THE EVOLUTION OF MIGRATION MANAGEMENT IN THE GLOBAL NORTH

INTERVENTIONS

CHRISTINA OELGEMÖLLER

The Evolution of Migration Management in the Global North

The Evolution of Migration Management in the Global North explores how the radically violent migration management paradigm that dominates today's international migration has been assembled. Drawing on unique archive material, it shows how a forum of diplomats and civil servants constructed the 'transit country' as a site in which the illegal migrant became the main actor to be vilified. Policy-makers are divided between those who oppose migration, and those who support it, so long as it is properly managed. Any other position is generally seen at best as utopian.

This volume advances a new way of conceptualizing policy-making in international migration at the regional and international level. Introducing the concept of 'informal plurilateralism', Oelgemöller explores how the Inter-Governmental Consultations on Asylum, Migration and Refugees (IGC), created the hegemonic paradigm of 'Migration Management', thus enabling today's specific ways the 'migrant' has their juridico-political status violently denied. This raises crucial questions about what democracy is and about the way in which the value of a human being is established, granted or denied.

Inviting debate in a field which is often under-theorized, this work will be of great interest to students and scholars of International Relations, Migration Studies and International Relations Theory.

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Interventions
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For Millie

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Preface

Migration Management: A history of the present – genealogy as ethical evaluation

I approach Migration Management as the subject of analysis as a result of two chance experiences. First, in the early 2000s I was working in Geneva with the International Catholic Migration Commission (ICMC), after several years of working as a social worker with migrants and refugees in Germany. The ICMC has consultative status with various United Nations 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 that 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 Inter-Governmental Consultations on Migration, Asylum and Refugees (IGC), without anyone apparently being willing or able to elaborate on what this organization was, what they did or who was participating. It was a regular reference point for justifying Migration Management, its 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, leading me to understand that it is a non-formal forum, led by mainly European and other governments of the Global North, it sits in Geneva, and it is composed of people of diplomatic rank, government officials and technical experts. The IGC seemed to have wide-ranging influence and command a degree of reverence. My attention was drawn in particular to documents kept by the late Jonas Widgren, then coordinator of the IGC and seconded by the Swedish government. He made his personal archive available to two professors – Sharon Stanton-Russell (formerly of the Center for International Studies at the Massachusetts Institute of Technology [MIT] and Charles Keely (formerly Georgetown University). The intention, according to Stanton-Russell and Keely, was to allow research to support the endeavour that Widgren, a strong proponent of social democracy, had in mind. Together, they made these documents, covering the period between 1982

and 1992, available to me for analysis. This archive is not in the public domain; thus, on the explicit understanding that I would be quoting from it in my research outputs, I draw in what follows on the IGC's speeches, memoranda of understanding, plans of action, resolutions, agendas for meetings, minutes of meetings, background documents, etc.[1] 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.

This archive consists mostly of preparatory documents for conferences and faxes/memos between participants or diplomatic missions involved, which concern pre-meeting discussions or post-meeting clarifications. Only some documents were authored by participating government experts. A few documents offer statistical data – which was not collected at that time in a detailed and structured fashion – as well as answers to questionnaires which had been sent to governments in order to determine views on issues under discussion. Widgren's personal archive is only a selection of documents from a much wider set, kept presumably because of their relevance from his perspective as a coordinator. The archive offers a broad overview of all topics covered by the IGC in the period between 1982 and 1992 in 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 were purposefully excluded (by Widgren). 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-Gill from the time when he was closely affiliated with the UNHCR.[2] Yet during a conversation with the current coordinator of the IGC, Friedrich Loeper, it became clear that there is no further possibility to review the IGC's archives either now or for the foreseeable future.[3]

I base the genealogy developed in this book on the available information in order to evaluate a tendency to normalize migration policy making since the 1980s which I perceive as deeply problematic for its lack of democratic scrutiny and possibility of dissensus and, more important, as I will argue in the following, because I regard the policy making undertaken by the Global North on international migrants as normatively and in consequence socially and physically violent. A critical eye on historical conditions of possibility is thus what I aim to offer in order to evaluate the consequences of Migration Management.

Traditional history writing represents the passage of time as a logical flow of causally connected events, each of which has significance and forms part of an overall pattern (McNay, 1994). It aspires towards universal explanation indicating unity of understanding. Yet all too often, traditional history provides an erroneous portrayal – a form of macro-consciousness which suppresses alterity to guarantee the coherence of a particular identity. By contrast, genealogy is an analysis of the processes that give rise to the emergence of events seen as discontinuous and divergent – it is knowledge of the past conceptualized as narrative, and a perspective which lays bare how this knowledge is used tactically today (McNay, 1994). It is oriented towards the service of life and activity. 'History

becomes effective to the degree that it introduces discontinuity into our very being' (Foucault, translated and quoted in Mahon, 1992: 113). Overall, the themes through which we understand our world are products of practices that have as much to do with power as with knowledge; then genealogy is the study of the (small) practices/events that give rise to the taken-for-granted 'realities' of our society. It is an anonymous play of forces in which the stakes are shifting, rather than being unified and constant. The perspective of the genealogist is to present the state of affairs through attention to three interrelated views.

First, that which we accept as fact is not the result of meaningful development; rather it is to build on the interpretation and reinterpretation of prejudices and value judgements taken as self-evident and/or rationally arrived at. The documents contained in Widgren's archive show it is very difficult to find continuity, since individuals participating in the IGC did not do so as their primary task. Participation often fluctuated according to which brief officials were given by their national governments. So, according to the available lists, documented attendance at IGC meetings changed frequently due to either individuals' redeployment within government or because meetings were so specialized that different expertise was needed. The archive is important precisely because it portrays different foci and interpretations of 'the problem' depending on who was involved in these meetings – thus there is no linear development to be found. For this reason, and in order to shed light on the formation of the Migration Management doctrine 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 story of rational people voicing coherent ideas; rather the process of discursive formation privileges the diversity of articulation. This is an important step in genealogical analysis and will be undertaken in Part II of the book.

Second, how we perceive our contemporary moment is composed of power effects as they play out in discourse, in the relationship between truth, theory, values and the social institutions and practices from which they emerge – domination over others leads to differentiation in terms of how identities are represented. Having been received at third hand, the Widgren archive came in a pre-catalogued fashion and was sorted according to time and logical unit by Stanton-Russell and Keely and was thus already limited by the choice made at the point of handover. The archive is thus a particular representation of truth, its construction a practice in narrative. Logical units (relating to a conference or a particular chronological order) were termed 'books', each with an assigned number. Overall there are just over ninety 'books'. I 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 started to catalogue and reread with a particular view to dominant themes and clusters of issues, thus focusing on what is actively 'there'. I reread the archive for those statements and information that indicate what is excluded as valid knowledge, valid political subjectivity and acceptable form of governance. This has informed the content and structure of the chapters which follow. In addition to this informal archive I also draw on publicly available documents from the Council of Europe, the

UNHCR, the European Union, the Institute for International Migration (IOM) and other relevant bodies. My reading thus attempts to take into account the different truths, theories and values as they were formed into articulations that appear coherent, fixed and linear.

Throughout the course of this research I have also engaged in conversations. Conversation offers access to knowledge as *inter view* (Kvale, 1996). It is a form of dialogue that 'emphasizes the constructive nature of knowledge created through the interaction of the partners in the interview conversation' (Kvale, 1996: 11). 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 ten explicit conversations and some additional conversations with staff from the UK Border Agency (UKBA), staff from diplomatic missions I have met at international conferences, and think-tank researchers. Second, 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 discourse of Migration Management, by both policy makers and academics, are situated within the discourses they also mould. I do not wish to imply here any notion of objectivity but want, rather, to emphasize accounts of knowledge production in their own right which – retrospectively – are meaning-giving exercises (Kvale, 1996: 42–3).

Third, the current state of affairs is based on processes of exclusion that function via strategies of prohibition, division and rejection via the imposition of truth-claims to maintain the integrity of identity, or, in the words of the IGC, the integrity of the system. The research I present in the following chapters is based to a major extent on informality. The IGC is an informal forum, which does not give access to a formal archive that a researcher can request permission to gain access to. Rather, I gained access to this material informally. Equally, many people I have spoken to were willing to engage with me, but many insisted on talking off the record. Further, even those who agreed to being quoted in some instances have been very particular about which information was 'on record' and which 'off record'. This is not because activity surrounding the IGC is engaged in conspiracy, but rather because participants said they were concerned about the rhetorical climate within which international migration is discussed publicly and emphasized the very real need to be and stay private about their thinking, learning and doctrine formation. What their narratives exclude is a reflective awareness that the wider discourses enabling the emergence of the IGC's version of Migration Management are broader articulations of the neoliberal consensus which was emerging at the same time and which framed what was to be 'the integrity of the system'. Thus, the reader will, in the following, notice that parts of this research portray 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 and/or wider processes of transformations in making meaning.

I am, thus, offering a history of the present in terms of its past. It is a history of logical spaces and their succession in time – rather than a causal explanation. Accordingly, I start by analysing the present and explain the formation of this present in terms of its past through the eyes of the IGC. In this sense, also, genealogy is episodic – it does not aim to describe the past in its entirety, and instead the focus is on the episodes, moments and ruptures in the past that are crucial to the understanding of what was singled out and emphasized as problematic in the present. When I use the term *rupture*, I mean to express a break with the existing order in an ontological sense – rupture helps the emergence of a new kind of world through the dynamic interplay of the everydayness of events that are numerous and take many forms. I use the term *articulation* to explain how meaning is established (Laclau, 2005). Thus, international migration is made sense of in its relation with, and context of, discourses expressing securitization and entrepreneurialization within the neoliberal consensus. It is *not* articulated in the context of community, hospitality, or freedom and equality. In my analysis, I focus in particular on Migration Management's normative violence, the norms that govern the field, to then offer some thoughts about active democracy as practice to counter such violence.

Notes

1 Friedrich Loeper, the coordinator, gave verbal acknowledgement of this on two occasions, the last during the Global Forum for Migration and Development on 1 December 2011.
2 Goodwin-Gill, a barrister and Professor of Public International Law at the University of Oxford, served as legal advisor in the UNHCR from 1976 to 1988 – thus he was (although marginally) involved in the evolution of the IGC.
3 Conversation Loeper, 30 March 2011.

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Notes

1   Oelgemöller, C (2011) 'Transit' and 'suspension': Migration Management or the metamorphosis of asylum-seekers into 'illegal' immigrants *Journal of Ethnic and Migration Studies* 37(3): 407–424.
2   Oelgemöller, C (2011) Informal plurilateralism: The impossibility of multilateralism in the steering of migration *The British Journal of Politics and International Relations* 13(1): 110–126.

Abbreviations and 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
DFID	Department for International Development, UK
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 Labour 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 Organization
NGO	Non-Governmental Organization
OECD	Organization for Economic Development and Co-operation
PBI	Peace Brigades International
RCP	Regional Consultative Process
TIES	The Integration of the European Second Generation, EU
UK	United Kingdom
UKBA	United Kingdom Border Agency
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNODOC	United Nations Office on Drugs and Crime
USA	United States of America
USSR	Union of Soviet Socialist Republics

Introduction

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)

Since the 1970s, concern about international migration has moved from the realm of low politics into the realm of high politics: the reaction in the Global North to international migration was to both hyper-politicize it and depoliticize it simultaneously. On the one hand, politicians, the media and increasingly nationalist right-wing groups enabled a disproportionately vicious and paranoid discourse about the mobility of so-called illegal migrants. On the other hand, governments withdrew in their effort to keep their policy-making as invisible as possible. However, neither reaction to international migration questioned the presumption of sovereignty and the legitimacy of states to restrict international migration (Opeskin, 2012; for exceptions see Dowty, 1987; Gibney, 1988), and with that, the mantra that migration was a global challenge for which a solution was to be found. This has given rise to a pervasive discourse around the management of migration.

This book queries the geopolitics of migration that the Global North imposes under the name of Migration Management. In this book, questions are asked about the conditions of possibility for the formation of the doctrine of Migration Management as well as its logic, and argues that Migration Management is an instance of normative violence – meaning a violence of particular norms that prescribe who can be of ac/count and who cannot – imposed by governments of the Global North. Crucially this sorting is done in spaces outside of what is widely understood as internal sovereignty. Migration Management is based on spatio-legal assumptions of state sovereignty and interdependence, a knowledge that exists through differentiation based on assumptions about people and cultures and the legitimacy of access.

Put differently, Migration Management is a particular form of representation, of knowledge production, that is constitutive of a particular kind of order spatially organized and underpinned by power relationships. These power relations are claimed to be democratic, since those states of the Global North that participate in the doctrine formation and maintenance of Migration Management are all

ordered based on roughly similar forms of popular representation and adminis-tration. However, Migration Management is based on statecraft,[1] which formulates truth claims that are formative of discourse as a linguistic structure of meaning that establishes and legitimizes hierarchies and domination. In our contemporary moment and '… being constituted out of … the forces of history, the sovereign state can only transpose … to a new sphere of political reality: the international system' (Bartelson, 1995: 243). Today, our contemporary moment is known as interdependence; as a consequence, '… modern sovereignty is profoundly paradoxical, since it contains both a prophecy of interstate anarchy and a promise of cosmopolitan redemptions in which the international itself vanishes …' (Bartelson, 1995: 244).

   Visible markers of this phenomenon are the dead bodies of people from the Middle East, Africa or Asia found in the Mediterranean Sea. On 6 April 2011, the then EU Commissioner Cecilia Malmström, responsible for Home Affairs, 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. …
>
> 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. …
>
> 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 author-ities, 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/,
>   accessed June 2011)

Only four years after this event the year 2015 saw a staggering rise in those dying at sea and, more important from the perspective of the countries of the European Union, those arriving – on foot – on European territory. In 2015 the majority of people came from Syria, as Egypt and other countries in the region – which had so generously hosted many mobile and displaced people, including Syrians – are so battered by violent conflict that people chose to leave in order to find safety and a chance to rebuild their lives.

   In this introduction I will first briefly outline what I see to be the problem underlying the argument stated above, namely that international migrants die

seemingly as a result of the doctrine the Global North develops and the external policies it implements motivated by maintaining the integrity of the system, rather than a concern for the integrity of the person. I will then outline the contested character of this knowledge and in a further step show how this knowledge is historical. In a next step I will offer a brief discussion concerning the significance of approaching international migration differently, which is followed by an outline of the framing of this book. Finally I will introduce the road map that the book follows in order to elaborate the argument.

International migration and the integrity of the system

The presumption of sovereignty has two interrelated consequences. First, it leads to claims about democracy – understood today as effective governance for a specified, territorially bounded community – that justifies hierarchy, authority and, ultimately, domination. Sovereignty claims to constitute a juridico-political body politic and a technique of government understood as administrative management that is legitimate (so the claim goes), because it is founded on democratic principles of equality and self-government. Second, and underlying the above, it leads to claims about territory and, with that, particular representations and practices of bordering. Hence, whilst international migration is commonly framed as a problem of reception and integration because of illegitimate breaches of sovereign territory, governments of the Global North find themselves participants in a context where global interdependence seems to demand governance beyond the nation-state. Squire (2009) shows eloquently in her work how these claims are problematic with a focus on internal sovereignty and in particular exclusion from civil participation. Adding to this important critique I want to focus on inconsistencies and effects referring to external sovereignty. The 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 that the border delimits. Freedom of movement contradicts control. If policy-making reaches out beyond the state, then it is only logical that democracy needs to do so also.

   Interdependence, the expression of the globalized neoliberal consensus, encompasses the combination of free market economics and the security state (Newman, 2007a). Consensus here does not refer to agreement of all about a policy. It means

> the government practice and conceptual legitimization of a democracy after the demos, a democracy that has eliminated the appearance, miscount, and dispute of people, and is thereby reducible to the sole interplay of state mechanisms and combinations of social energies and interests.
>
> (Rancière, 1999: 101–2)

Politics, in other words, is dismissed – there is no reasonable alternative to consensus-democracy. The condition of possibility for such polarization between

either being economically productive or a security threat, in the case of people's mobility across borders, is the neoliberal consensus, or, as Rancière (1999) puts it, consensus-democracy. It is an order of reason developed since the 1970s. It introduces a rationality that transforms the world according to an image of the economic that is 'tasked with securing, improving and leveraging [the neoliberal consensus's] competitive positioning and with enhancing [every person's] (monetary and non-monetary) portfolio value' (Brown, 2015: 10): the *homo economicus* of the twenty-first century. The impact for migrants is significant. If a migrant has an adequate portfolio that conforms to the standards set for access, this person will be included. If, however, the migrant does not, this person will be excluded – often violently.

One of the ordering devices of consensus-democracy is the rule of law; it instrumentalizes law as a formal, proliferated, complexified and expanded legalism in which the focus is on process rather than substance in the name of government as management. 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,[2] because control over the regulation of migration is lost and this control needs to be regained. This is particularly so, it is argued, where it concerns the seeking of asylum – i.e., when people move without a legible and competitive portfolio, when they arrive uninvited, when they make a claim for freedom and equality without having formal juridico-political status. This raises questions about the historical assumptions of discourses of control.

Implicit in the imagination of European governments is the assumption that migration has been 'under control' at some point in the past and that it is possible to control the movement of people across borders, providing that the systems of Migration Management applied are efficient. This assumption is both important and erroneous in its mirroring of unquestioned sovereignty claims. It is important, because it makes visible what drives and undermines policy-makers in their efforts to manage migration. It is erroneous, for the simple reason that international migration is – legally and sociologically – constitutively necessary for a state to be possible and to claim sovereignty. The migrant signifies what is proximate and, at the same time, remote; in this way the migrant validates membership (Thomas, 2013) and with it the state as the body to award membership with legal implications, justifying territorial boundaries of this juridico-institutional arrangement.

Migration Management is expressed as an all-encompassing approach. Yet observers have noted that this all-encompassing approach finds its most vivid performance as 'external migration relations' (Hampshire, 2015). The condition of possibility for such external migration relations is the Schengen Agreement of 1985. It established the principle of freedom of movement for individuals within the European Community. As a consequence it also defined new external boundaries. In so doing the member states of the European Union are regulating a different kind of territoriality to that traditionally understood in the idea of sovereign state.

Conceptualizing the individual and the state analogically is a crucial justification for sovereignty – the state is defined in this orthodox view by autonomy and entitled to self-preservation based on formulations of individual sovereignty. This was the starting point for governments in the early 1980s. States are defined as composed of a distinct (albeit already diverse) community within which the state confers rights anchored institutionally and territorially. Hence, the state has the right (even if marginally limited by international law) to decide who is denied access. Who could enter territory legitimately was defined alongside – but as a consequence, not a focus, of – doctrine formation. This logic was then scaled up in the context of the European Union.

However, the scaling-up had as a consequence a challenge to the orthodox state-based model, not only in terms of its boundaries and jurisdiction. The way that legitimate access categories were transformed also had an effect on our understanding of democratic procedures of decision making. In short, Migration Management is also an example of the hollowing-out of democracy. It is a discourse, which is multidimensional in terms of its knowledge productions, practices and social relations. Migration Management is a contemporary discourse composed of a multiplicity of narratives. For example, it makes contradictory positions – such as free and efficient movement for 'knowledge migrants', alongside development aid efforts in the Global South and the securing of borders against the poor – intelligible. It combines a myriad of practices, spanning the entire transnational space from creating knowledge about routes and means of travel, via border control measures, detention or integration to return movement. Equally, the forces involved in making knowledge about migration and acting on it portray unity and coherence. In the end, Migration Management essentializes. It reduces cross-border mobility to a question of access, in which the individual is either illegal or legal. This 'linguistic field' has sedimented as knowledge about international migration. Yet this coherence is contested: positionalities are very diverse including movements such as 'no one is illegal', and far-right activists attacking those who appear different. Migration Management is often contradictory in the sense that very different forces are brought into equivalence, the claim being that Migration Management achieves the total inclusion and management of everything to do with migration globally.

At stake for governments is not the protection of people, but the *integrity of the system*. The logic of the integrity of the system was first voiced by the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC). Much of the discussion in the following chapters is informed by archival documents produced by or in the context of the IGC, which I will elaborate on further below. Jonas Widgren is credited with having given birth to the IGC after a decade of discussing what was, in the mid 1980s, perceived to be an 'asylum crisis' in Western Europe.[3] The perception was that, in the multilateral context of the United Nations High Commissioner for Refugees (UNHCR) and the Council of Europe, debates about how to regulate in particular asylum mobility resulted in paralysis and were abandoned.[4] The IGC was invented in order to create a private space to think about ways to regain control over the unsolicited movement

of people across borders into countries of the Global North. The intention was that 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.

The IGC works, according to a review after twenty years of activity, based on an agreement of confidentiality that offers an opportunity for government officials to reflect in a setting where participants are not held to account for national positions, yet where they have the space at the same time to develop a common linguistic and conceptual field which supports the identification of 'best practices' without the adoption of these 'best practices' being binding (Johnston et al., 2005). What is worrying here is the utter secrecy and non-transparency in which the IGC works. Based on its working method, participants are not held to account for their personal reflections – and thus are not bound by any minimum standard to uphold values such as equality and liberty to which the participant's state in a multilateral forum would be answerable.

This is not to claim that the participants of the IGC single-handedly invented Migration Management. During the 1980s many of those states today identified with the Global North, many international and regional organizations, scholarly migration experts, as well as non-governmental organizations were debating international migration as a crisis in urgent need of a solution. However, the IGC was to become 'the laboratory' (Johnston, 2005) for European states in the face of unbidden people mobility. Much of the doctrine formation can be located in the IGC as a norm-forming forum, circulating ideas emanating from the secrecy of debates into the more formal fora of implementation without being hampered by tedious multilateral and/or democratic debate. The IGC's reliance on informality and confidentiality as a state-owned forum aimed to formulate emerging policy issues outside of the formalized and institutionalized framework of either the international community or its conventions, which were enforceable within a sovereignty-based context.

This does not mean that participants in the IGC's meetings (who were senior officials or technical-level staff, depending on the subject matter) actively aimed at undermining their liberal democracies. Quite to the contrary, participants felt that the political order had to be rescued from all the destabilizing effects of the time. Where democracy is anarchic in its characteristic of contingency and openness (Newman, 2005), the neoliberal consensus hollows democracy out, rather than overturning it (Brown, 2015). In this way, consensus-democracy converts the political character of democracy into statecraft – or management, defined by the combination of doctrine formation and technological enforcement under the control of the bureaucracy. Such conversion is based on an assumption of making evidence-based judgements free of 'ideologically' driven sentiments – characterized by this particular economic rationality: *it de-democratizes*. In consequence the secrecy and concomitant quiet insertion of policy into processes of formal enforcement also enables populist-polarizing views such as those voiced by conservative and extreme-right-leaning groupings.

Migration Management as normalized but contested discourse

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. First, 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'. Furthermore, the issue of international migration is increasingly more often on the agenda not only domestically, but transnationally.

