo, May 1988, EA89-391.84). This is worth mentioning, as there was a widely-held opinion amongst most European governments and academics that it was – at that time – not safe to return these people to a country still suffering from civil unrest and violent conflict. Furthermore, in 1988, Sri Lanka was

proposed as a test case for combining in-country-development-aid with return practices from Europe. In a report on agenda item 6 of the Oslo meeting mentions:

Consequently, a proposal of the Swiss delegation to extend the mandate of the existing working group on Tamils, by way of discussing Sri Lanka as a test case, was approved of. In practical terms, this would imply that development experts would be attend the working group meetings, if countries deemed it necessary.

(Author unknown, no date, Report from the working group on relief aid and development assistance programmes – possible approaches to specific countries of origin, Informal Consultations in Oslo, 18 – 20 May 1988)

Practically, the general operational draft scheme was to be applied and tried in the particular context of Sri Lanka:

Elaboration of schemes for the return in safety and dignity to countries of origin, or countries of first asylum, of persons whose asylum applications have been rejected, and obtaining the necessary assurances to this effect through diplomatic action. Promotion of conditions favourable to voluntary repatriation, and the provision of short-term and medium-term assistance to returnees, if appropriate, in the framework of development assistance schemes [should be endorsed].

(Widgren, Introductory statement, working group on Iranians, 18 May 1987, page 4)

Short-term assistance was understood to be a care package handed out by UNHCR which contained necessary food stuffs and appliances for the first days and if needed a small amount of money. Medium-term assistance was to be managed by other intergovernmental organizations such as the World Bank and ILO in order to facilitate early self-sufficiency (IGC, 19 August 1988, Meeting of the Working Group on Tamils on 29 June 1988, ref 391.84).

Operational schemes and plans of action were declared but remained a reality only on paper. The discourse championed by western governments had focussed on addressing root causes. However, when actual planning of an intervention became necessary, the aid which UNHCR provided was in line with other emergency situations. Concerns about young men returning to reconstruct were not mentioned again, although European governments argued that a regional perspective would need UNHCR to adapt its assistance programs and

that these needed to encompass education for employability⁶⁵. In light of the Sri Lanka experience as a trial case, it can be argued that the narrative which evolved in IGC discussions remained coherent only to the point at which plans of action were to be drawn up. Yet, I want to argue here that the importance of this 'thinking-in-progress' was less its real impacts but more in its ideational value, especially in terms of paving the way for the migration-development nexus – as condition of possibility for an articulation of circulation and the evolution of the entrepreneurialized migrant in its wake. It is worth quoting at length what had been established as consolidated knowledge in 1990 within the relevant policy circles:

Causes

A pre-requisite to dealing with the consequences of mass migratory movements is to identify their root causes. These are popularly divided into push and pull factors. Included in push factors are conditions in source countries such as unemployment, underemployment, poverty, deteriorating environmental conditions, civil and international armed conflict, ethnic conflicts, sudden or progressive natural disasters and political instability. [...]

There is an increasing recognition that any *action to stem the tide* must take into account the circumstances underlying push factors. Notable among these are the human rights dimensions of national instability and international monetary and trade trends which may lead to the stagnation or even deterioration of developing countries' economies and which cause refugee flows.

Approach to Solutions

The underlying premise of the search for solutions is that refugees and asylum seekers who are given protection and assistance where they are need not go into exile. [...] Costly though they may be, the absence of

⁶⁵ Governments did not use the language of 'skill' at this point. However, 'skill' became one of the major focal points in the 2000s. This was much in line with what the Trilateral Commission had emphasised towards the end of the 1970s and the hegemonic discourse of the 1990s and 2000s had advanced as the individual responsibility of the working aged person to ensure to remain employable and is now known as the duty to 'life-long-learning'. "Recognising that nowadays lifelong learning is key to both jobs and growth and the participation of everyone in society, EU Member States and the European Commission have strengthened their political cooperation through the Education and Training 2010 work programme." European Commission, http://ec.europa.eu/education/who-we-are/doc324_en.htm, accessed 4 July 2009. The EC's programme also encompasses an international component. Crucially, skill became one of the markers of the inclusion/exclusion divide where 'highly skilled' migrants are welcome, whereas 'unskilled' migrants are not.

satisfactory interim solutions often leads to outflows of asylum seekers unwilling to wait for appropriate durable solutions. As a consequence, scarce resources which should be directed to the majority of refugees are instead expended on the relatively small group which is able to reach industrialized countries. [...] In order to be comprehensive, these joint policies must take into account the responsibility of countries of origin in the search for appropriate solutions, including those which address root causes, facilitating voluntary repatriation and aiding the return of their nationals who are not refugees.

(Fax from Linklater, EXTOTT, OSPH0748 to Campbell, Geneva, 07 December 1990, pages 2-4, emphases in original)

The identified problem was that the kind of development aid that governments were thinking about went beyond not only the mandate of UNHCR but also, more problematically, participants to the IGC stated they did not have the expertise to deal with development questions or the permission of countries like Sri Lanka to intervene for that matter.

Thus, the IGC participating governments viewed the 'root causes' as a real problem, emphasising the responsibility of countries of origin⁶⁶. The underlying assumption of these debates was that the people arriving in Europe are basically what the migration studies literature identifies as economic migrants – those who move motivated by the search for employment and to earn money. The logical narrative that the IGC had established throughout the 1980s was thus about young men queue-jumping illegitimately. They had to be either returned to the region of origin to support reconstruction and development or those who had not migrated needed to be trained in order to have better chances to stay put. Therefore, development policies were needed to counter poverty and economic opportunities and hence counter the need for onward movement on the basis of economic motivation. The recognition that development expertise was missing in the IGC is indicative of how far the migration narrative among policy makers lies apart from the development narrative.

⁶⁶ See Gent, 2002 for an in-depth discussion and critical analysis of the 'root causes' thinking; in particular it criticises the narrow 'self-centred' focus, its patronizing humanitarianism, its ahistorical and universalist approach to development and democratization and finally its sedentarist bias.

The Migration-Development Nexus: Policy and Academic Narratives

The above politico-economic background and the conception of international migrants set up as degrees of bad versus good and entrepreneurial formed the framework policy-makers used to think about migration in the 1980s and into the 1990s and early 2000s. Migration and development in combination were believed to provide a strategy for deterrence – the logic being that western European governments develop the underdeveloped world and educate/train those who would otherwise illegitimately move. There would be no legitimate reason for these people to land on European shores.

Western European bilateralism exploded in quantity from the late 1980s. Immigration related regulations focussed on readmission (van Selm, 2002). The readmission of failed asylum seekers built directly on the assumptions established in the IGC of young men 'queue-jumping' for economic prosperity and drew on return-and-reintegration-through-development-policies. The figures below are a visualization of the explosion of bilateral agreements between Europe and third countries.

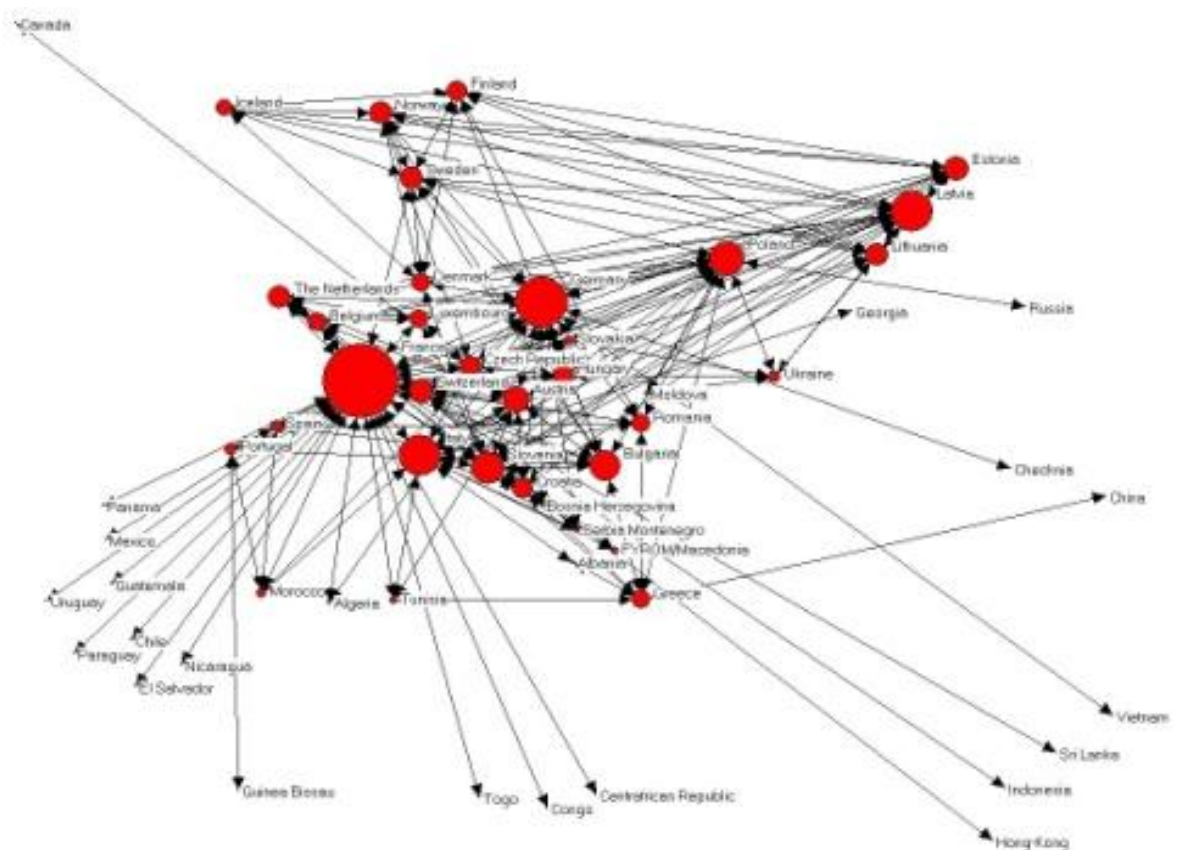


Figure 3: Bilateral agreements as of 1990 (Casarino, 2005-ongoing)

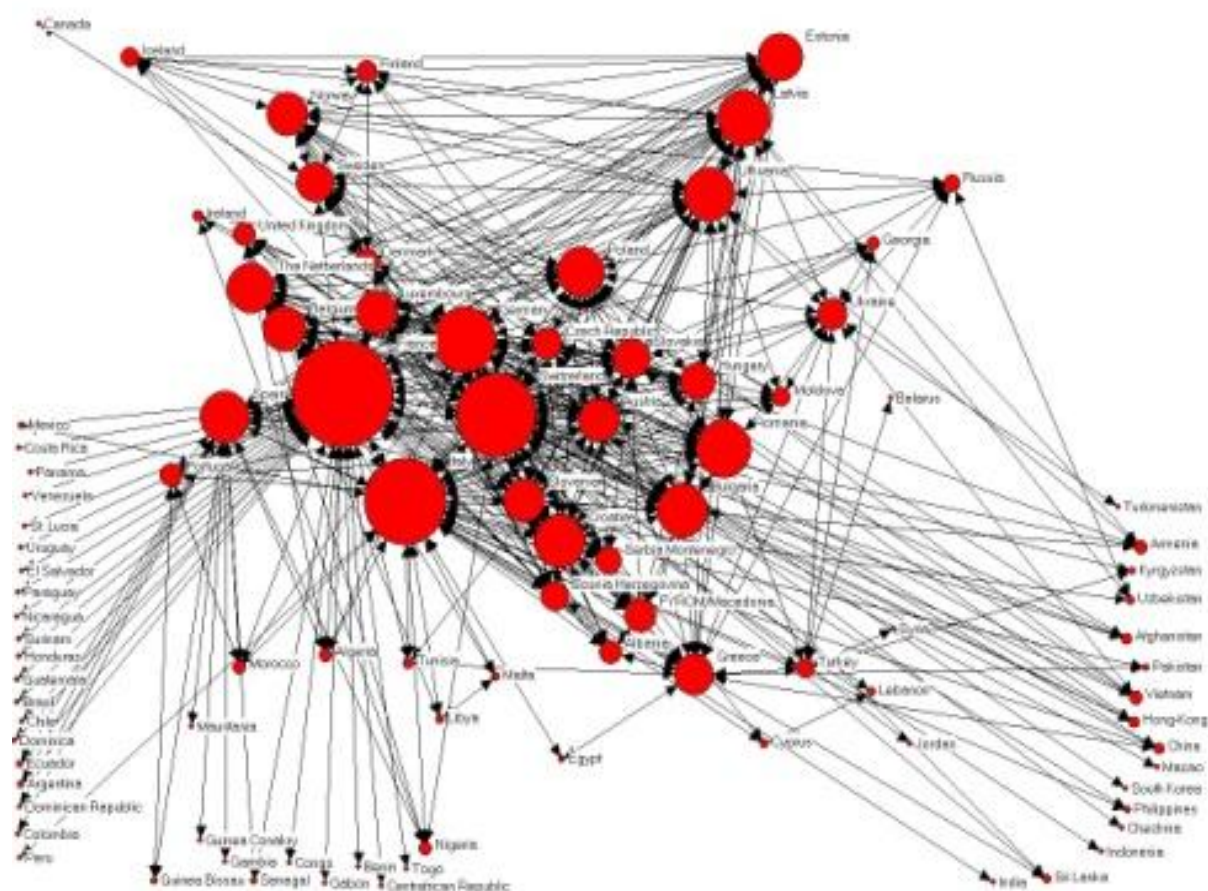


Figure 4: Bilateral agreements as of 2009 (Cassarino, 2005-ongoing)

It is not suggested at this point that discussions within the IGC on the issues of migration, development and return had stopped. Rather, it is important here to show how those first ideas discussed in the 1980s found their way into formal policy discourse.

Following the second Schengen Agreement of 1990, discussions of migration and development moved to a more formal level in European policy making and, simultaneously, became a normalized academic discourse (Hammar and Brochmann, 1997; Skeldon, 1997; Joppke, 1998; Geddes, 2000; Guiraudon, 2000; Lavenex, 2004a, van Selm, 2002; Boswell, 2003; de Haas, 2005). However, the debates about migration and development were scattered and inconsistent with the exception of bilateral agreements between Europe and mainly (but not exclusively) countries in Africa. Diplomatic efforts were called for in the documents issued by IGC participating countries “inducing countries of

first asylum to better control potential abuses and irregular movements of asylum seekers” (Ernst Andres, 5.12.1986, page 5). Diplomacy was conceptualised in terms of bilateral negotiations where development aid would be made conditional on such countries’ activities with regard to asylum seekers: “In further consultations [...], the participating states will identify the developing countries concerned. They establish special working groups dealing with the situation in the countries of special concern to them” (IGC, Gerzensee 1987, Working paper, Agenda Item 4d, page 3). Such relationships were not seen to be part of ‘cooperation of likeminded governments’ but clearly thought of as asymmetric with the countries in the region of origin in a subordinate position. The working groups were thus to collect information on existing projects and establish the possible feasibility of new projects with a view to deterrence through focusing on the making available of employment opportunities in third countries (IGC, Gerzensee 1987, Working paper, Agenda Item 4d). Bilateral negotiations and the incorporation of conditionality with regard to migration was attempted as trial by the European Commission in their dealings for example with Sri Lanka and Morocco in the 1990s.

Thus, western European countries – as visualized in the above two figures – began to introduce issues of international migration into what is called ‘mixed agreements’, which are bilateral agreements that cover not only one issue area like economic relations, but a range of issues as well as migration. The European Commission simultaneously published communications in 1991 (EC, SEC (1991)1855 final) and in 1994 (EC, COM (1994)23 final) dealing with migration and development and additionally the Council of the European Union included comments on immigration in their Edinburgh declaration in 1992 (European Council, SN 456/92). These documents should also be understood in the context of the Schengen Convention (which came into effect in 1995) and the Treaty of Amsterdam (which came into force in 1999). In the wake of those somewhat inconsistent attempts at linking migration and development in the formal dealings of the European Union, the High Level Working Group (HLWG) was created in 1998 in order to facilitate a more forceful and coherent approach which was to go beyond mixed agreements. This had already been advocated by the IGC working groups. In 1999, with IGC’s emphasis on action, the HLWG

issued the so called 'Action Plans' on a selection of countries such as Sri Lanka, Albania, Morocco, Somalia, Iraq and Afghanistan (CoE, 7429/00JAI 32 AG 40). The attempt failed, at least in terms of material outcomes of 'action' with regard to deterrence of immigrants.

Intriguingly, the broad idea of migration and development continued to be discussed. But conceiving of more practical governance tools remained impossible because migration for the purpose of work was still largely deemed to be illegitimate. The movement of people across borders was still perceived a development failure at the level of European migration policy thinking. Yet, the nexus of migration and development was institutionally maintained as a theoretical idea. The EU Council meeting at Seville in 2003, was a more successful endeavour to inscribe some of the doctrines formed in the IGC; and in 2004 the AENEAS Programme (a European budget line of 250 million Euro) was created to support the cooperation with third countries in the area of migration (EC, COM (2002) 175 final). Yet, the relatively clearer ideas since 2003 may be attributable to the academic discourse enfolding around the migration-development nexus – as shown below.

Transformation of Articulation

Internationally, from the 1960s, the IOM and ILO had already mentioned links between migration and development, the former by focussing on the return of professionals and the latter with regard to a growing interest in remittances. The Global Commission on International Migration – a non-formal governmental forum sponsored by the Secretary General of the United Nations – introduced the idea to draw on the resourcefulness of international migrants and thus offered a counter-discourse to the sole focus on deterrence; ideas which were echoed in the Thessaloniki European Council of the same year.

The phrase 'migration-development nexus' can be traced back to a publication by Nyberg-Sorensen, van Hear and Engberg Pedersen published in 2002. In this publication, migrants are portrayed as the solution to the problem of development rather than the outcome of failed development. Supported by some evidence through case studies, migration is explained more carefully in

terms of the exercise of migrants' agency (Nyberg-Sorensen et al., 2002: 5-37). The authors exhibit how narrow most of the thinking was at that time. For example, donor practice about refugees and emergency/humanitarian aid is bound to fail in terms of reconstruction and development as it is not conceptualized long-term and thus introduces an ambiguity on the side of the host country as well as on that of refugees towards each other and thus hampers commitment to change, but rather paralyses refugees into perpetual waiting (Chimni, 2002: 62).

Further, Nyberg-Sorensen et al. critically engage with questions about gender and assumptions that it is young men moving. They show that women (often as heads of household) move and make a living whatever the circumstances in an environment where all international actors are oblivious to their existence because the concept of women moving independently has (still) not entered the imaginary (Nyberg-Sorensen et al., 2002: 299).

They also take issue with what had become known as the 'three R' analysis of Recruitment, Remittances and Return (Papademetriou and Martin, 1991) holding that it reduces migration to an objectified economic act and the migrant to the role of labourer (Olesen, 2002: 133ff). Most importantly though, the publication aims to speak to the development community, in so far as many authors are closely acquainted with critical development thinking but without being interested in issues of international migration.

The development community – as shown above – seems to have been and remains largely elusive from considerations around migration and development because it a) does not consider migration a relevant factor in livelihood provision; b) if it does, the view is that it largely remains exploitative and c) rests on other assumptions about its nature than those used to make sense of migration (conversations, Peschke and Black, 10 September 2009).

In conclusion, Nyberg-Sorensen et al. argue that an emphasis on *migration-development* nexus is short-term, costly and inefficient and that migrants instead should be regarded as a development resource (Nyberg-Sorensen et

al., 2002: 288)⁶⁷. Thus, subsequently the migration-development nexus as terminology and topic was taken up by academic research⁶⁸ and in international organizations⁶⁹. This resulted in Kofi Annan advocating a High Level Dialogue on Migration and Development⁷⁰, culminating in the establishment of the Global Forum for Migration and Development (GFMD). The development discourse – which was largely separate from the migration discourse – had thus slowly become relevant to migration policy-making in explicit ways which made it possible to (re-)link the two discourses⁷¹.

In recent years, the migration-development nexus has thus formed a pool of concepts (such as remittances, education and training and linked to that brain drain/gain/circulation, skill and diaspora) relevant to inter-linking economic migration with development. The basic assumptions the nexus builds upon are linked to the need for economic growth (conversation, Ratha, 29 July 2009). First, in emphasising a logic of improvement, development aid and related activities evolved from aiming to make so called ‘third world’ countries like the industrialised ‘first world’. However, the logic of improvement is more deeply

⁶⁷ It should be noted at this point that since the publication of Nyberg-Sorensen (2002) vast quantities of knowledge has been created on and around the migration-development nexus. Most of these publications, with the exceptions of a few more conceptual publications in 2008 and 2009, are solely empirical descriptions of its constituents which doubtlessly add to our detailed knowledge of phenomena such as remittances and return or different forms of livelihood. These however, are not taken into account in this chapter – they are widely discussed elsewhere – as the purpose of this chapter is to shed light on the overall narrative and meaning of the nexus.

⁶⁸ Among others the UK DFID funded the Development Research Centre on Migration and Development at the University of Sussex www.migrationdrc.org to name but one initiative coming out of Europe, but including also partners in the Global South.

⁶⁹ The UNHCR took up publishing about the migration-development nexus in its ‘New Issues in Refugee Research’ series <http://www.unhcr.org/pages/4a1d28526.html>; as did IOM in their various outlets for research and policy advocacy.

⁷⁰ <http://www.un.org/esa/population/migration/hld/index.html> and Report of the Secretary-General, 2 September 2004 ‘International migration and development’, A/59/325 to the Fifty-ninth Session, Item 89 (b) of the provisional agenda.

⁷¹ Migration has been dealt with in the development literature on and off since colonial times – in particular with a view to questions of rural-urban migration. See for example Lewis (1954), Todaro (1969), Todaro and Harris (1970) or Rostow (1960).

seated in European thinking as Tania Murray Li (2007) shows in *The Will to Improve*. Murray Li shows how the underlying assumption of European superiority has been incorporated into today's ideology of a free-market-conservatism. The rationale of improvement is to foster what is beneficial and mitigate what is destructive for a less developed society. This aim is to be implemented by drawing on expert knowledge delivered through consultants from the Global North devising management strategies facilitating (the relations) between men and things (Murray Li, 2007: 15ff) – development and migrants. The World Bank has taken on this mandate when it defined itself as the 'knowledge bank' aiming to bring about orderly rule in conjunction with competitive, entrepreneurial profit making by the indigenous populations it treats: the rationale here being what Rose (1999) termed government through community. Community, as understood by the World Bank, is newly constructed as being able to be "mobilized, enrolled, deployed in novel programs and techniques which encourage and harness active practices of self-management and identity construction [...]" (Rose, 1999: 176). The individuals making up a community of potential migrants are rational actors. Through education and configuring of habits and beliefs (Murray Li, 2007) the proper management as alluded to above can be instilled. The aid recipient is now reconstructed as an actor.

