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## **Abstract**

Since the ratification of the Amsterdam Treaty in 1999 the European Union is emerging as a key actor within migration policy. But in order to understand the current development it is important to have a clear picture of the EU's historical trajectory in the field of migration. In this paper the discussion thus focuses exclusively on the pre-Amsterdam era. It sets out with a brief historical overview of the early decades of European integration and accounts for labour migration's crucial function in the founding logic of the EEC. While supranational competence over migration policy was very limited during this period, the discussion shows that the way in which competence was allocated between supranational and national levels would be highly consequential for the future development. Following this, the major part of the paper is devoted to an examination of the Community's transformation during the second half of 1980s and the first half of the 1990s. The measures introduced under the banner of the Single Market, particularly those pertaining to the free movement of persons, instigated a development whereby immigration and asylum would be progressively treated as 'common' Community matters. Equally important, the paper shows that Community activity in the area of migration also addressed a range of other matters, many of which went beyond the issue of people moving across external and internal borders. From then on, Brussels began to address the situation of ethnic minorities of migrant background, thus bringing the growing problems of ethnic exclusion and racism on to the EU agenda. On the whole, it was the question of how to better 'integrate' 'legal immigrants' and ethnic minorities into Community societies that received the most attention. In this fashion, the present paper examines the EU's interventions in the area of immigration and asylum *together* with its efforts in the realm of migrant 'integration'. Although very few accounts have undertaken to analyze *jointly* the EU's approaches to immigration and migrant 'integration', this paper demonstrates that in order to provide a comprehensive analysis of the issues in question, these policy areas need to be approached as inextricably intertwined and as mutually conditioning.

# **A Common Market, a Common ‘Problem’: Migration and European Integration Before and After the Launching of the Single Market<sup>1</sup>**

*Peo Hansen*

Since it began in the 1950s, the project and process of European integration has been intimately bound up with issues directly and indirectly related to international migration. To be sure, and as I discuss at length elsewhere (Hansen 2005), with the current process towards supranationalization of important areas of migration policy that resulted from the Amsterdam Treaty and the Tampere European Council in 1999, the EU is now emerging as a fully fledged actor within the field of migration policy. Since the end of the 1990s the issues of immigration, asylum, and migrant and ethnic minority ‘integration’ have risen to the top of the EU agenda. But in order to understand the current development it is imperative to have a clear picture of the EU’s historical trajectory in the field of migration. In this paper, therefore, the discussion will focus exclusively on the pre-Amsterdam era.

It is important to clarify at the outset that European integration has always had a bearing on migration because of its deepening implication in the global transformations that have transpired since the end of the Second World War. European integration has not only continuously tried to adjust and react to such economic, political, social, and cultural transformations, but also played a part in initiating them. Apart from being organized around the issue of (post-/neo-)colonial

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<sup>1</sup> The paper (completed in January 2005) forms part of the preparatory research for the forthcoming book (monograph) *Migration, Citizenship and the European Welfare State: A European Dilemma* (Oxford University Press, spring 2006), written by Carl-Ulrik Schierup, Peo Hansen and Stephen Castles.

relations (Hansen 2002) and the cold war logic inherent in West German rehabilitation, the coordination of coal and steel production, as well as numerous other issues tied up with security concerns, European integration also started out as a response to ‘the powerful logic of capital accumulation’ (Williams 1994: 3-4) that was to advance significantly in Western Europe during the post-war economic restoration and ensuing boom. In this scheme of things, labour migration was allocated a crucial function. More specifically, labour migration was seen as intrinsic to the founding logic of the EEC, namely, the creation of a competitive economy of scale in the Community in which the free movement not only of goods, capital, and services but also of labour was seen as one of the ultimate goals of integration. With each national labour market unable to meet the great post-war demand for labour on its own, intra-Community labour migration was viewed as instrumental in compensating for the general shortage of labour, as well as in assisting in phasing out regional bottlenecks and other types of labour-market imbalance. However, since workers in the member states were slow to practise ‘free movement’ to meet the demand for labour, it was, instead, labour migrants from outside the Community who underwrote the continued economic expansion in the EEC and in post-war Western Europe at large. This development was already well under way when the Treaty of Rome was signed in 1957.