Castles and Miller thus succinctly provide a sense of the normalized framing and context of Migration Management in the traditional literature. The International Organization for Migration (IOM), in its 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 shown in Figure 0.1.

As can be seen, the categorization of migration issues runs along seemingly coherent lines, and these are now repeated in almost all of the migration studies literature (Mitchell, 1989; Koser, 2007; Castles et al., 2009; Soysal, 1998; Portes, 2007).[5] Migration Management is defined by Barbara Marshall (2006), in *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',
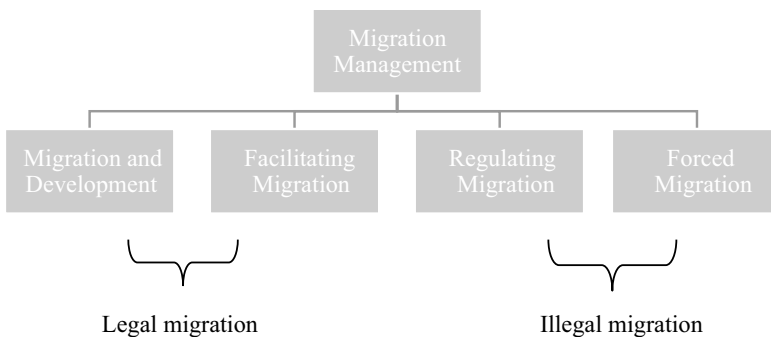

Figure 0.1 Schematic illustration of Migration Management

Source: author.

> 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). 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 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. The migration–development nexus in its current meaning offers a way to talk about economic migration when this form of migration had seemed to be discredited in the early 1970s. Juridico-political status, that is legal access, is distributed by Migration Management, which is understood as a discourse grounded in the two articulations of security and economy. These work as technologies of citizenship consistent within contemporary ideas of sovereignty allocating places and functions.

Discourse analysis asks questions of the logic of social signification and practice; it 'travers[es] both linguistic and non-linguistic (governmental) practices as well as artefacts' (Huysmans, 2006: 147) – such categories of intelligibility are at the same time possible and impossible. Discourse is thus partial in its ability to fix meaning: it is relational in so far as identities depend on differentiation. In this sense, categories of intelligibility are characterized by a 'surplus of meaning' that can never be fully exhausted by any one specific articulation. Discourse seeks to impose order and closure on a field of meaning, yet the contingency of meaning precludes this possibility from being actualized and, as a result, discourse excludes. Discourse analysis, in short, provides an insight about the formation of knowledge and meaning; yet it does more than that, it also provides the tools for an analysis of how these knowledges sediment into social order – into something understood as 'common sense' – and, as a result, into articulations regarded as depoliticized.

In the context of the task at hand, Migration Management as discourse, as paradigmatic formation, is composed of two normalized, yet contested, articulations. These two articulations are security and economy – they are parts of the 'regime of truth' (Foucault, 1991) that function as the condition of possibility for formulating illegal and legal migration status respectively. These articulations are suffused with power that establishes truth, framing and limiting our ability to make meaning in terms of international migration as dangerous and hence in need of being securitized as well as productive and hence being entrepreneurialized. These articulations are themselves limited by the sedimentation of the logic of sovereignty disciplining and regulating what is thinkable (Foucault, 1991).

'Security rhetoric defines existential challenges, which endanger the survival of the political order' (Huysmans, 2006: 25). Walker explains that even though

the state is no unitary entity 'the security of the state dominates our understanding of what security can be, and whom it can be for … because other forms of political community have been rendered almost unthinkable' (Walker, 1990: 6).

Contemporary security governance operates through distributing entitlement to protection and also through legitimating belonging to a group. The development of security knowledge is, as Huysmans explains, 'a political and normative practice of representing policy questions in an existential modality' (Huysmans, 2006: xi).

Thus, security experts are responsible for policing the boundaries over who counts and who is deviant. In this way a domain of insecurity is constructed through the application of technology and technocratic processes. The domain of insecurity makes two kinds of threat intelligible: on the one hand the threat to social cohesion, including cohesiveness of cultural expression, hand in hand with concerns over protecting the system of social security from abuse. On the other hand, it makes the threat of physical harm and instability intelligible by conjuring up militant groups of refugees taking to arms and undermining state security. In the formulation of these internal and external threats at the hand of unwanted migrants, a boundary is drawn in terms of what is thinkable as illegitimate and hence illegal migration.

The availability of technology and the particular threat formulation bring into being a particular subjectivity: the securitized migrant. In turn, the securitized migrant brings into being a particular formulation of insecurity and with this the application of technocratic processes and technologies. A doctrine is formed that normalizes this articulation. Yet a discourse focused only on securitization needs to be balanced by a formulation of what it is not – it needs its negative to provide stable meaning.

'Contemporary neoliberal governance operates through isolating and entrepreneurialized responsible units and individuals,' explains Brown (2015: 129) People, in this articulation, are responsible for themselves – the logic with which neoliberal governance regulates is through tasking them 'with discerning and undertaking the correct strategies of self-investment and entrepreneurship for thriving and surviving; it is in this regard a manifestation of human capitalization' (Brown, 2015: 132–3). In this sense, order is established through subjects who are all operating to enhance their competitive positioning and an emphasis on their own capital value (Brown, 2015: 155). Entrepreneurialization is, then, the articulation which makes two kinds of subjects intelligible. On the one hand are those who are identified as problematic for the proper functioning of society, who need to be developed guided by the will to empower (Cruikshank, 1999; 7). On the other hand, it makes those intelligible who can be counted as privileged 'knowledge migrants' – the *homo oeconomicus* (Brown, 2015: 10) welcome to participate in the global flows of competitiveness irrespective of protected sovereignties.

Securitization and entrepreneurialization as articulations can be found in other domains than international migration – they have wider influence and form elements in what Rancière (2004) calls the age of post-politics. Migration Management stands out, as it is the domain where invisibilizing and normalizing

these regimes of truth is maybe most unsuccessful. The age of post-politics is an age in which the discourse of global neoliberal consensus is shared by all and in which the idea of equality (as emancipation) is regarded as outdated illusion (in practice, if not in rhetoric). However, this sterile space is not uncontested: it is disrupted by forces such as the anti-globalization movement or groups such as 'no one is illegal', but it is also disrupted by reactionary forces through the emergence of the Far Right and religious fundamentalism, as well as the aggressive reassertion of the authoritarian state under the dubious pretext of security (Newman, 2007b). Before focusing on how this sterile space is contested, it is important to ask how it gets normalized and sedimented.

Rancière thinks of this sterile space as social order, employing his idea of 'police order' or *la police* which is used in the broader Foucauldian sense. He offers the tools to understand the fusion of policing and policy-making in this age of post-politics. The role of *la police* is to ensure – for the sake of the matrix of sovereignty – a smoothly functioning population. It describes the modern art of government – its rationality (Foucault, 1991): everything is included and has a place allocated and distributed. In other words, someone does the allocation over someone else according to doctrine that has sedimented into enforceable norms. In this way *la police* not only excludes but also at the same time covers up and justifies exclusion.

La police, then, is involved in the social ordering and defining of what is 'proper'. A knowledge migrant who can join in to our competitive order and has the right portfolio is proper – occupies a legitimate and therefore legal place, the individual has a function. Even the individual identified as a problem but with the capacity for development is legitimate, maybe not to move internationally, but with a proper place and function to improve and empower his or her own community. By contrast there are those defined as deviant and dangerous to this proper order, those who are imagined to pose a threat to community or stability according to the sovereign order and its technologies of government. These are not proper, in the sense of having legitimacy of existence as a globally mobile person; yet they are registered as deviant and thus includable in the order of places and functions – if only to stabilize the meaning of those who are legitimate.

The goal of *la police* is not only to allocate places and function; it is also to ensure stability by eliminating politics – to prevent the active expression of equality by those who have no part in what is counted as belonging to the proper order (Rancière, 1999). Discourses aim at certainty, as explained above. In the effort to fix meaning, and to fix what are intelligible and actionable articulations, discourse excludes what is excessive and beyond positive fixed knowledge. In the case of the two articulations of securitization and entrepreneurialization, they overlap and converge at the point where those who are deemed unwilling to take themselves out of their own poverty and misery (Wacquant, 1999, in Huysmans, 2006: 41), but claim the right to international mobility nonetheless, are so radically excluded that they do not count at all. Rancière describes this excess as the 'part that has no part' (1995). The part that has no part is suspended, not only from the proper order, but also from being intelligible.

The dynamics between the norm and deviance are comprehensible through the police order, an order that ensures stability and only allows debate insofar as it stays within the logics of the two articulations. Thus, participating in this order can be claimed, for example through voting or civil society engagement, but it is impotent participation: it is delineated, participants are expected to conform, and exclusion becomes invisible through the stratification of participation (May, 2008; Cruikshank, 1999). Contestation, in the 'proper' order, ends up being a call for passive equality through traditional mechanisms of policing: it makes concessions to those who deviate, in the sense that it offers procedures whereby the consent of collectivities is achieved – the distribution of places and functions (May, 2008: 41). It is in this sense that I speak of Migration Management as contested normalization.

There is a vast and important literature that can be captured as critical migration studies. It is a literature that destabilizes the polarizing effects of accepting an orthodox understanding of sovereignty and seeks to disarticulate the relationship between state, territory and citizenship as major components of the sovereign matrix (Agnew, 1994; Elden, 2009). It is a literature that argues that international migration as a phenomenon undermines the relationship and makes visible how problematic assumptions of a sovereign order are. More concretely, this literature understands the state as a dynamic construct that needs continuous maintenance and refounding (Amoore, 2006; Coleman, 2007, 2009; Gamlen, 2008; Hyndman, 1997, 2012; Mountz, 2010). The critical literature is successful in offering this changed perspective in focusing on particular border technologies (Bigo, 2014; Walters, 2004); or focusing on case examples of particular countries and how their bureaucracy maintains the state amid tension and contradiction (Mountz, 2010; Guild, 2009; Kalyvas, 2002; Doty, 1996); or focusing on the deleterious effects restrictive policies and securitization have on international norms (Doty, 2003; Hyndman, 2000; Huysmans, 2000, Bigo, 2000) or those mobile people in the transnational space (Nadig, 2002; Andersson, 2014); or focusing on the effects on citizenship of both legal and illegal movement into the Global North (Nyers, 2006; De Genova, 2004; Squire, 2014). Yet an inside/outside conceptualization is nonetheless reflected in most of the critical research (Soguk, 1999; Walker, 1993). This is neither surprising nor necessarily detrimental to the important contribution this literature makes to critically appraising the governmental practices of the Global North. In order to problematize aspects of change, for analytical purposes some elements must be kept constant. I want to build on this research by showing how some of the conceptual elements that the critical literature keeps constant, or takes for granted, are far from normal; in particular the idea of the illegal migrant. Much literature is deeply insightful about how illegality today is reproduced over and over again and what the effects of this are (Squire, 2009) – I want to show how it was possible to construct the illegal and legal migrant in the first place to show that the power effects that follow from this construction mean that everything that follows from and draws on the normalized idea of framing mobility in terms of legal access is perverse and normatively violent.

Understanding a government's perspective (Kuus, 2014; Mountz, 2010) or, rather, seeing like a consortium of states, as in the case of convergence of doctrine among the governments of the Global North, is thus a perspective that needs to be added to the critical literature as it enables us to ask better and more self-critical questions about governing international migration. This also includes a need to look at some of the literature, which focuses on international migration framed with problem-solving intent. This literature might end up being complicit in participating in the making of sovereignty-framed knowledge on mobile people (Thielemann and Armstrong, 2013). It is in this respect that it is important to understand Migration Management as a discourse of contested normalization. External migration relations as constructed and enforced by the countries of the Global North today are heavily contested, by civil society organizations, by scholars, by civil servants and by journalists; yet most accept the sovereign framing of migration as a problem and are looking to establish better conditions for mobile people, rather than asking questions about the legitimacy of this sovereign framing.

Conditions of possibility: Three crises and a reactionary rupture

Migration Management is a distinctive treatment of human mobility in that it is largely an expression of European sovereign power that determines access, allocates or denies place, and determines who counts as subject and who does not. This is new insofar as, until the 1970s, the juridical status of an immigrant was epiphenomenal to the social order (Castles and Miller, 2009). 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.

Migration Management as a doctrine to guide knowledge and practices on international migration has normalized since the 1980s, as a result of reactionary ruptures. From the 1980s the categories of intelligibility changed. It is important to understand the context that led to the rupture of moving out of the multilateral context and to reformulate the doctrinal contours.

The 1960s had experienced what Samuel Huntington termed 'democratic distemper' (in Crozier, Huntington, and Watanuk, 1975: 37). Countries of the Atlantic alliance, at the time, perceived of a counterculture of radical opposition (by, for example, women and ethnic minorities): a lack of constraint, lack of respect for authority and the undermining of order. Crozier et al. (1975: 12) identifies two basic characteristics of the fundamental problem that Europe in particular faced:

- 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* (Crozier et al., 1975) the Atlantic alliance states (North America, Western Europe and also including Japan) were in danger of becoming ungovernable through democratic overload. Populations, voicing demands for greater equality, rights and participation and 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 for government to protect them more actively as individuals, for example vis-à-vis their husbands in cases of domestic violence (Cruikshank, 1999). Minorities demanded equal rights not only with regard to political and civil rights. This 'excess of democracy' (Campbell, 1998: 163) posed a danger for established authorities to be able to act at home and abroad. It was seen to pose a twofold danger: (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 (Kaplan, 1994) trying to enter the Global North, and particularly Europe, in an unsolicited way.

As the crisis of democracy unfolded, another crisis unfolded at the same time: the steering of the domestic economy through different forms of welfare governance that had been established throughout Europe since the Second World War was impacted by the 1970s economic crisis leading to the subsequent abandoning of the Bretton Woods system (Hunt, 1986: 154). This move was explained as being caused by 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. Thus, the crisis of democracy and the breakdown of the economic order meant social democracy became a problem in its expression of sovereign territoriality for the purpose of securing the citizenry.

> The institutions and principles aimed at securing democracy, the cultures required to nourish it, the energies needed to animate it, and the citizens practicing, caring for or desiring it – all of these are challenged by neoliberalism's 'economization' of political life and of other heretofore noneconomic spheres and activities.
>
> (Brown, 2015: 17)

Political life became a project of management and technocratic governance.

Meanwhile, the bipolar world order that followed the Second World War had let to proxy wars elsewhere, notably in South East Asia. Robinson (2004) recounts the deep impression the Indochinese refugee crisis had made globally and the changes it brought about for the practices of refugee protection. With a protocol from 1967, the Refugee Convention had been globally extended. By 1979 the asylum system in South East Asia had collapsed. Just under one million refugees from Vietnam, Laos and Cambodia were on the move, in boats, to leave strife and violence behind them. At the same time countries such as Thailand and Malaysia pushed back boats full of people seeking protection from persecution. Many also arrived in Hong Kong, a UK territory at the time. As a result of this situation, governments met in Geneva for a conference to find solutions to this asylum crisis at which many of the major donors to the UNHCR agreed to a Comprehensive Plan for Action.[6] In order to secure the right to asylum, the 'innovation' made by this plan of action was a compromise: countries in the region would offer temporary asylum supported by financial incentives for the region, while donor countries would offer third-country resettlement, based on regional processing, which for the first time also contained the option of repatriation – including in the form of forced return.

In addition to receiving resettled Indochinese refugees and asylum seekers from the Middle East and Communist Europe, and based on ever-extending human rights norms, governments of the Global North had to recognize the right to family reunification for those 'guestworkers' who had not returned. The population of Europe grew more diverse as a result, belying the narrative of cultural homogeneity: averaged for the 1980s and across European countries, Asian people accounted for just over 30 per cent of the population seeking protection, whilst the majority, slightly above 40 per cent of asylum seekers, were of European origin (mainly Romanians, Poles and Bulgarians); by contrast asylum seekers from Africa and elsewhere were counted as under 20 per cent according to Böcker and Havinga (1998).

Yet the literature points not only to debates about whether or not there were numerically more refugees and asylum seekers than there had been before (for example, boat people from South East Asia, refugees arriving through the Mediterranean, and refugees generated by the Iran–Iraq war pose the geopolitical background to discussions in the IGC).[7] Another, more important argument for Western European governments was that not only issues such as human rights abuses but also economic marginalization, poverty, environmental degradation, population pressure, and poor governance were seen as responsible for increased immigration into Europe (Hein, 1993, 1995; Suhrke, 1994; Weiner, 1995; Zolberg, 1989). In other words, whilst the refugee and migration literature at that point makes reference to an increasingly interdependent world (Escalona and Black, 1995), and mainly focuses on specific phenomena of reception and integration, it pays little attention to the transnational politics involved in knowledge production of the phenomenon of people mobility. Transnational politics emphasizes crisis and the lack of control and stability, which demand urgent action.

The combination of these ruptures in the 1970s and 1980s frame the conditions of possibility for reactionary rupture that brought the IGC into being. The concern with people mobility and the differentiation between people as either aliens or citizens remained a constant in knowledge production to maintain the police order. The articulations of security and economy, the securitization and entrepreneurialization of international migrants, disrupted an order which had emphasized humanitarianism, protection and the instrumentalization of people for growth and introduced discontinuity. These new articulations began to shift regulation of international migration into the transnational sphere. Thus, these crises accumulated to rupture a presumed stability and produced a particular kind of knowledge that was hoped to bring control, not least by emphasizing ideas of there being different kinds of aliens.

Poststructuralism, genealogy and tactical philosophy as anarchist ethics

The 1980s set a process in train with regard to international migration that would develop into a complete overhaul of the underlying meaning of those concepts that make international migration comprehensible. It therefore fundamentally changed the symbolic order ascribed to migration. I approach the argument of this book and hence the questioning of sovereignty in a genealogical fashion. We make knowledges by moulding and kneading – we interpret. The perspective that guides the unfolding of my interpretation here is informed by a poststructural understanding of tactical philosophy as anarchist ethics (May, 1994).

Poststructuralism, as I use it here, wants to achieve a thorough disruption of our stable sense of meaning, of the references we make to a fixed order as expressed by discourses: for example by those expressing how international migration is to be regulated. It aims to make power relations legible. It aims to disrupt our understanding of identity as representations that attempt to fix political subjectivities; for example, those expressions that allocate a particular function to the refugee as vulnerable, or the asylum seeker as deviant. It attempts to disrupt our sense of history as linear, progressive development and its role in the present; for example our superiority claims, in the Global North, as 'civilized' societies, which function best and most peacefully within a sovereign democratic order of an otherwise potentially barbaric international space. By asking questions about how power circulates and imposes specific knowledges, it guards against the often invisible violence of established values, such as those expressed in commonsense norms, practices and legal frameworks. Poststructuralism thus affirms the productive power effects of limits, such as when we have to recognize that international migration cannot be managed *tout court*, that exclusion is futile, and that such ruptures transform and may act to counter dominance and violence. The approach I am taking here helps me to show that the production of meaning is only possible against a negative Other; as a differentiating practice, which excludes. The illegal migrant, as will be discussed, concretizes this notion of *différance* (Deleuze, 1994). A political subjectivity that is temporarily made to

disappear, one that is suspended. Political subjectivity describes more specifically the process of interaction between discursive environment, undecidability and the need to arrive at a decision (Reckwitz, 2006: 346–7). Within the sovereign neoliberal democratic order, the migrant as deviation, as alien, is an expression of political subjectivity imposed in order to stabilize the positive construction of ourselves as civilized, orderly and bounded citizens.

My analysis is an intervention into the interstices of articulation that form discourse. Migration Management, for example, articulates essentialized forms of knowledge about international migration. There is the legal migrant, who is entrepreneurial: the knowledge migrant who is allocated the capacity of making a contribution to the neoliberal consensus. His or her negative Other is the illegal migrant, who is allocated no capacity at all, other than either being criminal or vulnerable. What this neat articulation of a seemingly all-encompassing typology misses is the effect of domination, which leads to a further political subjectivity: that of the suspended person. These essentialized forms of knowledge are not representations of positive knowledge; what I am offering is an analysis of those knowledges – power effects – with the purpose of offering a critique of domination.

I am as interested in the creativity of power as in its repressive character. As such, a focus on practices based on doctrine formed in the 1980s and 1990s constitutes goal-directed social regulation that should not be assumed to be transparent in its effects on doctrine formation (May, 1994). In other words, I do not here assume conscious, positive knowledge on the part of international and national civil servants, experts and other elites. I am assuming that the knowledge drawn on in order to form doctrine is informed by prejudice, partial knowledge and discursive inflection. It is thinkable, sayable knowledge constructed within a framework of hegemonic 'reality' construction. Poststructuralism assumes that these power effects circulate in such a way that discourses are anonymous; there is no possibility to tell an identity-related story that can allocate responsibility.

Further discourse, Howarth summarizes, 'refers to systems of meaningful practices that form the identities … of social relations … which involves [exclusions] and always involve[s] the exercise of power' (Howarth and Stavrakakis, 2000: 3–4). Discourses are contingent and historical. While a discourse is conditioned by the past – the situation in which it arises – and by history – the way in which we narrate the past – it is not determined by past and history. Discourses exceed past and history, leading to the emergence of something transformed. Rancière (2010) tells us that politics is never more or other than a political moment, a political event: as such, what is offered here is a political history of the emergence, character and consequences of Migration Management. Politics occurs in history. Knowledge is a matter of struggle and domination.

Traditional history writing represents the passage of time as a logical flow of causally connected events, each of which has significance and forms part of an overall pattern (McNay, 1994). It is a universal explanation indicating unity; this is an erroneous portrayal as macro-consciousness, which suppresses alterity to guarantee the coherence of identity. Instead, genealogy is an analysis of the processes that give rise to the emergence of events as discontinuous and divergent – it is knowledge of the past

conceptualized as narrative, and a perspective that lays bare how this knowledge is used tactically today (McNay, 1994). It is oriented towards the service of life and activity. 'History becomes effective to the degree that it introduces discontinuity into our very being' (Foucault, translated and quoted by Mahon, 1992: 113). Overall, the themes through which we understand our world are products of practices that have as much to do with power as with knowledge; thus genealogy is the study of the (small) practices/events that give rise to the taken-for-granted 'realities' of our society. It is an anonymous play of forces in which the stakes are shifting, rather than being unified and constant. The perspective of the genealogist is to present the state of affairs through attention to three interrelated views. First, that which we accept as fact is not the result of meaningful development; rather it is built on the interpretation and reinterpretation of prejudices and value judgements taken as self-evident and/or rationally arrived at. Second, how we perceive our contemporary moment is composed of power effects as power plays out in discourse, in the relationship between truth, theory, values and the social institutions and practices from which they emerge – domination over others leads to differentiation in terms of how identities are represented. Finally, the current state of affairs is based on processes of exclusion, which function via strategies of prohibition, division and rejection via the imposition of truth-claims to maintain the integrity of identity, or, in the words of the IGC, the integrity of the system.