Second, the particular notion of agency which evolved through emphasising participatory methods in development led to an emphasis on the migrants (moral) responsibility to 'do development' by sending remittances, acquiring new skills and returning on the one hand or – if the migrant is unwilling to return – by engaging in diaspora⁷² activities to alleviate poverty in the country of origin. The entrepreneurial actor. The western developed world can positively impact

⁷² Diaspora is today commonly associated to a particular community of international migrants who live outside their country of origin but hold contact to 'home'. See for example World Bank, Migration Information Source or scholarly articles by Mohan (2002), Bloch (2005), de Haas (2006) to name but a few.

this process of circulation by facilitating the sending of remittances and gaining of new skills that can be brought back 'home'⁷³.

By Way of Conclusion: Circular Migration means Legal Migration

Development in the 'migration and development nexus' is appropriated and re-appropriated by the migration narrative in both policy and academic fora because it does not possess any specific meaning of its own. The migration narrative is the hegemonic one which has come to incorporate elements of the development narratives' arguments and elements in such a way that it offers most scope for the coherent construction of a discourse which can then normalize in informal and formal policy fora, such as the GFMD and the EU. Accordingly, this formulation began to open the way for policy-makers to understand at least some international migration as legitimate and frame it in (economic) terms which made sense also within – by that time – slightly changed notions of sovereignty - as responsibility (Deng, 1996). This evolving narrative of the entrepreneurial migrant who can take responsibility for his personal and his countries' development by circulating – the migrant still mostly being assumed to be male – is thus coherent within the broader politico-economic ideology and can be more easily justified for the purposes of policy-making.

The migration-development nexus is the vehicle driving the reintroduction of notions that conceptualise economically motivated international migration to Europe as a legitimate form of migration. The nexus opens a space to counter conceptions which, until recently, have constructed international migration as a one-way permanent crisis reaction and as a sign of development failure. International migration for work becomes acceptable and state-sanctioned if it leads to the improvement of less-developed countries within the context of mobility as circulation. The endeavour of improvement is now made possible

⁷³ In most of the research and writing both with regard to rural-urban migration and international migration the prevailing assumption is still that people are sedentary – even though academic literature now recognizes that this assumption is erroneous (see for example Malkki (1992), Malkki; (1995), de Haan (1999)).

through the migrants' entrepreneurial agency and an assumed responsibility for their 'home' (-country). Circularity of movement promises that international migrants do not settle permanently but that education and capital is produced and distributed. At the same time illegal migration, so is the hope, can be stopped or at least be reduced. This logic is portrayed in the Concept Note for the GFMD in Athens in 2009, which is worth quoting as providing a succinct summary of current policy thinking:

Circular migration has been singled out recently by both national governments and international organizations (including transnational organizations like the EU) as one possible option that could maximise the benefits of economic migration and minimise its costs. Circular migration patterns are thought to avoid brain drain for source countries, encourage brain circulation and investment back in the country of origin of social capital (in the form of communication skills and social networks suitable for developing business opportunities), human capital (knowledge and professional skills) and economic capital (investments that circular migrants do in their source country).

Circular migration is seen by some governments as more readily acceptable by their national constituencies that may be wary of the long term burden of integrating migrants not only in the labour market but also at the social and cultural level. It is also considered to respond best to rapidly changing economic cycles, allowing thus for migrant workers to leave a destination country when a work opportunity is no longer available with the promise that they will be readily able to return to that country when job prospects improve again. In other words, circular migration patterns are seen also as a safeguard towards legal migration, discouraging people from engaging into irregular migration.

(Concept Note for GFMD Athens, 2009: 7)

This statement supports my argument that circular migration is seen to be the most coherent narrative born out of the migration-development nexus (re-)legitimising legal migration to Europe. Its acceptability as a policy discourse has two reasons. Firstly, previous migration related concepts such as seasonal or temporary work migration and the idea of the *frontalier* have a degree of commonality with circular migration, allowing a building on previous knowledge rather than experimentation. Secondly, circular migration fits within the idea of improvement: migrants come to European countries for a certain amount of time and all those included in the process of migration for economic purposes benefit: the receiving society because the migrant produces, the migrant because she or he earns skills and money and after the time is up the migrant

returns with new skills to develop his country of origin. Multiple circulation is also possible and coherent within the context of promoting life-long-learning as the EU does. In short, circular migration has the capacity to combine most of the concepts linked within the migration-development nexus into a coherent logical story that resonates with the current politico-economic ideology. It is a discourse constructing a very particular kind of 'benefit' which fits within the wider discourse of the Trilateral Commission and stabilizes representations of political subjectivity conducive to the internal coherence of Migration Management.

The idea of circular migration is constructed openly enough to integrate what European governments are still most concerned with: return and re-integration. For example, the chair of the IGC in 2008 made the topic of circular migration the theme for the year (Klein Salomon, 2008). Thinking within the IGC was clearly outlined during a presentation at the OECD meeting in Prague in October 2008. This presentation, in conjunction with the more formal publications from within the GFMD 2008 clearly showcases that the policy discourse and the academic discourse on circular migration differ considerably. On the one hand, policy makers still think of 'brain drain', the return and the lack of re-integration measures. On the other hand, academics tell a story of creative migrants choosing to move as one (among other) livelihood strategies where in particular circular movement is thought of as a process in which human beings have engaged historically since the beginning of time. These two views meet and combine only with regard to the anticipated positive development outcomes of circular mobility through the sending of remittances, skills development and capital flows:

Circular migration is thought to promote business and trade development as well as cultural exchange between sending and receiving regions. Circular migrants are expected to make productive use of their remittances since they continue to have a stake in their country of origin so they are believed to be more likely to invest in education and/or in business and technical equipment for instance rather than in mere consumption needs.

(Concept Note for GFMD Athens, 2009: 7)

Migrants are entrepreneurialized at this point of agreement between policy-makers and academic constructions of the migration-development nexus which

has circulation as its coherent core; and it is in this way, that the migration-development nexus has made it possible to talk about legal migration again⁷⁴.

The ideology framing the economically motivated movement of people has fundamentally changed. Out of this change the economic migrant is today conceptualized as competitive and entrepreneurial, as a rational actor. It is a normative codification of the migrant. Yet, what has not changed is the assumption held by the Global North of need for improvement imposed by 'us' as the knowledge and skill providers. However, in understanding the migrant as rationally acting, he (sic) can also be called upon to take responsibility to not only benefit individually but to take responsibility for the development of his 'home' using his capacity for learning and improvement. Such assumptions then lead – at least in theory – to an imaginary where European Union countries are willing to open up more channels for legal migration to those regarded as worthy of such an opportunity and capable of engaging in our rules of competition.

To reiterate: the migration-development nexus is a collection of concepts relating to the economically motivated movements and activities of people. Its introduction into academic and policy debates has provided a space to (begin to) shift the focus from illegal to legal migration, or from illegitimate to legitimate movements. Both academia and policy-makers have devoted considerable efforts to identify the linkages between migration and development and about how to steer migration in a way conducive to development goals while, however, at the same time controlling the influx of people into the European Union. These considerations are based on common assumptions within the wider ideology of free market conservatism, thus overcoming divisions between liberal arguments of open-borders and Marxist arguments of exploitation and working class division. Discursively it then follows that the migration-development nexus based within free market conservatism is formulated against the background of illegal migration as the basis upon which both

⁷⁴ It is also at this point where voices from academia and migrant groups raise to warn not to make the migrant the sole responsible actor for development where the same policies to be enacted variable by governments, international organizations or NGOs have failed.

academics and policy-makers construct its. Thus, in what follows I will turn to arguing that both this discourse of entrepreneurializing the migrant to legitimate mobility as well as the discourse of securitizing the migrant to render some movement illegitimate are combined in what we today refer to as Migration Management.

Chapter 6

Migration Management

Discourse is the site of contrary arguments and contested positions. It has a structure which is defined by its oppositions. Supporting sets of ideas are accommodated as well as those arguments which contradict and oppose them (Duffield, 1996: 175)

Migration Management is based on the discourse which evolved out of the Trilateral Commission, in which a hegemonic worldview was formulated and in which Migration Management is situated as one particular narrative. The narrative of Migration Management is composed of the two major articulations: the asylum-migration nexus which constructs securitized migration and the migration-development nexus which constructs entrepreneurialized migration. These two articulations depend on each other as hegemonic doctrines having come out of IGC's informal plurilateralism. The core function of Migration Management is to make contradictory positions intelligible, thereby framing and guiding the ideas and practices associated with contemporary international politics of migration as enacted by the European Union. Migration Management sets out a typology on the basis of which policy-initiatives sort people into norm, deviance and suspension thereby formulating 'access categories'. In this way, Migration Management is paradigmatic.

Paradigms are terminological-methodological systems⁷⁵ which give a frame, an ordering, that guide problem-formulation and solution-finding (Kuhn, 1962). A paradigm sets out a certain pattern of elements that are rendered similar. It can thus accommodate positions in an intelligible way which could, under a different framing, be seen as contradictory. Usually, the status quo – the paradigm itself -

⁷⁵ Notwithstanding the many criticisms that this definition has received since being formulated and the obvious conflict of Kuhn's positivism and my own discursive approach, I accept – for the purpose of this thesis – the basic Kuhnian definition as my starting point, especially because the literature on international migration and policy-thinking remains largely more positivist in its outlook.

is not challenged. Migration Management as paradigm establishes a typology that classifies those included and excluded into the social order into categories of the norm and deviant. These become the two pillars within which the international politics of migration are expressable. Yet, the norm which expresses what legal migration is and the deviant which designates illegal migration are two sides of the same coin when set against the suspended, who are not granted the validity to exist within the paradigm.

Migration Management is a distinctive treatment of human mobility in that it is largely an expression of European sovereign power which determines access, allocates or denies place and determines who counts as subject and who does not. Along with Walker, it is a radical account of “an identity in which [...] citizenship has priority over [...] humanity, or at least has become the necessary condition under which we can aspire to realize our humanity” (Walker, 1999:434). This is new in so far as, until the 1970s, the juridical status of an immigrant was epiphenomenal (Castles and Miller, 2009) to the social order. Most migrants entering western European countries were factually illegal by today’s standards in that they were without documents. The focus was on either getting manual workers or providing refugees from the communist Other with a new home. The situation of those without legal documentation was remedied once in country and not considered noteworthy. Migrants were functional in the first place, not legal, and they were integrated once they had arrived.

The approach to migration has drastically changed from something that was integrative to something that is, today, purely instrumental and rooted in considerations of capacity for economic productivity and includes security considerations. Thus, entrepreneurial migration and humanitarian migration are acceptable political subjectivities. Migration Management, more practically, is an ordering tool which categorizes international migrants who aim to gain access to the Global North as manageable risks. By way of structuring the discourse in terms of compliance to requirements of legal access the two dominant articulations of ‘asylum-migration nexus’ and ‘migration-development nexus’ become coherent by focusing on the migrants’ capacity for bringing knowledge and supporting innovation. Migration Management individualizes, legalizes and instrumentalizes. It imposes a seemingly coherent and inclusive system. In

order to achieve this it establishes itself as international in focus and operation. In short, Migration Management is about the construction of an essentialized legal subject which is formulated on the basis of an assumed capacity for productivity.

In the previous chapters I have shown the discursive evolution and the conditions of possibility for the formulation of the two building blocks which comprise Migration Management: the securitization of international migration on the one hand and the entrepreneurialization of international migration on the other. I have shown how a hegemonic 'truth' was built by policy-makers in the 1980s in IGC discussions and, by way of critique I have begun to shed light onto what is at the same time radically excluded. The IGC documents reviewed make it clear that sometimes more and sometimes less implicitly the person they had in mind when discussing international migration was some conception of 'the asylum seeker' against whom urgent action was needed. Thus any conceptualization of the diversity of migration concepts and categories needs to be understood with this in mind.

In this chapter, I want to take a step back and take a birds-eye view of the narrative by summarizing the hegemonic view which was constructed in the 1980s. I will do this by further setting out and illustrating the typology which crystallized out of the IGC's 'learning exercise'; and, then offer a perspective on the consequences arising out of Migration Management as a paradigm. Preceding chapters have posed the question: How did we get to where we are today? This chapter asks: How can we characterize the situation in which we find ourselves today and in which we think? How can Migration Management's working be explained? On the basis of answering the questions I will then think about what questions of effect this raises for the people and for politics.

Articulating a Narrative as Typology

According to the IGC's Working Group on Un-Documented Asylum-Seekers "it was agreed that a distinction need to be made between un-documented asylum seekers who were of good faith, on the one hand and asylum-seekers who were un-co-operative or of bad faith on the other" (CA/NB/cc, Report on the

Consultative Meeting held within the framework of informal consultations on 14 December 1990, Annex 8: 4). It is in this sense that the IGC juggles a twofold ambivalence. On the one hand there is ambivalence between who is a 'good' asylum seeker, who is a 'bad' asylum seeker (as discussed in the previous two chapters) and how to approach that distinction practically. This ambivalence leads, on the other hand, to the second ambivalence which is introduced by the surplus that these knowledges create. The suspended are both abstract and imagined as well as effectively present as a material physicality (even if either physically or socially killed) as entity which is excised from Migration Management.

On the basis of this ambivalence, I wanted to understand the meaning or the sense of what is meant by illegal and legal migrant respectively. In this chapter I want to understand Migration Management more clearly – a concept that left me wondering as to where it came from and what its logic is. The IGC is not responsible for coining this term. However, I argue here that this particular informal plurilateralism is responsible for having formulated Migration Management's underlying assumptions. In short, the IGC has formulated the direction and content of the paradigm, focusing it on a narrow understanding of legal status *vis-a-vis* access into the European Union.

The IGC states: "Needless to say, an asylum-seeker should be considered as acting in good faith, until proven otherwise" (CA/NB/cc, Report on the Consultative Meeting held within the framework of informal consultations on 14 December 1990, Annex 8: 4); only to then list the practical measures to deter asylum seeking we are all well acquainted with today. First and foremost, police checks at airports to "retain travel documents so that they cannot be disposed of" (ibid.) and civil servants at airports to "establish identity and travelroute of the asylum-seeker" (ibid: 5). It goes on adding to the catalogue: body-search; taking-into-custody and so forth and, more recently, using biometric technologies. This narrative points to a rather one-sided view on the deterrence of international migration. Thus, the emphasis is put on '... until proven otherwise.' How is it then possible that a strong focus on deterrence is combinable with facilitation of access?

The IGC documents – particularly in 1990 – show that the work of the years before was consolidated into a more ‘coherent’ narrative of how international migration is to be made sense of and to be approached. The major problem was identified as ‘asylum-seeking’ of which some is legitimate: either by way of really needing protection, and thus being awarded refugee status; or at least – as rejected asylum-seekers - by way of having the capacity of improving through training and skill development (ibid: 3). After all such people had successfully made their way onto European territory, thus some entrepreneurial capacity could be assumed. Some, however, are not legitimate. Asylum-seeking is easier to operationalize than ‘mixed flows’⁷⁶, which is what the IGC had identified as the driving problem or causal explanatory from the start in the early 1980s. However, against what characteristic(s) are the criteria for norm, deviance and suspension established? Which scenarios can illustrate the establishment of norm, deviance and suspension that the IGC had in mind and which were during the past two decades manifested to the point of normalization?

In order to answer this question I want to first briefly outline citizenship and its particular problematic as European citizenship. The European citizen is established, according to some literature, on the basis of expressions of nationhood: belonging and originality (Weiler, 1997: 504). Political theorists and International Relations thinkers in the past few decades, (for example Arendt (1958, 1990), Koslowski (1999) and, particularly relevant for those studying international migration, Soysal (1994)) have re-conceptualized the meaning of ‘nation’ away from a thick description of blood-line belonging towards a civic rights and responsibilities conceptualization based on pluralism and tolerance of difference.

This is relevant as it follows from the development at the level of the European Union where the Treaty of Rome has established the freedom of movement of

⁷⁶ The assumption underlying the notion of ‘mixed flows’ is that the abstract movement of bodies into the European Union is composed of those who come for economic reasons, for humanitarian reasons or to abuse the system. Since the legitimacy of an individual is not easily identifiable, ‘mixed flows’ pose a problem for managers of migration.

the worker and, later, the Treaty establishing the European Union widened this to the freedom of movement of every person legally and permanently residing within the European Union. European citizenship, according to Balibar, combines 'supranational structure in the form of administration and representative structures [with] postnational anticipations in form of the attempt to create political identity that is open to continuous admission of new people and cultures' (Balibar, 2004: viii-x) mediated by civil society⁷⁷. However, such reformulation of citizenship poses obstacles: it still requires the establishment of 'a people' and further even if history along with rights and protections are employed the question remains open as to how 'a people' can be represented if this is not done any more on the basis of ethnicity or culture (Balibar, 2004: x). It becomes a question of legitimacy, a question which hides the drawing of boundaries. These boundaries I have shown to be drawn at the point where 'a people' is constructed as skill-intensive, science-based, innovative, competitive and efficient (see also Walker, 1999:446).

This is why, in the context of Migration Management just drawing on Human Rights and the rule of law (as rights and protections) as the basis for belonging will not be sufficient. Everyone holds Human Rights; this is the expectation in law. Politically, at least at the level of the theoretical, everyone is assumed to have citizenship (for a critique see Arendt, 1958; Gill, 2010). Thus, juridico-political status based on Human Rights and the rule of law does not give guidance as to who 'belongs'. The duty of the citizen is to realize the efficient capacity to be self-managing. This shows most clearly where migrants are sorted into legal categories and against which characteristics.

The IGC, chronologically, first identified the 'illegal migrant' as the problem. The illegal migrant is the deviant: someone who has crossed an international border into European Union territory and is working without permission. As per categorization an illegal immigrant has entered on the basis of false or no documents, is judged to be an unsuccessful asylum seeker, has overstayed his or her visa or is regarded as victim of trafficking, but able to re-deem him- or

⁷⁷ Civil Society is understood to be the structuring device for expressing diversity within the social order.

herself as such a person is deemed to be capable of reform. The European Newspapers are full of stories about illegal migrants working in the agricultural sector from the South of Spain through to farms in Britain and elsewhere, for example. In some instances they legally have 'leave to remain' but not a working permit. These are the deviant cases; their non-compliance with policy of lawful access becomes a temporary problem at the point when they are found out, after all they were entrepreneurial and strong enough to make it into the European Union. The Lancaster Guardian, for example, reports of a raid on a mushroom farm on the 27th of May 2010 when 27 people from Pakistan, Afghanistan, India and Nepal were arrested⁷⁸. Other newspaper reports of the past few years cover stories, for instance, of Thai and Eastern European women who were forced to work in brothels. After being discovered, such persons will be taken into custody; immigration officers will try to identify their nationality and will attempt to deport them to a country which is seen to be 'of origin'.

Yet, many illegal migrants remain undetected or cannot be expelled. They integrate to the degree possible, support the labour market by way of working in areas that nationals of EU countries would not. Their children – if there are children – go to school and form friendships. Illegal immigrants – if their salary allows – send money or goods to their families who are resident in another country. Many European countries have regularization programmes in one form or another. Some of these programmes are restricted in terms of time or to specific groups of people. For example, Spain has had 6 regularizations since 1985 focussing especially on people who work in the agricultural sector. Germany and The Netherlands regularized 'failed' asylum seekers in 2006⁷⁹. What is common to this category of the deviant is that they are seen to not comply with European regulations but, crucially, that they do have the capacity for realizing their human potential by being productive in the economic sense.

⁷⁸<http://www.lancasterguardian.co.uk/lancasternews/Illegal-workers-arrested-in-raid.6323633.jp> viewed 20 June 2010.

⁷⁹<http://www.ncadc.org.uk/archives/filed%20newszines/oldnewszines/Old%2051-100/newszine77/strangers.html> viewed 20 June 2010.

As opposed to the deviant, the 'normal' – the legal - migrant is defined as the 'knowledge migrant' by the Dutch government⁸⁰, an idea which the EU has taken on board. Knowledge migrants are those who fill the gaps in certain industries across Europe. Stereotyping, for the purpose of illustration, knowledge migrants are the nurse from the Philippines or the IT specialist from India, the CEO for a global company. Other forms of legal migrants at the opposite end of the knowledge spectrum of the 'norm' are seasonal workers: the asparagus cutters or the hop pickers from the Ukraine. The Pakistani who runs the corner shop is generally a legal migrant, as well as the Ghanaian offering alterations to the suit or dress that is too long or too wide, or the Afghan who comes to study for an engineering degree. All these migrants have in common that they are seen to be entrepreneurial; they are seen to have the right kind of self-managing, efficient and competitive attitude. They are entrepreneurial, innovators who seek to raise capital levels for themselves, their host country and the community they have left.

Thus, if the illegalization of migrants begged the question for the IGC as to who can move, the entrepreneurialized migrant was the answer. What is common to both the category of the deviant and that of the norm is that these people are within European Union territory and they are productive, or at least seen to have the capacity to be productive. This is also true for those whose presence is justified by a need for protection: the Convention refugee, the failed asylum seeker granted humanitarian leave to remain or the victim of trafficking. These persons are all included into our techno-bureaucratic apparatus of recognition on the grounds of status or failed status. The deviant – illegal – migrant can be re-deemed by way of regularization as to be enabled to work legally, pay taxes and contribute to social cohesion in our system of differentity⁸¹. The deviant

⁸⁰ http://www.hollandgateway.nl/site/prod_dutch_working_non-european_highly_skilled viewed 20 June 2010.

⁸¹ Differentity is gleaned from the work of Joseph Weiler (1998). I am using the concept here to denote the conflation of difference and identity characteristic of the multicultural society as expressed by civil society. It is a tightly managed plurality which acts strictly within the boundaries of social order.

migrant can also be treated by way of psychological support after a traumatic event in order to fit in. Both are intelligible as the normative subject central to our 'good order' of autonomous individuals who help themselves and thereby their community. Both have a place and a function in the social order.

But then there are those others - who are the opposite of those who (have the capacity to) belong. They are not illegal in the sense of deviance; they have not crossed the boundaries of sovereign jurisdiction of the European Union. They are suspended. The IGC and other policy-makers assume these people exist but exclude them from the paradigm which renders mobility intelligible. The focus is on the moment in time and space before such a person attempts to access the European Union. It is both the abstractness and materiality of suspension as alluded to earlier. A place? A process? Both?

Four examples may highlight who such a suspended person may be. They also highlight that suspension is as much about place as it is about process: Amadou, Ms Kwembe, Ali,⁸² and Anpalagan.

Amadou originates from Sub-Saharan Africa. He had a successful business which employed eight people. The circumstances in his own and in neighbouring countries became so unstable that he had to close his business. The consequence of this was that he found himself incapable of feeding his family and sending his children to school. He decided to leave:

It's not bullets and bombs that make you flee. There are other reasons that can make you go even further. If you're just fleeing bullets, you just have to leave for a while, until things have calm[ed] down, then you can come back. If it's poverty that's chasing you, it's like you've got fire behind you, and you just keep going.