This change of course in migratory movements and processes sets the stage for the present paper. With most accounts chiefly dealing with, and taking their point of departure in, the ensuing developments at the national level, this paper concentrates on the emergent role of the Community and the supranational apparatus in the area of immigration, asylum, and migrant incorporation, or ‘integration’. A brief historical survey of the early decades of European integration—the pre-Single Market period—

reveals the very limited supranational competence and direct involvement in migration policy during this period. On the whole, member states were to be very reluctant to involve the Community in migration affairs, and it took until the 1980s for them to even begin to utilize it as a space for intergovernmental cooperation. For most of the time, therefore, the European Commission kept a low profile on migration policy, and in terms of concrete competence the supranational level was basically confined to matters concerning intra-Community labour migration and settlement of member-state nationals. The low profile notwithstanding, this arrangement and division of competence between national and supranational levels was by no means inconsequential for the subsequent and increasingly harmonized shaping and perception of immigration policy within the Community. As the discussion below will reveal, migration policy in the EU even today suffers from the consequences of decisions arrived at in the early years of integration.

Following this brief historical overview, I devote the major part of the account to an examination of the great conversions in the Community during the second half of 1980s and the first half of the 1990s. These conversions—which were brought about by the Single Market Programme (1985), the Single European Act (ratified in 1987), and the Maastricht Treaty (ratified in 1993)—not only entailed a significant expansion of supranational competence in certain key policy areas; they also, and equally importantly, imparted an entirely new and much more prominent role to the project and process of European integration. The literature often describes this period, in which the EC and subsequently the EU emerged as a new economic, political, and cultural point of gravity, as one permeated by ‘Euro-optimism’. In any event, this sentiment was largely shared within Western Europe’s political elites and corporate circles. It was an optimism prefaced with the Iberian enlargement, set off

by the agreement on the completion of the Single Market, and profoundly encouraged by the fall of the Berlin Wall, German reunification, and the collapse of the Soviet Union. It culminated in Maastricht's endorsement of EMU and its institution of a 'Citizenship of the Union'—or 'European citizenship'—for member state nationals, the latter constituting an integral part of the EU's ever more prioritized project of promoting a collective sense of 'European identity' in the Union (Hansen 2000).

This development, whereby more and more policy areas and future challenges to the member states took on a 'European dimension' and started to conform to the new and increasingly commanding logic of European integration, would by no means sidestep the question of migration. Thus, increasingly harmonized perceptions and policies on migration were starting to take shape among member state governments around this time. This signalled the true emergence of migration as a common 'European' 'problem' and 'crisis', calling for common action and solutions. This development was prompted by the launching of the Single Market and reforms of the Community itself—reforms that would have profound consequences for the Community's activity and role in the area of immigration and asylum.

The market-making measures introduced under the banner of the Single Market, particularly those pertaining to the free movement of persons and the associated goal of abolishing internal border controls, thus instigated a development, or logic, whereby immigration and asylum would be progressively framed as Community matters. Put differently, the future dismantling of border checks between member states was generally perceived as intimately related to the compensatory development of coordinated control measures at the Community's external frontier. Indeed, the very notion of such an external and hence communal border was directly

related to the EC's growing interest in questions of immigration and asylum. But since the free movement provisions came to apply only to member states citizens, the implementation of the Single Market would also come to hinge on the development of new measures on the internal control of asylum seekers and third country nationals (TCNs). From the outset, then, the endeavour to coordinate and harmonize immigration and asylum policy in the EC was to have both external and internal repercussions on the 'frontier-free Europe'.

This paper scrutinizes the impact, ramifications and logic of this *double movement*, that is, the crucial nexus of external and internal repercussions. In addition, and equally important, it shows that Community activity in the area of migration also addressed a range of other pressing problems, many of which went beyond the issue of people moving across external and internal borders. Thus, the European Commission and European Parliament began to address the situation of ethnic minorities of migrant background. After wide-ranging deliberations on the long-term effects of immigration in the EU, the Commission embarked on a series of policy proposals attending to the changing conditions brought about by an increasingly multi-ethnic and multicultural society. These addressed, *inter alia*, the growing problems of ethnic exclusion and segregation, and the spread of racism and xenophobia. On the whole, however, by far the most attention was devoted to the question of how to better 'integrate' 'legal immigrants' and ethnic minorities into Community societies. Indeed, the Commission believed that any failure to respond appropriately to this urgent problem would carry considerable risk, since it might well exacerbate the animosities and conflicts between majority and minority populations throughout the Union.