The problem then is one of normative violence: the 'particular norms [that] define who is recognizable as a subject capable of living a life that counts' (Lloyd, 2007: 134). The matrix, or normative frame, established by allocation of juridico-political status, establishes the parameters of intelligibility: the citizen, the legitimate migrant, the deviant migrant and the invalid and irredeemable possible-but-not-yet-certain migrant. What is important here is that we are all 'invariably in community' (Butler, 2006: 27). However, this being in community requires recognition or nameability, since people's subjecthood is not only socially articulated and placed within a particular order, it is also transformable – in this sense it is a space of vulnerability. As a result, Butler notes, sometimes people are deprived of the possibility of having a status; this Butler describes as the 'violence of de-realization' (Butler, 2006: 34). Normative violence, then, means that certain people, or groups of people, fail to count as human according to the dominant regime of intelligibility, and such intelligibility comes in two forms; as object of prohibition or as erasure. The suspended are erased.

I am, thus, offering a history of the present in terms of its past and its violence. It is a history of logical spaces and their succession in time – rather than a causal explanation. Accordingly, I will start from analysing the present and explain the formation of this present in terms of its past through the eyes of the IGC. In this sense, also, genealogy is episodic – it does not aim to describe the past in its entirety; instead the focus is on the episodes, moments and ruptures in the past that are crucial to the understanding of what was singled out and emphasized as problematic in the present. When I use the term *rupture*, I mean to express a break with the existing order in an ontological sense – rupture helps the emergence of a new kind of world through the dynamic interplay of the everydayness of events that are numerous and take many forms. Thus, international migration is made

sense of in its relation with, and context of, discourses expressing securitization and entrepreneurialization within the neoliberal consensus. It is *not* articulated in the context of community, hospitality, or freedom and equality. In my analysis, I will in particular focus on Migration Management's normative violence, the norms which govern the field, and then I will offer some thoughts about active democracy as a practice to counter such violence.

It is for this reason that I argue that sovereignty as an organizing principle is dubious not only practically and empirically, but also theoretically. We cannot logically conceive of a centre within which power resides. The interplay of many sites from which power arises creates the social world as a dynamic, pluralistic web of relationships. In this sense it is not only powerful governmental elites who 'cause' the emergence and enforcement of international migration regulations; statecraft as it pertains to international migration is more dynamic and encompasses, for example, people who move, international experts on mobility, and mobility controllers as much as mobility facilitators. At the same time as the elements of this plurality try to stabilize to a degree, this interplay has the capacity to rupture the social world as it attempts to totalize into the neoliberal consensus, concretely expressed as Migration Management.

Hence, poststructuralist thought is sceptical about hierarchical conceptions of the world. The exercise of power 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). Yet there are concentrations of power, and I will evaluate one of these instances – the IGC – based on more general considerations of context and ethics as the horizon for evaluation.

The appeal of poststructuralism is its concern for representation and 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: the migrant and in particular the illegal migrant. Migration Management seeks to eliminate difference by imposing the categories of 'legal' and 'illegal' migrants covering all possible movement. This is an illusion. The capturing of an essence of a matter that cannot be surpassed is not only not possible but also dangerous as it leads to normative violence against those represented as marginalized to the point of suspension. 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 ethics in terms of the likeness or analogies of others to oneself refuses the insight that what is 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 that proclaims itself to be superior and indubitable and assumes power to reside in an essentialized centre – either implicitly or explicitly – needs close scrutiny. Such scrutiny is offered by post-structural anarchism: to enable thinking a horizon (not a singular universalism) of active democracy based on the presupposition of equality.

Why this approach – what do other approaches miss? Liberal approaches to sovereignty and statehood, whether they are liberal-utilitarian, communitarian or cosmopolitan, ask questions about how and to what degree international mobility is allowable and how it should be regulated. As a result this is not a system of absolute sovereignty, but one that legalizes and distributes inclusion and exclusion. Liberal approaches are hierarchical, defining superiority and inferiority and locating exclusion to be the right of the state – coercion is a consequence of the state (Thomas, 2013). Within liberalism, democracy masks a permanent state of insecurity and competition in order to legitimize the state's existence; democracy is representative of a fiction disguising the ordering principles of domination and violence.

By contrast, critical approaches ranging from Marx to Schmitt to Foucault expose the power circulations and the domination infused in liberalism – they ask about the dynamic establishing the justification of the existence of boundaries and therefore, exclusions (Thomas, 2013). This framing exposes – and this is important – the destructive power/knowledge constructions; however, some of these approaches are so distinctly illiberal in consequence that they lack any claim to an open alternative; others do not go beyond the analysis of the conditions of possibility and practices of exclusion. Tactical philosophy as anarchist ethics might help to contemplate such going beyond.

Poststructural anarchism is a radical critique of domination; it goes beyond most critical approaches in that it formulates the contrast between exploitation as exclusion and domination (May, 2008). Most critical approaches focus on exploitation as exclusion; however this means that the focus is more often than not on the way in which access and participation are distributed illegitimately for the benefit of some and to the detriment of others, but always within the social order. In order to be excluded, political subjectivity needs to be representable – a person's identity must be intelligible. In these critical approaches the extent of distribution is queried, but this approach assumes that someone does the distribution and someone else accepts the distributing. It leaves the basic logic of the 'alien' intact, it does not do away with bounded liberal democratic right, and ultimately it does not question the logic of the citizen – in whichever form. In Rancière's terminology, critical approaches focus on the part which has access to something, even if that something is very little and very precarious (Rancière, 2010).

By contrast, injustice is a matter of domination as the hierarchical, authoritarian way of unequally ordering society the impersonal, abstracting and technocratic state denies a person's capacity to participate – actively – in creating a meaningful life in community with others. The sovereign state – however constrained by law – thus both creates and makes invisible the part that has no

part, those who are suspended. The poststructural anarchic presupposition of equality proposes instead that each of us is capable of creating – along with others – a meaningful life free of imposition and authoritarian rule (May, 2008; Newman, 2003; Springer, 2011). Equality is a demonstration that we assume, that can only be verified in practice – it is a 'logic that calls any system of domination into question' (Chambers, 2013: 29). It neither needs grounding, nor is it in need of justification. 'The essence of equality is not so much to unify as to declassify, to undo the supposed naturalness of orders and replace it with the controversial figures of division' (Rancière, 1995: 32). Underpinning equality is the logic that each person is capable of communicating with another, understanding and reasoning; 'each possesses the quality of being able to consider and act upon our world in such a way as to create a life that has significance' (May, 2008: 57). Crucially, such equality must be taken and cannot be given – it cannot be distributed (Rancière, 1995).

De-democratizing moves, normative violence and the geopolitics of migration

The problem I am posing here is that ideas that were reflected on – the IGC's common conceptual field as it was developed – were not 'oxygenated', they were not aired and discussed openly, but in secret. This is problematic for states that are so vocal about being 'democratic'. The reply to this charge would surely be that participants would bring their ideas back to their national administrations and ministries, and thus ideas were introduced into the national and European democratic and formal processes, and that – anyway – policy making was better kept quiet given the volatile and negative public opinion about migration. Yet, given that most focus, most energy and most resources are directed at external migration relations, the rigidity of this legal order of places and functions, of illegality and legality of access, is exposed. This order, with its particular norm imposition, is dominance amounting to violence in the sense that Butler (1999) conceptualizes it. It is an order bounded by what is discursively intelligible and what is not; it is an order imposing hierarchies of meaning delimiting what is thinkable and what is not; it is thus an order prescribing who is of ac/count and who has no part (Rancière, 2001).

   This norm establishment is violent precisely because it conceives of itself as giving a status to everyone: recall Rancière's observation above that these days everyone is included – except those who are not allocated a place and a function. Normative violence is violence that is involved in the production of meaning and intelligibility, which works for some meanings to prevail and others to be foreclosed absolutely (Butler, 1991). Norms are about who is superior, who is inferior, and who or what is an object of erasure, that is, not intelligible at all. A suspended person's existence is illegitimate, these people have no meaningful political subjectivity, and hence they disappear from the radars of intelligibility – they are rendered socially dead. In committing such suspension an attempt is made to safeguard the imaginary integrity of the system by using extraterritorial

mechanisms of radical exclusion. Yet this exposes the imposition of control as an expression of state power; as such, sovereignty continues to justify 'all that is corrupt, authoritarian and brutal about political regimes' (Thomas, 2013: 29) like Migration Management.

Simply put, the problem is that the Global North, through its discourse of Migration Management, creates a new world map in redrawing boundaries: the Global North makes policy on the Global South sandwiched in between its edges, as Figures 0.2 and 0.3 illustrate. Migration Management is essentialized into questions of access; it acts on the spaces at the points where the Global North ends, and the Global South is conceptualized as ephemeral, poor and struggling to participate in the neoliberal consensus.

Of course, such illustration is crude – the Global South participates in the practices and relationships of the neoliberal consensus. Yet it is no coincidence that Figure 0.3 so neatly highlights the overlapping boundaries of countries participating in the doctrine formation of Migration Management that I want to highlight in this book. Those boundaries are geographical insofar as they create spaces in which doctrine formation enables normative violence to too many who are deemed to have lost their validity to exist.

Yet those boundaries are also figments of the imagination, as the refugee crisis in 2015 clearly showed: people come anyway. Hence the argument that guides this book is that attempting to manage migration is futile. Rather, Migration Management is more productively understood as a doctrinal formation, which is de-democratizing and violent, not only in consequence, but at the point of its formation. Migration Management rests on knowledge production embedded in
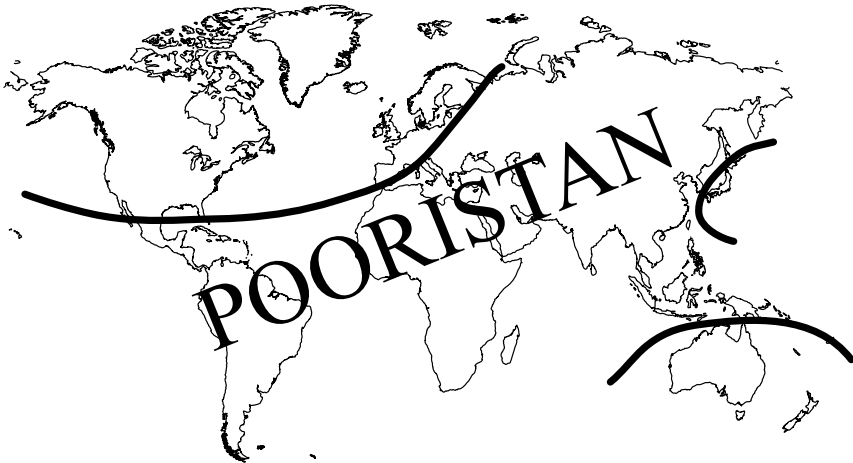
Figure 0.2 Boundaries of containment

Source: Easterly, 2009, *How to write about poor people*,
   www.nyudri.org/aidwatcharchive/2009/12/how-to-write-about-poor-people/).

Figure 0.3 Countries participating in the IGC

Source: author, based on an IGC leaflet, 2005.

consensus-democracy. Ruptures destabilize the imagined coherence of this transnational policy project, such that moments of equality and active democracy are enacted, and as such rupture makes Migration Management's domination visible.

In itself this claim is not new. There is a growing critical literature of migration, refugee and border studies that makes similar claims as discussed above. Yet not many scholars or practitioners query sovereignty claims and point to the act of violence at the heart of Migration Management that causes not only physical death at the point of policy enforcement, but also – and maybe worse – social death through the very normative and essentializing character of Migration Management. Further, most changes in policy-making on international migration are grounded in policy implementation, which became visible during the 1990s. In grounding research in formal policy-making, much of the ideas circulated by the IGC before the 1990s, have normalized and sedimented.

Roadmap of the argument

I want to show how Migration Management came to be possible and what its logic is, in order then to offer an ethico-political evaluation; in this way the book is genealogical in character and offers an ethico-political critique framed within post-anarchist thought as outlined above. In what follows I want to shed light on doctrine formation – the moment when ideas form and are circulated – in order to ask what their conditions of possibility are. The IGC's ideas about how to respond to the 'significant increase in the numbers of asylum seekers and refugees arriving in Europe' (Johnston, 2005) circulated in an effort to construct

a common discursive field. IGC participants laid the foundation for what would become the driving logic of Migration Management: in short, the effort to establish policy tools that would regulate people mobility. As this field has become increasingly one of external policy focus, it converges to questions of *juridico-political status around access*.

I aim to emphasize that changes in the conception of cross-border mobility have to be understood in the context of the broader dynamics of the formulation of neoliberalism in the sense that Brown (2015) understands it: a fundamentally different framing of our lived reality as individuals as portfolio-carrying human capital. 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 deemed to be capable of participating in the neoliberal consensus have an allocated place, role and function within the neoliberal consensus – and this extends beyond the territorial and increasingly digital boundaries of a particular state; the myth is that no one has been left 'outside'. Yet there are those without juridico-political status. These are the dead bodies found in the sea, but they are also the people who live rough outside the fences the European Union has established around its external borders. However, these few people are so radically excluded that they are not intelligible as persons. Thus states can claim that Migration Management covers all there is to manage about international migration.

Too much of the migration literature focuses narrowly on direct empirical questions such as routes, causes and solutions without taking the bigger conceptual picture into account; or – as in the case of much critical literature – it focuses on the securitizing effects of this new policy, without asking how this logic of illegal and legal migrants came to be possible. Thus, Migration Management is by no means uncontested, but it still functions as the guiding baseline. Research either accepts this – it aims to improve the more deleterious effects – or it criticizes the paradigm and with it policy-making for those deleterious effects. The contribution I aim to make is not only to present material that is not available publicly, to offer an alternative understanding of Migration Management and to elaborate what I understand by suspension as a form of political subjectivity; I aim to lay open the conditions of possibility for the construction of the illegal and the legal migrant in the first place and to show that the power effects that follow from this construction mean that everything that follows from and draws on the normalized idea of framing mobility in terms of legal access is perverse and normatively violent. In order to do so, the book is organized in three parts.

Part I: Migration Management as contested yet normalized discourse

The first part of the book outlines the logic and composite elements of Migration Management as a discursive formation/paradigmatic guide framing what is intelligible knowledge about migration. It answers the question of what Migration Management is. Chapter 1 shows how the two articulations of Migration

Management were operationalized into a typology that acts as guide for policy-making and enforcement and allows to claim complete management of migration. Technocracy is the approach that establishes and maintains the 'reasonable order' of sorting everybody into places and functions, claiming to leave no one out. Technocracy turns migrants into sombre things that are managed through sanitized problem solving; this is justified by the logic that anyone who would have to take a decision would be required to come to the same understanding if presented with accurate information – technocracy renders Migration Management inevitable. Chapter 2 discusses how the migration nexi – the asylum–migration nexus and the migration–development nexus – legitimated the articulation of both the securitized migrant and the entrepreneurialized migrant providing stability to the paradigmatic formation of Migration Management. The purpose of this first part of the book is not to be faithful to all the detailed nuances – these can be found in excellent individual studies on the various components that make up Migration Management. Rather, this part seeks to show the contested normalization of Migration before the rupture brought about by the Middle Eastern refugee crisis of early 2015. I seek to understand Migration Management in its broad contours, as expressed both by the mainstream and by its critical voices. The schematic overview is capable of offering a 'big picture' perspective, which is capable of highlighting Migration Management's claim to completeness and coherence and thus prepares the ground to theorize Migration Management as an ordering device bringing about both social and physical death, giving the lie to any claim on the part of the Global North to being superior either as a society or as implementing an ethically legitimate form of governance.

Part II: The emergence of Migration Management as recorded by the IGC

This focuses on the question of what came to pass to make Migration Management. What forces arbitrarily combined to make the IGC, and with that the reformulation of regulating the mobility of people globally, possible? Chapter 3 highlights the role of three ruptures that took place between the late 1960s and the early 1980s and how the Global North reacted to these ruptures. These crises had a profound effect on how knowledge about the political organization of things is made and what the consequences are for the state, sovereignty and international governance more generally. Chapter 4, accordingly, focuses on how the regulation, or more accurately, the management, of people movement across borders was among the first 'issue' areas to feel the full force of these changes. Rather than the issues raised about international migration being discussed in open multilateral fora, the IGC was established to debate in secrecy and to think up 'solutions' for the problem of mobility into the Global North. Consensus-democracy, the unapologetic abandonment of any pretence to popular participation in the setting of standards, goes hand in hand with Informal Plurilateralism – a form of international management that has deeply de-democratizing effects. The geopolitical dynamics of the middle of the twentieth century and the secretive approach taken by the IGC have vastly unacceptable consequences not only for

the 3 per cent of the world's population who are on the move, but also for all those who live democratically and largely peacefully, that is, non-violently. Doctrine formation in the context of global mobility took place in the IGC, which is of particular interest as it still is a secretive forum, which moulds ideas and articulates truth claims and definitions, and which are then circulated into the wider group of migrant experts to slowly transform into normalized and sedimented knowledge. What is so problematic is that there is no 'oxygenation' of such articulations, no debate that allows dissensus, since all participants are chosen for their quality of being 'like-minded'.

Part III: Ethico-political evaluation of Migration Management

The premise of this last part is that the principle of democracy cannot be contained within the limits of state sovereignty. If – based on the presupposition of equality – everyone has a right to be seen and to be heard, to participate, then this cannot – logically – be contained by territorial boundaries. This is something, I contend, that members of the IGC would agree with. However, I come to a very different view of what this premise means. In Chapter 5, I offer a more in-depth look at the effects of the technocracy that is consensus-democracy. It is in the context of consensus-democracy that international migration is reconceptualized as a question of legal access. Such strategic use of the law produces a situation where migrants exist without validity. In this system the suspended are not intelligible. Illegal migrants caught in the geopolitical crevasses of internal sovereignty going international are erased – in this way the Global North commits a normative violence so abhorrent precisely because it was not intended. Thus I am showing the 'banality' and the 'evil' that is at the basis of Migration Management. Chapter 6 builds on this ethico-political critique by showing that Migration Management cannot be kept sanitized to such a point that it is immune from dissensus and rupture. On the background of this discussion it is then possible to think about and illustrate how the suspended migrants force recognition of their existence and testify to the potential inherent in suspension which is generative.

Notes

1   In this discourse the state is 'capable of assimilating political and social differences into one form, held together by an array of analogical relationships which mediates between the universal and the particular, and between subject and object' (Bartelson, 1995: 241). The state is assumed to be a container of power, equally abstracted from the ruler and the ruled.
2   This is not the once-imagined idea of the homogenous nation-state, rather it is a notion that 'embraces' diversity but seems to have very clear ideas about who can participate in democratic diversity and who poses a threat to such values – the target at this juncture in history seems to be (radicalized) Muslims.
3   Jonas Widgren was seconded by the Swedish Government to the United Nations High Commissioner for Refugees (UNHCR) during a time, during the late 1970s and early 1980s, when European governments were concerned about the arrival of South East

Asian boat people and called for urgent action for dealing with the asylum crisis. As a result of this secondment he formed the IGC, and later the International Centre for Migration Policy Development (ICMPD).

4   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*.

5   In recent years, scholarship has developed that 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 my 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.

6   www.refworld.org/docid/3dda17d84.html [accessed January 2016].

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

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Part I

Migration Management as contested yet normalized discourse

> 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)

Discourses strive to offer certainty; they order fields of knowledge and practice that are complex, contradictory even, in order to achieve intelligible stability. Migration Management is such a discourse. In order to tell a story about the history of the present, this first part of the book outlines the logic and composite elements of Migration Management as a discursive formation in the present in its broad structural outlines as it was conceived by the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC). It answers the question of what Migration Management is. It does so by drawing on articulations of governments, mainly of the Global North, constructing a typology that has the function to guide policy making and enforcement.

Concretely, Chapter 1 discusses the typology behind the discourse of Migration Management and shows how this typology allows authorities to claim the management of migration. Migration Management shows the 'distribution of the sensible' in which 'la police' can operate to allocate places and functions based on a technocratic logic. Technocracy is the approach that establishes and maintains the 'reasonable order' claiming to leave no one out. Technocracy turns migrants into sombre things that are managed through sanitized problem solving; this is justified by the logic that anyone who would have to take a decision would be required to come to the same understanding if presented with 'accurate information' – technocracy renders Migration Management inevitable.

Yet this is not uncontested, as Duffield – quoted above – reminds us. Stability is discursively achieved by establishing essentialized oppositions. This is a contested process, accommodating critique, co-opting opposition and contradiction, and building a truth that eventually sediments based on the exclusion of what is not thinkable. Chapter 2 portrays the two articulations of Migration Management that stabilize the discourse: the asylum–migration nexus and the migration–development nexus. These nexi legitimate the articulation of both the securitized migrant and the entrepreneurialized migrant at the expense of those

people who are radically excluded from those two possibilities for political subjectivity.

The purpose of this first part of the book is not to be faithful to all the detailed nuances; these can be found in excellent individual studies on the various components that make up Migration Management. This first part, also, will not be exhaustive in rendering all the many important critical voices – academic and activist – that have engaged with the phenomenon and myriad inequalities and violences that internationally mobile people had to face since the 1970s and 1980s. Rather, this part seeks to show the contested normalization of Migration Management as it was discussed before the rupture brought about by the Middle Eastern refugee crisis in early 2015. I seek to understand Migration Management in its broad contours, both as expressed by the mainstream and by its critical voices.

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1 Migration Management as guiding typology of policy practice

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. I understand Migration Management to be such a construction, a discourse expressing a particular perception of reality. 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. This is new insofar 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 the country and not considered noteworthy. Migrants were functional in the first place, not legal, and they were integrated into the order once they had arrived. This particular perception of reality that I am focusing on here is that of government or quasi-government officials in international organizations of the Global North. These authorities build on the knowledge constructions as expressed in the documents of the Intergovernmental Consultations on Migration, Asylum and Refugees (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 often the study of transnational relations:

> Most scholars now recognize that many contemporary migrants and their predecessors maintain various kinds of ties to their homelands at the same time that they are incorporated into the countries that receive them. Increasingly, social life takes place across borders, even as the political and cultural salience of nation-state boundaries remains strong.
>
> (Levitt and Jaworski, 2007: 129)

Yet much research located in Migration Studies has in common a degree of intimate proximity to migration policy making (cf. Boswell, 2009; Favell, 2003;

Fuchs, 1992; Portes and DeWind, 2004). Both civil servants and academics thus shape our understanding of Migration Management and co-author its knowledge; sometimes they are close in their assumptions about the state, sovereignty and borders and at other times they differ more markedly. What is in common, though, is an acceptance of a particular 'distribution of the sensible' (Rancière, 2004). Set against this approach to making sense of international migration by describing and analysing the dynamic relationships, flows and routes migrants practise and by innovating new approaches to study migration to improve its governance (Levitt and Jaworski, 2007) is a growing literature critical in character. This literature is not so much interested in 'problem solving' but in engaging this co-production of knowledge in critique by focusing on problematic state–person relationships, asking questions about sovereignty and border-drawing and by asking questions about how the state and prominent conceptual categories exert domination. Migration Management is articulated in this field of contestation.