(quoted in Collyer, 2006: 132)

Living in the Cote d'Ivoire Ms Kwembe recounts how when the political unrest started in 2002 her husband and her eldest son were killed in the streets, soon after her house was attacked. She left with her younger son and daughter for Mali. After a year of waiting there was no sign of improvement and she decided

⁸² I am grateful for Michael Collyer offering to allow me to draw on his research in Morocco from 2004 to 2008, where he had the chance to interview 'illegal migrants'. The stories of Amadou, Ali and Ms Kwembe come out of this research. These interviews are not representative, but shed some light into the lives that I am conceptualizing as suspended in my research.

to move on (secondary onward movement as the IGC would define it) rather than use up the rest of her money while waiting (Collyer, 2006 and forthcoming).

Ali was a local politician in Chad. He expressed an interest in a higher political office. In the wake of this his home was raided – he left. Talking to Collyer he said: “Once I arrived here I received a message that I should not return. They said I would be killed before I even left the airport” (Collyer, 2006: 133).

All of these people came to Morocco. Collyer comments:

In general the origins of migration can be traced to some traumatic event compounded by pre-existing circumstances, but these typically reflect a more complex mix of political, economic and social disturbances and could only very rarely (as in the case of Ali) be clearly attributed to a single cause. Individuals had to possess both the means and the desire to leave.

(Collyer, 2006, 133)

It is in this sense that suspension is about process. From the point of view of IGC participants, and European policy-makers more widely, two characteristics apply to these people. First, these people are not tied into the ‘normal’ processes within which they would be identifiable by their function and place in the social order, as either productive or protectable. They have lost their stable function and place which work provides, Ms Kwembe’s children are not in school, they do not have a stable address. They are not recognizable as refugees by UNHCR, because they have tried to help themselves and also because they would not fall under the strict criteria of the 1951 Convention. Second, their movement within and through different territories which neither have policies nor apply law comparable to that of the European Union to award juridico-political status is incomprehensible to governments participating in the IGC. What all of them find is a situation where they are stuck.

Ms Kwembe’s story is illuminating in this regard. After a year she had not found work and lived off borrowed money or alms. “I thought I may be able to get work, that my daughter would be able to re-enter school” she recounts (Collyer, forthcoming: 6). Instead, and even though she had registered with the UNHCR, Moroccan police rounded her and her children up with others, put them on a bus and after many hours of driving ordered them to leave the bus – in the

desert. Her son was so agitated that he ran off. Ms Kwembe and her daughter walked back with other people through the desert, looking for her son. Eventually the bus came back, collected them and drove them back. She will not leave until she has found her son. Collyer comments:

[...] she is exhausted by the difficulties she has endured and is now terrified at the prospect of being separated from her daughter in a subsequent police raid. On the basis of this story it is probably unlikely that Mrs Kembe and her daughter would be granted asylum in Europe. She admits that she left Bamako, where she was in no immediate danger, in search of work and the move from Bamako was not motivated by a search for protection. Nevertheless, absence of violence is not the same as protection, and she is hardly an 'economic migrant'.

(Collyer, forthcoming: 6)

Place is thus the other aspect of suspension. Suspension can only occur where governance regimes which are vastly different meet. In this case the governance regime as constructed by the IGC meets the contradiction between a practically non-existing system as mobility between many African countries was until recently not a problem to be regulated and a system imposed by the EU which forces compliance in a non-sensical context. In the examples above it is the narrow strip between the European fences and/or the Mediterranean and North Africa at a particular point in time (Morocco only being an example, it could be Turkey or the Ukraine or indeed Mexico). Here people are (violently) hindered to enter the European Union on the one hand; and are (equally violently) rejected by Morocco which finds itself pressured by the European Union in its particular geopolitical position to act in a certain way on the other hand. At the point in time and space where the lack of function and place of a person and the clashing of governance systems such as the above under the assumption of territorial fixity combine suspension is created.

Anpalagan is another example of a suspended person: he is one of the many dead. The newspapers are full of stories of those who have drowned⁸³,

⁸³ <http://news.bbc.co.uk/1/hi/world/africa/7973322.stm> viewed 20 June 2010. This is just one of many such stories since the late 1980s.

suffocated⁸⁴, frozen⁸⁵ or were run over by the vehicle⁸⁶ they clung onto while trying to make it to be the inside illegal migrant, with a chance of being redeemed. The story of Anpalagan was uncovered by an Italian newspaper⁸⁷ then picked up by other European newspapers⁸⁸. The British Observer writes:

The family of Anpalagan Ganeshu, a 17-year-old Tamil, can now grieve. Last month his plastic identity card fell from a pair of jeans, encasing human bone, snagged in a net along with cod. 'It was like a terrible message from the grave,' said the fisherman who found it. In the card's photo, Anpalagan wears a white shirt and solemn expression beneath his identity number. He was travelling with his brother, Arulalagan, 18, and was on his way to Britain to study, said his uncle Balasundaram Elieathamey.

(Observer, 10 June 2001)

In these stories the place is Morocco, or a lorry, a vessel, a plane, it is not *at* the border or effectively *in* a European country. It is the threshold which Migration Management establishes to render the norm/deviant distinction meaningful and which is enacted at the outer edges of the European Union. The IGC and the European Union have brought suspension about through their policies of Migration Management. In creating categories for who can apply for work visa and how this can be done; in their particular reading and interpretation of the 1951 Convention and in their specific border practices suspension has become a material phenomenon at least for some people.

⁸⁴ <http://www.dailymail.co.uk/news/worldnews/article-1224133/Migrant-dead-lorry-prepares-enter-Channel-Tunnel.html> viewed 20 June 2010.

⁸⁵ A macabre discovery was made at Zaventem airport, near Brussels on Tuesday. An immigrant, who had tried to enter Belgium illegally by hiding in the landing gear of a plane, was found dead. http://www.airliners.net/aviation-forums/general_aviation/read.main/2253119/ viewed 20 June 2010.

⁸⁶ A 20-year-old illegal immigrant died on the AP-7 just outside Manilva when he fell out from underneath the lorry he was hiding on and was run over. It seems he got trapped in the suspension, cutting short his journey into Spain. <http://www.euroweeklynews.com/2010050578252/news/costa-del-sol/illegal-immigrant-dies-in-motorway-fall.html> viewed 20 June 2010.

⁸⁷ <http://www.repubblica.it/online/cronaca/palo/trovati/trovati.html> viewed May 2010.

⁸⁸ <http://www.guardian.co.uk/world/2001/jun/10/davidrose.rorycarroll> viewed 20 June 2010.

The process is one that leads people towards exhaustion and poverty into a 'stuckness' which is curiously active in its paralysis. What these people have in common is that they are too poor, too exhausted and do not have the right kind of formal education or skill to be worthy of legitimacy according to Migration Management. They are existentially alone – Weiler talks of 'excommunication' (Weiler, 1997: 504). I call them *suspended*. These are the people excluded by policy-makers and civil servants when policy is drafted and conferences are planned. These people are real, yet they are nothing or dead-matter.

Framing the paradigm and normalizing the narrative

The radical violence these people encounter is a consequence of the broader logic of Migration Management which also conforms to the discourse of the 'good order' as established by the Trilateral Commission. This context has nothing to do with conspiracy theory: civil servants participating in policy-making in the 1980s or today are not evil spirited. Rather suspension happens within a strong, hegemonic discourse of 'truth' in which the person becomes invisible, non-existent and irredeemable. The context, which lets suspension happen, is outlined in the IGC documents.

The following consensus among participating governments is formulated:

The strategy discussions held within the consultations have had the need to review the mixed flow situation as a primary starting point. The need to develop more comprehensive global refugee policies, and the need to adjust global development policies so that they do not result in large-scale migration, have initially been of secondary importance in the informal consultations. However, there are obvious links between these [...] policy areas. The instruments for influencing the flows of asylum-seekers [...] aim at promoting better conditions in countries of origin.

(IGC, Swiss Chairmanship, Bern/Geneva, End of July 1990, Report on the first meeting of the working group on long-term perspectives and policies, held at Nyon on 12 and 13 March 1990: 5, emphasis in original)

The document states further:

All initiatives underline the need for more efficient and targeted selection mechanisms, whereby genuine refugees should be given priority vis-a-vis non-refugees. [...] Furthermore, most initiatives underline the necessity of measures against the organized abuse of the asylum procedure, and the link between such measures and general measures

aimed at combating illegal immigration and irregular practices in this regard.

(IGC, Swiss Chairmanship, Bern/Geneva, End of July 1990, Report on the first meeting of the working group on long-term perspectives and policies, held at Nyon on 12 and 13 March 1990: 6 emphasis in original)

The policies are thus about formulating access; or rather denial of access. These statements are clearly normative in that they indicate that those who comply, those who show potential are to be supported; whereas those who are deemed (without definition) not to be genuine have to be combated.

Migration Management can be understood as the construction of social practices and relationships; it is a partially fixed relational system which makes sense of the way we perceive reality. As stated above, I understand Migration Management to be such a construction, a paradigmatic system expressing a particular perception of reality. The particular perception of reality that I am focusing on here is that of civil servants as expressed in the documents of the IGC in the 1980s and early 1990s. Today, another set of voices needs to be added, that of academics who research international migration. 'Migration Studies' is not a distinct discipline as such⁸⁹. Yet, what most studies that focus on migration have in common are their intimate proximity to migration-policy-making (Boswell, 2009; Portes, 2004; Favell, 2003; Fuchs, 1992). Both civil servants and academics thus shape our understanding of Migration Management and articulate it.

Articulation is the practice establishing a relation between those elements that make up an identity, constructing and partially fixing its meaning, (in this case the next as elements of the articulation of the narrative of Migration Management). More concretely, the particular articulations of illegal migration on the one hand and legal migration on the other in the particular historical and material context of 1980s and 1990s Europe established the conceptual basis

⁸⁹ Only Black (2001) and Hathaway (2007) make use of the term as such, even if in relation to a discussion of 'refugee studies' as a distinctive field of enquiry. I will be using 'Migration Studies' to mean the field of study which is largely empirical, descriptive and which enumerates either qualitatively or quantitatively the phenomenon of cross-border human mobility as a problem for policy-making.

of the narrative of Migration Management today. This is a political process in so far as, in an environment of undecidability, a discourse was constructed as to what is understood as rational and therefore accepted knowledge and practice. This accepted knowledge and practice is supported – even in the case when it is contested – by academics in and through their work. The majority of publications construct the issues that fall under the banner of Migration Management as technical, rather than political. In an environment where the emphasis is on consensus politics and critical articulations are largely foreclosed by the dictatorship of conformist technocracy de-politicisation is the effect. The choice is narrow, either one is for Migration Management or questions are asked as to whether one supports underdevelopment, abuse by smugglers and traffickers, and the undermining of the functioning of the nation-state by disorderly migration.

Migration Management is portrayed as inclusive of all the diverse terms on the shopping-list offered by both migration studies and migration policy-making. Migration Studies today gives a wide and fragmented picture as to what falls under its banner (Geiger et al., 2010). There are the ‘fields of activity’ which migration studies investigates and these overlap with the interest and activity of policy-makers. The migration-development nexus, as discussed in the previous chapter, is a field of activity. More specific here are issues such as ‘circular’, ‘temporary’ and ‘skilled’ migration. Then there are fields which are researched and policy developed for ‘border management’, ‘border technologies’, ‘readmission’ and ‘return’ which is often – but not always - combined with research on ‘human trafficking’ and/or ‘smuggling’ (Walters, in Geiger et al., 2010: 73-95). There are two other fields which are researched by a seemingly somewhat different academic community which are those centring on ‘refugee/forced migration research’ and ‘integration research’; however, the knowledge produced here is also close to and overlapping with policy activities. As I have shown in the previous chapters, these are not new issues, but they are discussed within the wider logic underlying Migration Management which gives these issues a reconceptualised quality.

In addition to the research and knowledge production on ‘fields of activity’, much research is focussed on key actors – including think tanks and NGOs who are

involved in shaping the fields of activities (Geiger, et al., 2010). However, the most significant - though not very critically analysed theme is that of the documentation of migration. The need for data that the IGC has called for so many decades ago which is now echoed by contemporary migration scholars and policy-makers alike in order to produce policy-relevant knowledge. In particular, the past decade has seen a flourishing of (statistical) data gathering, leading to the formulation, aggregation and fragmentation of migration into numbers. In itself, this is an ordering device which attempts to fix clear boundaries, thereby seemingly establishing decidable categories (see for example Meyers, 2004).

Further, under the banner of Migration Management, a wide array of 'training activity' by academics (and other experts) can be observed. The training of civil servants in receiving countries; sending countries; at airports with a view on control and regulation of migration; but also training of those civil servants and other stakeholders which are active in the field of development practice (see for example FRONTEX website). This is not written about by way of analysis, simply done. It would be worth reflecting on this encounter. The proposition that such practices lead to the coherence of the paradigm and that such practices *ergo* undermine the capacity for critical analysis and interpretation may not entirely be constructed out of thin air. In particular, as the power hierarchy between civil servants who write and implement how things are done and academics whose work is at least sometimes funded by government may imply that freedom of thought may be compromised (Hess, in Geiger et al., 2010: 96-118). This argument is based on the assumption that the mandate under which an academic works and the mandate which a civil servant is employed under are distinctly different, though both groups are called upon to bring about 'good' for society. In particular, when it concerns the relationship between Migration Management and control, where the narrative today calls for pro-active migration policies and as such is highly normative, but often not reflected upon; the conflation of academia and civil service becomes troublesome. Assumptions on which research is based as well as policy is written make prescriptions about how actors 'should' behave; governments should take all interests into account, creating win-situations for all; migrants should be well-informed and law abiding;

they should be flexible in order to react to the markets needs, which also means they should be ready to circulate and contribute to the home countries development.

The IOM captures these fields of activity and articulations in the figure below – not least in order to show the composition of a coherent, integrated system:

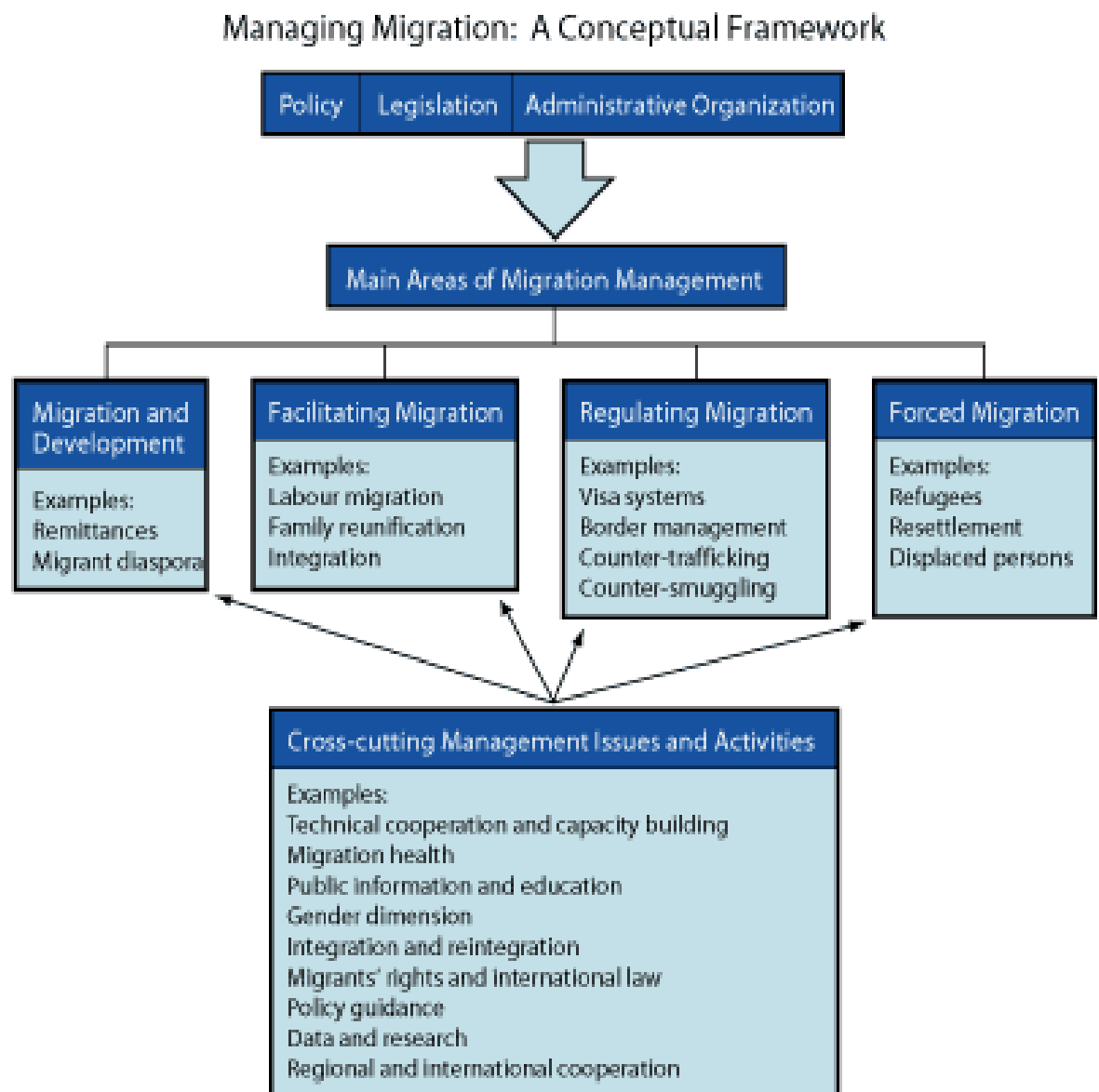


Figure 5: IOM's Managing Migration Conceptual Framework <http://www.iom.int/jahia/Jahia/about-migration/migration-management-foundations/conceptual-model-migration-management/model-comprehensive-migration-management> as seen on 27 February 2010.

Migration Management – the Paradigm

The distinction for policy-making purposes, as well as expressions of academic and public opinion between legal and illegal migration is largely accepted and taken for granted. It is de-politicised. Accepted wisdom today is that migration needs to be managed. Thus, the distinction has become sedimented knowledge which is presented and accepted as 'common-sense' or 'truth'. The legal categories serve to give the impression that it can be managed *in toto*. There is law which defines and regulates, it describes what is legitimately the norm (legal migration) and what deviates from this norm (illegal migration) as the poles of the same problem, it is therefore rational to instate policy which regulates who can move under which circumstances and which deals with those who move even though the norm describes such movement as not accepted. The decision as to whether movement is legal or not – and this is not necessarily explicit – is taken in a wider context of how the world is understood to be ordered. Concretely, under a world view of free market conservatism, which emphasises instrumental individualism and values freedom understood as competitiveness and productivity I have shown in the preceding chapters how an *assumption* is made as to who is entrepreneurial and therefore gains access and how, as a first step, the opposite of this was constructed and how this construction lead – in very few cases – to suspension from juridico-political status.

Migration Management is thus shown to be an empty signifier; the signifier that is so devoid of content that it is capable of absorbing a range of diverse knowledges which fix the discourse (Laclau, 1996). The category of 'deviant migration' defines and stabilizes an identity composed of condensed meaning; in particular the notion of young uneducated men who are potentially a security threat in that they are likely to be either criminal or at least willingly undermining of European systems of social welfare and politico-communal stability – it essentializes and thereby presents an exclusionary moment. The category of 'norm(al) migration' defines and stabilizes an identity of condensed meaning; here in particular the notion of responsible self-conduct through education and skill development in order to be entrepreneurial and therefore productively participating in the general growth and development of society. Again, such condensation of meaning essentializes and excludes.

The combination of condensation and exclusion happens in order to fix; to reach a state of stability and closure. Within the context of Migration Management what had been seen as distinct areas, the domestic decision to use labour from third countries for economic purposes and the international, explicitly non-political, humanitarian refugee regime, have been fundamentally transformed into a combined area of Migration Management which deals with the access of legal and illegal mobility of persons across national boundaries driven exclusively by arguments of instrumental rationality. Not only does illegal migration function to give stability to legal migration; notions of the would-be-migrant serve as the un-incorporable, ultimate other. Migration Management with its logic that movement does occur, but that nation-states – based on arguments of sovereignty – not only have the right to, but the duty to regulate such movement and that there are hence acceptable as well as unacceptable movers is unquestioned.

Migration policy-making at EU level has developed in close proximity to academic research. From the 'comprehensive approach' discussed in the late 1990s to the 'Global Approach to Migration' in the late 2000s the EU has attempted to incorporate all those diverse elements which concern the international mobility of people into one 'thing', Migration Management. Migration Management has thus become a basket for both the qualitative and the quantitative enumeration of phenomena relating to anything and everything relating to the movement of people within and across countries. It is no contradiction that Migration Management has essentialized the phenomenon of migration into the two broad categories of legal and illegal migration while, at the same time, noting its fragmentation into many technocratic categories that any meaning is lost into the void of the empty signifier of Migration Management. The combined effort of migration studies and migration policy-making in grasping the multi-dimensionality and complexity of the many different forms and types of migration we are identifying today, is precisely that – descriptive and technical. The qualitative listing by bullet points is a mere enumeration of issues, actors, places and approaches. In that sense it is not much different from the statistical enumeration of quantities of migrants, their status or their economic activity. Both quantitative as well as qualitative listings

de-politicise international migration as something to manage, rather than seeing it as something which is world-making and therefore political.

My argument then is that the formulation and representation of Migration Management of the 1990s and 2000s simplifies and essentializes international migration and thereby guides the ordering of international migrants. Migration Management is then, by extension, about boundaries. It is about defining it against something other. Boundaries are found at the point where the poor and tired are not able 'to keep up' with the self-managing efficiency of the Global North; at the point of beginning and end of juridico-political status; at the point of beginning and end of territory. The hegemonic 'truth' accepts that states have the duty to regulate movement. The integrity of national boundaries, of sovereignty, is so important precisely because states increasingly more often define the problem as one of sovereignty – migrants undermine sovereignty.

Migration Management and its Consequences

Migration Management is then the individualizing, quantifying and representational tool with which the geopolitical powers of the Global North impose consensus and manifest domination. It is the simplification, the essentializing of those articulations of the 1980s IGC. Yet, Migration Management is also a radical violence towards those who are suspended. In the context of a narrative of inclusivity, rights and consensus which is heralded by countries of the European Union, the particular phenomenon of suspension is problematic – it raises the question of what politics is and how political subjectivity is produced.

The wider problem is posed by the current notion of democracy – the discourse of consensus-democracy as elaborated by the Trilateral Commission – a system which is technocratic; which de-politicises all activity into mere calculations of means – end, problem – solution, cost – benefit relations and leaves no room for dissensus, for negotiation and for world-making. It atrophies democracy. By asserting a truth of differentity as inclusion that, which is excluded, in order to construct coherence of meaning, is so radically excluded that the effects of such exclusion pervert any argument in favour of consensus-

democracy. In other words, if everyone can be included by way of normally behaving or being constructed as deviant but able to be treated into normalcy then the abnormal become invisible and are de-humanized to the point that they are exposed to radical violence. It is the administrative killing of the suspended. They are either killed juridico-politically or physically in effect.