In this fashion, the present paper also proceeds by way of a *double movement*, as it were. It examines the EU's assumptions, interventions and policies in the area of immigration and asylum *together* with its efforts in the realm of migrant 'integration'. While there is a wealth of research that has scrutinized the EU's intergovernmental and supranational positions and policies on immigration and asylum in the decade preceding the Amsterdam transformations, there is a much smaller quantity of accounts that has examined the EU's approaches to migrant and minority 'integration' during this same period. Far more serious though, is the fact that even fewer accounts have undertaken to analyze *jointly* the EU's approaches to immigration/asylum and migrant 'integration'. Since, as we shall see below, the EU's restrictive and securitized policy approach to immigration and asylum clearly contradicts with many of the benevolent intentions guiding its 'intercultural' policy on migrant 'integration', there might be good reasons for governments and policy-makers to maintain a sharp dividing line between these policy areas—in bureaucratic conduct, as well as in the public debate. Yet the reason why numerous researchers have followed suit remains an enigma. As this paper will try to establish, there are—save for the sake of mere convenience—no convincing arguments as to why research should uphold a separation, whether empirical or analytical, between immigration and 'integration' policies. As demonstrated here, these policy areas rather need to be approached as inextricably intertwined and as mutually conditioning. In order to provide a comprehensive picture and an overarching analysis of the issues in question during the period surveyed, such an integrated analysis thus becomes indispensable.

### **Migration and European Integration in the Pre-Single Market Period**

Up until the mid-1980s the EEC's involvement in migration policy basically confined itself to matters concerning intra-Community labour migration and settlement of member state nationals and their families. Since this arrangement included responsibility for settlement, certain social policies had to be enacted at the supranational level. In fact, the first initiatives concerning supranational policy-making in the social field, which were implemented in the 1960s, revolved almost exclusively around the issue of labour mobility in the Community (Dinan 1999: 421). Closely adapted to the efforts to gradually implement the free movement of labour, Community social policy in the 1960s aimed to stimulate labour migration by ensuring that social benefits would be granted to migrants and their families upon obtaining work in a member state other than their own (Williams 1994: 182). As Leibfried (1992: 98) points out, 'the primary impact of the EC on social policy involves the protection of the social rights of intra-EC migrants vis-à-vis the member states' (see also Hix 1999: 227, 230).

Through a series of Community regulations and directives in the 1960s, national labour markets in the EEC were opened to intra-Community labour migrants and their family dependants (see Council of the European Communities 1968; Romero 1993: 55; see also Williams 1994: 43). But, as Romero (1993: 57) stresses, this did not imply any real or wholesale transfer of member states' policies on migration and employment to the supranational level. As such, 'the Six had agreed to a gradual easing of their mutual restrictions on entry. But they had firmly rejected the notions of a common European employment policy and of a supranational legal framework for employment policy' (Romero 1993: 54).

Despite these efforts, it soon became apparent that intra-EC migration was not coming up to expectations. Partly as a consequence, most migrant labour was instead to come, and to be recruited, from countries outside the Community.

As already indicated, immigration from outside the Community was a matter that remained within national jurisdictions, regulated by the individual national governments and their different policies of incorporation. A *dualized* approach to migration and migrants was thus installed early on, whereby intra- and extra-Community migrants fell under different policy regimes. As a consequence, the Treaty of Rome's provisions relating to freedom of movement for workers within the Community came to apply solely to nationals of member states, thereby effectively excluding resident third-country nationals. Interestingly enough, however, such consequences of exclusion and *dualization* are not easily traceable to the wording or the intentions of the Treaty of Rome (Kostakopoulou 2001). Although it is rarely mentioned in the literature, the Treaty's articles on free movement did not explicitly discriminate between national and non-national residents, but spoke only of workers in general. Rather, it was the member states' governments in the Council that, through secondary legislation in the 1960s, decided to restrict the freedom of movement provisions to member state nationals (see also Hoskyns 1996: 169). Given the overarching goal of stimulating intra-Community migration, this limitation by the Council and the member states of the free movement of workers is not amenable to explanation in terms of rational economic cost-benefit analysis. According to Kostakopoulou (2001: 183), the decision needs, rather, to be seen in light of the common and increasingly negative attitude towards immigration that, towards the end of the 1960s, had begun 'to replace earlier discourses extolling the economic benefits of immigration' for the economic recovery of the member states. Hence, in

‘grafting their notions about “who the Europeans are” onto the emerging institutions’ of the Community, the member states ‘managed to institutionalize exclusion at the heart of the European project’. In this sense, the exclusion of TCNs from freedom of movement, was, in effect, also ‘filtering out alternative postnational criteria of membership in the emerging Europolity’ (Kostakopoulou 2001: 184-5). As will be seen later, this *dualized* order, which is still with us today, has not only harmed ethnic relations within member states but has also increasingly proved an obstacle in the working of the EU as a whole (see Ireland 1996: 136).