Migration Management, more practically, is an ordering tool that categorizes international migrants who aim to gain access to the Global North as welcome, as manageable risks or as threat. The benchmarking standard against which the international migrant is placed in juridico-political access categories is measured based on an assumed capacity for productivity. Migration Management 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. This regime of visibility is posed against the ultimate norm of citizenship at the same time as it produces suspension, the radical exclusion of some who are not intelligible as incorporable – not even as threat. In other words, Migration Management sets out a typology on the basis of which policy initiatives sort people into norm and deviance. However, by formulating access categories, the discourse creates a surplus or excess, the un-incorporable. Those not incorporable constitute a group of people that are not captured by the particular imaginary of place to which access is granted or denied and regimes of visibility through politico-juridical status. Migration Management creates suspension from politico-juridical status.

Logical inheritance and its radical exclusions

In *Violent Geographies* (2007) Hyndman and Mountz begin their chapter by observing that '[w]here the threat of persecution or violence exists, the exclusion of people from spaces that are safe is a dangerous political act' (2007: 77). The threat to physical well-being need not only rest in war and conflict; impoverishment and structural conditions that make a stable livelihood difficult to achieve are equally threatening. One way of addressing this lack of stability is to move in order to find a place of more security. From the early 2000s, scholarly contributions to thinking about international migration have picked up on the phenomenon of 'mixed flows' (Loescher and Milner, 2003; Weil, 2002; Yakoob, 1998), with a greater quantity of peer-reviewed publications appearing from around 2005. In these publications 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, those who come for humanitarian reasons and those who come to abuse the system (cf. Bakewell, 2007). Since the legitimacy of an individual is not easily identifiable, 'mixed flows' pose a problem for managers of migration. Hyndman and Mountz (2007) critically discuss the notion of 'mixed flows' by contextualizing the blurring of categories between those who voluntarily or involuntarily move within the context of changing practices of sovereign power; Hyndman and Mountz show that underlying the logic of 'mixed flows' is an agenda of exclusion which is legitimized by arguments of protecting people close to home (2007: 78), that is, outside the territorial boundaries of destination countries. Regional protection (and offshore processing) is attractive to governments, but the many attempts made to establish this as a regular policy since the late 1980s have consistently been unsuccessful, not only because it is contested, but also because it is unlawful, as the European Union had to accept (again) in March 2016, when it engaged with Turkey over the Syrian refugee crisis.[1] Hyndman and Mountz observe that 'these spatial tactics of exclusion correspond to a discursive war on refugees in public discourse' (2007: 78).

It is a war that was first formulated in the language of problematizing 'mixed flows' by the IGC, as a device to bring order to a perceived situation of utter loss of control. 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, radical exclusion happens within a discourse of 'truth' in which the person becomes invisible, nonexistent and irredeemable. The following consensus among participating governments in the IGC 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-à-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. The asylum seeker seems to animate the imagination of authorities to 'problem-solve' the perceived loss of control over international mobility – or in Rancière's words the distribution of the sensible:

> The way in which the abstract and arbitrary forms of symbolization of hierarchy are embodied as perceptive givens, in which a social destination is anticipated by the evidence of a perceptive universe, of a way of being, saying and seeing.
>
> (Rancière, 2011: 7)

According to the IGC's Working Group on Un-Documented Asylum-Seekers 'it was agreed that a distinction needs 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 about who is a 'good' asylum seeker, who is a 'bad' asylum seeker 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 radically excluded are both abstract and imagined as well as effectively present as a material physicality, which is excised from Migration Management: the radically excluded are suspended from juridico-political status and from territory and thus from existence.

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 travel route of the asylum-seeker' (ibid.: 5). The report goes on to add to the catalogue: body search, taking into custody, using biometric technologies. This narrative points to a rather one-sided view on the deterrence of international migration. The emphasis is put on 'until proven otherwise', not on 'acting in good faith'.

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 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 (CA/NB/cc, Report on the Consultative Meeting held within the framework of informal consultations on 14 December 1990, Annex 8: 3). A *Times* article entitled 'Turn back' echoes the inherited logic of the IGC:[2]

> What Europe needs are robust border controls and a coherent strategy for reversing the flow of illegal immigration at its many sources. This will require much closer engagement with some of the world's poorest governments, but also facilities to shelter the vulnerable and distinguish between legitimate asylum seekers and economic migrants.
>
> These facilities must be located in the region where the crisis is unfolding, but, crucially, they must be in Africa, not Europe …
>
> (*The Times*, 'Turn back', 25 June 2015)

Those people who successfully make their way onto European territory are not legitimate. 'Mixed flows' is what the IGC had identified as the driving problem or causal explanatory from the start in the early 1980s; as a justification it hides the normative requirements in the value and legal system of the Global North for the protection of asylum seekers, and instead it redirects the problem elsewhere, legally or otherwise.

Of benchmarks and categories

The previous section formulates the precondition against which the IGC began to construct its logical scaffolding of conceptual access categories. Norm, deviance and suspension are constructed against citizenship as defining standard – although this too is an area not uncontested, yet normalized.

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 reconceptualized 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 developments at the level of the European Union, where the Treaty of Rome has established the freedom of movement of the worker and, later, the Treaty establishing the European Union widened this to 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 society.[3] 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 that hides the drawing of boundaries.

So, one suggestion is that belonging is defined based on claims to human rights, rights that are also claimable by non-citizens. Yet, 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 international 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'. Another suggestion is that these boundaries are drawn at the point where 'a people' is constructed as skill-intensive, science-based, innovative, competitive and efficient (cf. Brown, 2015; Walker, 1999: 446). The duty of the citizen is to realize the efficient capacity to be self-managing. A third suggestion is that negotiating mobility is productive of new forms of citizenship (Nyers and Rygiel, 2012). 'the governing of mobility is directly connected to constructions of citizenship, not only as legal and political institution and status, but also related to practices, daily living and subjectivities related to and constitutive of being political' (2012: 3). What this strand of literature does is to contest Migration Management's essentialized idea that there is membership and that people will either be legal or illegal; rather, migrants are likely to move in and out of legality (cf. Squire, 2011) and with their practices of living within the European Union, citizenship is continuously challenged and negotiated.

Yet the spatial imaginary matters in terms of how 'the problem' of international migration is constructed. Ideas of citizenship do indeed inform conceptualizations of international migration, in the sense that it is the imaginary of the bounded space of the nation-state that makes the migrant meaningful politically and legally in the first place. Thus, the tactics of exclusion that Hyndman and Mountz (2007) and others discuss are contested by this third strand of thinking about mobility and sovereignty. At stake for those authorities and scholars who frame 'the problem' of migration in terms of Migration Management is access to a particular territory. Such access today is expressed, decided and enacted juridico-politically where migrants are sorted into legal and illegal categories.

As shown above, the starting point had not been to determine the standard as being citizenship and on that basis to ask what might constitute a legal migrant status. The driving logic was that asylum seekers should be dealt with close to home. From this way of thinking it followed that 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, for example, European Union territory 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 a victim of trafficking, but such a person is able to redeem him- or herself (being 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 work 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. The *Lancaster Guardian*, for example, reported a raid on a mushroom farm on 27 May 2010 when 27 people from Pakistan, Afghanistan, India and Nepal were arrested.[4] 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 are 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 six regularizations since 1985, focusing especially on people who work in the agricultural sector. Germany and the Netherlands regularized 'failed' asylum seekers in 2006.[5] What is common to this category of the deviant is that they are seen not to comply with European regulations. They are the people of 'no good faith', abusing the system.

However, if there is deviance, this begs the question, discursively as much as empirically, of who can legitimately cross borders to access the territory of the European Union, or the Global North more broadly. The 'normal' – the legal – migrant is defined as the 'knowledge migrant' by the Dutch government,[6] an idea that the EU has taken on board. Knowledge migrants are those who fill the gaps in certain industries across Europe. Stereotypifying, 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 – who does not seem to need a nationality. 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. Also legal is the 'dependant' in a case of family reunification – the vulnerable woman and her children.

Citizenship and, alongside, juridico-political status for migrants is about defining and knowing 'your place'. Knowing your place is a function of the distribution of the sensible: it is

the system of *a priori* forms determining what presents itself to sense experience. It is a delimitation of spaces and times, of the visible and the invisible, of speech and noise, that simultaneously determines the place and stakes of politics as a form of experience.

(Rancière, 2004: 13)

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 (more on this in Chapter 2) – 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. The inherited logic is framed as a question of access governed by juridico-political status, which is assumed to be universally agreed, in particular since it is contested. In this way the discourse of Migration Management orchestrates what is sense and what is non-sense, what is visible and what is not visible. The international migrant in this time and in the space of the Global North and the European Union, in particular, counts as a problem to be managed. The migrant as such is positioned against the citizen, and because it is accepted that in the era of globalization there will always be mobility, the illegal migrant functions to legitimize and stabilize the legal migrant. This is the logic that underwrites Migration Management. Since it is expressed in juridico-political terms, the managers of migration claim to cover all there is to cover about the mobility of people.

The normalized discourse of Migration Management

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 of what falls under its banner (Geiger and Pecoud, 2010). There are the 'fields of activity' which Migration Studies investigates. For example, issues such as 'circular', 'temporary' and 'skilled' migration are investigated. Then there are fields that are researched and where policy is 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, 2010: 73–95). There are other fields centring on 'refugee/forced migration research' and 'integration research'. These are not new issues, but they are discussed within the wider logic underlying Migration Management, which gives these issues a reconceptualized quality. It is a quality, or an approach, that Rancière calls alternately consensus-democratic or post-democratic, which is

the government practice and conceptual legitimation of democracy after the demos, a democracy that has eliminated the appearance, miscount, and dispute of the people and is thereby reducible to the sole interplay of state mechanisms and combinations of social energies and interests.

(Rancière, 1999: 102)

Fields of activity render contentious claims technocratic and therefore as sombre things to manage. In addition to the research and knowledge production on 'fields of activity', much research is focused on key actors – including think-tanks and NGOs, which are involved in shaping the fields of activities (Geiger and Pecoud, 2010). For example, even though advocacy efforts seem to be more dispersed, a wide array of 'training activity' by academics (and other experts) directed at policy makers can be observed. They include the training of civil servants in receiving countries, in sending countries, and at airports with a view to control and regulation of migration; but also training of those civil servants and other stakeholders who are active in the field of development practice (see for example the FRONTEX website). What counts as trainable and useful knowledge is relevant. Calls for harmonized and more detailed data about migrants, the routes they take, the costs of migration, the demographic and many more variables, are 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.

The calls for data, again, are far from being uncontested in themselves (Amoore, 2006, 2009; Amoore and Hall, 2009; Bigo, 2014; Bigo and Guild, 2005); the critical research shows how the focus on data in particular makes people 'readable' as an ordering device that attempts to fix clear boundaries, thereby seemingly establishing decidable categories which, in turn, cement the distribution of the sensible. Discussions about privacy and data protection are shown not only not to undermine the norm-setting violence (the violence exerted by defining who can have subjectivity and who cannot) but instead, to legitimize the multifaceted surveillance and domination by authorities directed at migrants (Jeandesboz, Bigo, Hayes, and Simon, 2013).

The IOM captures these fields of activity and articulations in Figure 1.1 – not least in order to show the composition of a coherent, integrated system.

The categories, as presented in IOM's conceptual framework, serve to give the impression that international migration can be managed *in toto* (IOM, 2004). There is law that defines and regulates. Categories conceptualized as legal migration describe what is legitimately the norm: not moving because a person benefits from development, facilitated migration only in the case of legal entry for work or by way of refugee resettlement. This is set against what deviates from this norm, expressed as degrees of illegal migration: in the case where borders are breached without permission either by way of being trafficked or by engaging in smuggling or simply by seeking asylum. Although international law formulates a right to claim asylum, in contemporary Europe, asylum seekers are

Policy	Legislation	Administrative Organization

Main Areas of Migration Management

Migration and Development	Facilitating Migration	Regulating Migration	Forced Migration
Examples Remittances Migrant diaspora	Examples: Labour migration Family reunification Integration	Examples: Visa Systems Border Management Counter-trafficking Counter-smuggling	Examples: Refugees Resettlement Displaced persons

Cross-Cutting Management Issues and Activities

Examples:
Technical cooperation and capacity building
Migration health
Public Information and education
Gender dimension
Integration and reintegration
Migrants' rights and international law
Policy guidance
Data and research
Regional and international cooperation

Figure 1.1 IOM's Managing Migration conceptual framework

Source: Available from www.rcmvs.org/documentos/IOM_EMM/v1/V1S02_CM.pdf [accessed July 2016], page 6 (Copyright: IOM International Organization for Migration).

often conceptualized as queue-jumpers who are illegitimate if not technically illegal, as they did not wait their turn in regional refugee camps to be offered a resettlement opportunity. Despite implementation problems, governmental and intergovernmental authorities can claim to have included all there is to include about international migration.

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 that 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 concerning 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 that it has fragmented into many technocratic categories. The consequence is 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 multidimensionality 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.

Legal and illegal migration form the poles of the same problem: the mobility of people which might potentially breach the integrity of the sovereign system. It is therefore argued by these authorities that it is rational to instate policy that regulates who can move under which circumstances and that deals with those who move even though the norm describes such movement as unacceptable. The combination and condensation of categories 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 until the early 1980s – the domestic decision to use labour from third countries for economic purposes and the international, explicitly non-political, humanitarian refugee regime – has been fundamentally transformed into a combined area, Migration Management, which deals with the legal and illegal mobility of persons across national boundaries, an area that is driven exclusively by arguments of instrumental rationality. 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, through an emphasis on instrumental individualism and freedom understood as competitiveness and productivity (cf. Brown, 2015).

I will elaborate in Chapter 2 on how articulations of the migration nexi produce illegal and legal migration and how illegal migration functions to give stability to legal migration. However, what the distribution of the sensible makes invisible is the notion of the would-be migrant, who serves as the un-incorporable, ultimate Other. Migration Management, with its logic that movement does occur, but that nation-states – based on arguments of sovereignty and citizenship – have not only the right but the duty to regulate such movement and that there are hence acceptable as well as unacceptable movers, is unquestioned. The function of spatial imaginary remains unquestioned as well – along with the consequences this has for some mobile people.

The discourse of Migration Management seems to be spatially oriented with a focus on the internal: 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 are seen to have the capacity to be productive within the order of the neoliberal consensus. 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, all these people have a place and a function in the distribution of the sensible – they are visible and intelligible. The deviant – illegal – migrant can be redeemed by way of regularization so as to be enabled to work legally, pay taxes and contribute to social cohesion in our system of *differentity*.[7] The deviant 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 self-sufficient individuals who help themselves and thereby their community.

Yet Migration Management, in order to remain stable, is constituted and secured through a particular projection outwards. International migration, especially in its deviant forms, is constructed as a form of territorial invasion, which has been much discussed in the literature on migration and security (Bigo, 2014; Doty, 2011; Huysmans, 2006; Hyndman and Mountz, 2008; Squire, 2011; Walters, 2004; Weiner, 1992). Hence, Migration Management exercises what van Houtum (2010) calls the 'global apartheid of the EU's external border regime'. In order to stabilize Migration Management it is driven by an underlying assumption of 'space without'. Henry Lefebvre (1991) suggests that historically there were two approaches to the analysis and understanding of space. First, there was the theoretical space, demarcated by cartographers. He writes: 'mathematicians appropriated space … an "indefinity" …. At once highly general and highly specialized, the language of mathematics set out to discriminate between and classify all these innumerable spaces as precisely as possible' (Lefebvre, 1991: 2). This is the space artificially drawn, ignoring the perceived and thus ignoring the common sense of living in space. Second, there is the lived space, which is made accessible through imagination. Lefebvre labels this 'mental space', 'which is apparently, but only apparently, extra-ideological' (Lefebvre, 1991: 6) and criticizes that this is a construction which, although lacking logical linkage, is separated from social practice and, therefore, remains a space created entirely as space of knowledge construction, devoid of substantive character and disintegrated.

In order for such theoretical space to 'work', abstraction and imagination are needed, in addition to the effort of thinking of space as something both vast and concrete. There is an imagined boundary at the border to the southern Mediterranean, after which the imaginary of diffuse 'space without' begins. It is important to understand that such imaginings are not part of a move to re-territorialize (which would involve the construction of a bounded, institutionalized place); rather, space is both left undefined and acted on. The 'space without', neither imagined as bordered place nor as cultural space, begins with the

European external border and expands outwards. Lefebvre describes this as alien space, which is abstract space that is quasi-geometric, yet without a clear idea of its contours and ordered only by abstract notions (such as the vastness, the darkness, the impenetrable narrowness of the transit space set against the concreteness of well-governed space, quarantined space and values to be implemented). Such imaginings disable our ability to think about the space, in which a dynamic variety of relationships are taking place. Crucially, its abstractness allows the conceptualization of the would-be migrant – a space characterized by the constant threat of invasion of the illegal migrant.

Thus, there is a second meaning to 'illegal migrant': those others – who are the opposite of those who (have the capacity to) belong. They are not illegal in the sense of deviance; they merely have not crossed the boundaries of sovereign jurisdiction of the European Union. They are suspended. The IGC and contemporary authorities assume these people exist but exclude them from the specific discourse that renders mobility visible and intelligible. The focus is on the moment in time and space before such a person attempts to access the European Union. Suspension is both abstract and material, but, more important, it is a norm as a result of how Migration Management is discursively constructed.

Illustrating suspension

Four examples may highlight who a suspended person may be. They also highlight that suspension is as much about place as it is about process: Amadou, Ms Kwembe, Ali,[8] 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 Côte 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 her daughter for Mali. After a year of waiting there was no sign of improvement and she decided 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, 2012).

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 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 that 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 that 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 recounted (Collyer, 2012: 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, 2012: 6)

Space 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 of a practically non-existing system – as mobility between many African countries was until recently not a problem to be regulated. 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 being only an example: it could be Turkey or the Ukraine or indeed Mexico). Here people are (violently) hindered from entering the European Union on the one hand, and on the other hand are (equally violently) rejected by Morocco which finds itself pressured to act in a certain way by the EU because of its particular geopolitical position. 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 drowned,[9] suffocated,[10] frozen,[11] or been run over by the vehicle they clung onto while trying to make it 'inside', with a chance of being redeemed.[12] The story of Anpalagan was uncovered by an Italian newspaper,[13] then picked up by other European newspapers.[14] *The Guardian* wrote:

> 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.
>
> (*The Guardian*, 10 June 2001)

In these stories the space is Morocco, or a lorry, or a vessel, or a plane, it is not *at* the border or effectively *in* a European country. It is the threshold that Migration Management establishes to render the norm/deviant distinction meaningful and that is enacted at the outer edges of the EU. The IGC and the European Union have brought suspension about through their policies of Migration Management. In creating categories for who can apply for a 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.

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 lack 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 (Butler, 2006).

Conclusion

Above I have portrayed a particular version of Migration Management, as a logic that produces sombre things out of internationally mobile people; things that can be exhaustively managed by allocating places and functions to what is visible and intelligible within the context of the neoliberal consensus. There is thus the citizen as the benchmark, there is the deviant migrant and the normal migrant. Whether someone is deviant or normal is based on questions of legitimacy of access. This is justified by the logic that anyone who would have to take a decision on international migration would be required to come to the same understanding as is currently practiced if presented with 'accurate information' – technocracy renders Migration Management inevitable. However, I have also argued that there is an aspect to this typology which defies the claim of management *tout court* or without supplement, and that is the suspended person. Migration Management is in this sense 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. Most knowledge-production on international migrants accepts that states have the duty to regulate movement. The integrity of national boundaries, of sovereignty, is so important precisely because states increasingly often define the problem as one of sovereignty – migrants undermine sovereignty.

Above I have recounted how the IGC emphasized the need to develop more comprehensive global refugee policies and global development policies so that large-scale migration is avoided. The condition of possibility of Migration Management is the dual articulation of this need for global refugee and global development policies to which I will turn now.

Notes

1   BBC (17 March 2016) *Migrant crisis: 'Many issues' in way of EU–Turkey deal* www.bbc.co.uk/news/world-europe-35828810 [accessed 17 March 2016].
2   *The Times*. Available from www.thetimes.co.uk/tto/opinion/leaders/article4479118 [accessed 17 August 2015].
3   Civil society is understood to be the structuring device for expressing diversity within the social order.
4   *Lancaster Guardian*. Available from http: //www.lancasterguardian.co.uk/lancast-ernews/Illegal-workers-arrested-in-raid.6323633.jp [accessed June 2010].
5   NCADC. www.ncadc.org.uk/archives/filed%20newszines/oldnewszines/Old%2051-100/newszine77/strangers.html [accessed June 2010].
6   www.hollandgateway.nl/site/prod_dutch_working_non-european_highly_skilled [accessed 20 June 2010].
7   The term *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 that acts strictly within the boundaries of social order.

8   I am grateful to Michael Collyer for 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 came out of this research. These interviews are not representative, but shed some light on the lives that I am conceptualizing as suspended in my research.

9   http://news.bbc.co.uk/1/hi/world/africa/7973322.stm [accessed June 2010] This is just one of many such stories since the late 1980s.

10   www.dailymail.co.uk/news/worldnews/article-1224133/Migrant-dead-lorry-prepares-enter-Channel-Tunnel.html [accessed June 2010].

11   A macabre discovery was made at Zaventem airport, near Brussels. An immigrant, who had tried to enter Belgium illegally by hiding in the landing gear of a plane, was found dead. Airliners Net; www.airliners.net/aviation-forums/general_aviation/read.main/2253119/ [accessed 20 June 2010].

12   A twenty-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. Available from www.euroweeklynews.com/2010050578252/news/costa-del-sol/illegal-immigrant-dies-in-motorway-fall.html [accessed June 2010].

13   www.repubblica.it/online/cronaca/palo/trovati/trovati.html [accessed May 2010].

14   www.guardian.co.uk/world/2001/jun/10/davidrose.rorycarroll [accessed June 2010].

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2   The migration nexi

In this chapter I want to look in more detail at how Migration Management as a discourse came about in its articulation, by following the chronological narratives established during the 1980s and 1990s in the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC). 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 redefinition of boundaries – the invention of the 'transit country' – was indispensable for the IGC, as a discursive construction with a political function within neoliberal consensus.