The concrete problem which follows from the above is the irredeemable person – the ‘bad’ asylum seeker – the stranded migrant who does not comply; who still tries to gain access without a hope to enter, return or integrate. The problem is the person not counted, not subjectified – the person without juridico-political status: person without validity to exist.

How does this oblige us to rethink? Those without juridico-political status exist, physically, materially. But, “[t]hey try to become like everybody else by refusing to be something and to become integrated and assimilated in the logic of border administration. Migration is the moment where you prefer to say I prefer not to be” (Papadopoulos, 2007: 6).

Thus, the problem of consensus-democracy and the problem of suspension raise questions. Questions about the impoverishment of the political; the dictatorship of technocracy and the complicity of law within this governmentality. It also raises questions of the ability of people as individuals and in community to challenge such governmentality, the potentiality for disruption and world-making.

Chapter 7

Technocracy: Banality of Evil?

In post-politics, the conflict of global ideological visions embodied in different parties who compete for power is replaced by a collaboration of enlightened technocrats [...] and liberal multiculturalists ...

Instead of the political subject [...] demanding its universal rights, we get, on the one hand, the multiplicity of particular social strata or groups [...] and, on the other hand, the immigrant, more and more prevented from politicizing his predicament of exclusion

(Žižek, 1998: 70)

Migration Management is a radical violence towards those who are suspended. It suspends within the context of a narrative of inclusivity, rights and consensus. This is a process which began in IGC discussions and sedimented into a hegemonic doctrine adopted by the European Union in the 1990s and has since been maintained as common sense by governments and civil society. After the IGC formulated the paradigmatic contours of Migration Management and started to trial some of its related practices, the European Union - as well as the relevant agencies of the international community - adopted these practices into its approach to the governance of international migration. It is on this basis that Bimal Gosh (2000) introduced Migration Management as the 'missing regime' to the international community; calling for a comprehensive regime of regulated and efficient openness *vis-a-vis* cross-border mobility. What has since developed is a set of atomistic practices bound together by the narrative of Migration Management claimed to be based on neutral, evidence-based, fact.

Is there anything new about this kind of technocratic governance? Much of the governance literature today takes the view that the international system is organized on the basis of an interplay of traditional nation-state governance, private and non-governmental actors closely involved in mechanisms of governance. The suggestion is that this interplay offers unprecedented possibilities for democratization and accountability at local, national, regional and international levels of governance. This is reflected by definitions offered in

the thinking of, for example, Czempiel (1992), Rosenau (1995), Finklestein (1995) or the Commission on Global Governance (1995) and has since inspired much of the literature. Whitman (2002) criticizes this perspective, asking what leads to the assumption that the involvement of private and non-governmental actors makes governance necessarily either more democratic or more accountable. Although technocracy as such is not new as Foucault and Weber have shown, I argue that the scope, depth and approach is new. In what follows, I want to focus on the technocratic governance.

Neither the international environmental governance regime (Lipschutz, 2004; Newell, 2008), nor the international health governance regime (McInnes and Lee, 2006), or the sophisticated international trade regime have at any point in their existence made use of a construct comparable to the IGC. More importantly, governments have not made use of instruments of global governance which make decisions *privately* (as opposed to informally) in a way that neither the constructivist literature nor the realist literature can explain. Thus what is new is the locale: the disconnectedness from formal rule bound systems of democratic control. The practices of Migration Management are designed and implemented in an inscrutable manner in that they evolved in the privacy of the IGC and are posited as being beyond question. They are practices that, both at the point of their construction within the IGC and other policy-fora and at the point of enforcement by - for example – FRONTEX, undermine practices of democratic control more broadly. The rationale is proactive prophylaxis, not re-active responses to ‘emergencies’, as the quote below makes clear:

The raison d'être of FRONTEX is not emergency operations but the consistent introduction of well planned regular patrols by member states, in order to limit urgent missions and to integrate the management of borders in all its dimensions defined by the member states. Doctors say that the best intensive care unit cannot replace prophylaxis; I would say that it also applies to borders.

(Laitinen, 2007)

Ilkka Laitinen is the executive director of FRONTEX. FRONTEX is tasked, according to the relevant Council regulation (2004), with the improvement of integrated management of the EUs external borders and to make this management more efficient. This only implicitly includes international migration.

However, since it is at the border, particularly the water boundaries, of the European Union where access is distributed, FRONTEX has become one of the major players of Migration Management as an implementing agency. Of its operational budget, sea operations take up 36.1 million Euros (the overall budget reported in 2009 being 88.8 million Euros) (FRONTEX, no date). Efficient management, understood as prophylaxis, is key to how international migration is framed – crucially as a technical problem to which solutions can be found and implemented. This has nothing to do with politics, rather FRONTEX is ‘getting on with a job’ in a way ‘that works’ according to the experts of international migration.

Kasperek explains that “although the Schengen border is still considered the [threshold] of European sovereignty styled as an area of freedom, justice and security, the actual boundaries of jurisdiction, sovereignty and the ability and desire to control are much more blurred [...]” (Kasperek, 2010: 127). It is in this blurred space that FRONTEX operates and such blurring is its condition of possibility in the first place. Importantly, FRONTEX has an EU sanctioned mandate but leaves sovereignty in the hands of the member states – its mandate is to function as a think-tank and a coordinating agency within the wider structure of the European Union. It ‘borrows’ its forces for operations from member states. Thus, superficially, its task and structure are transparent. FRONTEX is a helpful example of how the IGC’s doctrines have been translated into prophylactic action without democratic mediation: the point where the contraction of policy and policing into polic(y)ing become visible.

Based on the archival material reviewed in the previous chapters and observations of the evolution of Migration Management since the 1980s – I argue that technocracy has replaced politics proper. It is the particular kind of craft of government which evolved out of modern politics and reaches, in Migration Management, a new quality. Technocracy establishes a particular knowledge on the basis of enumerations and calculation – it establishes an empirical universality; on the basis of such ‘evidence-based fact’ polic(y)ing is the formalistic tool of post-politics which is institutionalised by the juridification of conduct. In short, technocracy along with the juridification of the social, are the characteristics of consensus-democracy (Rancière, 1999).

Technocracy atrophies democracy (understood as agonal politics) by reducing it to mere questions of calculation and the distribution of functions in an attempt at totalizing closure against dissent and alterity. In other words, its instrumental rationality and consensual focus reduces dissensual politics into routinized competition of the included; suspending the supernumerary, those who do not have a place and are not ac/counted for (Rancière, 1999).

Further, the establishment of seemingly irrefutable empirical facts expressed through statistics, for example, are accepted as sole legitimizers for decision-making; empirical fact thereby banalises politics and the administrative killing of the suspended. Banality here refers to the disintegrated moment of a loss of significance of the act on the one hand at the same time as this represents an outrageous wrong towards the acted-upon on the other hand (Arendt, 2011). In other words, the organized, impersonal division of labour – the efficient management of migration at the border and in other places – leads to the perception of disconnected, atomistic events of legitimate border control on the part of those who make the policy and who enforce it. Such individual events alienate the policy-maker and those who enforce such policies from the event. Action on the part of the policy-maker is perceived as logical and coherent as it is couched in a narrative of inevitability and thus, an awareness of doing wrong is dissolved and its significance lost, it just becomes common-sense and is therefore rendered banal.

This stands in stark contrast to the perception of those who are suspended; who see their existential validity denied. Such denial is experienced in two possible forms as illustrated in the previous chapter: it either leads to the juridico-political death of a person or the person actually physically dies (Arendt and Jaspers, 1993). In both cases it is administrative killing and, although not called that way because it is too low scale quantitatively, it is both a crime committed against the humanity of a person, in that the person is suspended and it is a crime against the human race in that a person is physically killed⁹⁰ (Arendt and

⁹⁰ Arendt and Jaspers (1993) obviously had these thoughts in the context of the Nazi regime as a bureaucratic killing machine. The thinking that Arendt developed during and after the Eichmann trial (and which rendered her such a contentious thinker) was at the cross-roads

Jaspers, 1993). Technocracy as banal polic(y)ing, however, needs to be discussed in more detail.

It is to this discussion that I will now turn, guided by the following argument for this chapter: Migration Management is a functional-instrumental paradigm within the broader horizon of consensus-democracy. It is characterized by a technocratic treatment of human mobility which in consequence is radically violent towards those who are suspended. In the first section I will elaborate the meaning and functioning of technocracy. The following section will then look more closely at hyper-legalism as a tool alongside and within technocracy. Finally, I will discuss the consequence of these governmental practices, called Migration Management, for those acted upon and thereby show that Migration Management is an instance of banality of evil. The conclusion will note a certain ambiguity of my analysis and already indicate the possibility of generative potential of suspension, which will be discussed in the following chapter.

Consensus-Democracy

Inspired by Foucault's elaboration of the historical meaning of policing as the set of practices that utilize and maintain the population of a state, Rancière (1999) develops a particular understanding of the administration or management of society. *La police* is the acting and legitimizing force of technocracy. Police here encompasses the procedures of aggregation and consent of collectivities; the organization of power through state and non-state institutions and the distribution of places, roles and functions (Ranciere, 1999: 28). The distinction of international migrants into those who are treatable and those who are entrepreneurial on the one hand and those who the European Union needs to take prophylactic measures against is an example for how roles and functions are aggregated and grounded within the social.

between a particularism largely sympathetic to the special situation of the Jewish people; yet much of her thought was driven by considerations of a more universal nature (Arendt, 2011). I draw on the more universalist considerations of 'loss of world', thinking and evil for the purposes of clarifying the effects of Migration Management without intending to appear disrespectful. I do, however, argue that the principle of banality of evil applies.

Even taking into consideration that NGOs, academics and other experts who are involved in the international politics of migration call for more transparency, accountability and the adherence to international legal standards, the basic notion of how categories are formulated is largely consented to or, at least, not questioned. Technocracy is the system of legitimization for such distribution of categories, roles and functions. In short, the police organizes the 'normal' as part of an on-going process of structuring. It is the normalization, sedimentation and maintenance of what has become hegemonic and is portrayed to be coherent, closed and fixed – in other words, stable and therefore predictable - which is the ultimate aim of managing migration in an orderly fashion as conceived of by the IGC (restricting some mobility, facilitating other mobility and fighting abuse).

Rancière describes that which is coherent within the boundaries of the social order - what police does - as *le partage du sensible*: “the implicit law[s] governing the sensible order that parcels out places and forms of participation in a common world” (Rancière, 2004: 85). I have suggested that the discussions which have taken place in the Trilateral Commission which formulated the horizon within which the IGC started to think about international migration comprise such a *partage du sensible*. Crucially, Rancière goes on to explain that the “distribution of the sensible thus produces a system of self-evident facts of perception based on the limits and modalities of what is visible and audible as well as what can be said, thought, made, or done” (Rancière, 2004: 85). It then follows that what is created is something seemingly without outside, there are only partitions within. The distribution of the sensible asserts a truth of inclusion and tolerance towards diversity in order to construct coherence of meaning. That which is not identifiable does not exist. Or rather, in so far as it exists, it needs to be prophylactically addressed by, for example, FRONTEX.

Policy in this context is the tool which codifies and enforces such partition. Polic(y)ing thus divides through sorting access or the denial thereof, in this case access into the European Union. Such divisions structure in order to offer a coherent totalizing account of a situation. In the context of Migration Management migration is considered as 'natural' and 'beneficial' but that there are those who are irredeemable who are not considered to be capable of

working towards their own entrepreneurialization: the suspended. The suspended *ergo* have no validity to exist within the paradigm of Migration Management.

If policy was once thought to have a guiding capacity which formulates broad principles with regard to questions of right and wrong which in turn are then open to both dissensus and interpretation, within consensus-democracy principles are minimised into calculable, empirical values which become codified which, in turn, renders the legal subject one with the empirical subject (Rancière, 1992). “For me” writes Levinas,

the negative element, the element of violence in the State, in the hierarchy, appears even when the hierarchy functions perfectly, when everyone submits to universal ideas. There are cruelties which are terrible because they proceed from the necessity of a reasonable Order. There are, if you like, the tears that the civil servant cannot see: the tears of the Other.

(Levinas, 1996: 23)

Technocracy establishes this reasonable order which defines the social; it founds the common and banal on the basis of evaluating what it measures and calculates. “The mainstream acts as though certain persons know both the public good and the good of others, while those others are incapable of achieving this good without the intervention of those properly situated to run the affairs of [the common]” (May, 2007: 24). The common therefore needs experts to speak for it, to measure for it and to calculate for it to construct ‘accurate information’ so that consensual decision-making is facilitated. Hegemony, within the understanding of democracy as consensus-democracy, is the understanding that coercion is less effective than obtaining consensus for hierarchy and inequality. The individual or group enters into a relationship and by doing so, reality becomes something seemingly rationally opted for – it is arrived at by consensus. It is neither a passive submission to an external constraint, nor is it free adherence to explicitly stated principles. It is just the ‘normal’ of ‘what works’ and therefore also beyond questioning. Hegemony – that is consensus-democracy - is invisible domination, it is polic(y)ing through technocracy (Swyngedouw, 2008).

Consensus-democracy is, first and foremost, an expression of order as common and non-litigious (Corcoran, 2010: 2-5). It is formal democracy (free

market conservatism), administered through highly formalistic procedures – juridification (Deranty, 2003). Juridification is the intense and detailed prescriptive codification of the social, which de-legitimizes all possible contestation as it does not leave any room for quarrelling. In the case of Migration Management the informal plurilateralism of the IGC was the condition of possibility to bring about this particular way of polic(y)ing and juridification. It is consensual, as it emphasises ‘collective agreement’, leaving space for individual preference and variation, within the prescribed comfort of the like-minded.

This explains why difference is acceptable, but only in so far as it keeps within the boundaries of the acceptable and therefore within the bounds of the thinkable and sayable; something that has come to be termed ‘differentity’ as defined earlier (Weiler, 1998). Žižek describes Rancière’s conceptualisation of consensus-democracy as

the attempt to [...] translate [politics] into police logic: one accepts the political conflict, but reformulates it into a competition, within the representational space, between acknowledged positions, for the (temporary) occupation of the place of executive power.

(Žižek, 2006: 71)

Žižek then goes on to explain that such police logic is portrayed precisely in the “Habermasian and Rawlsian ethics [...]: the attempt to de-antagonise politics by way of formulating the clear rules to be obeyed so that the agonistic procedure of litigation does not explode into politics proper” (Žižek, 2006: 71).

It is precisely this that happened within the IGC’s informal plurilateralism. International migration was de-antagonised – or at least questions of access of international migrants of a certain kind were de-antagonized. This was portrayed as necessary because the scrutiny through higher legal principles and the democratic, dissensual negotiations between peoples and countries were re-conceptualized from positive connotations of being a safeguard for democracy to negative connotations of being inflexible and inefficient. Instead of addressing racism and right-wing propaganda within European countries, the problem was re-constructed as one of access and contractual relationships with third countries for which clear rules could be established and implemented.

In short, racism became a hidden practice guiding policy-making on access and its policing. In this regard, consensus-democracy works by way of defining decomposable common empirical categories; their governance becomes a technical problem for professional politicians and their experts. Political choice is portrayed as objective and univocal (Corcoran, 2010: 2-5).

Polic(y)ing

“Technocratic discourse”, writes McKenna,

makes use of abstractions such as [...] “efficiency”, “the national interest”, and so on, in much the same way that the great religions have named their gods as the ultimate arbiter of individual fate, past and future fortunes, and, indeed, the well-being of entire nations.

(McKenna, 2000: 226)

Through the IGC, and more generally through policy-makers in the Global North, such technocratic governing is undertaken by “(economic) planners, strategic thinkers and natural and social scientific experts” (McKenna, 2000: 226). Expert discourses of calculation created by these elites are transformed into policy and disseminated through bi-lateral agreements, targeted training and information, establishing fact. These discourses are legitimate because such experts normalize international migration into a perceived urgent problem in need of technical solution. Technocrats claim objectivity of method - mostly by way of enumerating and formalizing. They thereby render their particular approach to international migration un-contentious, abstract and necessary; debate is closed off in that the discourse is formulated as a factual statement to be accepted. Any questioning, critic or opposition is treated as false knowledge or subversive propaganda – an ‘incorrect common-sense’ denigrated as un-informed opinion or misled ideology (McKenna, 2000).

Is this an accurate description of what technocracy in informal plurilateralism is? The classical idea of technocracy, Wilson argues, lies in Francis Bacon’s claim that knowledge is power (Wilson, 2006). This, and claims for the scientification of politics date back to Saint-Simon; scientists are judged to be superior to all others because of their powers of prediction, based on positivist assumptions that there are natural rules to society which can be discovered and established as truth through empirical research (Wilson, 2006: 505). The belief in

'knowledge elites' (Wilson, 2006: 505) provides legitimation for authority and leads to the formulation of bureaucracy as technical expertise. Weber built on this knowledge in arguing that the key to bureaucracy is rule-bound, efficient behaviour by administrators based on knowledge which is guided by political neutrality and instrumental rationality (Weber, 1976).

Meanwhile, post-positivist approaches have successfully challenged this notion of technocracy by arguing that there no natural rules, nor is there a justifiable power basis for 'knowledge elites'. Furthermore, post-positivism has shown that there is more than one knowledge. Indeed, there is a plurality of knowledges, some of which are accepted and, hence, hegemonic, some of which are rejected. In chapter two I have recounted how it was perceived to be perfectly legitimate for the Trilateral Commission to include only those 'private citizens' who were like-minded – the IGC works on the same principle, thus rejecting certain knowledges about international migration which do not fit.

In addition technocracy is allied to a distinct understanding of learning. Wilson writes that "technocracy becomes not just the power associated with possession of superior knowledge, but the power of being able to engage in a process of learning [...]" (Wilson, 2006: 508). The IGC (and in its wake the European Union with the involvement of its knowledge experts) is a prime example of a learning community with its declared goal of data gathering and information sharing. The underlying rationale here is that governance can only be effective when all relevant populations are known. Such knowing is attempted by way of collating "enhanced information and statistical methods for identifying, mapping, measuring and reporting" (Craig and Porter, 2003: 54). But not only are those inside measured. Paradoxically, would-be-migrants, the suspended, are measured as well in an attempt to know them. The paradox here lies in the contradiction that experts attempt to know something that is otherwise constructed as an imaginary. The suspended are rendered knowable in an unsystematic way so as to not turn the suspended into identifiable juridico-political persons. The following (extended) example may illustrate this rather abstract argument.

HERA is the name of the first of those well planned regular patrols Laitinen of FRONTEX speaks of, sponsored by the Spanish government and supported by

other European members. Prior to 2005 many migrants arrived in Spain through the straits of Gibraltar. However, after the Spanish had increased their efforts to curb migration via this route, migrants increasingly travelled to the Canary Islands in small wooden boats. In reaching the Canaries, they reached Spanish territory. This has been widely reported throughout the European press and described in the academic literature (Carling, 2007; de Haas, 2008). They crossed roughly 2000 km from the coasts of sub-Saharan Africa to arrive on Spanish territory still being about a 1000 km south of the European mainland. It hardly needs mentioning that this journey is dangerous.

The initial HERA operation was presented as a 'knowledge-gathering exercise' (Kasperek, 2010: 129) in which experts questioned migrants about their countries of origin and routes of travel. It is precisely this approach to measuring, mapping, learning and reporting that is relevant here. As a result of this knowledge-gaining exercise more than 6000 migrants were deported. Successive HERA operations took place. A BBC report in December 2006 shed light on the actual operation undertaken by successive HERA activity. Effectively patrols took place not in the territory of the Canary Islands, i.e. in European territory as had been assumed so far, but in the territorial waters of Senegal, Mauritania and Cape Verde. FRONTEX intercepted boats attempting to leave and this was sanctioned by bilateral treaties Spain had negotiated with these countries. This is highly problematic, because it not only undermines a person's right to leave a country which is provided for under international law, it also does not offer the possibility to claim asylum. In other words there is no opportunity to voice the need for the protection of the international community. The learning that FRONTEX did and the efficient management of what resulted from this learning assumed at the outset that those people leaving for Europe do not have legitimate claims. Such operations – based on having rendered some prior migrants knowable – assume 'bogusness', abuse of Europe's systems and an incapacity to be entrepreneurial.

These bilateral agreements sanction an infringement of territorial sovereignty on the part of, for example, Senegal in order to prophylactically protect the integrity of the European Union's borders and territory. Further, such bi-lateral agreement sanction refoulement, as it can be argued on the part of the

European Union that Senegal is capable and willing to offer protection to refugees otherwise they would not have signed such agreement. Thus, by prophylactically intercepting people who attempt to leave African territorial waters, they could not file a claim for asylum. If they had arrived on European territory, their claim would need to be heard and rejected before they could be deported. It is on the basis of assumptions which are portrayed as justifiable because some measuring, mapping and learning had taken place that interception at sea and neo-refoulement is legitimized.

This 'successful' trial was then taken as the blue-print for Operation Nautilus to target the route between Libya, Malta and Italy. Yet, Nautilus was designated a failure in 2008 by Laitinen, not least because Libya's Gaddafi was less easily persuaded to relinquish sovereignty of his territorial waters and shoulder the burden of caring for those 'illegal' migrants that never reached the shores of Europe in the first place (*migreurop*, 2010). It took an agreement between Italy and Libya according to which Italy pays 5 billion dollars over the next 25 years to 'secure' cooperation and formalize what de facto amounts to interception at sea and deportation without hearing potential claims for asylum (Kasperek, 2010). Such moves are cynically claimed to be in the best interest of 'illegal' migrants: deterrence as an act of protection of those would-be-migrants for their own safety, as so many people die in the attempt to cross into Europe. This is particularly cynical in the context of recent press reports in which a NATO aircraft carrier was involved and did not react in time to rescue a boat with people who had left Libya. Rather, a NATO spokesperson reacted defensively to the accusation that people had died while waiting for rescue describing the Mediterranean as the wild-west, beyond the governance of formal states (Guardian, 08 May 2011). FRONTEX is also said to be active in the Aegean Sea (*migreurop*, 2010) and at other points of entry into the European Union.

The above example does not only pose a series of questions with regard to an imposition of power onto other territories and an active infringement of rights and protections. More importantly at this point of the discussion is that the example shows the paradox of claiming to want to know about and active not knowing of suspension. Illegal migrants are interviewed about routes they took, their living and travelling experience, their social anamnesis. Yet, those who get

stuck and do not succeed in being deviant – the suspended - are ignored as if they don't exist despite the existence of empirical fact and the possibility to know. Appadurai supports this somewhat contradictory analysis of the characteristics and practices of technocracy in stating “enumeration [is] a central technique of social control. [...] It enable[s] the authorities to feel that they know [...] which render[s] the population more controllable” (Appadurai, 1996: 117).