Although the issues of extra-Community migration and the situation of settled TCNs in the Community were largely dormant at the supranational level during the pre-Single Market period, the 1970s nevertheless brought a handful of initiatives worth recording. What made this possible was mainly the heightened supranational activity in the social field in the early 1970s, something that, in turn, was spurred by the changing economic situation in Western Europe from the mid-1960s onwards. Falling growth rates, combined with rising unemployment figures and a levelling out of the overall performance of Western Europe’s economies, both necessitated and generated opportunities for action in social affairs at the Community level (Hoskyns 1996: 79; Williams 1994: 182). This social initiative was also an important part of an effort at the time to increase popular endorsement of European integration—or, as it was also formulated, to provide the Community with a ‘human face’ (Meehan 1993: 70-2; Williams 1994: 182). Prompted by the currents of 1968 as well as by the initiatives of the West German government of Willy Brandt, lofty ideas of a ‘European Social Union’ and other Community social policy measures were brought on to the agenda (Carchedi 2001: 240; Leibfried 1993: 151n.1; Meehan 1993: 70-1). These found expression in the Paris summit in 1972, where the heads of the member

states called for an expansion and strengthening of the Community's social policy (Dinan 1999: 421). As a result, the Council approved the Community's first Social Action Programme two years later (see Council of the European Communities 1974). The scope of the Programme was comprehensive indeed, incorporating measures to eliminate unemployment, improve living and working conditions, enhance the rights of workers in the management of industry, and promote gender equality in the labour market (Dinan 1999: 421; Streeck and Schmitter 1996: 174). Equally important, it denoted a change of emphasis whereby supranational social policy extended beyond intra-Community migrants as its only target group and included the long-term unemployed, women, the disabled, youth, and (as we shall see below) extra-Community migrants (Williams 1994: 182-3). Moreover, as a result of the European Council's decision to bring the issue of poverty on to the agenda in 1974, the first Community measures at poverty reduction were initiated by the Commission the following year (Geddes and Benington 2001: 30-1).

In addition, throughout the 1970s several actors at the Community level persisted with what in retrospect appears as a rather progressive and interventionist social and economic policy agenda.<sup>2</sup> The various proposals from within the Community during this period—for example, the so-called Tindemans Report (Tindemans 1976) and the Commission's Vredeling draft directive—dealt with a range of questions, unresolved problems, and, indeed, dilemmas that ever since the 1970s have dogged the project of European integration. For example, how could welfare state and social citizenship rights be protected and enhanced as the economy transformed and became increasingly uncoupled from, and difficult to regulate by, national political bodies? Equally important, how could the Community adapt to this new situation and be

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<sup>2</sup> However, one should note here that already in the 1970s monetarist and neo-liberal currents were starting to gain ground within the Commission, hence highlighting the presence of internal divisions and competing ideological leanings at the supranational level during this period (cf. McNamara 1998).

empowered to deal with these problems? These initiatives can, therefore, to a considerable degree be construed as caveats—but also as offering means by which the dilemmas could be taken by their horns—concerning the social and political consequences of an economy increasingly escaping the regulatory frameworks of nation states in general, and the implications of a socially and democratically unchecked deepening of market integration in the European Community in particular.

On the whole, the change in the political climate in the early 1970s was also favourable to bringing extra-Community immigration, as well as the situation for immigrants from outside the EEC, on to the Community agenda—and this for the very first time. In 1974 the Community adopted an ‘Action Program in favour of migrant workers and their families’ (Callovi 1992: 355-6). In addition—although the Council saw to it that the Commission’s more comprehensive objectives were watered down (Geddes 2000: 157-8)—the Social Action Programme included measures to assist marginalized groups, among them migrants from outside the EEC, and also set out to ‘promote consultation’ on the member states’ immigration policies (Hoskyns 1996: 82). Furthermore, as education was accorded a place on the Community agenda in the early 1970s—the ministers of education met within the Council for the first time ever in 1971 (McMahon 1995: 4)—soon not only social policy but now also education would become a heading under which third country migrants were to be dealt with at the supranational level. In the context of (the very limited) supranational activity addressing education in the 1970s, extra-Community immigration was discussed in relation to ‘the education of the children of migrant workers’ (European Economic Community 1976; European Parliament 1990: 111), including the teaching of migrant children’s mother tongue and culture (Hansen

1997). This change of outlook on the part of the member states and the Community institutions reflected 'the pressure' of certain developments, including Community enlargement, economic recession, rising unemployment, and member states' curtailment of extra-Community labour migration (Callovi 1992: 355).