The migration–asylum nexus

At the heart of consultations during the 1980s was the question of how to deal with what came to be termed 'illegal cross-border movement' of (assumed-to-be bogus) asylum seekers. 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. the 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, p. 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 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, for example in countries such as Morocco or Turkey. It is at this point that 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 (Agnew, 1994; Gupta, 1995) – involves assuming people are illegal migrants before they have entered the territory of the state passing judgement, that is, 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 (Düvell, 2006). This perception is even upheld by the UNHCR, which has assured 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 who 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 has no 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 that acknowledges the possibility of claiming asylum is deferred (Mountz, 2010) and so are the people who fall below this threshold.

The emergence of the 'transit country'

The changes that led to the perception in European countries of having lost control over the governance of international migration started in the late 1960s, in particular after the geographical limits of the 1951 Convention had been lifted. These changes were sparked by the war between Iran and Iraq and conflicts further afield which brought about refugees from Indochina, 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, 2006b: 755). Academic publications from the early 1990s 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 (for example, 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 a 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 description in a wider context, it becomes clear that many of those displacement-producing conflicts were a direct result of the struggles to end colonialism and of the transformation to independent and sovereign states mainly in Africa (Allen, 1995; Hyndman, 2000; Mkandawire, 2002). 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 exag-

gerated relative to world population and compared to the relatively small numbers of refugees that 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 thinking about migration ever since. Europe is economically attractive, its policies too liberal, and it is in relatively 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 ways to regulate this 'large-scale influx' or 'mass migration' from the perspective of countries of the Global North: to support countries of first asylum with aid and/or to keep those who move on within 'transit countries'. 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, 11–12 April 1985)

This short passage 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 migration and asylum. '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 rethink 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 1980s the Malaysian response to Indochinese refugees illustrates 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 were 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 all who declared themselves as belonging to that group automatically fell under the protection of 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 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 these 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 of 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 geopolitical blocs (Edwards, 1985).[1] Two particular 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 Western European countries in particular. On the one hand, the Global North had pressed for adherence to international instruments, in particular the human rights covenants and conventions emphasizing freedom of movement. On the other hand, Western European countries 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 that 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 that 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 East (Icduygu, 2005).[2]

The IGC's 1987 full round of informal consultations introduced a catalogue of measures that had been developed, in the preceding years, in a working paper titled 'Role of international organizations and governments in establishing an improved control of illegal movements: political and diplomatic action'. The list of tools to be implemented included:

- 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 obliging transit countries to examine applications of asylum seekers who seek transit. This was linked to a Europe-wide agreement on Country of First Asylum processing, which is 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).

<div align="right">(IGC, Gerzensee, 29.01.1987 Working Paper Agenda Item 4 C)</div>

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. 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 been easily absorbed, in previous years, 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 (Düvell, 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 persecution.[3]

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 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.[4] 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, that is, 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 that nonetheless bound Turkey to introduce formal measures, setting a precedent for the political, diplomatic and (problematic) legal function of a 'transit country'.

The term *transit country* seems to be attractive to the labelling entity – Western European countries at the time. Yet it can also be attractive to the labelled entity – that is, 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 had been involved in accession talks with the EU since the 1960s. This put the EU in a position where it could make demands on Turkey to implement certain practices, to show good will in relation to their wish to accede to EU membership. Turkey, on the other hand, benefited from development and capacity-building support but was also indirectly given the legitimacy to sidestep its responsibilities and to justify any controversial actions by calling on its difficult geopolitical position. On these grounds, 'transit country' is a politically constructed space that fulfils a convenient labelling function in various ways. In 2016, we saw a repetition of this rather fraught relationship, in which the European Union forced an agreement – illegitimate according to international law – in which Turkey has to 'take back' irregular arrivals to Greece in exchange for money, goods and those people in refugee camps who have been 'good' refugees, as opposed to illegitimate queue-jumpers. The difference is the notion of the queue-jumper which, as elaborated below, circulated as narrative in the 1980s and 1990s, but was not acted upon.

The consequence is that 'transit country' is not a neutral analytical concept through which to understand the particular situation of a person who finds himself or herself in such a country. Designating countries around the EU member states as being source, transit or destination countries (or all at once) is arbitrary but functional. The European governments fund capacity building in order to improve border controls and administrative systems dealing with people arriving within the territory of such 'transit countries'. 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. 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'.

The 'transit country' as a tool

The practical outcome of the concept 'transit country' 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, on those grounds, to (3) the inference that people who move on from a place where they had found protection must necessarily be illegal. As of 1985, countries of the Global North 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, pp. 6/7)

What is discussed by the IGC 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. 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, p. 11) are important in supporting the idea that refugees are better protected and supported in close proximity to where they had to flee from.[5]

The next step in this line of argument has thus been the labelling of some countries as 'safe third countries'. The UNHCR had already started to collect 'country of origin information' as mandated by its ExCom in its conclusions 8 (1977) and 30 (1983). 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 were not accepted as reasonable. However, this idea was extended to many countries in 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, 0071i, p. 26)

A fax sent some time afterwards 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 countries[6] (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 International Centre for Migration Policy Development (ICMPD) source of 1997,[7] writing that '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).

Contested normalization

Now – some decades later – the term *irregular secondary movement* 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 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, and in which protection was presumed to have been 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 border. However, the articulation of the 'transit country' and related practices do not go uncontested (Andersson, 2014; Collyer, 2006a, 2006b, 2007; de Haas, 2008). In the case where people are thought to attempt to move on to Europe, this further movement is considered illegitimate by authorities; it makes people illegal on the basis of Western European countries' understanding and regulations concerning 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, with deeply problematic consequences and based on dubious legitimization (Squire, 2009).

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, fewer than 20 per cent from eastern Europe and little more than 10 per cent from Africa.[8] To phrase it differently, it follows that a person arriving in Western Europe must have already been able to find protection in their region of origin, because of the development 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 and Mountz, 2008), but reacting to a threat. In Soguk's words, 'The prevailing discourse on human displacement … has no place for the displaced humans, a discourse on the question of the refugee that affords no place for the refugee …'(Soguk, 1999: 8), other than the 'transit country'.

'Migration and refugee issues … are now matters of high international politics, engaging the attention of head of states, cabinets and key ministries involved in defence, internal security, and external relations' (Weiner, 1992: 91). The threat is posed by those potentially mobile (unskilled and poor) people who *might* (attempt to) cross the boundaries of the sovereign territory. To emphasize 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 insofar as the rule of law based on assumptions of individuality and political subjectivity does not apply here. A mass such as those objectified as 'illegals' does not have rights that would be claimable (Schotel, 2010). In this view, 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, 2006a). 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 inno-
cent.

(Huysmans, 2002: 42)

How does such a framing come about and what does it do? According to 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 the production of knowledges frames
answers – in short, it essentializes.

   Campbell describes what securitization does as: the construction of formerly
domestic policy problems as threat discourses that 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 were 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 triv-
ial 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,
Weaver, and de Wilde, 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 clan-
   destine immigration, surveillance of cultural and social influences from the
   country of origin of migrants and even their offspring, surveillance and main-
   tenance of order in so called problem districts, and control of transborder
   flows.

(Bigo, 2000: 322)

Securitization is thus the capacity to create and manage threat, 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 possibil-
ity' (Campbell, 1998: 13). It is a discursive construction that fulfils the function
of changing the 'outlook'. 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 the enemy from the inside. The 'transit country' enables this

logic, giving it legitimacy and making the IGC's doctrine formation implementable and enforceable.

It is in this context that there was an analytic differentiation over the past twenty years of security questions into national, societal, human and international security. Within these security frameworks different emphasis is put on how they analyse international migration. However, all frameworks convey the notion of international migration being out of control along Foucauldian lines that 'everything is dangerous' and therefore needs to be proactively addressed (Foucault, 1997: 256). 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, governed via the 'transit country'.

Consequences arising out of the concept of 'transit country'

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 have not actually moved in a juridico-politically intelligible fashion. These are the people who fall below the threshold. Thus, the 'transit country' is about the potentiality of someone being in existence who has in fact not yet juridico-politically materialized vis-à-vis the crossing of a European border. How, then, can we understand what the phenomenon is and what its consequences are?

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 recognizes 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 to clarify what 'suspension' means. 'Suspension' is generally understood to mean a temporary debarment from, or cessation of, the privilege of place in the distribution of the sensible (Rancière, 2004). 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 an intelligible political subjectivity which can be ac/counted for – a person finds him- or herself to be in between identities. 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) in the place 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 law: 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 (Butler, 2005).

The suspended are no longer recognized as having a valid existence. The production of the suspended is a constitutive but unrecognized part of the social order. A criminal – someone who is 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 this context, 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 impossible in the neoliberal consensus that has no remainder. In being suspended, excluded from the juridico-political community, they are thus reduced to living death by the discursive construction of 'illegal secondary movement' and the 'transit country'.

A convenient outcome (for governments) is that 'the suspended' become invisible – they are disappeared. 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 versus them) and in maintaining order. What is more, the notion of 'the suspended' keeps us alert enough to maintain and manifest our new discourse of uncertainty. After all, 'the suspended' are themselves highly uncertain. Yet knowledge needs stabilizing. 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. The articulation of deviance/suspension was established. However, delegitimizing 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 migration–development nexus

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. Legal migration is largely constructed as a particular kind of economically motivated mobility both by policy makers and academics.[9] It is primarily understood as migration for work. It is the movement across borders; mobility that is legitimate for all involved, the migrant, the sending country and the receiving country. Most important, it is economic in logic and

legal in character. This point is not as banal as it may seem, in particular in the light of the migration–asylum nexus producing 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 downplay that, in fact, international migration is desirable. 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 talking openly about legal migration again after this had been apparently completely abandoned in the 1970s. During the 1980s, legal and especially legal-economic migration was the one topic loudest in its silence.

The entrepreneurialization of migration, brought about by utilitarian economic considerations and the migration–development nexus, renders some migrants as 'winners' and 'wanted' actors in European economies despite many theoretical inconsistencies. The theoretical context in which workers were recruited after the Second World War and until the 1970s 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 a consequence of, uneven capitalist development (Gidwani and Sivaramakrishnan, 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 and Sivaramakrishnan, 2003: 188). Added to this, today, is the somewhat newer logic of the human security narrative offering a markedly different perspective – directed at the situation in a migrant's country of origin and at the person of the potential migrant. Here the argument is that people have no choice but to move because their personal security is undermined by internal conflict and/or underdevelopment. As such, it is the responsibility of the country of origin to develop; failing that, it is the responsibility of the international community to engage in development activities, in order that the national of such a country can invest in a livelihood 'at home'. This logic however, silences in part the message that the development narrative aims to put forth – that migration should not be restricted as it is an important livelihood option for poor people.[10]

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, the United Nations Development Programme (UNDP), the International Labour Organization (ILO) and other organizations. Circular migration, as the most compelling narrative for European governments, is constructed out of this discursive environment. 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*.[11] It is also the most palatable because it fits within the idea of improvement (Murray Li, 2007) and responsibility. Migrants come to European 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 participates in global production processes. 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. Circulation is (now) possible and coherent in our understanding as promotion of lifelong learning and entrepreneurship, and it legitimizes legal migration into the European countries. 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. This logic requires conceptualizing migrants as having agency. Yet agency was not attributed to earlier generations of work migrants in the mainstream literature and in 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 is shown to lead to poverty reduction.

The migrant began to be constructed as entrepreneurial, that is, 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 European ideas of (global) 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. In the following, 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 about the responsible actor and employs them (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 (Brown, 2015). The narrative of win-win-win is thereby normalized.

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 also as a return of skills and knowledge that can be utilized to improve individual 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.

The problem was formulated as one of root causes where governments in the region of origin were overburdened 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 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 emphasize education and vocational training in the region of origin on the other. Both measures were to be integrated in newly adapted develop-ment 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 develop-ment narrative; (2) the absence of interministerial 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 and de Haan, 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 develop-ing 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; Jonas Widgren, in his capacity as Under-Secretary of State for Immigration, Sweden, 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 that 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) emphasizes the 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 livelihoods, 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 it is 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).

Queue-jumpers and 'normal migrants'

The UNHCR had already pointed out at the 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 that 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 section.

> 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 men.[12] The political subjectivity that 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 (that is, 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, p. 3, emphasis added)

'Normal migrants' are those seen to come for legitimate economic reasons, those who deviate but can be treated as 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.
> (Korte-van-Hemel, State Secretary for Justice, Netherlands, 16 April 1986,
>   Opening Statement IGC meeting in The Hague, p. 4)

Even the UNHCR joined the chorus of voices condemning 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, as illustrated in Chapter 1. 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 state-
ment 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 the
UNHCR in the regions of origin, and governments within UNHCR called on
themselves to combat root causes and particularly focus on the distribution of
resources that 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, wide-
> spread 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, 7
> December 1990, p. 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, p. 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 'regionalisation'.[13] 'Regionalisation' is the title of an Annex to a docu-
ment 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)

Development orientation, cooperation and burden sharing

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, criticize the UNHCR for not being a proactive enough player. Consequently, adaptation of development policies became a vital strategy. In this context IGC governments introduced the language of 'cooperation 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, p. 9). The rationale is outlined by the 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 potential contributions of intergovernmental and non-governmental organizations should be actively explored.
> (High Commissioner of Refugees, 28 November 1986, 011 108155, p. 10)

Even though UNHCR tried to kindle the interest of Western European governments, which were also its biggest donor, the UN Refugee Office still tried 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 emphasized 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, p. 2)

It was, therefore, argued that local integration as one of the UNHCR's long-term aims needed increased support from industrialized countries. The UNHCR needed to improve its assistance programmes as one implementation of this aim. Assistance to urban refugees was identified and criticized as a weak measure. In its defence the 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 NGOs 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, pp. 2–3). 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 5 December 1986, outlines what were 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, p. 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, p. 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, p. 2). The thinking behind this was, for example, that development aid needed 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, p. 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 workforce 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, p. 4)

Sri Lanka as trial for new policy mechanisms

An official from the Swiss Department for Refugees emphasized 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 für das Flüchtlingswesen, 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, p. 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. Agenda item 6 of the Oslo meeting the report 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 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, p. 4)

Short-term assistance was understood to be a care package handed out by the UNHCR which contained necessary foodstuffs 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 focused on addressing root causes. However, when actual planning of an intervention became necessary, the aid that 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 the UNHCR to adapt its assistance programmes and that these needed to encompass education for employability.[14] In light of the Sri Lanka experience as a trial case, it can be argued that the narrative that 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 in 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 prerequisite 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 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, 7 December 1990, pp. 2–4, emphases in original)

The identified problem was not only that the kind of development aid that governments were thinking about went beyond the mandate of the UNHCR but also, more problematically, that 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, emphasizing the responsibility of countries of origin.[15] The underlying

assumption of these debates was that the people arriving in Europe were 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. Either they had to be returned to their 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, build 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 the doctrine formation on which policy making and enforcing rested was based on assertions, rather than evidence.

Contestation, transformation of articulation, normalization

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, migrants are portrayed as the solution to the problem of development rather than as the outcome of failed development. Supported by some evidence from case studies, migration is explained more carefully in terms of the exercise of migrants' agency (Nyberg-Sorensen, van Hear, and Engberg-Pedersen, 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 important, though, the publication aimed to speak to the development community, insofar as many authors were closely acquainted with critical development thinking but without being interested in issues of international migration. The development community 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).

Nyberg-Sorensen et al. argue that an emphasis on the 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).[16] Thus, subsequently the migration–development nexus as terminology and topic was taken up by academic research[17] and in international organizations.[18] This resulted in Kofi Annan advocating a High Level Dialogue on Migration and Development,[19] 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 discourses.[20] 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 that the nexus builds upon are linked to the need for economic growth (conversation, Ratha, 29 July 2009). First, in emphasizing a logic of improvement, development aid and related activities evolved from aiming to make so-called 'third world' countries more like the industrialized 'first world'.

However, the logic of improvement is more deeply 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 neoliberal consensus. 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 took 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 emphasizing 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 were unwilling to return – by engaging in diaspora activities to alleviate poverty in the country of origin.[21] The entrepreneurial actor. The Western developed world could positively impact this process of circulation by facilitating the sending of remittances and the gaining of new skills that could be brought back 'home'.[22]

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 that 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 that 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 to frame it in (economic) terms (which made sense also within the – by that time – slightly changed notions of sovereignty) as responsibility (Deng, Kimaro, Lyons, Rothchild, and Zartman, 1996). This evolving narrative of the entrepreneurial migrant who can take responsibility for his personal and his country's development – the migrant still mostly being assumed to be male – by circulating is thus coherent within the broader politico-economic framing 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 conceptualize 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 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 are 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 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 origi]n 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)legitimizing legal migration to Europe. Its acceptability as a policy discourse has two reasons. First, previous migration-related concepts such as seasonal or temporary work migration and the idea of the *frontalier*[23] have a degree of commonality with circular migration, allowing a building on previous knowledge rather than experimentation. Second, 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 gains 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 lifelong 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 neoliberal consensus. It is a discourse constructing a very particular kind of 'benefit', which 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 reintegration. 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 reintegration 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.
>
> <div align="right">(Concept Note for GFMD Athens, 2009: 7)</div>

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 again.[24]

The articulation 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 EU 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.

Notes

1   Final Act of the Conference on Security and Cooperation in Europe.
2   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).
3   This is already mirrored in the 1951 Convention (Art. 31). The article provides that asylum seekers should not be criminalized for being unable to prove legal documentation.
4   Collection of memoranda, faxes, notes and letters concerning the pilot project in Turkey in the context of the IGC from the year 1987.
5   For an overview critique of the idea of 'root causes' argument and approach see Saskia Gent (2002) at www.sussex.ac.uk/migration/1-3-3.html
6   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 organization 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.
7   For other critical appraisals see Tuerk (2003), Betts (2006), Loescher and Milner (2003), Human Rights Watch (2002).

8 Unknown author, Oslo, 11.05.88, *Policy perspectives: A Coordinated refugee and asylum policy*, p. 1.
9 Notwithstanding there being some other ways to migrate legally, as for example through family reunification (United Nations 2004, 2006).
10 *Livelihood* is the concept used to express all those human activities that are geared at income generation and provision of day-to-day life. See for example de Haan and Rogaly (2002) or Ellis and Freeman (2005).
11 *Frontalier* is the terminology used to describe cross-border commuters.
12 An exception would be the trafficked woman (for prostitution). This is despite a range of feminist writing published from the 1970s onwards that points out that many women migrated not as a dependant to their husband but on their own. See for example Davies (2008).
13 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.
14 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 emphasized towards the end of the 1970s, and the hegemonic discourse of the 1990s and 2000s had evolved into the individual responsibility of the working-aged person to ensure that they remain employable, which is now known as the duty to 'life-long-learning'. 'Recognizing 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 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.
15 See Gent (2002) for an in-depth discussion and critical analysis of the 'root causes' thinking; in particular it criticizes the narrow 'self-centred' focus, its patronizing humanitarianism, its ahistorical and universalist approach to development and democratization, and finally its sedentarist bias.
16 It should be noted at this point that since the publication of Nyberg-Sorensen et al. (2002), vast quantities of knowledge have 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.
17 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.
18 The UNHCR took up publishing about the migration–development nexus in its 'New Issues in Refugee Research' series www.unhcr.org/pages/4a1d28526.html; so did IOM in its various outlets for research and policy advocacy.
19 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.
20 Migration has been dealt with in the development literature on and off since colonial times – in particular with a view to questions of rural–rural migration. See for example Lewis (1954), Todaro (1969) or Rostow (1960).
21 The term 'diaspora' is today commonly associated with a particular community of international migrants who live outside their country of origin but maintain contact

with 'home'. See for example World Bank, Migration Information Source or scholarly articles by Mohan and Zack-Williams (2002), Bloch (2005), de Haas (2007), to name but a few.

22 In most of the research and writing both with regard to rural–rural 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, 1995; de Haan, 1999).

23 A person who lives in one country and crosses an international border daily or at least regularly for economic activity

24 It is also at this point that voices from academia and migrant groups are raised to warn the Global North not to make the migrant the sole actor responsible for development where the same policies enacted variably by governments, international organizations or NGOs have failed.

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Conclusion to Part I

The discursive evolution and the conditions of possibility for the formulation of the two building blocks that comprise Migration Management as the frame for intelligibility today: the securitization of international migration on the one hand and the entrepreneurialization of international migration on the other. Migration Management is then the individualizing, quantifying and representational tool with which the geopolitical powers of the Global North impose manifest domination. It is the simplification, the essentializing of those articulations of the 1980s IGC. 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 that is formulated on the basis of an assumed capacity for productivity.

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. The concrete problem that follows from the above is the irredeemable person – the 'bad' asylum seeker – the suspended who does not comply. The problem is the person not counted and not part of the distribution of the sensible, the person without juridico-political status: the person without validity to exist.

Migration Management, however, was not constructed by the IGC in isolation and then imposed. The knowledge-making on international migrants from the 1980s onwards was and still is contested, as shown above. What is intriguing is that the distribution of the sensible is about partitioning – it simultaneously separates and joins: knowledges, as much as people, are excluded, disappeared even at the same time as they are allowed to participate. Yet this dance of knowledge-making and differentity is framed, it is reliant on and takes place within the neoliberal consensus.

Part II

The emergence of Migration Management as recorded by the IGC

Migration Management is domestication of unruly geopolitical forces, which I want to problematize as a political problem at the level of conceptualization. The second part of the book focuses on the question of what came to pass to make Migration Management? What forces arbitrarily combined to make the IGC and with that the reformulation of regulating the mobility of people globally possible? Transnational geopolitical practices, like Migration Management, are constituted in particular discourses as much as they constitute these specific discourses. Chapter 3 highlights the role of a series of ruptures that took place between the late 1960s and the early 1980s. These ruptures accumulated to target mobile people, in particular refugees. The 'Crisis of Democracy' as it was discussed in the Trilateral Commission and the related economic crisis that came along set the stage to be translated concretely with regard to the Indochinese refugee crisis. These crises had a profound effect on how knowledge about the political organization of things is made. The ruptures brought about the neoliberal consensus so pervasive as a global ordering device today.

Chapter 4 accordingly, focuses on how the regulation of, or more accurately, the management of people movement across borders was among the first 'issue' areas to feel the full force of these changes. Rather than discussing issues raised about international migration in open multilateral fora, the IGC was established to debate in secrecy and to think up 'solutions' for a problem that crystallized by increments: the problem of mobility into the Global North.