Enumeration, however, does not only encompass statistical data. Enumeration also includes qualitative knowledge, so far considered tacit knowledge, obtained informally, ethnographically (Kothari, 2005). FRONTEX did not only measure for statistical reasons, it also mapped and measured the qualitative information they received, for example about the routes people had taken, or the motivations for why they accept a little wooden boat as way into the European Union while endangering their life. Thus learning takes place alongside the formulation of categories, justifications and practices, as is shown in the above example of ‘research’ undertaken by FRONTEX. Today’s technocrats ‘go to considerable lengths to find out empirically about local contexts’ (Wilson, 2006: 509).

There is a caveat though, even if post-positivism has successfully challenged positivist approaches; it has not changed, but rather expanded technocracy in that today superior quantifiable knowledge has learned to assimilate other, qualitative, knowledges in so far as these rarely fundamentally challenge the grounding assumptions held by those producing the particular kind of ‘evidence-based fact’. Civil servants draw, where convenient, on the information provided by academics of other organizations which produce ‘empirical fact’, but the policy-making process is opaque and non-participatory (see chapter three). However, the underlying principle of collection of vast ranges of knowledge in order to learn, in order to come up with solution oriented policy does apply. Thus, in Migration Management we do look at expanded technocracy, a technocracy which applies learning in a ‘classified’ and strategic way with the clear aim of social policing. The particular rationality that is put forth here is of a deeply functional-instrumental character.

The rationality declares that what is important to understand for the mass of the population is that the decisions implemented are “decisions that any intelligent person in a position of power and authority would be *required* to make when confronted with *accurate information* [...]” (Winner, 1977: 258, emphasis added). The assumption is then that there is such a thing as uncontested, rational and therefore ‘accurate’ information. Related to this is the notion that ‘accurate information’ needs to be based on calculation as the main tool and driving force of technocracy. What is the rationale and how does technocracy work so that it is afforded such all-encompassing position of certainty?

Technocracy predicated on calculation: its instrument is calculation and its expression is through calculation. The problem is that “calculation as such has neither a concrete product nor does it provide care” (Parry, 2008). Calculation as *techne* creates a product. A person. A pattern. A policy. An instrument implementable on a person. It essentializes. Douzinas writes:

When normative universality becomes a calculable globalization, it turns from a lofty, albeit impossible, ideal into the lowest common denominator of state interests. [...] It is an empirical universality, based on the competitive solidarity of sovereign governments and on the pragmatic concerns and calculations of international politics.

(Douzinas, 2002: 451)

Understood this way, technocracy produces common “worlds to be organized, controlled, manipulated, studied, and known” (Barnes, 2001: 379). The trivial and routinized conduct that characterizes technocracy does not require independent thought and moral questioning.

The problem is that technocracy constructs and trivializes its reality. Entities which are to be acted upon are not reflected upon any more. Technocracy does so by using numbers, numbers that are not merely representations. The context within which numbers are used makes a difference. They are complicit in legitimizing power, authority and control. Numbers are put to use and filled with meaning according to the hegemonic order of the time. In this instance consensus-democracy and more narrowly Migration Management as a narrative within it. As such numbers are neither good nor bad, but the use they are put to under technocracy qualifies (Hannah, 2001: 516). Calculation is a conscious practice in which choices are made as to what and who counts, what and who

accounts for norm and deviance; and what and who is not countable – invalid and therefore suspended – by extension.

Thus, the rationale to afford technocracy such an all encompassing position today is the belief that calculation and measurement gives stability and certitude on which basis an empirical practice can be established and acted on. Stability and certitude is what the IGC strives for in a time where they identify that migration is out of control. Such an atomistic approach leads to the phenomenon of ‘one-more-on-the-list-of-causes’ (Epstein, 2008: 11) as can be witnessed in Migration Management. What such calculation hides is the incompleteness and the messiness of context. Furthermore, what enumeration hides is the abstraction and distance it claims by introducing a particular kind of formalism – sombre things are constructed that are dealt with in a sanitized ‘problem solving’ way. A utopia is established, not of an ideological kind, but of an empirical kind and it claims to correspond to an absolute reality. A guarantee for ultimate, totalizing stability. Technocracy, *la police* in Rancière’s words, depoliticises all activities into means-ends and cost-benefit calculations. It is in this sense that Migration Management is the banality of evil.

Technocracy recedes into the common sensical and becomes something that we agree to every day without reflection. Arendt shows this when discussing Eichmann (Arendt, 1965). Banality sets the criteria for judgement of what is acceptable in such a way that is not questioned because what it proscribes has lost significance, it is seen to be rational and consensual. Activities taken within this (perverse) new normality would amount to a non-sensical threat to the common order. The wrong done becomes imperceptible, as behaving according to abstract ethical criteria would feel abnormal.

Juridification

In order to expand on the working of technocracy – especially in the context of international migration and beyond the physical realm of the European Union – I will now briefly highlight one of its instruments: juridification. The lawful state, according to Rancière, is a combination of a realist, pragmatic wisdom of ‘what works’ and the absolute rigour of the legal norm (Rancière, 1992). The fact of

the state becomes identical to the norm of rule (Deranty, 2003), therefore (in this case) Migration Management is necessary; therefore it is legitimate. Any policy maker of any of the countries participating in the IGC, the EU or other regional organizations who have now – in one way or another – signed up to Migration Management can claim that what is done in the context of the regulation of international migration is legal. “Legalism” as defined by Shklar (1986) is an

ethical attitude that holds moral conduct to be a matter of rule following, and moral relationships to consist of duties and rights determined by rules’. Placing emphasis on form rather than substance without regard for history and for social and political context can be found in legal positivism as well as in natural law.

(Shklar, 1986; Beck et al., 1996)

Juridification goes beyond this; it transforms the status and function of law more fundamentally. Deranty explains that it “finalises the eviction of any [rupture] and reduces [law] to the expression of factual life” (Deranty, 2003: paragraph 33). It thus works towards the above described empirical utopia that technocracy strives for within consensus-democracy, eradicating any dissensus. This is problematic as law is not a universal principle. It can and must be quarrelled over; it is an expression of a very particular lifeworld – in this case that of Migration Management enacted through FRONTEX for example. Rancière concludes:

In the one corner, the world of good: that of consensus eliminating political litigation in the joyous harmonizing of right and fact, ways of being and values. In the other: the world of evil, in which wrong is made infinite.

(Rancière, 2002: 46)

In the case of the international, ‘legalism’ is problematic as law cannot be established ‘as law’. Conventions and treaties are such that even if binding to those who ratify them. They are not easily enforceable through the same mechanisms as have been established within nation states. However, many international lawyers, legal academics and some international organizations attempt just that, to give international law a standing ‘as law’ emphasising its technical and non-normative elements of regulation (Koskeniemi, 2002:516). Yet, in effect form is placed over substance in order to find a common denominator for the rule to be followed. Moreover, legalism needs to be

understood in the context of the Foucaultian observation that everything is perceived to be dangerous and thus needs urgent and pro-active addressing (Foucault, 1997: 256). Juridification answers the need to formalize and be pro-active at the expense of litigation over substance. What results from this re-formulation is characterized as 'hyper-legalism' by Inder (2010) which she defines as

a formalistic approach towards international law and international legality that allows states and other actors to benefit from the rhetoric of compliance with international law, without any constraint on their actions in practice, in order to both legitimize and depoliticise state policies.

(Inder, 2010: 221)

'Law' then becomes empirical 'right' of technocratic governance (Deranty, 2003). It becomes 'right' because what legitimates law-making is the necessity to cater for prescriptive codification of the empirical utopia at the expense of all that does not conform to the paradigmatic framing of Migration Management. Such trend can be observed by actions undertaken by the EU: following the designation of certain countries as 'transit countries' the EU now 'cooperates' with Libya, Mauritania, Turkey and the Ukraine among others around the Mediterranean and within sub-Saharan Africa as well as Eastern Europe in order to implement policies on the basis of such juridified approach to law and space. The case of Mauritania-EU relations is illustrative.

The principle of non-refoulement is regarded as customary international law (UNHCR Advisory Opinion, 2007). Expressed largely (but not exclusively) through negative obligation, the spirit of both Refugee and Human Rights law is protection against the arbitrariness of government interaction. Though there is no 'right' to claim asylum – a person needs to go through a 'refugee status determination procedure' in domestic law (Goodwin-Gill, 1998) – international instruments require governments to live up to their obligations to protect where this is claimed to be necessary. It is at the point of claim making where Migration Management changes how migrants are treated, i.e. EU activities fall short of actual refoulement, but have the effect of preventing persons from launching asylum claims and seeking protection. The example of Mauritania is a case in point, where the European Union can legally claim – through its financial and technical engagement – to live up to its obligations under international law.

Mauritania is to provide protection to those who may possibly actually be in need of it, while it also is to police and enact Europe's categories of access and prevent those from attempting to find their way in to Europe that IGC countries do not want to have. Thus the form is honoured, crucially without regard to substance as the policies that are now enacted and enforced do not constrain government action in such a way that a claim for protection could even be made. Further, European influence in Mauritania places conditions on the country with regard to what it should make policy on with regard to migrants.

Since 2003 Mauritania is a 'partner' in the fight against illegal migration. It is partner to various regional consultative mechanisms and sees international organizations such as the IOM active in its country. The 'Country strategy paper and national indicative programme for the 2008-2013 period' marks Mauritania's capability to manage migration flows as an important indicator of its governance profile. Eight million Euros are allocated for

qualitative improvement of work undertaken at border posts, support for the services entrusted with surveillance of the territory, the training of services responsible for managing migrations, raising awareness about the dangers of irregular migration, the review of the legal framework and penal procedure, reflection concerning the regularization of migrants and the development of a regional partnership for the positive management of flows.

(EC, no date)

The context, however, to this country strategy is that Mauritania has traditionally received migrants and had allowed the movement, i.e. circulation and settlement of migrants, generously on its territory. Migration was, until European influence, not a priority or indeed a problem on the agenda of either successive Mauritanian governments or its population (Bensaad, 2009).

This has changed: *migreurop* records in its 2009/2010 report that "the people arrested by Mauritanian security forces have been sent back by Spain or by Morocco, intercepted at sea, or even *suspected of seeking to leave* Mauritanian territory to head towards Europe" (*migreurop*, 2010: 21 my emphasis). A testimony collected in February 2010 recalls; "They [Mauritanian police officers] caught me twice in my room to send me to Mali. Whereas in fact, I was not an illegal, I worked. I worked as a cook" (*migreurop*, 2010: 23). Quite beyond the disturbing observation of falsely arrested people based on assumptions

communicated by the European Union that this situation creates; there is a disturbing irony here in that western European countries have until 1989 based their strongest argument against the Soviet Union on its prohibition – which is in contradiction to international law – for people to leave their country.

Today, the Mauritanian government records those interceptions. *migreurop* reports how their researchers were able to look at documents given to Malian authorities on handing over such intercepted persons.

Nouadhibou on 29/09/09 [list of 19 people]: intercepted following an attempt to undertake an illegal journey to Europe. Along with such document the Malian border guard receives a payment to be handed to the returnees – in February 2010 a testimony recalls around 22 Euros for 37 people.

(*migreurop*, 2010: 22-27)

The above example shows how not only are people potentially barred from making a claim to needing protection; worse the ‘hunt for illegals’ places potentially anybody in the situation of abuse by authority on the sole cause of a suspicion they could be a migrant aiming to reach European shores. This is the prophylaxis that FRONTEX is so systematically enacting.

Substantially international instruments set out standards for the protection and the adherence to rights accorded to a human being qua human being – the intention, broadly speaking, is that of outlawing a fundamental wrong done to a person; in short, the provisions as set out in human rights instruments. Yet, it is difficult to make such normative claims when it is just the form that is honoured. Thus, before being deported to Mali or Senegal, suspected illegals are detained in circumstances which hardly accord to international standards of rights and protection. Amnesty International (2008: 23) reports how the Spanish government helped to set up what is referred to by the Spanish authorities as a ‘holding or detention centre’; a ‘reception centre for illegal immigrants’ by Mauritanian authorities and ‘the centre of the Red Cross’ by migrants. A testimony is quoted by *migreurop* recalling treatment before refoulement:

When I was arrested by the Mauritanian police officers in Nouadhibou, I was handcuffed like a criminal, I was taken to the police station’s prison and to the centre of the Red Cross. I stayed there for two days, and I was expelled on the third day. [...] In the centre, one can only leave to piss and you can only go to do it with a police officer, you piss and then you

return. [...] Down there, the Mauritanian police officers, they beat people to death.

(*migreurop*, 2010: 23)

It is reported that it is factually impossible to claim asylum, or have legal representation – never mind any possibility to a right to appeal which would theoretically be standard. The basic rationale of international law – to protect a person from harm or worse loss of life at the hands of a government – is not upheld. Technocracy and juridification transform what law is, through the construction of those who are invalid: a mass or flow or flood or some other collective description of the suspended cannot be a normal subject which is capable of either being wronged or of making a claim – it is a thing to be acted upon.

The European Union member states have largely abdicated responsibility for asylum seekers or more precisely would-be-migrants constructed as existentially invalid – undermining the possibility of representing them as asylum seekers, i.e. people who claim a need for protection, in the first place. The situation is constructed in which people become suspended. What is enacted has the formal markers of law. Yet, what is practiced is policy implementation without compliance to the idea of constraint on the part of government. The rhetoric of right and protection on the part of an individual is perverted. Policy that has neither been scrutinized in a democratic process, nor was it opened to legal challenge as the EU can claim not to be responsible but will nonetheless understand Mauritania as a safe third country because it conforms to European proscriptions of policy-making. This is a mockery for those who have lost sons and daughters or those who find themselves stranded in between countries where they do not have a place or juridico-political status. They are denied the legal personhood that the political process constructs. It follows that juridification is the single-minded technocratic goal oriented efficiency which regards politics as too inflexible, time-consuming and burden-some, and holds normative considerations – the recourse to a debate over what is ‘right’ or ‘wrong’ - as ideological noise undermining empirical – that is evidence-based – knowledge creation and the establishment of secure fact.

Not Legal, not Illegal, but Alegal - Suspended

Technocracy banalises the relations of political subjects into mere competition at the same time as it acts as radical violence against those who are suspended from the totality of consensus-democracy. Migration Management lists categories of the included, it claims to be holistic, comprehensive of every possible movement there is. This is expressed in juridified terms of access. In this regard citizens, legal and illegal migrants who are within the territory and under the jurisdiction of European Union member states are identified (Rancière) or subjectified (Foucault) as owning a place, a share, a count, a voice. The becoming/being-subject is the ultimate marker of belonging, inhabiting a subject-position (Laclau) within the discourse of consensus-democracy. Yet, if everyone can be included by way of normally behaving or being constructed as deviant but able to be treated into normalcy then the abnormal become invisible in a radically violent system which, at the same time, claims to be inclusive and tolerant. What does this mean?

Hannah Arendt writes that “[i]t is quite conceivable, that, one fine day, a highly organized and mechanized humanity will conclude quite democratically – namely by majority decision – that for humanity as a whole it would be better to liquidate certain parts thereof” (Arendt, 1976: 299). This is not to say that the EU or IGC technocracy goes about killing in as conscience, directed and systematic way as Nazi-Germany did. Yet, Arendt’s quote gives voice to the phenomenon of banality discussed in the above sections of consensus-democracy. How can we understand such radical exclusion? The IGC, when thinking about international migration in the 1980s, was driven by the notion of having lost control and needing to restore order. In line with this, international migration was reconceptualised as a question of access and formulated in juridified terms. The category of the legal encompasses all those movements that are deemed beneficial, therefore normal. The illegal are deemed deviant but treatable. However, there cannot be an idiom for those who are not redeemable. Migration Management constructs itself as comprehensive and fixed; hence there cannot be an intelligible surplus outside of something that is normalized as holistic. Order needs closure and, discursively, Migration Management performs such closure. As a result there is only a hazy imaginary

of those other 'illegal people' – asylum seekers and would-be-migrants. 'Illegal people' is a misnomer.

Lindahl (2009) explains that there are two forms of legal disorder. One when human behaviour breaches a legal norm, the other challenging the very applicability and distinction between legality and illegality – the meaning that Rancière (2002) gives to politics proper. The key here is that the assumed existence of threatening, security harming and invalid people who want to get into the European Union to abuse the integrity of the system is, in the first place, a constructed 'truth' enacted through technocracy. Yet, this imaginary is strong and very real in its effects – both financially for the European Union and by way of radical violence for those 'identified' as the embodiment of the imaginary. Here we are facing the same paradoxical problem with sovereignty. Legislation sets boundaries, it sets spheres of validity as Lindahl (2009: 58) calls them - subjective, material, spatial and temporal spheres of jurisdiction. For the purpose of the IGC members, their own boundaries seem to be very clearly drawn – the EU countries, Australia, Canada, the USA are the clearly demarcated spheres of validity. That is in short, spaces of sovereignty. Such sovereignty is grounded, according to mainstream political theory, in the description of a 'self' – sovereignty: the self-determination of a people. In terms of law a singular self 'I' *vis-a-vis* 'you' and a plural self 'we'. Lindahl writes: "[C]ollective self-legislation not only yields the basic structure of legislation, as an act of positing legal boundaries, but also of what counts [...]" (Lindahl, 2009: 58) or who counts by extension. Thus, sovereignty denotes the moment when a 'we' gives itself a bounded jurisdiction.

Yet, equally, for the IGC and taken further by the EU, there does not seem to be a boundary for exerting influence on other countries jurisdictions. And this, precisely, is the problem: a very unidirectional process which sets the rule but does not offer the means for modification of such rule for those affected by it. Lindahl remarks: "constituent power inaugurates a polity by acting as a constituted power" (Lindahl, 2009: 59). It then follows that there is a surplus (as power differentials needed to be overcome and/or excluded) to the legal order. At least, it renders boundaries between, and definitions of, what is legal and what is illegal provisional and incomplete.

The suspended cannot be but alegal. The space of the suspended is the moment and geographical place where the very applicability and distinction between legality and illegality is challenged; it is the space of alegality. Some migrants are suspended, precisely because the order discursively established itself as seemingly closed and complete. Suspended, because - to use Hannah Arendt's terminology - those would-be-migrants; targeted by the imagination of EU policy makers, suffer from a 'loss of world'. However, such loss of world is provisional, it is alegal. The loss of their juridico-political status came about by unidirectional action of the EU onto another countries jurisdiction within a particular hegemonic order, discursively established no more than 30 years ago and represents "[a] system of constraint [that] becomes truly intolerable when the individuals who are affected by it don't have the means of modifying it" (Foucault, 1988: 294). However, the very existential invalidity of the suspended - their loss of world - challenges technocracy and makes its instability and incoherence visible.

Arendt remarks that a democratic process can do radical violence. She notes even people who are regarded as decent and ordinary are capable of inducing extraordinary suffering, justified by the hope of overcoming disorder and perceived insecurity (Arendt, 1965). This is done through employing a hegemonic technocratic discourse, understood as common sense. In our aim at certainty and closure we submit to regulation, a regulation of the common which is ultimately violent as it necessarily excludes that which is not coherent within. "[E]vil represents the will to name at any price" (Badiou, 2003: 66-7). Naming is done on the basis of calculating. Migration Management presents in this sense an instance of the banality of evil. It is precisely those ordinary people acting within a seemingly coherent system where places, capacities and functions are distributed and a common is instituted in such a way that the supernumerary (Badiou) or surplus (Laclau) cannot be accommodated. This is where some migrants have no validity of being in the communal world, where we make and enforce internally logical policy that nonetheless has the effect of radical exclusion and administrative killing.

A final example: refugeeness and strength in being suspended

In his auto-ethnography of borders Khosravi (2010) narrates his journey of one and a half years from Iran via India to Sweden where he was granted refugee status on humanitarian grounds. He gives the reader a compelling and moving (hi)story of what it means to be an illegal migrant determined to reach Europe and also what becoming a refugee does to a person. He analyses his experience of arriving in a refugee camp (for refugee status determination) in Sweden.

Refugee camps constitute the most significant characteristic of the modern nation-state. One significant feature of all refugee camps [...] is that they impose 'refugeeness', not [only] as a juridical category but rather as a mode of being, an identity, on individuals.

(Khosravi, 2010: 70)

It is worth quoting at length the difference between being a non-valid illegal and being inscribed a refugee:

Through a pathologizing bureaucracy, camps produce refugees, or rather refugeeness. As a war refugee, I was not seen as a 'normal' and 'healthy' individual. Apart from the medical examinations of my body, I was treated, according to the most positive interpretation, as a child who did not know what was good or bad for him. The clientization of the refugee began as soon as she or he entered the camp. In the Artic camp, I was educated to become a 'victim'. Neither lashes on my back, time in prison nor a year of statelessness could take from me my dignity as the Artic camp did. Until then, *I might have lacked documents and a state, yet I was full of life, will and courage*. All that I lost in the process of 'becoming a refugee'. [...] I, who had crossed so many borders and lived in dangerous places, shared rooms with prostitutes and a cell with a murderer and drug smugglers, had become afraid to take the bus to the city centre, in one of the safest countries in the world.

(Khosravi, 2010: 71 my emphasis)

The prospect of asylum seeking is constructed to disturb the orderliness and ordinariness of the social, this seems to need protection at any cost; the banalisation of the measures taken to protect cover over the outrageousness of such action done on the suspended person and on the acting society.

Conclusion

None of the above recounted description of technocracy is new. Many of the examples narrated above are known. However, herein, still lies the outrageousness of Migration Management as abstraction conceived by Informal Plurilateralism and implemented in the European Union. Much of the action the European Union undertakes is inscrutable and closes itself off to questioning and modification. The technocratic order masquerades as the natural order and it thus is unthinkable to question such order other than within the prescribed perimeters of that order.

By favouring informal policy-making Migration Management “provides a reassuring and legalistic language to accompany and legitimize tough, non-democratic and often inhumane measures of control and enforcement” (Geiger and Pecoud, 2010: 13). Those targeted by the exclusionary practices of Migration Management - and consensus-democracy more broadly - can consequently not be seen or heard, as they do not find a place that would be countable in the closed system of calculating, accounting, formalizing and naming.

European Migration Management, as conceived by the IGC, enacted by the European Union and normalized by civil society, is therefore a deeply technocratic system which undermines the enabling and initiating potential of both law and politics. In other words it undermines the two most important, though deeply ambiguous, instruments of a democracy. How can such banality of evil in the form of radical exclusion be approached? In the following chapter I will elaborate how agonistic politics can be the undoing of technocracy through the presupposition of equality and I will discuss the ambiguities of agonistic politics. This ground is a concern which is shared by discourse theory more widely: that there needs to be scrutiny and open discussion in order to put a check on the abuse of power as either totalitarianism or dictatorship in its various guises.