Despite all the energy invested in to the many policy initiatives during the 1970s, however, very little was achieved by way of concrete legislative results (Dinan 1999: 421). As Hoskyn's (1996: 82-3) observes, the impetus for such a development petered out largely because the preparations for and subsequent signing of the Social Action Programme came before the full effects of the growing economic crisis had been understood and felt in the member states. Also, very little had been done to, so to speak, institutionalize or constitutionalize the impetus for social policy at the Community level, either through Treaty amendments or by allocating more authority to the Commission in the social field. Instead, the status and future of supranational social policy would continue to hinge on the perseverance and always fragile consensus amongst member state governments (Hoskyns 1996: 80-1). Hence, with the oil crisis and the general slowdown in the world economy hitting Western Europe, in subsequent years 'the Community lost much of its positive dynamism and, instead, foundered on indecision, political obstructionism and a profound failure to implement essential internal reforms' (Williams 1994: 5). This marked the onset of 'Eurosclerosis' or 'Europessimism'. In retrospect, therefore, the Paris summit came to represent an unredeemed promise for those advocating more common and supranational solutions in the areas of social policy, employment, and immigration (Williams 1994: 5, 58). As it turned out, of all the various supranational pursuits in the 1970s it was the Community's proposals on behalf of women that were to fare best in terms of concrete outcomes. In contrast, initiatives to improve workers' rights

in general, and the situation of third country migrants in particular, were to run out of steam much earlier (Hoskyns 1996: 78; see Hix 1999: 227; Mazey 1988; CEC<sup>3</sup> 1993).

### **Harmonization with Restrictions: The Single Market and the European Integration of Migration**

In an effort to break the deadlock of Eurosclerosis and so resuscitate European integration, activity at the Community level was to revive in the late 1970s and early 1980s. This process was to culminate in the launching of the Single Market Programme in 1985 and the ratification of the treaty reform laid down in the Single European Act in 1987. This turn of events would have far-reaching consequences for the future development of the Community, and, as such, it would leave few policy areas in the member states unaffected. Migration policy was no exception. The proposals during the period leading up to the signing of the Single European Act had already indicated that the launching of the Single Market would bring about an increasingly harmonized, or at least a more coordinated, approach to policy-making in the area of immigration and asylum. Here, the Commission made plain its aspirations to supranationalize immigration and asylum, seeing it as a necessary and logical part of the Single Market's larger framework. It was equally necessary and logical, in the eyes of the Commission, that the freedom of movement entitlements should embrace all Community residents, irrespective of whether they were member state nationals or third-country nationals. Without such a universal arrangement, the reasoning went, the abolition of internal border checks would be unfeasible (Geddes 2000: 70).

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<sup>3</sup> CEC is the abbreviation for Commission of the European Communities and will be used henceforth.

It immediately became apparent, however, that such a transfer of competencies to the Community level would not be attainable, since member states proved far from ready to surrender their sovereignty (as they understood it) in this policy area (Geddes 2000: 70-1; Hoskyns 1996: 172-3). Not surprisingly, the universalist approach to freedom of movement suffered the same fate, with member states refusing to abandon the henceforth even more decisive discrimination between member state nationals and third country nationals. As Geddes (2000: 71) puts it, '[u]nequal treatment persisted and was sanctioned by EC law' (see also Guild 1999). But if freedom of movement was to apply only to member state nationals—for whom, in practice, white skin was to prove a vital asset in ensuring a smooth passage across borders (Martiniello and Rea 1999: 164-5; Miles 1993: 215)—this implied that the realization of the goal of dismantling internal border controls could not rely solely on the fortification of the Community's external frontier. Rather, in order to prevent abuse on the part of those who were excluded from the freedom of movement provisions—that is, TCNs and asylum seekers—it became equally necessary to establish a new joint framework for monitoring the movement of people *within* the Community (see Flyghed 1998; Geddes 2000: 71-2; Mathiesen 1998).