Consensus-democracy, the unapologetic abandonment of any pretence to popular participation in standard setting and single-minded maintenance of social hierarchy, goes hand in hand with informal plurilateralism – a form of international management that has deeply de-democratizing effects. The dynamics of the middle of the twentieth century have had vastly unacceptable consequences not only for those three per cent of the world population on the move, but also for all those who think themselves to be living democratically and largely peacefully, that is, non-violently. The effects of policy making are observable, but its conception is not easily visible. It is located in the banal setting of career (policy) professionals attempting to make sense of their environment composed of particular intellectual techniques and ideological habits (Kuus, 2011). In other words, there is no evil intent, but discursive dynamics lead to a particular kind of truth

creation produced by situated elites through lengthy processes of meetings, memo writing, corridor chats and coffee drinking. Doctrine formation in the context of global mobility thus took place in the IGC, and is of particular interest as it still is a secretive forum, which moulds ideas and articulates truth claims and definitions that are then circulated into the wider group of migrant experts to slowly transform into the normalized and sedimented knowledge discussed in Part I. What is so problematic is that there is no 'oxygenation' of such articulation, no debate that allows dissensus, as all participants are chosen for their quality of being 'like-minded'. In Part II of this book, I will therefore discuss how the meaning of concepts change and with that how some conceptual boundaries are retired and how others are established to form a frame of intelligibility and condition of possibility for Migration Management.

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3   Geopolitical ruptures

> Order is the burden of the white man; efficiency may be the demonstration of it in a modern rationalized society.
>> (Crozier, Huntington and Watanuki, 1975: 45, *The Crisis of Democracy*)

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 needed to 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)

International migration moved from low to high politics but a focus on strong regulation was kept intact. Thus, the 1980s set in motion a process that would develop into a complete overhaul of the underlying meaning of those concepts that 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 to create what is now known as Migration Management. The answer is that it was embedded in wider sets of logics that made the narrative of managing migration commonsensical and inevitable, logics that were bigger in both scope and depth: it was the coming about of the neoliberal consensus or, as Rancière terms it, consensus-democracy – and migration was the first issue area to which this was applied internationally. This was done by a process of doctrine formation that set

out which political subjectivities were fitting for the new global order character-ized by the neoliberal consensus, a system that globalized the governance of people and things at the same time as it opened a process for a more narrow form of sovereignty imposition expressed by grounding it in the regulation of interna-tional migration.

The IGC, inspired by a particular form of social democracy, is an attempt to address both of the dangers already outlined in the introduction to this book brought about by the 1960s and 1970s 'crisis of democracy'. Namely, (1) the overload of democratic systems with participants and demands, and (2) a reaction against the phenomenon that the discourse of human rights was gaining ever more traction; in consequence this overload was perceived to be making it impossible for governments to maintain order based on an established elite consensus of allo-cated places and functions and the resulting ability of migrants to be seen and to speak. In particular, a lack of constraint, lack of respect for authority, and the undermining of order (Crozier et al., 1975) were identified as problems in urgent need of addressing. The fear was that the Global North was on the brink of being ungovernable and losing its sovereign ability as it was understood then. In the 1960s, minorities began to demand equal rights not only with regard to political and civil rights. This 'excess of democracy' (Campbell, 1998: 163) posed a danger to governments being able to act at home and abroad. It posed a twofold danger: (1) the 'excess' made demands on being included in policy making, and (2) efficiency, not only in economic terms, was endangered by migrants – assumed to be deranged, uneducated and tired – trying to enter Europe in an unin-vited and unsolicited way. The discourse is a situated knowledge – 'the burden of the white man', as the quote above puts it.

The international politics of migration was and still 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 geopolitical discourse as it frames the boundaries or limits for what is intelligible to policy makers and the social more generally and within which 'consensus-democracy' 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-à-vis international migration could change so substantially and normalize so quickly. This chapter thus sets out what the basic conditions of possibility were to enable a narrative of Migration Management such as we accept it now, as outlined in the first part of this book. I contend that Migration Management needs to be situated and understood in a context where social democracy was rethought and the management of the social emerged instead. It combined security and economic considerations such that they could build a coherent narrative that was 'globalizable', yet try to contain and fix social plurality within the limits of the nation-state.

I will first illustrate how a particular elite of global-order-making within Bilderberg and the Trilateral Commission produced a problematique, which they perceived was a challenge to the hegemonic order throughout the 1960s and 1970s. Based on setting out what the perceived problem was, I will then look in

more depth at the contours of the ruptures that these problematizations brought into life and give an account of what kind of learning was to be done for a transformation towards the neoliberal consensus. I will also show how the transformation was relevant to thinking about international migration by briefly outlining the relevance of proxy wars in Indochina. These two fora, Bilderberg and the Trilateral Commission, were vital in introducing a transformation of doctrine and providing a blueprint for how the governance of migration came to be thought up within the IGC.

Crisis of democracy

The political atmosphere in the late 1960s and early 1970s was perceived as destabilizing 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 the Second World War. Embedded liberalism,[1] associated with US hegemony,[2] had come to be criticized by many Western European countries. Europeans became critical on three accounts:[3] first, there was growing dissatisfaction with US occupation; second, obstacles to US investment in Europe developed, and Europeans worried that the USA would withdraw from its engagement in reconstruction; and third, the US political 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 USA. 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)

Raymond Aron published *The Imperial Republic* in 1974 hinting at how some Europeans had conceptualized their relationship with the USA. Another author writing from London, George Lichtheim, put it more succinctly in concluding that since the Atlantic Alliance was imposed on Europe, it had 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, the Trilateral Commission and the breakdown of Bretton Woods

Europeans, felt imposed on, without – precisely – being accepted as partners in an equal relationship where approaches to the way of doing the governing were 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, see also Richardson, Kakabadse, and Kakabadse, 2013). The membership was composed of a high proportion of social democrats (academics, corporate and banking chiefs, media people and trade 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 contentious international relations in problematic issue areas. It was a form of diplomacy that believed in multilateralism and wide participation of 'stakeholders', but on the basis of a chosen and controlled membership that met secretively. Bilderberg smoothed over disruptions and conflicts between Europe and the USA until the early 1970s. At this point US unilateralism led to the establishment of the Trilateral Commission.

This 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 concern' 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 domestic matters would not interfere with effective international cooperation. The Trilateral Commission and its forerunner, Bilderberg, brought about the transformation of logic which ended the 'golden age of social democracy' and led to its reformulation. The Trilateral Commission is not widely known, yet it is not secretive in the sense that commissioned reports and other documents are available online.[4]

The Trilateral Commission is highly relevant in the context of this study for various reasons: first, it introduced a so-called shift in thinking by marrying neoconservative and neoliberal sentiments to formulate the logic of neoliberal consensus-democracy; 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 reformulated 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 rethink 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 summarized 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 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 was a 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 it 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 as being 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 the First World War 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 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 increasingly threatening addition.

The particular geopolitical circumstances associated with the rise and fall of Bretton Woods, mediated by the Trilateral Commission, are relevant here. They are relevant not only in respect of the transformation of logic but also, more practically, with regard to a particular form of international migration. Economic theory of the time, together with the Bretton Woods system with its formal institutions – the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (IBRD, now the World Bank) – set the structures and rules for the economic interaction to be brought in after the Second World 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 USA 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: 1159–60)

The more relaxed Marshall Plan was thus instated, giving financial aid in the form of grants to European countries (J. 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 (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 that 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 rebuild the destroyed Europe. As elaborated in the Introduction, the labour recruitment of the 1950s to 1970s, which has come to be known as 'Gastarbeiter schemes',[5] still sets the standard either explicitly or implicitly for thinking about labour migration today. The steering of the domestic economy through different forms of welfare governance which had been established throughout Europe was impacted by the 1970s economic crisis leading to the subsequent abandoning of the Bretton Woods system (Hunt, 1986: 154). This move was explained as being caused by 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 that of central bank gold. 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 of good governance practice 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.

In conjunction with the liberalizing and transnationalizing of the markets, the discourse stating that welfare creates dependency and is too expensive was emerging. 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 important 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 to.[6] 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 programmes 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 that 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 time-frame European governments abandoned all their guestworker 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-skilled or unskilled workers needed in Europe's (heavy) production industries. With a shift away from a Fordist system towards a post-Fordist system focusing on services, skills and knowledge within a monetarist logic, these workers not only became redundant but prompted a special kind of logic 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 of failed development attempts (Taylor et al., 1996).

Students of migration learn that with the oil crisis in 1973, all 'gastarbeiter' programmes were stopped and that international migration – framed as a problem – started (Castles and Miller, 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 workers.[7] Accordingly, public and academic discourses in the 1980s started focusing on questions of integration and associated phenomena such as 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. Banking (especially 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 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 and Laporte, 2004) – the source of 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 goes, 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, Hosomi, and Diebold, 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 that there was not to be economic migration. It is further important in order to appreciate the slow U-turn that 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 as discussed in Part I.

Doctrine formed for a new discourse?

The most problematic challenge for social democracy in the post-1945 era was the conflict between an emphasis on full employment and growth and the aim of fighting exploitation. This was to be done via redistribution. The tool with which social democracy sought to prevent inequality was technocratic regulation. As M. 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 redistribution was centred on assumptions of relative homogeneity of the social and a boundedness of space within which redistribution 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 unstable such claim making and claim granting is. Formally, the problem of claim granting was solved by allocating the right to the citizen and the granting to the migrant worker who was a guest, or alternatively to the refugee who would be allocated charity – not right. Yet by the 1970s such considerations became mixed with populist xenophobic sentiments rooted in more conservative political perspectives, and thus migrants and refugees were constructed as a threat. While much of the discourse focused largely on deregulation and liberalization/globalization of the market, the effect of the changes during the 1970s and 1980s for international migration was hyper-regulation.

The dual imperatives of social justice *and* economic efficiency find their limit at the point where social democratic values and economic globalization merge to become neoliberal consensus-democracy, which favours competitiveness and private responsibility. It is also the reason why I emphasize technocracy as a phenomenon, especially in Part III of this book, 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 the breeding of intellectual capital and self-improvement, in short when the subject is deemed efficient (see also Brown, 2015). 'Nonbreeding subjects are rendered nonworthy subjects' (Ong, 2006: 239). To regulate this is the 'burden of the white man', the civilized and efficient man.

The 'crisis of democracy' and its economic restructuring 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: 87–8). 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 hiccups should be retained. But the emphasis was on efficiency and competitiveness.

Drastic changes such as those cited above have not happened. However, the underlying ideas have found forceful incorporation into 'commonsense' 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, is seen as 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 restructure completely the 'common sense' of civil society.[8] 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 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). These are terms that have translated into policy making on international migration almost without mediation. The language of political economy throughout hides the strong narrative of order and stability that was implicitly driven by security considerations as promoted, for example, by the CIA. In the narrative of 'mixed flows', unskilled migrants – or potential asylum seekers, as the case may be – 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 that the Global North faced:

> The [post-war democratic] system has worked well enough as long as socie- tal change was slow, the intervention of public authorities rather limited, and the fragmentation and stratification of society strong enough to insure a prag- matic acceptance of social order and established authority. But once the explosion of communication and social interaction has disturbed the neces- sary barriers that made societies more simple and therefore more manageable, [the] basic pattern of rationality disintegrates.
>
> (Crozier et al., 1975: 41)

This quote has to be understood as based on an impression of 'cultural and moral breakdown of the late sixties' (Crozier et al., 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 pluralization 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' that Crozier et al. (1975) 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 also 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 worldwide 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-à-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 breakdown of communism. I argue here that these events – although not unimportant – are symptoms of an ongoing 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, a turning point that 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 that were meant to facilitate economic stability and social well-being. It was the perception of having lost stability and order, as well as the narrative of an unfundable welfare system and claims made by groups that were not seen to have the right to do so, that led the Trilateral Commission to commission the report 'The Crisis of Democracy' and to the notion that a new system needed to be established – by the elites of the Global North.

Constituting a neoliberal consensus-democracy and geopolitical subjectivities

The reaction of the Trilateral Commission to 'The Crisis of Democracy' (Crozier et al., 1975) report was, by stated intent, 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 societies, 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 domesticated and neutered 'multiculturalism' rather than agonistic plurality. The development of technocratic management channels what is sayable, who can speak, and what cannot be expressed into tightly prescribed circumscriptions. Technocracies' aim is pragmatism: controversy is not needed any more because there are no longer existential ideological differences (much like the 'end of history' argument where liberal politics is seen to have no enemies any more).[9] The assumption is that the identification of 'best practices' on 'evidence-based knowledge' will lead to a solution that facilitates the self-management of individuals in society. 'Above all,' writes Brown, 'governance receives the political as a field of management or administration and reconceives the public realm as "a domain of strategies, techniques and procedures through which different forces and groups attempt to render their programs operable"' (Meehan, 2003: 3, quoted in Brown, 2015: 127). Life is reduced to problem solving and programme implementation – consensus replaces contestation.

Inspired by Foucault's elaboration of the historical meaning of policing as the set of practices that utilize and maintain a population, Rancière (1999) develops a particular understanding of the administration or management of the social. *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 governmental and non-governmental institutions, and the distribution of places, roles and functions (Rancière, 1999: 28). The distinction of international migrants into those who are treatable and those who are entrepreneurial on the one hand, and those against whom the European Union needs to take prophylactic measures on the other, is an example of how roles and functions are aggregated and grounded within the social.

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 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 ongoing 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 – that 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).

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 that 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 the demos. In other words, consensus-democracy actively seeks to end politics through 'the way in which the abstract and arbitrary forms of symbolization of hierarchy are embodied as perceptive givens, in which a social destination is anticipated …' (Rancière, 2011: 7). Policy is couched in a neoliberal logic which counts and accounts for all parts that constitute the globalized social body. Consensus-democracy is a static order and as such it amounts to domination. '[In] discourses, norm and deviation are the means by which subjects and objects … are made, arranged, represented, judged and conducted' (Brown, 2015: 117). By imposing uniformity and hierarchy, career policy professionals recast sovereignty in neoliberal consensus terms as compulsory order – they claim the entitlement to juridicate and divide the social into norm, deviance and, invisibly, suspension – which is the moment of domination.

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 to 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 have paved the way for social science research to be acceptable if it is policy-relevant, evidence-based, and 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 here. 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 inherent power dynamics of processes of consultation and identification of what is perceived to be meaningful.

However, what falls by the wayside 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 that is historically aware and politically critical of processes of construction of meanings. Those academics who do not conform to such technocratic solution-finding enterprises are 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 making.[10] 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 that 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 conceptualization of knowledge, of political subjectivity, or of 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. … 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 that 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 that are globally defined through concepts such as possessive individualism, competitiveness, consumerism, interdependence, and bounded welfare concerns; as well as particular notions of security and urgency vis-à-vis the Other. Until recently, international migration was approached by many scholars as a technical question rather than, outspokenly, a phenomenon that is deeply political. 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. This is not to indicate that there was not also another motivation for many scholars of Migration Studies: xenophobia was voiced in an ever more outspoken way, made possible by the neoliberal consensus despite its drive to want to go beyond 'ideology'. Many scholars hoped to undermine right and extremist arguments against international migrants, by providing factual and technically oriented 'evidence'. However, it has become increasingly obvious that the attempt to counter right-wing/conservative discourses failed.

It is against this background – of technocracy and changes in the function of academia – that the new geopolitical order and a new understanding of the construction of political subjectivity are rendered more intelligible. Against the backdrop of reconceptualization in Bilderberg and the Trilateral Commission about what politics is and does globally/internationally, geopolitical subjectivities are constructed as (1) the 'active citizen' (the norm), (2) the 'targeted population' (the deviance from the norm) and (3) 'the suspended'. 'Active citizens' are 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 under-

stood 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 in which women (even today) are portrayed as irresponsible or otherwise victims who have morally strayed away from what is 'good' for 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).

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 neoliberal consensus-democracy (Rancière, 2001). It is thus, Brown explains, not government by command and punishment (although these techniques remain part of statecraft), but government by governance that constrains and incentivizes based on a language of self-organization and partnership. It is management, a 'fusion of political and business practices, both at the level of administration and at the level of [provision]' (Brown, 2015: 123).

The Trilateral Commission was, it seems, unsuccessful 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 organizations, such as the United Nations. The Trilateral Commission was, however, very successful in spreading ideas, turning them into 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 EU and spreading regionalism and facilitated the rise in bilateralism after the 1970s. The Trilateral Commission posed the problem of the 'crisis of democracy' and the need to economically restructure as being caused by the increasing interdependence of states. The discourse that 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 or make do. The notion of interdependence is significant. 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). It was the expression of a problem: interdependence meant that the social order seemed domesticated inside the spaces of the Global North or First World as it was then termed, attempting to police the global geopolitical landscape of a bipolar world order with explosive effects, especially in so-called Third World countries.

Proxy wars of the bipolar global order

The context within which Bilderberg, the Trilateral Commission and the (former) Bretton Woods institutions were situated was against a communist Second World and a Third World. Whilst a stalemate had formed between the First and the Second World, ideologically couched and maintained by nuclear Cold War, the Third World was the playing field not only of decolonization efforts, but also of proxy wars over supremacy claims fought between the First and the Second World. Interdependence was not yet part of the narrative, and painful partitions between colonial powers and their dependants and the intimate hatred underlying the bipolar global order provided the nourishing ground. The Indochinese refugee crisis was an expression of these complex relationships and geopolitical developments.

The Indochinese wars turned out to be the third relevant crisis giving concrete expression to the ruptures that formed the conditions of possibility for Migration Management to come about. Notwithstanding their immense complexity, which cannot be discussed in detail here, all three Indochinese wars were characterized by regional disputes over boundaries as a result of anti-colonial wars fought since 1945 (Bellows, 1979; Osborne, 1980; Turley, 2009). Vietnam was at the centre of these wars. Vietnam achieved divided independence in 1954, after the French had been defeated by the communist-backed Viet Minh. The second Indochinese War between South Vietnam (backed by the USA) and the Northern Viet Cong (backed by Russia and China) began in the late 1950s and lasted until 1975. At the same time the two global powers, the USA and Russia, were also involved in wars in Cambodia and Laos. The third Indochinese war is more difficult to locate in time as it was characterized by less open involvement of the two global powers and more by insurgencies. Most literature dates the violence as between 1975 and 2007, when the anti-communist insurgencies in Laos, supported by a USA-backed Thailand, ceased significantly.

Keely (2001) argues that there have effectively been two refugee regimes since the Second World War: one in which UNHCR was to provide humanitarian assistance, with a focus on protection and repatriation in an effort to rebuild societies that came out of a conflict situation; and a 'Northern' regime, which was a narrowly focused tool against the communist Second World, in which refugees were instantly absorbed into Western society and permanently resettled in an effort to win the argument that democratic societies are free and essentially superior to a communist order (Keely, 2001: 306). Until 1967, the Convention Relating to the Status of Refugees of 1951 was temporally and geographically limited to Europe and the aftermath of the Second World War; however, it was noted during the 1960s that the increasingly difficult humanitarian situations in Africa and other global regions called for a reconsideration of the temporal and geographic limits.[11] For example, the UNHCR had had an office in Hong Kong, then a British Crown Colony, since the 1960s (Keely, 2001). My contention is that in the Indochinese refugee crisis, especially after 1975, Keely's two refugee regimes merged into a problematic muddle. Moral pressure resulting from the responsibility arising out of the colonial past, ethical imperatives resulting from

the many deaths of boat people – not altogether different from the situation witnessed currently in the Mediterranean – and geopolitical one-upmanship resulting from the power rivalry between the communist East and the West motivated the countries of the Global North to resettle some of the Indochinese refugees. These refugees received the treatment that Eastern European refugees from communism received: resettlement and full integration. However, there was a swift reaction from many sources questioning the generous arrangements and whether these people were indeed refugees, questioning also if protection could reasonably be extended in a situation that was economically challenging for societies growing ever more diverse, and relating difficulties in the integration of refugees from a very different ethnic and cultural background (Stein, 1983).

It is thus unsurprising that migration, though with delay, was a topic for the Trilateral Commission in 1993. Thus, suggesting that 'growing migration pressure occurring at a time of increasing interdependence makes international migration a critical concern for peace and stability in the [Cold War and] post-Cold War era' (Doty, 1998: 71). 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 and 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.

Conclusion

The combination of these ruptures, the crisis of democracy, the restructuring of the global economic system, and the rupture brought about by the Indochinese refugee crisis frame the conditions of possibility for the reactionary move that brought the IGC into being. Bilderberg and the Trilateral Commission have achieved several things that are relevant: (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 introduced a technocratic approach to policy making that domesticates 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 either expressed in 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 – neoliberal consensus-democracy – the Trilateral Commission has silenced the political that is thrown up by the very question of democracy. Governance – 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 emphasizes the technocratic

nature 'of the job' – something that Walters calls 'the antipolitics of governance' (Walters, 2004: 33). Thus, these crises accumulated to rupture a presumed stability and produced a particular kind of knowledge that was hoped to bring control.

In articulating neoliberal consensus-democracy, the Trilateral Commission was successful in establishing a transformed discourse by formulating new connotations and instruments. Recalling the ruptures as I have offered above is 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 new framing by the neoliberal consensus 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.

Notes

1 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).
2 Here understood in its realist incarnation.
3 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 neoliberal terms.
4 www.trilateral.org
5 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 that 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 programmes henceforth.
6 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 such as the ILO's 'Evolution of Illegal Migration in Western Europe and the United States', Geneva 1976 (ILO, 1976).
7 A strand within migration studies shows that work migration into European countries has never completely stopped, despite all the policy rhetoric to the contrary. The ILO estimated that there were 7.5 million foreign workers in European countries in 1973. Following the stop of recruitment it is thought that about one third of those work migrants returned (Salt and Clarke, 2002). However, since the late 1980s the number of work migrants has been 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).
8 An exception to this is Britain where the Thatcher regime (aided by earlier moves of the Labour government) did reshape the political landscape for civil society considerably (see for example Hall, 1988).
9 Fukuyama (1992) However, his argument has been, according to some authors, vastly and willingly misread.

10 With the same exceptions, as noted earlier.
11 Memo from the UN High Commissioner for Refugees on the Report of the Colloquium on Legal Aspects of Refugee Problems held in April 1965, 9 August 1965, 16/1/3/AMEND.

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4 The IGC's informal plurilateralism

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 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 the UNHCR's working group on asylum and migration, which was tasked at the beginning of the 1980s with understanding a phenomenon experienced as new at that time: mixed flows. The term 'mixed flows' describes the perception of national governments in Western Europe that it is not possible any more 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 has been 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 resort to 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 briefly outline the history of informal plurilateralism. I will then discuss the IGC as a particular example of informal plurilateralism used as a forum to discuss international migration, whose 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 neoliberal consensus with its technocratic mindset has prompted a transformation in the institutional makeup of the international community.

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 intergovernmental cooperation. The refugee regime, for example, created through the UNHCR and the 1951 Convention alongside intergovernmental organizations such as 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 countries' views. Thus, multilateralism denoted international intergovernmental 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 discourse that would guide thinking and governing in the 1980s and 1990s: a hegemonic discourse that led to the 'no-alternative claim' during the Regan and Thatcher era. More important 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 cross-cutting 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 of 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, Macedo, and Moravcsik (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 that provides space to voice ideas without the formal restrictions associated with fixed institutional structures and international law (conversation, Penninx, 8 September 2007). It is also a forum where there is no legal or public scrutiny as to what is discussed, how it is discussed, and what consequences would follow from ideas produced. The most recent coordinator of the IGC emphasized in conversation that the meetings of the IGC are private not only in the sense of a tightly controlled membership but also in that the participants attend in their private capacity – though they do hold the brief for international migration within their 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 important, the informal extra-institutional space leads to the 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, 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 depersonification 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 Foucauldian 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 discussion in such a forum as the IGC.