Chapter 8

The Generative Potential of Suspension

Democracy is not a regime or a social way of life. It is the institution of politics itself, the system of forms of subjectification through which any order of distribution of bodies into functions corresponding to their 'nature' and places corresponding to their functions is undermined, thrown back on its contingency

(Rancière, 1999: 101)

I have shown, throughout the course of the past chapters, how Migration Management envelops the security and humanitarian justifications to regulate movement in an interdependent world of individuals expected to strive for their individual entrepreneurial identity. I have further argued that those who are constructed as not being able to conform to the logic of Migration Management have no validity to be part of the social order constituted by consensus-democracy. They are suspended from juridico-political status and thus from gaining access. The naming at any price which characterizes Migration Management takes the form of a technocracy which banalises the radical violence practiced on those who are suspended.

Yet, the suspended live and intervene. They act on the world and, by way of initiating activity, they compel a response. Thus, in this final chapter I will argue that consensus democracy is not viable because there will always be forces, in this particular case suspended individuals, to disturb or even undermine the total closure that consensus-democracy and in particular Migration Management strive for. It then follows that conceptualizing politics in terms of consensus does not work. Rather, politics and - in particular - democracy is better conceptualized in terms of agonism as this is capable of accounting for the generative and creative moments of sharing space both geographically and, closely tied to this, politically – most importantly it allows for those who otherwise remain un-ac/counted for. This is important: where antagonism sets up a radical negativity and thus cannot engage in relationships other than annihilation; agonism is the struggle between adversaries which has the capacity to open to quarrel over what is regarded as legitimate knowledge and

action. Thus, agonism can be a response to suspension. Suspension is a more subtle and hidden/ignored phenomenon. The IGC fights 'illegal migration' but it does not explicitly fight the suspended. Thus, there is no antagonistic relationship, in fact there is the possibility to establish a relationship and agonism is capable of giving room to this.

In this chapter I therefore aim to show the importance of providing for a space which allows for the struggle over meaning initiated by the suspended. What I envisage by the staging of dissensus for recognition is illustrated by the following examples: in *Disagreement* Rancière recounts the story told of the Roman plebeians on Aventine Hill (Rancière, 1999: 23ff). After an uprising against the patricians, the plebs retreat over Aventine Hill, where they reinvent themselves. They do not reinvent themselves as violent revolutionaries, as expected of them, but as a community mimicking that of the patricians, giving themselves an order and claiming speech. Such mimicking is important as it makes use of a symbolic expression that is intelligible. The patricians had set themselves up through domination over the plebeians; an order which holds that the plebs are 'men of earth' and therefore deprived of logos, of sensible rational speech. After their retreat, the plebeians enact institutions such as that of diplomacy. Therefore they claim the same properties the patricians deny to the plebs. When Menenius, the appointed consul of the plebs, comes to appeal to his people to maintain the old order and thereby (re-)establish the unequal relationship between the two, the plebs have already set themselves up as equals rather than waiting for the verdict passed on them by the patricians.

The in-egalitarian order is shown to be just that, random and contingent domination. The patricians thus conclude that 'since the plebs have become creatures of speech, there is nothing left to do but to talk to them' (Rancière, 1999: 26). This conclusion is remarkable as it led to a conclusion other than the expected reactions of either rendering them noisy and silenced or annihilating the plebs as they threaten the established order of domination. It led to an alternative construction of reality, that of recognizing equality (in the Rancièreian sense) in expression and action. Thus, Rancière re-tells the story not so much as that of a revolt against a dominant order but rather as a *quarrel*

over the issue of speech itself. A struggle over the basic definitions of sharing-the-world and how to realize this equality.

This example shares some characteristics with the situation created by Migration Management. According to Migration Management the relation between the EU and the suspended is structured by European domination, which holds that those being deprived of an entitlement of juridico-political status – the suspended – are not capable of efficient productivity; they are beings of no ac/count – capable only of noise/silence⁹¹. Yet, when the suspended stage the inequality between themselves and the Europeans the suspended are already equals and in some cases they act on this equality, for they understand and re-appropriate the principle of no ac/count into a place from which they can act.

In this chapter I will focus on action by those suspended who I have conceptualized as socially killed. This is not to denigrate the outrageousness of physical death that some people meet; these too leave traces which cause rupture. The example of Anpalagan is a case in point: the finding of his jeans, some left-over bones and ID-card forced the European Union to recognize his existence. Yet, Anpalagan is not left alive. He therefore does not have the capacity to engage in the quarrel over the basic definitions of sharing-the-world and righting a wrong through forcing recognition by direct interaction. The suspended people who are left in the forests and deserts outside the borders of the European Union, who the EU does not ac/count for face a differently – and more disconcerting – situation. They are physically there and among us, equal to us while invalidated to be. Any form of discourse reductive of difference to the point of this particular radical violence is unacceptable as it undermines the exercise of equality as constitutive of the world.

The two examples above are not equivalent. The plebeians understood themselves as a community and were seen to be so by the patricians. Migrants

⁹¹ In this case the voice/noise terminology stands in to mean more than speech/no speech. For want of better phrasing it is to express the capacity (to decide) to act whether that is by verbal expression or deed or by conscious withdrawal. It is to express a position where a person refuses to be a victim, to be acted upon and thus the refusal to accept oppression.

more generally, are constructed as juridified individuals when they are acted upon. However, the ontological individualism shows itself to be a difficult assumption precisely at this point. The suspended are generalized, abstracted and therefore imagined as a group – if not a community – at the point when they are made sense of in policy-making, as an opaque jumble of (collective) bodies, a flood, a mass, a wave. Such mass cannot be juridified. In contemporary consensus-democracy a group only counts when its members are holders of a juridico-political status. It is this logic which denies the claiming of asylum in IGC countries by imagining a jumble of bodies rather than an identifiable subject. A flood is scary, it cannot make intelligible claims.

Yet, when this opaque jumble of bodies acts, through mimicking of hegemonic practices for example (as I will show throughout this chapter) it forces a reaction and, in that, it stages its dissensus and thus has the capacity to bring about rupture. The suspended do not submit to their fate of social death, they instantiate the political moment. In this instance, the political shows itself to be inherently relational, though asymmetric in its power distribution. The political, as staged by the suspended is *a quarrel over the issue of speech itself*. It enables us to ask questions about the production of inequality and ways to challenge such inequality. It allows us to ask questions about politics and the political, about who can be on the stage and voice demands to be ac/counted for, who can act and force transformation.

In the following, therefore, I want to address questions arising out of a rethinking of democracy along the lines offered by those proposing an agonistic view of how the political works. If the premise of the European Union is that “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights [...]” (European Union, 2009, Article 2, Treaty on European Union⁹²) at the same time another premise, that of the narrative of Migration Management as formulated by the IGC/EU, is to precisely refuse dignity, freedom, democracy, equality, the rule of law and

⁹² viewed at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0001:01:EN:HTML>, March 2011).

respect for human rights. The European Union contradicts itself in words and deeds. The EU has so far not come to the conclusion that, since the suspended are equal, there is nothing left to do but to talk to them. The suspended remain the supernumerary; their equality is not recognized, they are not heard. Rather, in a cynical move the European Union re-acts by bureaucratically raiding, imprisoning, killing and thus silencing those suspended migrants that would aspire to a voice.

I will approach these questions in three steps. Firstly, I will problematize democracy. In so doing I will think about the possibility of politics and ‘the political’, in order to prepare the ground for thinking about what can right the wrong of suspension. On the basis of this framing, I will, secondly, offer some thinking on how technocracy can be disturbed, how those without a voice, without a count, can and do make claims of being accounted for *vis-a-vis* the European Union. Finally, I will outline the possibilities for change, guided by the overall argument that no order can achieve perfect closure. There is a dual moment of disruption, one being the resistance of accepting inscriptions of invalidity on the part of the suspended, the other being a moment of speaking to, and thus critically thinking about, the dominant order and its allocations of place and function.

Democracy and Rupture: Agonistic Politics

This section will first outline the problematic nature of democracy and, in particular, the barriers to dispute which are de-humanising. On the basis of this I will explain why dissensus is to be valued and elaborate my vision of agonistic politics, mainly drawing on Jacques Rancière.

I have shown that contemporary democracy is a process of formalising governance – it is consensus-democracy, which allows for corrective measures constructing a competitive environment, which, however, banalises its operations and silences the dissensual character of a differently conceived democracy as rule by the plurality of the *demos*. In short, it silences agonistic politics.

What though is democracy? Rancière argues that both historical and contemporary discussions of democracy are implicitly or explicitly derogatory towards the idea of democracy, even though it is claimed to be the only acceptable way of doing order in the 21st Century. Historically, the response to democracy was either one by which 'aristocratic legislators' protected "the government of the best and [saw to the] preservation of the order of property" (Rancière, 2007: 2-3). The USA's constitution is exemplary; or, one by which bourgeoisie's laws and institutions active under the banner of formal democracy were seen to be of the realm of appearances and the struggle was for 'real' democracy, a rather more European version of the critique (Rancière, 2007: 2-3). In any case, democracy is - in this view - portrayed as a system to establish and divide order according to a particular system of distribution. It was always held in contempt for being a system which allowed for 'the masses' to engage in politics in the first place, which only in the second place can allow for the luxury to cater to liberties and equality where 'the masses' are involved. A similarly motivated critique, Rancière holds, is put forth by contemporary thinkers who emphasize excess.

Thus, today 'excess' is identified as the problem which needs to be controlled by democracy, which is to say the lack of a single principle which governs. (Rancière, 2007: 7) Yet, this excess is precisely the principle of politics, Rancière argues. Norval explains that

it is this principle of politics that Rancière takes to be the essence of democracy: a democratic order is a heterotopic order, a deviation from a natural order of things, where the 'natural' places of things are disrupted. It is an order founded on the absence of any title to govern. Not only that, but it is the disruption of any and every title to govern [...].

(Norval, 2010: 6)

This, in particular, applies to the order of the police. What remains, according to Rancière is the power of "anyone at all, the equality of capabilities to occupy the position of governors and of the governed" (Rancière, 2007: 49). Thus, the political act – democracy - is that which disrupts the vacuous mindlessness of suffocating technocracy. Rancière equates politics and democracy.

Technocracy is consensus-democracy's practice which, in the end, leads to the abdication of responsibility for its doing and enacting. In other words, the

participatory or deliberative perspective cannot conceive of the possibility of not being accounted for, where everyone has a place and a function under assumptions of inclusion. Yet, as a consequence, sedimented consensus-democracy not only produces a radical yet largely unobserved violence, it also produces two paradoxical phenomena which both function as a barrier to dispute: that of vacuum and that of suffocation. I will discuss below.

In the context of consensus-democracy, in particular with regard to international migration and more specifically Migration Management, Europe lacks a place, a performative realm of equality where people are able to share, compare, debate and contest each others' opinions and stories about their experience and perceptions. That is not to say that it does not cater for differentity; yet, a vacuum comes into being at precisely the moment when all debate is stifled⁹³ by an attempt at closure. Within the context of liberal, deliberative and communicative, communitarian or multicultural political projects, there is a strong tendency towards transcending, ameliorating or reconciling divisions arising out of plurality (Habermas, 1984) which empty potent ideas into integrative signifiers to the point of rendering them meaningless and thus creating a vacuum. Both governments and their experts are actively implicated in enacting what Žižek (2002: 3) calls a *Denkverbot*, a prohibition on thinking or considering alternatives, arising out of the need to transcend and create the anything and everything of consensus. Often this is blamed on media distortions of an issue, such as that of access of migrating peoples into Europe. Thus, the inability to express and debate a plurality of opinions leaves a vacuum which all too easily can be "filled by ideologies, noble lies or propaganda" (Sharpe, 2010: 57) such as, for example, right-wing narratives of homogenised nationalism that needs protection against all foreignness.

At the same time as such a vacuum is created, consensus democracy also falls prey to the tendency to micro-regulate to the point of suffocation. In its paranoid drive to assure 'public opinion' that governments are in control of any kind of

⁹³ Within Europe recent attempts at rupture were quickly criminalized, as can be seen in Assange's wikileaks experience (<http://www.bbc.co.uk/news/uk-11937110>) viewed December 2011.

social process, consensus-democracy makes sure that too much individuality and plurality is heavily regulated. Thus it seeks to avoid dissent. Our democracies today embrace diversity, but only if it conforms enough in its differentity to the closely circumscribed rules of regulating a persons' every move and behaviour (Hardt et al, 2001). In the case of Migration Management the plethora of access categories under point-systems for the granting of visa is a helpful illustration of such circumscription. For example, access categories clearly define who knowledge migrants are if they are to be perceived as beneficiary in-migration and therefore fit within the frame of differentity.

Arendt argues that these (paradoxical) phenomena of vacuum and suffocation have very similar effects: they are dehumanising in that they undermine the most important basis on which people can become and act (Arendt, 1976). Both strive at totalizing, at closure, and both impose a *Denkverbot*. One way in which the *Denkverbot* expresses itself is the often heard warning that any radical emancipatory project will inevitably end up in some version of totalitarianism or dictatorship; it is the neo-liberal/conservative claim that any other way of governing aims at total control, and is therefore fundamentally dangerous to liberal (consensus) democracy. Another, more concrete way the *Denkverbot* is expressed, is to maintain that it is clearly the prerogative of government sovereignty to decide who enters and who is denied entry, in this case the European Union, and that – therefore - access needs to be strongly controlled and this control needs to be strictly enforced. With this, consensus-democracy has an effect on the ability to think and judge and ultimately on the ability to act politically, leading to a consequential abdication of responsibility.

In order to understand how and why this happens and to grasp how dissensus is to be valued over consensus-democracy, I explore Hannah Arendt's elaboration of the concept of 'world', not only because most thinkers of agonistic politics draw on her thought in one way or another, but also in order to contrast the description of consensus-democracy as a contemporary hegemonic phenomenon to an alternative - agonistic politics. Arendt understands 'world' to be the inter-subjective realm of public spaces. It is not the space, however, which Arendt seeks – the agora. It is the public space of circulating discourses, the interaction of speech, practice and place. In Stuart Elden's words (drawing

on and discussing Heidegger's thought) it is the site, as 'platial' phenomenon, where human existence and, as such, history happens and where the political becomes relentless questioning (Elden, 2000: 412). Relentless questioning and inter-subjective experience enable an in-between as space of contestation. It is a shared being evolving in and through contestation (Arendt, 1958). The 'platial' of the in-between can be, for example, the fences of Ceuta and Melilla when an enforcement officer encounters the suspended person trying to climb into the European Union. In 2005 the officers decided to shoot. It could be conceivable that an enforcement officer opens the gate instead and thus allows for 'world' to come into being, for encounter to be valid and for the suspended to end the state of 'loss of world'. 'World' needs a space for becoming, a space open to the development of staging dissensus, of plurality - where natality, the beginning of something new, can unfold. According to Arendt, plurality is thus the constitutive condition without which 'the political' would not be possible. Disputes over the definition and realization of what is shared and of being-together-in-the-world need to be possible.

Thus, in doing politics it is vital to allow for space where provocation and struggle is possible. Proposals for agonistic politics call for re-conceptualizing democracy based on this notion of the *agon* (Schaap, 2009). Agonists do not assume that conflict is a 'problem' to be kept in check and to be solved. Rather, the diverse strands of agonistic politics reject consensus-driven ideas of the political to embrace the ever-present and generative potential of contentious exchange and regular throwing into question of modes of political order to subject the normalization of such order to scrutiny. This more abstract notion of agonism, the practice of dissensus, is based on the Greek introduction of democracy when struggle and contest for excellence was coupled with the logic of equality in a performative realm (Arendt, 1968). In short, what agonistic politics embraces and emphasises is an invitation to courageously rupture conformity and to preserve contentious spaces of ambiguity and questioning which allow for dispute over definitions and the realization of being in the world on the basis of radical equality.

Common to the different approaches to agonism is an understanding of the political as a quarrel over the issue of speech (who and what can be

expressed). It needs to be possible within the context of the dissensual character of rule by the plurality of the *demos* in order to safeguard against banality, *Denkverbot* and radical exclusion. This is done in public spaces, the 'platial' phenomenon of inter-subjectivity in which history is made and can only be made there because we share equality, which is the capacity of natality – to initiate which everyone and anyone owns. Agonistic politics emphasises provocation, contestation and struggle as it protects against totalizing attempts at closure and points to the generative potential of rupture. More specifically then, how does agonism make it possible to see, think and address exclusion and think change? How can agonistic politics break the technocracy and juridification of Migration Management as expression of the contemporary international politics of migration?

In order to elaborate his theorisation of the political, Rancière assumes, as do most poststructuralists, the absence of any foundation. Further, most poststructuralists emphasise the ineradicability of exclusion as a consequence of the necessity of frontiers for the making of meaning and the circumscription of identities constituted within discourse. On the basis of this, Rancière explains that the political begins with the creation of a space which orders by dividing the perceptible from the imperceptible – the police order is set up as a fixed and closed totality as I have shown in the previous chapter. The political is then the moment of breaking up this police order. It is disruptive and sporadic (Rancière, 1999). The political provides the space where the hegemony of Migration Management is scrutinized in terms of its unqualified acceptance of seemingly static and essentialist identities, by problematizing its foundational distinctions (Laclau, 1996; Foucault, 1984). Robert Kaplan's conceptualization of Africans as bringing crime, disease and pure chaos to the developed world may serve as an example of essentialized identities and foundational distinctions in this context.

Rancière's vision is based on the assumption that the principle of the political is excess (Arendt's plurality). The singular hegemonic police order is a constructed communitarian artifice (Rancière, 2007) which has sedimented into a common sense which seems natural. Such singularity – because it attempts at totalizing and the erasure of excess - always risks creating and sustaining

wrong. A wrong is radical and outrageous because it violates the logic of equality in which Rancière grounds his thinking and contemporary critique. Yet, plurality/excess is ever capable of creating novelty. Mobility is the example *par excellence*. Movement has always brought different forms of knowledge and approaches from one geographical area to another exposing settled communities to pluralisation and thus obliging willingness to engage with new articulations (Connolly 1995: 38). Europe, for example, learned through mobility of magicians about medicine and algebra, which were both imperative for its development but which were in the beginning excluded as the devil's works (Schlesier et al. 2004). It then follows that a wrong – any kind of exclusion - is likely to disrupt the 'natural' order of things, in particular if it stages claims for recognition. Thus, Rancière does not deny that exclusion exists – or is relevant for the production of meaning. What he forcefully points out is that the social – the police order – as totalizing stability is a myth sustained through the violation of those human beings constructed as being of no ac/count.

The political is therefore relational. It is a relation established by processing a wrong, by staging dissensus against being excluded and of no ac/count. The suspended set themselves up in such a way that the European Union cannot but 'speak to them', recognize them as being valid. The task of the political is the setting up of a dispute in relation to, and with, that 'natural' or hegemonic order which allows parties to be constructed by way of confrontation over the struggle of being ac/counted for. Crucially, this starts with a conflict over the existence of a stage and who is to be present on it. A wrong is only political when it enacts the basis of action which is the mere contingency of equality, i.e. a confrontation between the orders of the police and an egalitarian logic by challenging the existing distribution of the sensible and not playing the allocated role (Rancière, 1999). That is to say, by asserting equality. In short, in a healthy democracy conflicts need to be establish-able in order to overcome exclusion by staging dissent. "Democracy is not a regime or a social way of life. It is the institution of politics itself [...]" (Rancière, 1999: 101).

In the context of Migration Management Rancière's view of democracy is important, as it is a perspective which makes clear that consensus is precisely the mechanism that covers over the gap between those who allocate places

(the IGC/EU) and those who are without validity to exist (the suspended). In other words, Rancière's perspective allows us to see the conflict which arises out of a wrong which consensus democracy covers up. The political is

conflict over the existence of a common stage and over the existence and status of those present on it. It must first establish that the stage exists for the use of an interlocutor who can't see it and who can't see it for good reasons because it doesn't exist as a struggle to be had. Parties do not exist prior to the conflict they name and in which they are counted as parties.

(Rancière, 1999: 26-27)

Rancière's thought can aid in thinking through the effects of Migration Management and the suspension resulting out of technocracy. More importantly, it can also help to go beyond this analysis and interpretation to show how this is indeed only part of the story and how dissensus is always at least also potential.

Political Subjectivity and Staging Equality

What does such staging of dissensus look like in the context of Migration Management? In order to illustrate such politics, I draw on the work by Michael Collyer mentioned earlier. These examples will help to show how suspended people claim subjectivity and why this claiming is a political act. Yet, the staging of dissensus is not a unidirectional exercise. I will therefore also draw on two further examples to show how staging dissensus and the verification of equality will need thinking and judgement in the Arendtian sense of these concepts. This section will approach equality as a presupposition from which all action and thinking must start. The grounding assumption is that, because we are all born with a capacity to initiate (Arendt's natality) anyone is equal to anyone else.

The preconception in which those who are seen to be irredeemable are held is that they engage in criminal activity and are, more generally, incapable of economic production and thereby abuse support systems and the order of the social. Rancière contrasts the political act from an act that is not political by using the worker as an illustration (Rancière, 1991). Workers who engage in resistance act as expected of their essentialized identity. This is not a political act because the hegemonic order expects this to happen and can

accommodate the event within its discourse, in the case of strike for example. However, the worker who engages in poetry at night stages a political act in that the worker poet constitutes a subjectivity which is not incorporable into the established order of roles and functions (Rancière, 1991: 21-40). It doesn't make sense that a worker would engage in intellectual activity, or more generally in activity that cannot be constructed as violent and/or criminal. What is important here, is that the worker acts contrary to his or her ascribed and anticipated range of possible roles and functions.

In the case of Migration Management, the example of smuggling is helpful to illustrate what does not constitute a political act before elaborating and illustrating what constitutes a political act. Smuggling, according to European legislation is a crime⁹⁴. Yet, it is also an expected behaviour of those would-be-migrants in Morocco, Turkey or elsewhere bordering the European Union:

In most cases, smugglers are migrants themselves. Realizing that their knowledge acquired through (often painful) experience may be used by other migrants in exchange for remuneration, some migrants decide to enter the business of smuggling of migrants. They may then become specialized professional smugglers, or they use their knowledge to finance the completion of their journey to Europe.

(UNODC, 2011: 2)

The language of the above quote shows the ambiguity with which smuggling is incorporated into the system. It is a criminal act, yet it is also constructed as a business which is specialized, professional and requires knowledge. It is this logic of incorporation that turns smuggling into a non-political act and expected behaviour. It is thus not capable of rupturing the hegemonic order.

What then constitutes rupture and how can political subjectivity be claimed? At certain points of what Collyer terms 'fragmented journey' (Collyer, 2007: 668) chance encounters of mobile people form into what can very loosely be termed a community. These are places where information is shared and assistance is provided. The places where these encounters occur are called 'camps' by Collyer's interview partners. They are located along the Algerian border and in

⁹⁴ Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, United Nations, Treaty Series, vol. 2241, No. 39574.

the Moroccan woods in the vicinity of Ceuta and Melilla. The social organization of these frontier areas by the suspended people bring about communication and collective action. One of Collyer's respondents reports:

[...] each camp has its governor. They have a full government, there's a prime minister, a finance minister ... that's what they call them. Every three months the government will leave, and before they go they will designate the next government. They collect money from people coming in.

(Collyer, 2007: 681)

This particular form of collective action allows dissensus to be staged and equality to be claimed. The allocated place of such suspended is that they are not seen to have the capacity to be 'civilized' in the way modern Europe imagines itself as forming institutions and living in an ordered way by rules. Yet, in forming a government and replicating the structures of exactly those who hold the power to dominate through structures of technocracy, the dispute is staged. It is a dispute between those who are not ac/counted for and those who allocate the count of roles, places and functions. It is political in that the suspended question the basis and legitimacy of the hegemonic way of ac/counting. By mimicking government structures recognizable to the dominant order (as finance minister or prime minister), the suspended stage a disagreement with the 'nature' of their radical exclusion as neither capable of entrepreneurship nor worthy of treatment and therefore non-valid. This is a political act capable of rupture because a suspended person posing as prime-minister is not incorporable in the essentialized construction of the suspended person as non-valid. It is making use of what is intelligible for the hegemonic system; however, in such a way that equality of status needs to be acknowledged but neither in a violent way, nor in a way that those who are suspended are automatically included as differentity. They have to be acknowledged as self-governing entity on their own terms.

The answer to such mimicking of legitimate institutions of formal democracy came swiftly in 2003 insofar as such places of collective action were violently dispersed by Moroccan police forces enacting Europe's policing of borders (BBC, 2003). It is much easier for enforcement authorities to 'fight' these people when they are abstracted and essentialized, rather than to have to face a

collectivity with names and functions, which has to be recognized as being capable of organized structure and economic production. More importantly, their organization into a government-similar order compels a response because it undermines the preconceived cliché of these people being incapable of productivity and efficiency, a prime minister sleeping rough in the woods but commanding a government does not correspond to the expected behaviour.

Such an act by the suspended commanded recognition – the concession of accepting they are on stage and therefore compel a response, even if it is a physically violent response. It altered the authorities' reaction at least in so far as they needed to spend resources. An administrative procedure had to be created. The BBC's Chris Morris reported how Africans were forced to sign a document by the Greek authorities where the would-be-migrants certify that they had entered Turkey from Greece (BBC, 2001), thus making sure they would not stage claims against Greece by stating that they had *left* the country on their own free account. However dubious this maybe (both in terms of its legality and in terms of its political geography), such administrative procedure constructs a juridico-political status and thus makes these suspended people deportable, as in cases of Moroccan camp dispersals (BBC, 2003). Yet, staying alive is not always an option. In the case of the Greek authorities the would-be-migrants who had signed the papers were forced to swim/wade across the Meric River to the Turkish side. In the process of crossing some disappeared in the waters, washing up dead on the banks where they were found later by local farmers (BBC, 2001). In the case of Morocco, people are reported to have been abandoned in the desert without food or water (MERIP, 2006).

A further example, also mimicking the principles of legitimate civilizational organizations of a democracy, though this time in urban settings, is the setting up of small scale solidarity groups similar to NGOs. Such organizations are formed of suspended people who officially constitute themselves through appointing chairmen and board members (Alioua, 2005). When it is time to move on successors are appointed. Collyer reports that on the basis of networking through virtual means continuity is given for example, in July 2006 a few of these organizations were able to participate in a parallel event to a euro-african conference in the context of a governmental meeting on migration and

development (Collyer, forthcoming: 22). It is the replication of the role of formal delegate to a conference – saying things in an authoritative way – that is the mimicking, and thus verification, of equality. The act of making use of recognizable mechanisms and practices on the one hand whilst acting in an unexpected way on the other, forces the building of a relationship, one of recognition. Those who have no validity to exist stage dissensus and claim a place that was not provided for – they stage equality and claim to be recognized as having entitlement and the capacity to speak and act.

Thus, “[p]olitics exists because those who have no right to be counted as speaking beings make themselves of some account, setting up a community by the fact of placing in common a wrong that is nothing more than this confrontation” (Rancière, 1999: 27). “What makes an action political is not its object or the place where it is being carried out, but solely its form, the form in which the confirmation of equality is inscribed in the setting up of the dispute, [...]” (Rancière, 1999: 32). A wrong is a “mode of subjectification in which the assertion of equality takes its political shape” (Rancière, 1999: 39). What of political subjectivity then? How can the camp ministers – whose existence is invalid – be acting politically? In which way are these people political subjects?

Political subjects, on Rancière’s account, do not exist as such before the political struggle is staged. They do not exist on account of their being in-between identities. The ministers of the camp are, effectively, not citizens of a state nor are they effectively recognized juridico-politically as either aliens or as legitimately existing by the European Union. The contradictory nature of being suspended, of being even though the existence is invalid, is the condition of possibility for suspension. Suspension is then also generative rather than only devastating. The ‘suspensive subject’ (Deranty, 2003: paragraph 8) is defined as both being and not being. It is thus the site of a struggle about who counts as a subject at all. In staging the wrong of the inequality of social order the political subject – through the process of validating equality – shortcuts the structure of social order.

Rancière argues that the political – radical democracy - emerges out of people acting under the presupposition of their own equality irrespective of those enacting the hegemonic, technocratic logic. That is to say, equality is achieved

through verifying it in practice. It is because everyone and anyone has the capacity to understand one's place and function and hence the capacity to understand the contingency of such places and functions. It is this equality that is asserted by those deemed to be without the right to existence – the suspended. It is the presupposition of those who act. But is this enough to stage dissensus and rupture the hegemonic order? Inter-subjectivity is relational rather than unidirectional, subjectivity is established through a dispute between those who have been wronged and those who do wrong.

Therefore, the other moment where political subjectivity could potentially come into being, the police order be undermined and the political therefore enacted, is the instance where those who are to protect the hegemonic system from being undermined have the chance to show independence of thought and judgement in their action. Arendt offers useful guidance when she warns about the seductive but potentially disastrous tendency to identify thinking with the insatiable quest for (scientific) knowledge. In short, the seductiveness of technocracy that the narrative of Migration Management brings about and is framed in. The oblivion of thinking that is mere thoughtlessness at the mercy of 'truth' as obedience, conformity and orders (Arendt, 1958: 3) is what makes technocracy evil. Instead, thinking freed from the demands of knowing and its 'truth', begins with and increases wonder (Arendt, 1978). Wonder, for example, about how it is possible that smuggling can be construed as criminal act at the same time as it is construed as a professional, knowledge-based business without stumbling over the many contradictions inherent in the quote mentioned above.

Thinking is the faculty by which we seek to understand the meaning of encounters which guides acting. It is fed by the present and works with fragments from the past, not to resuscitate the past but as a process of crystallization, as a process of thinking something through (Arendt, 1968: 205-6). It is the being able to perceive the suspended as valid equal rather than worthless bodies. In this sense it is not the dialectic leading to a higher synthesis, as the technocracy of Migration Management attempts to do. It is a courageous and independent activity without pillars and props (Arendt, 1968) that moves beyond the *Denkverbot* that Žižek describes. The political function

of thinking is precisely to make sure that plurality is not reduced to an essentialized fixity, such that it is conceivable that a suspended person may have a claim to the entitlement of validity, rather than being suspended as a jumble of bodies where it does not make a difference whether they are socially or physically dead.

Thinking manifests in speech by way of using metaphors as thinking deals with invisibles, with representations of things that are absent; in thinking we develop conscience – in other words the ability to be ethical, to judge what is good and what is evil (Arendt, 1978: 103). Judging, according to Arendt, is the faculty which realizes thinking – it concerns the particulars and things in the world of appearances. Judging is then first and foremost being engaged in a silent dialogue with oneself and it needs to lead to being one with oneself (Arendt, 1978: 193). This point is crucial as there are no guarantees against evil – to think that there is would be to fall back into the illusion of having firm ‘banisters’ to hold onto. Such an illusion reduces the need to think to a minimum and to act according to the mores and myths of convention (Arendt, 1965: 49), which all too easily invites the mindlessness of technocracy. If Migration Management were ‘thought’ and ‘judged’ in the Arendtian sense many instances of wonder would appear. For instance, is it acceptable that in the process of enforcing our sovereignty there is not only death, but more distressingly suspension in the form of being juridico-politically killed?

Thinking is thus essential for politics, a politics that (as Arendt holds with most proponents of agonism) is based on equality which appears and manifests itself in plurality and action. The verification of equality thus needs the act of staging dissensus. But it also needs the condition of thinking and judgement which is relational and open to such staging. The examples below help to illustrate the notion of thinking and judging that Arendt proposes but raise questions at the same time in the context of Migration Management.

A Nigerian in Rabat reported “About a year ago, we were in Gourougou, near the fence and a Guardia came and opened a gate in it. ‘Come! Come!’ he said. We were afraid and ran away but that night hundreds of migrants went through!” (Collyer, forthcoming: 23). Collyer contextualizes:

Initially this seemed an odd fabrication but other migrants in various parts of the country, and even several in Ceuta recounted the same story, always the Guardia opening the fence and always occurring some time in the early autumn of 2004. This seemed to be an urban myth, but the coincidence in the nature of timing of the stories was striking. Then in Ceuta, an NGO employee described a very significant arrival of migrants towards the end of September 2004. More than 400 individuals arrived [...].

(Collyer, forthcoming: 23)

Why would a Guardia open the gates to let people in, particularly given that the Guardia's presence there is to ensure that there is no 'invasion' into European Union territory? In 2005, only a few months after the events described above, 15 people died at the fences either because they were shot or pushed off the fences by those Guardia. Opening the gate *could have been* an instance to demonstrate independence of thought or at least wonderment at the many contradictions in the construction of a suspended person. It could have been an indication of judging that there may be grounds for questioning the fixity and essentialism of the hegemonic order and more concretely the radical violence of Migration Management. The Guardia could have been moved to a response, to acting politically, by opening the gate. This event could have been a reaction akin to the patrician concession of 'speaking to them since they appeared on the stage' as disruptive action, in which the staging of dissensus is not only accepted but supported, responsibility is taken. If thinking is the capacity to see things otherwise, judgement is the embodiment of that thought and Migration Management were exposed to be mere conformity to arbitrary rules, this could have been an instance where agonistic engagement could have happened and therefore rupture could have been initiated on the part of those Guardia.

Yet, this was not the case, as Collyer goes on to contextualize:

[The NGO worker] suggested that the Guardia had deliberately encouraged their arrival in order to discredit the PSOE's⁹⁵ most recent amnesty for undocumented migrants. Although such an account is impossible to prove it does appear rather more substantial than a standard conspiracy theory. It is also supported by the statistics. The PSOE declared an amnesty for all undocumented migrants in employment in early September 2004 (El Pais 14.11.2004). UNHCR

⁹⁵ Spanish socialist party in government at that time.

statistics show that asylum applications in Spain rose by 36% [...], compared to a general decline throughout the year (UNHCR 2006).

(Collyer, forthcoming: 24)

A final slightly different example of (supposedly unintended) disruptive action is the situation where police is made to work to the benefit of the migrants. Thus, a man from Sierra Leone recounts an event he had experienced where the migrants had given themselves up to the police in order to get closer to a border.

Last summer, we were in Bel Younes [outside Ceuta] and someone heard that the controls into Melilla had been eased – sometimes that happens when a new group of the border guards arrive. We decided to give ourselves up to the police. They didn't know what was happening! We all came down, out of the forest with our hands up and they put us in buses. There were three busses that day! They drove us to Oujda [14km from the Algerian border] and we walked to Melilla. Some people managed to get in.

(Collyer, forthcoming: 28)

Here Collyer explains “Ceuta and Melilla are about 300km apart, so it would not have been easy to walk the entire distance, but since Melilla is only 50km from the border where these migrants guessed they would be taken it was simpler to walk from there” (Collyer, forthcoming: 28). Rather than accepting the position of suspension, the migrants took action and manipulated the border control practices in such a way that they were able to not play their part as allocated but instead to stage a conflict which established them as actors on the stage as equal. The suspended were able to claim asylum – the ultimate political act Migration Management in effect seeks to make impossible. Their crossing of the boundary into European territory compelled a reaction which establishes – as a consequence - the juridico-political status such a person was supposedly incapable of.

The political thus “creates a political subject—it creates a people—through the actions by which they come into being as a people who at once see and impose themselves as equal” (May: 2007: 24). The staging of dissensus alone then has the capacity to disrupt. Yet rupture needs the dual moment of staging and thinking. The examples chosen above testify to the generative potential of suspension, but is this alone enough to initiate change?

Re-inscription and Transgression

No order can achieve perfect closure. It is this impossibility which makes rupture – the staging of dissensus and following from this, subjectification – possible. Drawing on the above examples, I argue that the seeking of asylum, which is practically impossible within the context of Migration Management within the territory of the European Union, is the ultimate political act and, with that, the verification of equality which is democracies' presupposition.

It is in the paradox of suspension that the potential of a generative moment can be found. The generative moment is expressed through Arendt's fact of natality (Arendt, 1958). Because we are all born with the capacity to initiate, anyone is equal to anyone else. It is the equality of the *demos* that makes rupture and the political – democracy – possible. On this basis, it is then possible to think the dual moment of disruption: one being the resistance to accepting inscriptions of invalidity on the part of the suspended; the other being a moment of speaking to and thus critically thinking about the dominant order and its allocations of place and function, to think and to judge. This dual moment can lead to rupture and rupture has the potential to transgress technocracy – rupture is thus generative of change or renewed oppression.

So, following Hannah Arendt, I ground equality and the dual moment of disruption in natality. Natality is the spontaneous action that "marks the start of something new, seizes the initiative [and] forges its own claim" (Arendt, 1958: 113). It is this acting, as a political moment, that Hannah Arendt explains is *initium* – a capacity that everyone has, without qualification. Arendt states that people "are not born in order to die but in order to begin" (Arendt, 1958: 246). In building a government of their own, in constituting and somehow maintaining NGOs, and in taking their chances and not accepting their invalidity to exist, the suspended act politically. They claim appearance on a stage to claim subjectification. The fact of natality as newness and improvisation, as creative and therefore generative act of the *demos*, is grounding equality. It is this ineradicable possibility which generates transformation and re-inscription.

How, though, is this done if the European Union as the wrong doer does not engage in the Arendtian thinking? If equality and political action is something

which only comes about in the enacting of it, how can the suspended nonetheless claim political subjectivity? It is done, for instance, through what Slavoj Žižek calls disidentification (Žižek in Butler, 2000). Disidentification, can be understood in terms of the idea of a politics of subtraction (Žižek, 2006a), not a mere withdrawal, but transformation. Those suspended, sleeping rough in the woods, first make a statement which sounds like stating 'I'd rather not ...'. 'I'd rather not accept the invalidity of my existence'. The consequence of this statement is to build a government, to institute a community, to appoint ministers, or even to give themselves up to the police. In short, to mimic and thus by way of claiming the egalitarian logic, of appearing, to force the Moroccan authorities, as long arm of the European Union, to acknowledge a new fact and thus recognize their existence on the Rancièrian stage and act.

Mimicking is important as it establishes a re-inscription of known concepts in a factually new way – the suspended person as minister or the suspended person influencing the process of policy-making. Not by way of awkwardly knocking on the door pleading to be included, but by way of subjectification, by establishing the fact of the suspended as being an acting person on the stage. The symbolic order is re-inscribed. This is preceded by establishing the fact of having this capacity to act in the first place and not being subject to the fate of suspension. The disagreement staged is that over the suspended person's validity to exist juridico-politically – the refusal to observe and submit to the imposed radical violence. Thus, in choosing a structure of organization, which is mimicked on the basis of that which imposes radical violence, and further in choosing designations like 'finance minister', the suspended force acknowledgement as equals: capable of governing, thus capable of political subjectivity.

The second moment of disruption is the moment of critical thought which leads to a consciousness of breaking with the trained narrow-mindedness of the know-how of the expert. Breaking with the obedience that the common, the banal, commands and, as such, speaking to the situation of imposed radical

violence. Such 'speaking to' is disruption from 'within'. It is civil disobedience⁹⁶. It is an active thinking about what we are doing and links to a question asked along lines initially framed by Honig (2001): What problem do the suspended solve for Migration Management? The answer that it simply maintains the dominant order – the distribution of roles and functions in set places - would not be incorrect. But it would certainly be insufficient as the only answer. Rather, a fuller answer lies in making it near impossible to claim asylum. Claiming asylum is a demand for recognition of existence – of being valid and equal. That is to say, claiming asylum is the assertion of the randomness of a distinction between those who command, those who obey and those who are without juridico-political status – the questioning of any justification why some are deemed to have a capacity for having subjectivity and others who are deemed unworthy of even subjection to a dominant order. 'Speaking to' and disrupting from 'within' and with that forcing the dominant order to hear a claim for asylum is the acknowledgement of the randomness and contingency of such distributions of place.

Yet, Arendt warns:

If it should turn out to be true that knowledge (in the modern sense of [scientific] know-how) and thought have parted company for good, then we would indeed become the helpless slaves, not so much of our machines as of our know-how, thoughtless creatures at the mercy of every gadget which is technically possible, no matter how murderous it is.

(Arendt, 1958: 3)

Recent newspaper articles illustrate what such warning, made so many decades ago, was referring to. The recent revolutions in countries such as Tunisia or Libya have triggered a renewed focus on people trying to enter the European Union on little boats crossing the Mediterranean. In one particular instance, there were 72 people on such a boat. It was left to drift for 16 days and all but 11 people died as a consequence. *The Guardian* newspaper reports that a call for rescue was sent out and soon after the boat people saw a military

⁹⁶ 'Speaking to' is also the act of making the voice of the suspended circulate without imposing interpretation or explanation – such as is done by *migreurop* for example. However, it would go beyond the remit of the thesis to discuss the potential force and limits of social movements.

helicopter hovering over them – their call had evidently been heard. It is reported that a NATO vessel was close by, but NATO had apparently not logged a call for help. Instead, when the little boat finally washed-up on Libya's shores, those surviving were arrested by Gaddafi's troops, with the effect of one man dying shortly after in detention⁹⁷. In short, European Union countries, as members of NATO, can get away with impunity when disregarding their requirements under international law – which stipulates that any vessel is to come to rescue regardless of the circumstances and of who needs to be rescued⁹⁸. At the same time, those implementing sophisticated surveillance technology are known to act swiftly when 'intruders' are to be deterred, as I have shown in previous examples relating to the practice of FRONTEX, which covers the same Mediterranean sea space. It is the following of orders, the not-thinking mindlessness of conformity and the incapacity to question that is murderous. Knowledge, in Arendt's view, is concerned with 'truth'. 'Truth' in this sense is always calculated and thus exclusionary. It maintains the dominant order, in this case the situation of a high-tech fence and the acknowledgement of people being radically violated by this fence and the knowledges and technologies which sustain the fence. Yet, the managers of migration do not think.

What then of resistance? The political does not demand of elites and institutions to rectify inequality – that would be illogical on its own terms, as the distribution of roles and functions brings about and legitimizes just such inequality. Resistance accepts a notion of inevitability inherent in the police order. Resistance that protests exclusions on the basis of subjection will, according to Žižek and others, in the end merely lead to co-option by the hegemonic system. Thus, Žižek states:

The big demonstrations in London and Washington against the US attack on Iraq a few years ago offer an exemplary case of this strange symbiotic relationship between power and resistance. Their paradoxical outcome was that both sides were satisfied. The protesters saved their beautiful

⁹⁷ <http://www.guardian.co.uk/world/2011/may/08/nato-ship-libyan-migrants> viewed May 2011.

⁹⁸ United Nations (1982) United Nations Convention on the Law of the Sea and Law of the Sea (1974) Part VII, Section 1 b.

souls: they made it clear that they don't agree with the government's policy on Iraq. Those in power calmly accepted it, even profited from it: not only did the protestors in no way prevent the already-made decision to attack Iraq; they also served to legitimize it. Thus George Bush's reaction to mass demonstrations protesting his visit to London, in effect: 'You see, this is what we are fighting for, so that what people are doing here – protesting against their government policy – will be possible also in Iraq!'

(Žižek, 2007: 7)

In contrast, the political demands entitlement to be named and recognized as part of the police order. Crucially, it operates at a distance from the state but aims at its re-inscription and transformation within the context of plurality (rather than difference) – it is in this sense that suspension is generative and that the staging of equality is pragmatic rather than prescriptive. It is also in this sense, that either vacuum or suffocation are avoided which may give rise to an extremism capable annihilation of difference altogether. Rancière, as Deranty (2003) explains, thus proposes a perspective that neither amounts to deferral nor to revolutionary opposition but towards punctual rupture which forces re-inscription. Therefore, he qualifies that a complete break is not only not possible, it is also not necessary.

Conclusion

To recapitulate, and drawing on the formulation by Matthew Stone (2010), the politics of consensus

preaches ideals of equality [to come], inclusion and the embracing of difference, what is actually produced is at best a banal repetition of sameness whereby everyone, paradoxically, is homogeneously 'different' and at worst it manifests the neutralization of particular values as universal and apolitical.

(Stone, 2010: 106)

It is "the reduction of the political to regulation by bureaucratic means and economic criteria" (Stone, 2010: 106). Human beings are reduced to objective, calculable and essentialized units (Stone, 2010). Thus, most accounts of politics assume that the political emerges out of the social condition which gives rise to the political as distribution and competition (to be managed). The political is then a derivative of the social. Instead, agonistic politics emerges with the

refusal to observe the place and function allocated to people and things. It is the moment when noise (the Rancièrian notion of excess) is turned into voice/practice and the common order of things is ruptured through staging claims for recognition. Agonism, thus, stages 'the scandal of democracy'. It promises dissensual and pluralistic arrangements which have equality as the very premise upon which a democratic politics is constituted (Rancière, 2007). Equality is the unconditional given of and for democracy.

It then follows that agonism rejects the notion of political subjectivity that modernity puts forth: the assumption of a unitary, autonomous, rational, self-referential man as the standard. In this view, the human being is socially constituted by temporal and spatial fixity; geared towards progress under the impression of ultimate death situated in the sovereign binary of citizen versus alien. The post-structural criticism holds that the subject is rather to be seen as the site of ambivalence – it holds subject positions within a contingent discourse allowing for both qualified agency and subordination. Thus, the process of subjection is both becoming subordinated and becoming subject. Yet, this still remains within the realm of the police – of technocracy – where people are ac/counted for. Within the context of Migration Management this is not sufficient, because it does not allow for the possibility of suspension. It is the process of subjectification through the struggle about who counts, through the staging and claiming of equality, that the suspended become political subjects. Political subjectivity is thus borne out of being in-between identities – being wronged.

In this context, Honig's (2001) question about what problem the suspended solve for Migration Management and for technocracy more generally, rather than asking what the solution to the suspended is becomes analytically relevant. The suspended are the opaque mass against which a fixed identity and belonging is defined – the sovereign binary of citizen/alien is reinstated. The suspended justify a discourse based on a truth of rightful access. Discourses of treatment and entrepreneurialism legitimize the suspension of the possibility of asylum as a political claim to equality. Approaching democracy agonistically would serve not to fall for the fallacious assumption of being without a gap and would allow for the law (understood as litigation) to be seen

as a place of struggle – allowing for the recognition of the possibility that there are exclusions which will challenge consensus. It allows for a politics which embraces re-inscription and transgression and re-gains some of its polemic and public character, rather than closing off, silencing and violating it, as is the case at the moment.