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 the forum tends 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 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 pretences. 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 twenty-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 et al., 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, wrote 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 nations,[1] which takes 'common policy measures *against* refugees, asylum seekers and migrants' (Dutch participant, notes circulated for meeting on 13 May 1991 in Switzerland) in focusing exclusively on preventative measures in respect of movement. However, IGC consultations in the 1980s did precisely this; it made policy against refugees and asylum seekers and, in taking measures to control movement, they created (though presumably 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 '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 labour 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, as discussed in Part I of this book.

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 feeling an urgency 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 should go about identifying 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, Apave,[2] 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 that need information gathering in order to establish evidence-based knowledge upon the basis of which governments can then implement proactive (administrative) mechanisms and practices.[3] Examples here would be the gamut of border control strategies introduced in the twenty-first century (and ongoing).[4]

This organizational change in ideas production and policy-making is interesting insofar 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 neoliberalism, 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 sidelining 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 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. The Budapest Process was a form of policy export, which placed the onus of policing the outer European borders with regards to migration on those joining the EU and 'relieving' the older EU countries from their responsibility.

Drawing on the field of peace and security studies/practice, Forman (2006) suggests that 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 for governments to revert to informal, 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 heavyweight, simply because the proposal comes from the

Global North. The Global South accuses developed countries of disregarding their position and hence undermining the original idea of mutuality.[5]

Another strong reason for retreat is the perceived lack of effectiveness or efficiency of formal multilateral institutions. Under globalization and ever-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; Klekowski von Koppenfels, 2001). Decentralization of governance on the one hand and a general crossover between various governance areas on the other may provoke institutional conflict. This is thought to be unconducive 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, 2001b; and Stanton-Russell, Keely, and Christian, 2000) have referred to what has come to be termed '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 workings 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. Examples of informal multilateralism would be the Ad Hoc Immigration Group within European institutions which was active from 1975 or the Schengen Group, which has ceased to exist, as the Schengen agreement is now incorporated into 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, the UNHCR hosted an informal seminar on the 'Integration of Refugees in Europe'. It was noted that irregular arrivals, procedures for refugee status determination and issues around manifestly unfounded claims of asylum were of urgent importance 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 were 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 from 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 areas.[6] … 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, pp. 1 and 2)

Substantially, this quote is interesting as it already outlines the IGC's programme 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 reconstructed and represented as a threat that needs urgent, pragmatic action – a new expression of political subjectivity. At this point, however, I want to focus on the rationale given for the institutional change necessary in this 'new situation': explicitly, the UNHCR is not regarded as 'fit for purpose'. The gap between participants and the UNHCR seems to have persisted and widened. The report shows this 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, p. 3)

It is noteworthy how a qualitative difference is established between an efficiency-focused Dutch proposal and a tedious UNHCR call for adherence to basic principles, and it is noted that 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, the Cabinet Minister for Labour for Sweden, Ms. Anita Gradin makes two important remarks:

> It is obvious, that developments like [large-scale influx of asylum-seekers, restraint 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 reached deadlock in a formal multilateral setting, but seemed 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 that 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.
<div align="right">(UNHCR, MP/dm – 13.5.85 Draft, Annex IX)</div>

The IGC is thus a consequence both of internal discussions specific to international migration and also of larger geopolitical changes.[7] As indicated above, not only diplomats but also governments and thematic experts (conversation, Penninx, 8 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 which 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, from the latter part of the 1980s, UNHCR leadership and participants within the IGC struggled increasingly with differences in judgement 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, 8 September 2007). As a result, the IGC was included into the 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. Widgren was formally appointed as coordinator in 1990 (he had held this position informally since 1987) as a consequence of the disputes noted above.[8] Finally, in 1991 the IGC left the UNHCR to become an autonomous body. Thus, a letter of the Permanent Mission of Denmark to the United Nations Office in Geneva in 1991 states 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 labelled 'confidential' at the time and includes an outline of the suggested relationship between the UNHCR and the IGC. The 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 gives assurances in this letter that the UNHCR's involvement in the IGC ends there, and accepts a position as observer with restricted access – putting the UNHCR on the same footing as the IOM or the Council of Europe (Ogata [June 1991], letter to Ambassador Morland).

Participating states had outlined in various versions why they deemed the IGC to be important, why it was essential for it to become independent, and what tasks the IGC would have to fulfil. 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 than by a broader understanding of historical developments, contextual circumstances and legal requirements.[9] Thus, the IGC moulds new concepts and recycles old ideas.

Johnston et al. state in their twenty-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 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 et al., 2005: 16)[10]

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

From doctrine formation to policy implementation

The IGC was, thus, instrumental in informing new concepts, data gathering,[11] 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, 2004; 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 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, quoted in Ritzer, 1975: 631–3). Weber predicted that this would produce a perfectly functioning machine. More important, 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 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, that is, a struggle between adversaries that remains open to questioning outside the boundaries set

by a particular discourse. Furthermore, due process of law is weakened 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 May 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 multi-lateral 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 shopping[12]) 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 the UNHCR, a certain transparency and the rule of law as principle are 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 the 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 neither the informal nor the formal multilateralism were providing output, and hence they 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 the 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 of the new 'quality' of those arrivals posing problems which the region of origin should deal with. He then 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-a-refugee' story. Irregular movements with regard to asylum seekers and refugees were also an issue during the 35th ExCom session in October 1984.[13] However, official documents do not mention at this point any of the contentious issues that were 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; this means that the 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. At senior level, officials and bureaucrats tasked with 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 publicly. 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 unscrutinized 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 et al., 2005: 17). The document goes on to state that there is an 'awareness that the data "stays in the family"' (Johnston et al., 2005: 18).

Second, 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 it was free of 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 that other European governments 'regarded their initiative as a kind of test bed that can point a way to technical solutions' (Callovi, 1992: 359). These were 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 labour 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 was 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 fifteen 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 Process and the Bali Process – already facilitate the export of such policies.[14]

Conclusion

The IGC came about through historically specific changes and a socially/politically constructed deadlock in informal and formal multilateralism. The IGC was possible, first, because the Trilateral Commission had set the precedent for how to organize it 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. The UNHCR, as the institution seen to be hampering the flexible and pragmatic approach, is sidelined to the point of being effectively silenced. Other possible parties to such discussions are not invited.

The Trilateral Commission also set the ground for the production of this particular kind of 'evidence-based' knowledge within the framework of a rather technocratic mindset. The IGC is composed of governments from the Global North to react to what they perceive as sudden irregular mass influxes of people to be dealt with in an urgent and concerted way without making prescriptions or producing legislation binding 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 disenabled from access the problem does not arise. In this process, reconstruction of the political subjectivity of such a person from needing protection to being a threat is a first step. The knowledge is already naturalized and common sense and therefore not problematic – it is then an easy step to formal policy-making and enforcement.

It is important to understand informal plurilateralism as a policy laboratory that 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 recent decades – they have evolved into the hegemonic narrative, unquestioned and unchallenged. Theoretically, this discourse can be explained through the specific logic that the Trilateral Commission offered with regard to what democracy is for us and the place the neoliberal consensus 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 that evolved from the IGC. Migration Management is built and further elaborated from this vantage point, as will be shown in the following chapters.

Notes

1   Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Italy, Netherlands, Norway, Spain, Sweden, Switzerland, the United Kingdom, and the USA.
2   Gervais Apave was IGC coordinator from 1997 to 2001.
3   Primarily the collection of data on 'flows' and 'stocks' of (im)migrants.
4   Such as: the use of new technology; professionalization of visa requirements and control; internal checks and controls maintained by ever-growing databases such as the Schengen Information System.
5   Participant observation during the years 2001 to 2003 at the UNHCR and UNHCHR in Geneva.
6   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.
7   Since it is composed of UNHCR's major donor countries, the IGC is often referred to as the donor club.
8   This is expressed in a range of letters and memos dated in early 1990.
9   The documents available to me suggest that participants draw on their 'un-evidenced' experience, while critiquing the UNHCR for introducing too stiff conditions on their discussions, for example when insisting on the adherence to refugee law.
10 Johnston et al. quote from Jonas Widgren *Informal Consultations: An overview*, p. 30 – no other bibliographic information is available and he refers to Randall Hansen (2004) *Inter-State Cooperation: Europe and Asia*, Paper prepared under the auspices of the Bern Initiative, p.18.
11 According to Johnston et al., the databases 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 database going to Eurostat (Johnston et al., 2005: 12).
12 Venue shopping is the phenomenon where one asylum seeker places his or her claim in various European countries.
13 Minutes of the Task Force on the European Protection Seminar 1985 – meetings held on 2 and 5 November 1984.
14 On the Budapest Process, see www.icmpd.org.

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Conclusion to Part II

It comes as no surprise that the bogus asylum seeker was invented during the time when the bounded liberal order of the post-Second World War period came under scrutiny and was ruptured to make space for the neoliberal consensus. But since the problem of asylum seeking was recast as one of access more generally, a doctrine was formed that ended up constructing the illegal migrant. The doctrine around Migration Management thus began to be formed in secret and, framed by worries over distributive justice and the integrity of the social-liberal democratic system, with a focus on who should be barred from access. 'Consensus', May explains 'centers itself on technological solutions to political problems' (May, Noys, and Newman, 2008: 146). Secrecy – the lack of scrutiny – at the point of doctrine formation, where an attempt is made to redefine a perceived problem of urgency, produces – at the same time as it hides – domination because assumptions and prejudices are not aired and questioned.

Consensus-democracy domesticates and makes impotent. In terms of understanding the urgency with which the IGC was formed and went to work, this is important: in context where more and more people claimed voice, the economy transformed *and* culturally alien people were to be taken into account, fears of a potentially destabilized order were the motivation for change from '[m]odern democracy […] through the logic of agonal rhetoric and the challenge to the laws, [to consensus-democracy] ruled by experts, the policy makers and the statisticians' (Deranty, 2003: paragraph 17). It is in this way that the IGC regarded international migration in the wider context in which democracy emerged as procedural, appearing apparently neutral, and creating the impression of controlling international migration *tout court*. Importantly, legal reasoning complements this transformation by which the political and the demos are eliminated from the democratic. The notion of sovereignty, of control and authority, is kept intact, hiding its inconsistency with claims of managing a global social body through secrecy.

This is, then, the condition of possibility for Migration Management at the level of conceptualization. Yet Migration Management is radical violence towards those who are suspended. In the context of a narrative of inclusivity, rights and consensus that is heralded by countries of the European Union, the particular phenomenon of suspension as introduced in Part I of this book 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 that is technocratic; which depoliticizes 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 of 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 dehumanized. It is the administrative killing of the suspended. They are either killed juridico-politically or physically in effect. I will turn to evaluating the consequences of problem conceptualization as proposed by Migration Management next.

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Part III

Ethico-political evaluation of Migration Management

Migration Management is a discourse that constructs particular knowledge, which in turn governs practice – the practice of policy makers, border regime enforcers, migration experts and migrants. Discourse does something and this doing is judged against what Migration Management defines as universally normal. The premise of this last part of the book is that the principle of democracy cannot be contained within the limits of state sovereignty. This is something, I contend, that members of the IGC would agree with. However, we come to very different conclusions about what this premise means. The final step in my argument is an ethical and political evaluation of processes of exclusion and domination. Newman supports the claim that I have worked towards: that 'the central and fundamental principle of democracy – collective [life] and egalitarian emancipation – is something that cannot be wholly contained within the limits of state sovereignty' (Newman, 2011: 62). In drawing on the analysis of power effects as they play out in discourse with a particular focus on the reactionary ruptures that led to the IGC's establishment, the deleterious effects of doctrine formation within a framework of consensus-democracy creating domination have become visible and can therefore now be evaluated, politically and ethically. Active democracy always challenges domination and violence; these are not bound to territorial sovereignty, as the example of Migration Management makes clear.

In Chapter 5, I offer a more careful look at the effects of the technocracy that is consensus-democracy. It is in the context of consensus-democracy that international migration is reconceptualized as a question of legal access. Such strategic use of the law produces people without validity to exist. In this system the suspended are not intelligible. Illegal migrants caught in the geopolitical crevasses of internal sovereignty going international are erased – in this way the Global North commits a normative violence so abhorrent precisely because it was not intended. Violence is produced without any answerability for such acts – as expressed by Hannah Arendt introducing the notion of banality of evil (Arendt and Fest, 2011). It is a struggle against representation of those marginalized on the one hand and the failure to represent those dominated on the other hand, as expressed through the notion of normative violence elaborated by Judith Butler (1993, 1999, 2004, 2006). Thus I am showing the 'banality' and the 'evil' that is at the basis of Migration Management.

Chapter 6 builds on this ethico-political critique by showing that Migration Management cannot be kept sanitized to such a point that it is immune from dissensus and rupture. What an ethics of equality 'accomplishes is to break […] practices of domination fostered by the police order' (May et al., 2008: 131); or as Butler puts it, ethics of equality being 'in continuity' with politics (Butler, 2004, 2006). On the back of this discussion it is possible to think about and illustrate how the suspended migrants force recognition of the wrong done on them and testify to the potential inherent in suspension that may be generative.

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5   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)

Neither the international environmental governance regime (Lipschutz, 2004; Newell, 2008), nor the international health governance regime (McInnes and Lee, 2006), nor the sophisticated international trade regime have at any point in their existence made use of a construct comparable to the IGC. More important, governments have not made use of instruments of global governance that make decisions *privately* (as opposed to informally) in a way that neither the constructivist literature nor the realist literature can explain (Czempiel,1992; Finklestein, 1995; Rosenau, 1995). Thus what is new is the locale: the disconnectedness from formal, rulebound 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, despite assumed popular control. Whitman (2002) asks what leads to the assumption that the involvement of private and non-governmental actors makes governance necessarily either more democratic or more accountable. This is an important question in the context of Migration Management: consensus-democracy, the management of technical problems, sediments into the commonsensical and becomes something that we agree to every day without reflection. Arendt shows this when discussing the Nazi functionary Eichmann (Arendt, 1965). Banality sets the criteria for judgement of what is acceptable in 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 nonsensical threat

to the common order. The domination committed becomes imperceptible, as behaving according to abstract ethical criteria would feel abnormal. The rationale of managing migration is proactive prophylaxis, not reactive 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 (Council of the European Union, 2004), to improve integrated management of the EU's external borders and to make this management more efficient. This only implicitly includes management of international migration. However, since it is at the border, particularly the water boundaries, of the European Union that 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 is said to have nothing to do with politics; rather FRONTEX is 'getting on with a job' in a way 'that works', according to the experts on international migration.

Kasparek 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' (Kasparek, 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 becomes 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 that 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 neoliberal consensus-democracy, which is institutionalized by the juridification of conduct. In short, technocracy and 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 reduce dissensual politics into routinized competition of the included; they suspend the supernumerary, those who do not have a place and are not ac/counted for (Rancière, 1999).

The problem then is not one of physical or even structural violence in the first place, but normative violence: the 'particular norms [that] define who is recognizable as a subject capable of living a life that counts' (Lloyd, 2007: 134). The matrix, or normative frame, established by allocation of juridico-political status establishes the parameters of intelligibility: the citizen, the legitimate migrant or the 'active global citizen' as referred to in Part II, the deviant migrant and the invalid and irredeemable possible-but-not-yet-certain migrant as outlined in Part I. What is important here is that we are all 'invariably in community' (Butler, 2006: 27). However, this being in community requires recognition or nameability, since people's subjecthood is not only socially articulated and placed within a police order, it is also transformable – in this sense it is a space of vulnerability. As a result, Butler notes, sometimes people are deprived of the possibility of having a status; this Butler describes as the 'violence of de-realization' (Butler, 2006: 34). Normative violence means that certain people, or groups of people, fail to count as human according to the dominant regime of intelligibility; this comes in two forms – intelligibility as object of prohibition or as erasure.

Further, the establishment of seemingly irrefutable empirical facts expressed through statistics, for example, are accepted as the sole legitimizer for decision making; empirical facts thereby banalize 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 is lost: it just becomes common sense and is thereby 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: it either leads to the juridico-political death of a person or the person actually physically dies (Arendt and Jaspers, 1993). In both cases this is

administrative killing and, although not called this 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 killed (Arendt and Jaspers, 1993).[1] 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 neoliberal 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 hyperlegalism as a tool alongside and within technocracy. Finally, I will discuss the consequence of those governmental practices called Migration Management for those acted upon and thereby show that Migration Management is an instance of radical (normative) violence. The conclusion will note a certain ambiguity of my analysis and already indicate the possibility that suspension has a generative potential, which will be discussed in Chapter 6.

Polic(y)ing

I have suggested that the discussions that have taken place in the Trilateral Commission, which formulated the horizon within which the IGC started to think about international migration, is an expression of a *partage du sensible*. Crucially, Rancière explains that the 'distribution of the sensible … 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, insofar as it exists, it needs to be prophylactically addressed by, for example, FRONTEX.

Policy in this context is the tool that 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 'natural' and 'beneficial' but there are those who are irredeemable, who are considered to be incapable of working towards their own entrepreneurialization: the suspended. The suspended have no validity to exist within the paradigm of Migration Management.

If policy was once thought to have a guiding capacity that 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 minimized into calculable, empirical values, which become codified and which, in turn, render 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 that 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, administered through highly formalistic procedures – juridification (Deranty, 2003). Juridification is the intense and detailed prescriptive codification of the social, which delegitimizes all possible contestation; 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 emphasizes '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 insofar 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 conceptualization 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 goes on to explain that such police logic is portrayed precisely in the 'Habermansian and Rawlsian ethics …: the attempt to de-antagonise politics by way of formulating the clear rules to be obeyed so that the agonic 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-antagonized – 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 reconceptualized 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 reconstructed 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. Rancière elaborates the argument that 'Today's racism is thus primarily a logic of the state … And this state logic is primarily supported … by a substantial part of the intellectual elite.'[2] 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).

'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)

The IGC, and more generally policy-makers in the Global North, are '(economic) planners, strategic thinkers and natural and social scientific experts' (McKenna, 2000: 226). These career policy professionals create expert discourses of calculation that are transformed into policy and disseminated through bilateral 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 uncontentious, abstract and necessary; debate is closed off in that the discourse is formulated as a factual statement to be accepted. Any questioning, criticism or opposition is treated as false knowledge or subversive propaganda – an 'incorrect common sense' denigrated as uninformed opinion or misled ideology (McKenna, 2000). The belief in 'knowledge elites' (Wilson, 2006: 505) provides legitimation for authority and leads to the formulation of bureaucracy as technical expertise.

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 not in existence, or at least as radically invisible. 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 was the name of the first of those well-planned regular patrols that Laitinen of FRONTEX speaks of. HERA was 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 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 2,000 kilometres of ocean from the coasts of sub-Saharan Africa to arrive on Spanish territory, still being about 1,000 kilometres 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' (Kasparek, 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 6,000 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 (BBC, 2006). Effectively patrols took place not in the territory of the Canary Islands, which is 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. Bilateral treaties Spain had negotiated sanctioned these interceptions. This is highly problematic, because not only does it undermine a person's right to leave a country, which is provided for under international law, it also does not offer the possibility of claiming asylum.[3] In other words there is no opportunity for a person to voice their 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', intended abuse of Europe's systems and incapacity to be entrepreneurial.

These bilateral agreements sanction infringement of territorial sovereignty, of Senegal, for example, in order to prophylactically protect the integrity of the European Union's borders and territory. Further, such bilateral agreements sanction refoulement, as it can be argued on the part of the European Union that Senegal is able and willing to offer protection to refugees – otherwise they would not have signed such an agreement. Thus, by prophylactically intercepting people who attempt to leave African territorial waters, they render these people unable to 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 that are portrayed as justifiable because some measuring, mapping and learning has taken place that interception at sea and neo-refoulement are legitimized.

This 'successful' trial, HERA, was taken as the blueprint 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 who never reached the shores of Europe (*migreurop*, 2010). It took an agreement between Italy and Libya according to which Italy pays 5 billion dollars over 25 years to 'secure' cooperation and formalize what de facto amounts to interception at sea and deportation without hearing potential claims for asylum (Kasparek, 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 concerning a NATO aircraft carrier, which did not react in time to rescue a boat containing people who had left Libya. A NATO spokesperson, reacting defensively to the accusation that people had died while waiting for rescue, described the Mediterranean as the Wild West, beyond the governance of formal states (*Guardian*, 2011).

The above example does not only pose questions about the imposition of power on other territories and active infringement of rights and protections. More important at this point of the discussion is that the example shows the paradox of claiming to want to know about and the active not knowing about 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 a way into the European Union while endangering their life. Thus learning takes place alongside the formulation of categories, justifications and practices; today's technocrats 'go to considerable lengths to find out empirically about local contexts' (Wilson, 2006: 509). Civil servants draw, where convenient, on the information provided by academics of other organizations that produce 'empirical fact', but the policy-making process is opaque and non-participatory (Kuus, 2011). However, the underlying principle of the collection of vast ranges of knowledge in order to learn and to come up with solution-oriented policy, does apply. Thus in Migration Management we do look at expanded technocracy, a technocracy that 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 that there is such a thing as uncontested, rational and therefore 'accurate' information. 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 and Hannah, 2001: 379). The trivial and routinized conduct that characterizes technocracy does not require independent thought and moral questioning; it is banal: in this instance neoliberal consensus-democracy and more narrowly Migration Management as a narrative within it. 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 for affording technocracy such an all-encompassing position today is the belief that calculation and measurement give stability and certitude, on which basis an empirical practice can be established and acted on. Stability and certitude are what the IGC strives for at a time when 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.

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 inter-national 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: 1)

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 estab-lished 'as law'. Conventions and treatises are such that even if binding on 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', emphasizing its technical and non-normative elements of regulation (Koskenniemi, 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 Foucauldian observation that everything is perceived to be dangerous and thus needs urgent and proactive addressing (Foucault, 1997: 256). Juridification answers the need to formalize and be proactive at the expense of litigation over substance. What results from this reformulation is characterized as 'hyper-legalism' by Inder (2010); she defines this 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)

For example, the principle of non-refoulement is regarded as customary international law (UNHCR, 2007, Advisory Opinion). Expressed largely (but not exclusively) through negative obligation, the spirit of both refugee and human rights law is protection. 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: EU activities fall short of actual refoulement, but have the effect of preventing persons from launching asylum claims and seeking protection. '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 a trend can be observed in 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 a juridified approach to law and space.