Chapter 9

Summary and Concluding Thoughts

Democracy is the community of sharing, in both senses of the term: a membership in a single world which can only be expressed in adversarial terms, and a coming together which can only occur in conflict

(Rancière, 1995: 49)

The motivation to think and write about Migration Management was driven by the position that any form of discourse reductive of difference to the point of radical violence is unacceptable as it undermines the exercise of equality as constitutive characteristic of the world. The contribution I have made is three-fold as indicated in the introduction. I have offered an understanding of a particular form of governance, that I have conceptualized as ‘informal plurilateralism’, which has moved considerations of international migration onto the foreign policy agenda of countries in the Global North and South. I have offered a reading – through the IGC – of Migration Management accepted to be a benign solution to an urgent problem. By way of this reading I have offered an alternative understanding of the historical conditions of possibility of what is normalized as Migration Management and the production of political subjectivity. Finally, I have offered a conceptual formulation of how the radical violence of not having a juridico-political status can be made intelligible even though the process of negotiating foreign policy does not acknowledge such violences and have then shown that being seemingly irredeemable, that is being suspended, also has generative potential, rather than simply the relegation to social and possibly physical death.

Yet, one question remains unanswered: How to actively relate to that with which we disagree? Here I can only offer a concluding argument in three steps: If the radical violence inherent in Europe’s Migration Management is to be stopped, a forum like the IGC must be dissolved or at least be brought back into the realm of public scrutiny and discussion. This may go some way to counter the technocratic tendency toward totalizing and essentializing, which would open the possibility for more litigiousness which is not suffocated by juridification but

may allow for an extended degree of ungovernability. On this basis, and more practically, with regard to the topic at hand, asylum seeking can be re-thought as one way to counter the radical violence of suspension and the possibility to claim a place on the stage and start a disagreement.

On the basis of this stance I will, in the following, firstly reiterate and summarize the major discussions and findings this thesis contains based on the same structure as was offered in the introduction. Secondly, I will take a moment to think about possibilities for an adequate response – practically - to Migration Management, the existence of the IGC and the construction of and consequences for, those who are suspended.

Reiteration and Summary

The Discourse and the Invention of a new Narrative: Migration Management

In chapter two I described the transition of an ideology during the 1960s and 1970s which set the stage for and framed this research. In particular I recounted how free market conservatism within consensus-democracy as a discourse came about as coherent and global hegemonic phenomenon. I also situated the international politics of migration into this broader context.

Chapter three introduced informal plurilateralism as a form of policy making. Here, I argued, ideas are mooted, molded and filtered into technocratic systems of governance at the national, European and international level, where they are then normalized into formal discourse.

Informal plurilateralism has crept into policy making in international fora on migration, pushing aside more transparent processes, particularly the more openly negotiated multilateral agenda. In the 1980s a narrative surfaced which constructed international migration as a matter of common urgency for some governments. It was understood that it was internationally a contentious issue and therefore too controversial to discuss in a multilateral setting. The situation was described as 'new', characterized by growing uncertainty and complexity in which UNHCR was said to be too rule-bound and inflexible. As a consequence, some governments – mainly European – withdrew into informal plurilateralism.

I have described plurilateralism as a gathering of 'like-minded' governments which emphasize a strong notion of commonality or 'we'-identity. The membership is chosen and strictly controlled. Plurilateralism enables the identification of common problems, in order to find a common and flexible answer to identified challenges. Informal plurilateralism, by extension, insists on confidentiality and an absence of formal procedures; it meets in privacy. The goal of informal plurilateralism is to develop a shared understanding and foster homogeneity of approach. Crucially, informal plurilateralism – in this case the IGC – is extra-institutional; it is autonomous and in no way formally linked into or bound by international or national legal standards, as its participants attend in a private capacity. Concretely, informal plurilateralism as enacted within the IGC seeks to develop and define new knowledges and practices, in particular in terms of information gathering, evidence-based and pro-active mechanisms vis-à-vis international migration. The IGC is thus a conceptual machinery impacting on hegemonic doctrine formation, with its primary concern being the irregular movement of asylum seekers.

I have argued that the benign presentation of the IGC as welcome addition to multilateralism obscures the closed and non-transparent nature of these conversations which lead to the formulation of common definitions and doctrine.

Articulating the Narrative

Thus, it was in the 1960s and 70s that the conditions of possibility were laid for this rather drastic change of ideology guiding political thinking and action. International Migrants were among the first to be impacted by this change towards technocracy. Chapters four and five shed light on the two articulations that were a consequence of the changed discourse within which the IGC made sense of what orderly migration would be and what action towards this goal would be implemented. Chapter six showed how these articulations accumulate into the narrative of Migration Management.

Chapter four explored the historical construction of the 'transit country' as one answer to the perceived loss of control over migration that governments of the

developed North. More importantly the 'transit country' serves as a discursive tool to set the limit of the hegemonic narrative of Migration Management.

The IGC's construction of 'would-be-migrants' as illegal asylum seekers who move illegitimately across the EU's territorial boundaries in an attempt to get into the EU, is a consequence of the 'asylum-migration nexus'. This nexus is based on a narrative which holds that migrants move through assumed to be 'safe third countries' in order to access the EU. Such transit mobility is illegitimate as protection can be claimed in a country neighbouring the European Union. Asylum seeking is thus effectively made impossible.

The re-inscription of some countries which immediately border the European territory as 'transit countries' is further vital to give coherence to the discourse of Migration Management as a stable and fixed narrative capturing all phenomena of human mobility. In this sense 'illegal migration' is established as one of two pillars which conceptually build the paradigm of Migration Management. Transit country is thus the EU's tool to securitize people not within the realm of their jurisdiction as well as to pressure those countries labelled as a transit country into compliance with EU policy without appearing either coercive or undermining sentiments of self-determination of such countries. In effect the logic of transit country suspends certain groups of people in that those who get stuck are without juridico-political status.

Yet, the use of 'illegal migrant' conflates two categories. Such conflation is relevant in that it marks at the same time as it hides the limit of Migration Management as a discourse. On the one hand a category is constructed which contains people without juridico-political status who are therefore not identifiable as claim-bearers; they are without political subjectivity. Suspension is the radical exclusion from political community – a disappearance-from-recognition – into mere bare existence. Suspended people are metaphorically dead. On the other hand 'illegal migration' denotes the concept of deviance. A migrant illegally present within the territory of the European Union is not wanted, but can draw on a basic minimum of legal guarantees and procedures, something that a suspended person cannot do as he or she is in a different spatial and conceptual reality.

Such construction, adding suspension to simple schemas of inclusion and exclusion, norm and deviance, demonstrate radical violence through the reduction of difference of Migration Management. However, such suspension is also the condition of possibility for rupture and therefore for political action.

Chapter five portrayed the other articulation of Migration Management. Migrants have always been conceptualized as either a functional means towards growth and production or as exploited for capitalist purposes. With the ideological changes introduced first by the Trilateral Commission which constructs 'developed countries' as knowledge societies migration for economic purposes became illegitimate, as most migrants were conceived of as poor and uneducated and hence not compatible with the aims and needs of the knowledge society.

The IGC was instrumental in deepening this narrative in arguing that asylum seekers were bogus as they were really people who sought economic betterment by way of abusing the scarce resources of Europe. Development was introduced into this narrative based on the logic that people only need to move because their 'own home' is underdeveloped – in short, mobility is either a failure of development or it is rooted in abusive intent. The conclusion drawn by the IGC was that development aid should be instrumental as a deterrence mechanism.

However, migrants kept coming and so the discourse thought to introduce measures to stop migration was further transformed. On the one hand 'countries of origin' were made responsible for fighting the 'root causes' of emigration. On the other hand, 'host countries' returned migrants who had gained skills and could therefore also take responsibility for developing their 'home' country. This logic led to the evolution of 'circular migration' as an exceptional but accepted solution. European countries had never stopped making use of seasonal workers; so the idea of circulation was not new. Yet, with the introduction of the development narrative into migration policy-making circularity could be drawn on as an idea that was recognized as familiar. In effect, European countries started to negotiate bilateral agreements with developing countries which had elements of tying development aid to return agreements. Despite these activities these policy initiatives largely failed.

Intriguingly, the idea of marrying migration to development continued to be discussed.

It was not until 2002, when academics started to be interested in the relationship between migration and development, that this discourse became more coherent. In the academic discourse migrants were conceptualized as actors, i.e. as actual subjects rather than mere objects. The academic discourse further conceptualized migration as a legitimate livelihood strategy. It is through this transformation that the migrant could now (also) be conceptualized as capable of being a responsible, competitive and entrepreneurial being. As such policy-makers were able to conceive of some migration as legal, granted it is circular, productive and skill-generating, i.e. they return and develop.

Thus chapters four and five charted the transformation of the migrant on the one hand into a phenomenon that can be securitized which allows for the suspension of such a person's juridico-political status; and on the other hand into something entrepreneurialized - the economically productive body which is instrumental in enabling policy-makers to allow for political subjectivity. Further, the entrepreneurial migrant is post-hoc central to telling the story of why the illegal migrant (i.e. the asylum seeker who is economically unproductive according to the IGC) is differentiated so violently.

Chapter six outlined the paradigm of Migration Management. So far, the analysis has focused on how migration had been re-constructed from an integrative to an instrumental approach – the questions posed were largely 'how'-questions. The IGC has been shown to articulate international migration into securitized and entrepreneurialized phenomena of movement. Migration Management is therefore a particular treatment of human mobility which has radically violent consequences. The image which drove the IGC to so drastically re-formulate our understanding of international migration was the asylum seeker. Documents show how unexpressed assumptions about the asylum seeker as the criminal, diseased, poor and incapable of improvement – thus beyond redemption – was the underlying imagination for the discussions about urgently needing to get migration under control.

These articulations accumulate into the narrative of Migration Management which takes the place as a new paradigm; it renders contradictions within and between the two articulations intelligible and coherent. It also guides policy formulation and implementation by sorting and defining access into the European Union based on a notion of securitized economic productiveness. Through formulating such an inclusive Migration Management simplified and essentialized not only our understanding of international migration, but also its related practices. It is in this sense that Migration Management is an empty signifier, so open to interpretation that any reading of the politics of international migration can be accommodated.

The problem that the IGC had faced was that the illegalization they had formulated begged the question as to who can move – the answer was the entrepreneurialized, productive migrant. Yet, in doing so it renders those who are seen not to be capable of productivity and efficiency unworthy and therefore suspended. The IGC thus established a typology in which the citizen was posed against both the legal and the illegal migrant as one side of a coin respectively; thereby radically excluding those who are constructed as being irredeemable and having no validity other than in spaces of suspension outside of the European territory. Such boundaries are seen to be inevitable – this common sense is sedimented and thus has the function of giving stability to the narrative, which is situated within the discourse of consensus-democracy.

This chapter therefore brought the answers to these how-questions together and showed ‘what’ Migration Management is before moving on to ask questions about the consequences. Migration Management performs a double-retreat. First, it performs retreat from politics: informal plurilateralism leaves the public space at the same time as it constructs the political as technical, calculable problem. This has the effect of atrophying democracy. Second, it retreats from responsibility: it produces the suspended by administratively erasing their juridico-political status (as well as potentially killing them physically) through operating on a preconception of their irredeemability, being without any validity to exist. Thus the consequence of Migration Management is radical violence. This double-retreat was then discussed in the final two chapters of this thesis.

The Effects and Consequences of Discourse and Narrative

Chapter seven started from the premise formulated by proponents of Migration Management, and consensus-democracy more widely, that stable and comprehensively predictable governance is needed. A consequence of this premise is a particular approach to governance characterized by a technocratic and juridified treatment of human mobility which results in the administrative killing of the suspended people and the atrophying of democracy.

Consensus-democracy is introduced as the expression of order as common and non-litigious which translates politics into police logic where everyone and anyone is said to have his role, function and place; a system is thereby produced of self-evident fact based on particular limits and modes of what is sayable, audible, and do-able. Its practice is characterised by technocracy; the approach to establishing and maintaining the 'reasonable order' of consensus-democracy, and more concretely Migration Management. It does so by defining and enacting those limits and modalities of the discourse and narrative.

In this way, technocracy makes use of abstractions legitimated through an expert discourse which is based on calculation; a formalistic and formulaic approach which sets itself out as necessary and inevitable. Technical expertise establishes 'accurate information' which is said to be grounded in 'evidence-based knowledge'; in other words, technocracy hopes to establish an empirical utopia which constructs the empirical subject by way of a combination of positivist neutrality, instrumental rationality and qualitative learning. Thus, even though technocracy accepts that there are several knowledges to be learned, the discourse nonetheless acts to delimit which knowledge is acceptable and which is to be rejected. Such qualification of calculation is central to the police logic; it is not innocent. It qualifies; it creates a particular kind of knowledge as empirical practice. Technocracy turns migrants into sombre things which are managed through sanitized problem solving which is justified by the logic that anyone who would have to take a decision would be required to come to the same solution if presented with accurate information – technocracy renders Migration Management inevitable.

Juridification is then the process which institutionalizes technocracy. The fact of state is identical to the norm of rule, moral conduct is therefore to follow the rule – an emphasis on form not on agonistic debate over substance. Juridification thus suspends moral questions and agonism. It allows governments to engage in morally contestable conduct under the guise of law. The effect of such a transformation in the context of Migration Management is that governments can easily claim to be in compliance with their legal obligations while acting to the contrary. This amounts to an abdication of responsibility by emphasising the technical and non-normative elements of regulation. It is then in this context that international migration is reconceptualised as a question of (legal) access and formulated in juridified terms.

Such strategic use of the law, based on technocracy, produces the suspended, those without validity to exist and who have no recourse to the litigiousness of the law. The consequence of Migration Management for the suspended thus amounts to administrative killing, either by way of social death as a person's juridico-political status is rendered invalid or through physical death when embarking on journeys across borders which are protected by agencies such as FRONTEX.

Thus, whereas the legal are all those deemed beneficial and the illegal are construed as deviant but treatable, the transformation of agonistic law into juridified law cannot logically accept that there is something like the suspended in a system which is claimed to be comprehensive. In this system the suspended are not intelligible as either legal or illegal. In other words, order needs prescriptive codification and predictability. Order can understand breach of law but it cannot conceptualize challenges to the distinction between the legal and the illegal, i.e. the inaugurating agonism of constitution which is alegal. Yet, this is precisely the space of the suspended – those who are written out of the world.

At the same time, it is the radical violence against those who inhabit the alegal spaces which has the capacity to provide a ground for rupture and, hence, suspension as well as a generative potential. This was discussed in the final chapter to this thesis. The question driving chapter seven was: how is technocracy contested? It moves on from the account of how technocracy

renders some people suspended by way of administratively killing them to show that beyond this devastation the suspended nonetheless act and thereby intervene. Agonism can account for generative moments arising out of suspension as it allows for validating the equality of those who are un-ac/counted for.

In this light, the chapter started with a brief discussion of the problematic way in which democracy is often conceptualized as either an ideal to come or something that must be brought about by an oligarchic order. Democracy on these accounts strives for a single principle which governs. In particular it is the vacuousness as well as the suffocating tendencies of consensus-democracy which are the barriers to the dispute of agonistic politics. Instead, democracy as Rancière puts it rests on the principle of excess where anyone and everyone is entitled to govern. Moreover, “[p]olitics exists because those who have no right to be counted as speaking beings make themselves of some account, setting up a community by the fact of placing in common a wrong that is nothing more than this confrontation” (Rancière, 1998: 27).

The chapter therefore went on to show how dissensus in the form of agonistic politics is to be valued as a pragmatic approach to re-dress radical exclusion. On the background of this discussion it is then possible to think about and illustrate how the suspended force recognition of the wrong done on them – of rendering them irredeemable and invalidating their equality – by staging a political act such that a subjectivity is constituted. A subjectivity which had to that point not existed and is thus not incorporable into the established order of roles and functions.

One example that was offered is of suspended people building a community which is governed by their own ministers. In mimicking the ‘proper order of things’ the suspended make themselves recognizable to the authorities not by way of complying to behaviour that is expected of them, but by staging a conflict about who they are to be. The Moroccan police force is faced with a prime minister sleeping rough in the woods. A symbolic move that is nonetheless not incorporable into the hegemonic order, it therefore disrupts.

Yet, the examples also shed light on the partial failure to bring about rupture and thus change. In order for agonistic politics to break technocracy it also needs thinking and judging in the Arendtian sense. Thinking is not identified with scientific knowledge production or with conformity to moral doctrine; rather it is the courageous and independent process of crystallization on unknown terrain. It is to make sure that plurality/excess is not reduced to an essence incorporable into the differentity of the social order. Judging then realizes such thinking. It is here that the managers of migration fail – they do not think.

The examples then testified to the generative potential inherent in suspension which is. The third section of the chapter thus thought further about disruption and concluded that it would be illogical to demand of consensus-democracy to rectify the wrong – the radical violence – it is committing. Resistance accepts a notion of inevitability shared with what it is directed at and is therefore incorporable by the hegemonic order and thus not capable of bringing about change. In contrast, the disruption done by the suspended forces the dominant order to react whereby it transforms. Righting the wrong and therefore the political act proper which would re-dress the current situation of administrative killing would be to allow for asylum seeking. Yet, this is unthinkable for European managers of migration as they would have to acknowledge the equality of anyone and everyone and engage in an agonistic relationship, thus destabilizing Migration Management's claim to 'common sense' universality.

Practical implications: Finding an adequate response?

What then is an adequate response to Migration Management, to the existence of the IGC and to the existence of suspended people? One possible response would be to simply reject Migration Management. This option would follow academic arguments coming out of the disciplines of economics and some normative scholarship, which makes a theoretically compelling case why allowing for the freedom of mobility without access requirements is a sensible thing. Moreover, this is problematic on various accounts. Practically, this call does not consider how to organize the social were there no limits to what and who counts. Yet, will this overcome the tendency to exclude? I have shown how boundaries are crucial for the establishment of meaning, so even if

governments did decide to abandon all territorial and juridical borders and there were no restriction on the mobility of people, we would have to invent an entirely new system of organizing the social in a meaningful way. This option places too many demands on the imagination not only of our governments. It is therefore more often than not simply laughed away.

Another option would be to neither reject nor support Migration Management but rather to focus on a practical call for the adherence to Human Rights standards and theoretically abstain from comment. The practical solution of advocating for the adherence to Human Rights standards is the strategy chosen by many NGOs. I am not intending to undermine this attempt as it is important. However, I have shown throughout the discussion that calling for Human Rights misses the point of what the IGC/EU actually do – they invalidate the existence of some people to the point that logically Human Rights do not apply. Abstaining from theoretical comment inadvertently fulfills the same function that calls for Human Rights adherence do, that is, to point at the observation that something is criticize-able but not to follow-through in offering a response capable of rupture and actual change.

There is a third option which I want to tentatively offer. The political is irreducible and thus any attempt at closure by a hegemonic discourse is futile as the moment of suspension is also generative of rupture. Consensus-democracy tries to counter this by de-politicizing, yet a discourse is always precarious which becomes visible precisely at the moment where the Global North is obsessed with difference and the 'Other' in order to reach stability and fixity. Technocracy is the practice of consensus-democracy and through juridification (where the state becomes identical to the norm of rule and creates 'empirical right') and expert calculations of 'truth' (which establish the empirical universality) it disconnects from scrutiny and is driven by pro-active prophylaxis which leads to the contraction of policy-making and policing into polic(y)ing to ensure closure and *le partage du sensible* based on the logic of differentity. It is this that makes technocracy banal and evil as it conceptualizes itself as corresponding to absolute reality but leads to disintegrated moments of rational competition and acting on self-evident facts to the point where action loses all significance; or in other words it leads to the abdication of responsibility and creates moments of radical violence. Accordingly Migration Management is part

of hegemonic consensus-democracy and therefore distributes people into roles and functions it controls and is responsible for suspension.

Yet, the suspended live and intervene. Their being in the world compels a response as they show the social order to be (in-egalitarian, random and contingent) domination. The generative potential lies in the suspension of those people who, instead of submitting to this state, would rather not comply and make attempts at claiming their validity to exist. To account for the potential generative worldliness it is helpful to conceptualize the political as agonistic, as it allows for staging dissensus and undermines the *Denkverbot* imposed by consensus-democracy. Dissensus is the quarrel over basic definitions, assumptions and allocations of place and function. Agonism allows for problematizing foundational distinctions and engages in relentless questioning in order to scrutinize processes of normalization; it strives to courageously rupture conformity and emphasize equality and action as constitutive of the world. This is why agonism asks what problem the suspended solve for Migration Management? The answer being two-fold: it makes claiming asylum logically impossible because asylum is understood as assertion of randomness between those who command, obey or are without juridico-political status and it maintains the dominant order as it justifies a discourse based on a truth of rightful access at the same time as it opens up the possibility to be political and to refuse to observe place and function as allocated.

Practically, this would mean the alegal space is inhabited and turned into a parallel world in which its inhabitants construct their own world and ways of organizing. This could then develop into a self-proclaimed autonomous neighborhood. Thus, there is an option for filling the alegal space with life and meaning. However, such alegal space would have to be recognized at least as a non-conformist space which stands in a relation with surrounding inhabited spaces. A way of relating to each other needs to be found, and this is to be negotiated between the suspended and, for example, the European Union and Morocco. As such, the suspended would have to be recognized as legitimately existing. This third option, hence, points to three implications:

- (1) Informal Plurilateralism - in particular the IGC - must not be possible as it is deeply un-democratic in its avoidance of any scrutiny and withdrawal of realms in which the information and thinking it uses and produces would be

open to question. A question arising out of this would be: How can a post-modern agonistic politics in a globalizing world be thought and enacted in practice?

- (2) Suspension must not happen. This is closely tied to the above in that an organization in which a specific common and conceptual linguistic field is to be nurtured – as the IGC puts it – is likely to produce a truth, which if not closely scrutinized can produce effects of radical violence. Critical questioning is therefore crucial. A question arising out of this could be: How can meaning-making and boundary-construction be facilitated without – knowingly or not – causing such radical violence as can be witnessed in Migration Management?
- (3) The inhabitation of alegal spaces must be enabled as a way to give room to the staging of dissensus, to allow for constructive ungovernability and as a practical way to relate to disagreement. A question arising out of this could be: Can such places be instituted in such a way that thinking and judgment (in Arendt's sense) can be nurtured so that the momentum of disagreement can form constructive relationships?

This is where my thesis must currently end, asking one question leads to more questions. Yet one answer that I have arrived at is clear: in order to make sure that we do not engage in discourses reductive of difference to the point of radical violence and in order that we provide for the exercise of equality as constitutive of the world, we need the tedious platia as Elden suggests, a slow process of recognition and forming, not an efficient approach at managing behind closed doors.

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