The example of Mauritania is a case in point, where the EU 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 is also to police and enact Europe's categories of access and prevent those whom IGC countries do not want to have from attempting to find their way into Europe. Thus the form is honoured, crucially without regard to substance, since 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. Furthermore, 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 has been a 'partner' in the fight against illegal migration. It is a signatory 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.
>
> (European Commission, n.d.)

The context, however, to this country strategy is that Mauritania has traditionally received migrants and had allowed the movement, that is the circulation and settlement of migrants, generously on its territory. Until European influence, migration was not a priority or indeed a problem on the agenda of either successive Mauritanian governments or Mauritania's 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). 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 until 1989 based their strongest argument against the Soviet Union on its prohibition – in contradiction to international law – against people leaving their country.

Today, the Mauritanian government records interceptions. *migreurop* reports how their researchers were able to look at documents given to Malian authorities on handing over 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 that not only are people potentially barred from making a claim of needing protection; worse, the 'hunt for illegals' places potentially anybody in the situation of abuse by authority on the sole cause of a suspicion that they could be a migrant aiming to reach European shores. This is the prophylaxis that FRONTEX is so systematically enacting – or, put differently, the racism Rancière was elaborating in 2010.

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 to outlaw a fundamental wrong done to a person; in short, to implement the provisions set out in human rights instruments. Yet it is difficult to make such normative claims when only the form is honoured. Thus, before being deported to Mali or Senegal, suspected illegals are detained in circumstances that hardly accord with 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' according to 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. The basic rationale of international law – to protect a person from harm or even 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 who is capable either of being wronged or of making a claim – it is a thing to be acted upon.

The EU 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, that is, 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. The rhetoric of right and protection on the part of an individual is perverted. This is a mockery for those who have lost sons and daughters or those who find themselves stranded in between countries where they have no 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 that regards politics as too inflexible, time-consuming and burdensome,

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 banalizes 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 EU 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 neoliberal consensus-democracy. Yet if everyone can be included by way of behaving normally 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 conscious, directed and systematic a way as Nazi Germany did. Yet Arendt's quote gives voice to the phenomenon of banality discussed above. 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 reconceptualized 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 is when human behaviour breaches a legal norm, the other challenges the very applicability of 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 EU to abuse the integrity of the system is, in the first place, a constructed 'truth' enacted through technocracy – it is normative violence. Yet this imaginary is strong and very real in its effects – both financially for the EU and by way of radical violence

for those 'identified' as the embodiment of the imaginary. 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 and 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-à-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 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 that 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 of and distinction between legality and illegality are 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 those would-be migrants targeted by the imagination of EU policy-makers, suffer – to use Hannah Arendt's terminology – from a 'loss of world'. However, such loss of the world is provisional, it is alegal. The loss of their juridico-political status came about by unidirectional action of the EU onto another country's jurisdiction within a particular hegemonic order, discursively established no more than thirty years ago, and it 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 that 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. The problem, then, is not one of physical or even structural violence in the first place, but – as explained earlier – normative violence: the 'particular norms [that] define who is recognizable as a subject capable of living a life that counts' (Lloyd, 2007: 134). The normative frame established by allocation of juridico-political status establishes the parameters of intelligibility: the citizen, the legitimate migrant, the

deviant migrant and the invalid and irredeemable possible-but-not-yet-certain migrant. What is important here is that we are all 'invariably in community' (Butler, 2006: 27). However, this being in community requires recognition or nameability as people's subjecthood is not only socially articulated and placed within a police order, it is also transformable – in this sense it is a space of vulnerability. As a result, Butler notes, sometimes people are deprived of the possibility of having a status; Butler describes this as the 'violence of de-realization' (Butler, 2006: 34). Normative violence means that certain people, or groups of people, fail to count as human according to the dominant regime of intelligibility, and this comes in two forms; intelligibility as object of prohibition or intelligibility as erasure.

In our aim at certainty and closure we submit to regulation, a regulation of the common that is ultimately violent as it necessarily excludes that which is not coherent within – the normative frame attempts at erasure by constructing the transit country, the space outside. '[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 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.

Conclusion

None of the above-recounted descriptions 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. 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.

The illegal migrant who finds him- or herself within the territory of the countries of the Global North is such an object of prohibition – as explained above, the exclusion that manifests here is one where the person is marginalized such that he or she cannot draw on the skills that she or he has to be a legitimate part of the community. In this way, whatever the illegal migrant does will be prohibited – the illegal migrant is criminalized. Yet being criminalized means to have a name, to

be recognized and to be potentially treatable – this person is therefore part of the police order. By contrast, domination by the police order, that is, being the object of erasure amounts to social death if not also physical death. It is a juridico-political status that is not nameable, mobility outside of and including within the transit country prohibited by countries of the Global North, and as such normative violence is radical effacement: 'there never was a human, there never was a life, and no murder has therefore taken place' (Butler: 2006: 36).

European Migration Management, as conceived by the IGC, enacted by the European Union and normalized by civil society, is therefore a deeply technocratic system that 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 my final 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 that 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.

Notes

1   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 crossroads 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 and Fest, 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.
2   http://mrzine.monthlyreview.org/2010/ranciere230910.html
3   For a detailed and nuanced exposé of the practices these European policy measures created in sub-Saharan Africa and for mainly young men there, see Andersson (2014).

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6   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)

The countries of the Global North 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. Yet the suspended live and intervene. They act on the world and, by way of initiating activity, they compel a response. The events of the 2015 'refugee crisis' from the Middle East presented, temporarily, a different rupture – not reactionary, but the simple expression of people leaving one place and moving – despite the many sophisticated technologies of regulation instituted. Since the 1980s, seeking asylum had become a near impossibility without the facilitation of smugglers. In a 'fair weather situation', as has been witnessed throughout the past nearly four decades, this raises 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, despite not being named. What, however, emerges when people act on a presumption of equality, as they did in 2015?

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 follows that conceptualizing politics in terms of consensus does not work. Rather, politics and democracy are better conceptualized in terms of dissensus, as this is capable of accounting for the generative and creative moments of sharing space both geographically and, closely tied to this, politically. Most important, 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,

dissensus is the struggle between adversaries who have the capacity to quarrel over what is regarded as legitimate knowledge and action. Thus, dissensus can be a response to suspension. Suspension is a more subtle 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 of establishing a relationship, and dissensus is capable of giving room to this.

In this chapter I therefore aim to show the importance of providing for a space that 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 the Aventine Hill (Rancière, 1999: 23ff). After an uprising against the patricians, the plebs retreat over the 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, holding 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. 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 inegalitarian 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. Rancière retells 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 the latter, the relation between the EU and the suspended is structured by European domination, which holds that those being deprived of an entitlement to juridico-political status – the suspended – are incapable of efficient productivity; they are beings of no ac/count – capable only of noise/silence.[1] Yet when the suspended present 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 reappropriate 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 increasingly more people meet; these deaths too leave traces that cause rupture. The example of Anpalagan is a case in point: the finding of his jeans, some leftover bones and an ID card forced the European Union to recognize his existence. The increased number of unidentified people in Greece and Italy in particular in the past few years is another case in point. Yet Anpalagan and the many unnamed dead are not left alive. They therefore do 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, whom the EU does not ac/count for, face a different – and more disconcerting – situation. They are physically there and among us, equal to us while invalidated from being. 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 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 a 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 that 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, 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 a dissensus 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 Union)[2] at the same time another premise, that of the narrative of Migration Management as formulated by the IGC/EU, is precisely to refuse dignity, freedom, democracy, equality, the rule of law and respect for human rights. The European Union contradicts itself in words and in

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. The suspended remain the excess; their equality is not recognized, they are not heard. Rather, in a cynical move the European Union reacts 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. First, 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, second, 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-à-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 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.

Democracy and rupture: Agonistic politics as dissensus

Contemporary democracy is a process of formalizing governance – it is consensus-democracy, which allows for corrective measures constructing a competitive environment, which, however, banalizes 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 twenty-first 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 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 that 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 that needs to be controlled by democracy, which is to say the lack of a single principle that 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 these 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 other's 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 stifled by an attempt at closure.[3] 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 create the emptiness of consensus. Often this is blamed on media distortions of an issue, such as that of access by migrating peoples to Europe. Thus, the inability to express and debate a plurality of opinions leaves a vacuum that all too easily can be 'filled by ideologies, noble lies or propaganda' (Sharpe, 2010: 57), such as, for example, right-wing narratives of homogenized 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 microregulate to the point of suffocation. In its paranoid drive to assure 'public opinion' that governments are in control of any kind of social process, consensus-democracy makes sure that too much individuality and plurality are 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 person's every move and behaviour (Hardt and Negri, 2001). In the case of Migration Management the plethora of access categories under points systems for the granting of a 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 dehumanizing 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 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 – politics as dissensus. Arendt understands 'world' to be the intersubjective 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 it is the site, as 'platial' phenomenon, where human existence and, as such, history happen and where the political becomes relentless questioning (Elden, 2000: 412). Relentless questioning and intersubjective 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 officer 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 are possible. Proposals for dissensus politics call for reconceptualizing 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 were coupled with the logic of equality in a performative realm (Arendt, 1968). In short, what agonistic politics embraces and emphasizes 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 intersubjectivity in which history is made and can only be made there because we share equality, which is the capacity of natality – the ability to initiate – which everyone and anyone owns. Agonistic politics emphasizes 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 the expression of the contemporary international politics of migration?

In order to elaborate his theorization of the political, Rancière assumes, as do most poststructuralists, the absence of any foundation. Further, most poststructuralists emphasize 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 that orders by dividing the perceptible from the imperceptible – the police order is set up as a fixed and closed totality, as I have shown previously. The political is the moment of breaking up of 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 that seems natural. Such singularity – because it attempts at total-izing 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 plural-ization and thus obliging willingness to engage with new articulations (Connolly, 1995: 38). Europe, for example, learned through the 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 and Zellmann, 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, namely a confrontation between the orders of the police and an egalitarian logic by challenging the exist-ing 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 establishable 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 that 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 that arises out of a wrong that 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: 26–7)

Rancière's thought can aid in thinking through the effects of Migration Management and the suspension resulting out of technocracy. More important, it can also help to go beyond this analysis and interpretation to show how the hegemonic narrative of Migration Management 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.[4] 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 competitiveness and thereby abuse support systems and the order of the social. Rancière contrasts the political act with 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. Resistance 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 a strike, for example. However, the worker who engages in poetry at night stages a political act in that the worker poet constitutes a subjectivity that is not incorporable into the established order of roles and functions (Rancière, 1991: 21–40). It does not 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 crime.[5] 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 above 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 the Moroccan woods in the vicinity of Ceuta and Melilla. The social organization of these frontier areas by the suspended people brings 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 people 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 to the hegemonic system – but in such a way that equality of status needs to be acknowledged though neither in a violent way nor in a way such that those who are suspended are automatically included as differentity. They have to be acknowledged as a 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 important, their organization into a government-similar order compels a response because it undermines the preconceived cliché that these people are 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 that they are on stage and therefore compel a response, even if it is a physically violent response. The act altered the authorities' reaction at least insofar as they needed to spend resources. An administrative procedure had to be created. The BBC's Chris Morris reported how African would-be migrants were forced by the Greek authorities to sign a document certifying that they had entered Turkey from Greece (BBC, 2001), thus ensuring they would not stage claims against Greece by stating that they had *left* the country on their own free account. However dubious this may be (both in terms of its legality and in terms of its political geography), such an 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, 2012: 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 recognition 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 what way are these people political subjects?

Political subjects, in 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 by the European Union as either aliens or as legitimately existing. The contradictory nature of suspension is that 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 their own 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 to rupture the hegemonic order? Intersubjectivity 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, where the police order could 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 that guide 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 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 makes no 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 that 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 are 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 leads 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, along 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 Gourougon, 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, 2012: 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, 2012: 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 because they were either 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 might 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's most recent amnesty for undocumented migrants.[6] 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 statistics show that asylum applications in Spain rose by 36% …, compared to a general decline throughout the year (UNHCR 2006).
>
> (Collyer, 2012: 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 buses that day! They drove us to Oujda [14 kilometres from the Algerian border] and we walked to Melilla. Some people managed to get in.
>
> (Collyer, 2012: 28)

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, 2012: 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 that established them as actors on the stage as equals. 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 that established – 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?

Reinscription and transgression

No order can achieve perfect closure. It is this impossibility that 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 on the part of the suspended to accepting inscriptions of invalidity, 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 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 a creative and therefore generative act of the demos, is grounding equality. It is this ineradicable possibility that generates transformation and reinscription.

How, though, is this done if the European Union as the wrongdoer does not engage in the Arendtian thinking? If equality and political action only come 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, Laclau, and Žižek, 2000). Disidentification can be understood in terms of the idea of a politics of subtraction (Žižek, 2006), 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 Rancièreian stage and act.

Mimicking is important as it establishes a reinscription 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 reinscribed. 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 such as '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 that 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 disobedience.[7] 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 –

it is the questioning of any justification for why some are deemed to have a capacity for having subjectivity while others 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)

Newspaper articles from May 2011 illustrate what this warning, issued so many decades ago, was referring to. The Arab Spring in countries such as Tunisia and Libya 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 sixteen days and all but 11 people died as a consequence. The *Guardian* newspaper reported that a call for rescue was sent out and soon afterwards the boat people saw a military helicopter hovering over them – their call had evidently been heard (*Guardian*, 2011). 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 consequence that one man died shortly after in detention.[8] In short, many of the European Union countries, as members of NATO, can get away with impunity when disregarding their obligations under international law – which stipulates that any vessel is to come to rescue regardless of the circumstances and of who needs to be rescued.[9] At the same time, those implementing sophisticated surveillance technologies 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 are 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 that 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 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 reinscription and transformation within the context of plurality (rather than differentity) – 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 of annihilation of difference altogether. Rancière, as Deranty (2003) explains, thus proposes a perspective that amounts neither to deferral nor to revolutionary opposition but towards punctual rupture that forces reinscription. 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), while 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; Brown, 2015). 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 Rancièreian notion of excess) is turned into voice/practice and the common order of things is ruptured through staging claims for recognition. Dissensus, thus, stages 'the scandal of democracy'. It promises

dissensual and pluralistic arrangements that 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 dissensus 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 poststructural 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 insufficient, 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 born 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 are 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 entre-preneurialism 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 recognition of the possibility that there are exclusions that will challenge consensus. It allows for a politics that embraces reinscription and transgression and regains some of its public character, rather than closing off, silencing and violating it.

Notes

1   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 it is the refusal to accept oppression.
2   Viewed at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0001:01:EN:HTML [accessed March 2011].
3   Within Europe recent attempts at rupture were quickly criminalized, as can be seen in Assange's Wikileaks experience (BBC, 2010, www.bbc.co.uk/news/uk-11937110) [accessed December 2011].
4   Since Collyer's work there have been others researching and writing and thus adding to our understanding, in particular Andersson (2014), Johnson (2014) and Tazzioli (2015), to name but a few.

5   Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, United Nations (2010), Treaty Series, vol. 2241, No. 39574.
6   The PSOE was the Spanish socialist party in government at that time.
7   '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 here to discuss the potential force and limits of social movements.
8   *Guardian*. Available from www.guardian.co.uk/world/2011/may/08/nato-ship-libyan-migrants [accessed May 2011].
9   United Nations (1982) United Nations Convention on the Law of the Sea and Law of the Sea (1974) Part VII, Section 1 b.

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Conclusion to Part III

In this last part of the book I have started with the premise that the principle of democracy cannot be contained within the limits of state sovereignty. This is something, I contend, that members of the IGC would agree with. However, I come to a very different view of what this premise means. In Chapter 5, I have offered a more careful look at the effects of the technocracy that is consensus-democracy. It is in the context of consensus-democracy that international migration is reconceptualized as a question of legal access. Such strategic use of the law produces those without validity to exist. In this system the suspended are not intelligible. Illegal migrants caught in the geopolitical crevasses of internal sovereignty going international are erased. It is this erasure committed by the Global North that amounts to normative violence so abhorrent precisely because it was not intended. It is banal and it is in its effect evil. Chapter 6 built on this ethico-political critique by showing that Migration Management cannot be kept sanitized to such a point that it is immune from dissensus and rupture. On the basis of this background it was then possible to think about and illustrate how the suspended force recognition of the wrong done on them and testify to the potential inherent in suspension, which is generative. A social order is sustained through the reiteration of regularity of norms. The sedimentation of this order stabilizes who counts and who can claim subjecthood – not a source of an autonomous threat as the IGC imagined, but a multiplicity of separate faculties making the suspended equal among all people. The legal expression of subjecthood narrows the possibility for the political, as making demands is usurped as a juridico-technical problem of claims management rather than agonistic debate. Juridico-political status as the only legitimate narrative can only exist within the sovereign order where the state has a monopoly on violence, including law making and law enforcing. Thus the law imposes a name for a particular category and thus defines who counts as subject.

Based on the discussion above, I am suggesting that it is more productive to think of an ethical horizon posited as a demand for full equality (and therefore liberty) 'unlimited by the other and only possible with the other', which remains unfulfilled 'thus forming an open ethical horizon for radical political struggles that can never be entirely grounded in any concrete normative or social order' (Newman, 2007: 11). It is a search for non-statist, non-universalizing forms of

politics. It is a resistance against sovereign claims normalizing dominance in consensus-democracy as Migration Management de-democratizes through impersonal and atomistic acts of governance. These banal and atomistic acts alienate those making and implementing the norms set by Migration Management as well as they alienate those acted upon.

In 2017 in particular, but also more generally, questions should be asked about what happens to those suspended? Is this current 'crisis' sufficient to disrupt the police order or will it give the impetus for new creations of normative violence that reaffirm suspension as it emerged in the recent past? Is it possible to draw on the movement of people to constructively disturb the police order, to make visible the violent character of sovereignty?

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Conclusion

Migration Management – disagreeing with violence and consensus-democracy

> 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)

My 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 threefold as indicated in the Introduction. I have offered an understanding of a particular form of governance, that I have conceptualized as 'doctrine formation' within 'informal plurilateralism', which has moved considerations of international migration onto the foreign policy agenda of countries in the Global North and by extension the Global South. I have offered a reading – through documents produced by the IGC and conversations with migration experts – 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 normative 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 have then shown that being seemingly irredeemable, in other words, being suspended, also has generative potential.

By querying sovereignty claims, based on narrow understandings of international migration as a problem of access, I have shown the reactionary character of neoliberal consensus-democracy as a naval-gazing exercise. This was possible by shedding light on the process of doctrine formation in which deeply exclusionary practices are uncovered despite their contested nature. By asking questions about the conditions of possibility of Migration Management I have been able to point to the normative violence, the domination and its effect: the suspension of what could otherwise be intelligible as asylum seeking. On the basis of this ethico-political evaluation I conclude by arguing that looking at Migration Management through conventional analysis hinders critical understanding of its underlying

deeply conservative ideology, which stifles dissensus and world building as referred to by Rancière in the quotation opening this conclusion.

What is needed is to interrogate authority; to resist domination; to counter normative violence and to assert equality and liberty – values the Global North claims to hold so dear. The proposal was that action is the very nature of a democratic politics that is free of the bondage and boundedness of sovereignty. Participation need not be conceptualized as framed by those sovereign shackles. Active democracy in anarchist ethical terms comes in two forms:

First, by making demands and that way calling the legitimacy of government's doctrine formation and practice into question. The ethical horizon might be formulated such 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 radically excludes via normative violence, is not acceptable. It is not acceptable to form doctrine, to create and implement migration governance systems, which suspend people. By extension, any practice that contributes to such reduction constructing objects of erasure is therefore radical violence and needs to be unequivocally abandoned. The IGC, by forming the doctrines that compose Migration Management, constructs such a reductive, essentialized system through the way they meet, as well as through the ideas they attempt to mould into a totalizing coherence. The IGC is not open to scrutiny. The IGC's rationale of needing this 'safe space' to exchange ideas and discuss 'what works' and 'what hasn't worked' is suffocating isolation, rather than a constructive and democratic approach to policy-making. The move to form the IGC and the practices of reascribing meaning are 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 who hold their government's brief on international migration. Further, such an approach does not reflect the remarkable willingness and show of solidarity that mobile people encounter in Turkey and other countries, an attitude that demands a different treatment of mobile people, and support these people despite unreasonable government policies.

The second form of democracy is disruptive of order by mobilizing for alternatives – it does not seek to establish an alternative order that claims to be comprehensive. It is an act of dissensus and it is agonistic insofar as a demand is made. May writes: '[t]he project of democratic politics, a politics of equality, is to reject the [position of no account], not for the sake of another or different position, but for the sake of nothing other than one's own equality' (May, 2008: 49) It is in this sense that what characterizes democracy is that 'the part who has no part', the suspended, claim their own equality. The democratic act creates political subjectivity – it is an act of becoming where there had only been suspension: a person unintelligible to the 'normal order of things'. It is an act of dissensus by those who were not allocated a claim to contribute to the establishment of the social order, the neoliberal consensus. It is to render the categorizations, the places and functions of the established order irrelevant. It is the irruption of the

principle of equality, which destabilizes the hierarchical order – as we have vividly seen in 2015 when Syrians and other people mainly of the Middle East did not ask for permission to be mobile across borders, did not presume any specific identity, but walked into Europe without regard for any organizing categories attempting to establish representation. The presumption of equality is that we are all equally capable of putting together meaningful lives in interaction with one another, such that each of us possesses the quality of being able to consider and act upon our world in such a way as to create life that is significant. Active democracy, then, is what Rancière has described as anarchic governance in the sense that self-administration is founded on nothing other than the absence of all title to govern (May, 2008: 97).

Yet one question remains unanswered: How are we to actively relate to that with which we disagree? Here I can only offer a concluding summary and 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 towards totalizing and essentializing, which would open the possibility for more litigiousness that 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 rethought 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 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.

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 make a theoretically compelling case for why allowing for the freedom of mobility without access requirements is a sensible thing. However, 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 restrictions 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 adherence to human rights standards and

to theoretically abstain from comment. The practical solution of advocating for 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 and 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 fulfils the same function that calls for human rights adherence do, that is, to point out that something is criticizable 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 depoliticizing, yet a discourse is always precarious, which becomes visible precisely at the moment when 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 proactive 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; in other words, it leads to the abdication of responsibility and creates moments of normative violence. Even though 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 (inegalitarian, 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. Dissensus allows for problematizing foundational distinctions and engages in relentless questioning at the stage of doctrine formation 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 the question asked should more productively be: What problem do the suspended solve for Migration Management? The answer is twofold: 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 nonconformist 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 undemocratic 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 postmodern 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, and 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 judgement (in Arendt's sense) can be nurtured so that the momentum of disagreement can form constructive relationships?

This is where I will end, asking one question that 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 creating objects of erasure and in order that we provide for the exercise of equality as constitutive of the world, we need the tedious platial as Elden suggests, a slow process of recognition and forming, not an efficient approach at managing behind closed doors.

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