To a significant extent, then, the notion and practice of free movement came to revolve around the question, or 'problem', of immigration and asylum. Its prized realization and promise, as well as its feared impracticability and demise, were thus inevitably projected on to the success or failure of controlling and containing the admission and movement of asylum-seekers and third country migrants. In this scheme of things, migrants and asylum-seekers became, as it were, the potential party poopers of Euro-optimism, the Single Market Luddites. With the freedom of movement for *some* inextricably bound up with the containment of *others*, it is not

surprising that immigration and asylum increasingly emerged as a ‘problem’, a nuisance, in need of a swift resolution.

If the designation of certain categories of migrants as ‘problems’ had been ordinary fare at national levels for many years, from the mid-1980s this outlook was increasingly communalized as it was being elevated to the EC level. Put differently, such a stigmatizing outlook was made an integral part of the Single Market logic. Obviously, and provided the great importance attached to the prompt completion of the Single Market, this would almost altogether alter the face of immigration and asylum policy in the EC. As Lavenex (2001a: 860) contends, ‘the linkage of the asylum question with the foundational norm of free movement in the EU’ not only ‘increased the resonance of the securitarian asylum frame’ but also ‘justified limitations on the post-war refugee regime in the name of European integration’. In addition, with the criminalization of immigration and asylum looming as one of the hallmarks of the 1990s, so-called illegal immigrants would emerge as the prime target of much of the Community’s security-oriented policy-making in the area of immigration and asylum. Finally, given that freedom of movement was expanded to cover only member state nationals, the already *dualized* character of intra-Community migration was to be further reinforced by the launching of the Single Market.

As it turned out, the Commission’s unsuccessful bid to supranationalize immigration and asylum and to expand the scope of freedom of movement would not prove to be a stumbling block to the subsequent rapid development in the area. In fact, member states had anticipated some of the things that were in the offing and had already embarked on setting up cooperative frameworks in order to coordinate and harmonize what they took to be vital precautionary measures related to migratory

movements, both towards and within the Community. In this sense, a consensus emerged among governments acknowledging that the Single Market required a stepping up of joint efforts and the working out of harmonized policies. Instead of a supranational solution, then, what resulted was an intensification of secret and democratically unaccountable cooperation along intergovernmental lines (den Boer 1995; Flyghed 1998; Hentges 2002). Alongside the strictly intergovernmental Trevi Group, which was set up as early as 1976 to combat illegal immigration, radicalism, terrorism, and organized crime, the Single Market would spawn additional intergovernmental groups that were to operate outside of the Community framework. In 1985 the first Schengen Agreement was signed by five of the member states, followed by the establishment of the Ad Hoc Group on Immigration in 1986, and the Co-ordinators' Group on Free Movement of Persons two years later. The so-called Palma Document, which was drafted in 1989, should also be mentioned here since it was conducive to bring about greater consolidation of the intergovernmental cooperation in the area. Furthermore, in June of 1990 both the Schengen Implementation Agreement, or Schengen II (effective from 1995), and the Dublin Convention (ratified in 1997) were signed. Designed, in large part, to develop a common framework and course of action for the combating of illegal immigration and the management of asylum matters in the Community, these intergovernmental schemes would serve to gradually weaken the right of asylum and the Geneva Refugee Convention during the 1990s (Guild 1999; Hentges 2002; Joly 1999; Lavenex 2001a; Overbeek 1995). Besides the plethora of restrictive measures that flowed from these and other intergovernmental arrangements—not to mention Schengen's amalgamation of asylum policy and international crime prevention—the building up of a new intergovernmental asylum regime would also engender a logic

whereby countries with less restrictive asylum policies came to fear that they would have to carry the brunt of the EU's future 'refugee burden'. As a consequence, Hentges (2002: 110) explains, '[w]ith Schengen II and Dublin an EC-wide contest for the most restrictive granting of residence permits, visas and transit visas was set in motion'. Other key constitutive measures of the EU's emergent asylum and immigration policy regime that would work to the detriment of refugee protection in general and of the principle of non-refoulement in particular included the introduction of the 'safe third country' rule, the Resolution on Manifestly Unfounded Applications for Asylum, and the establishment of various readmission agreements with east European countries (see Lavenex 1999; 2001b).

As Geddes (2000: 72) argues, although this intergovernmental manner of proceeding in the post-SEA period clearly ran counter to the Commission's supranational scheme, the Commission's response never came close to all-out rejection or confrontation. Instead it opted for a 'pragmatic stance', deciding that it could have more say in the matter, however hamstrung, by accepting a subordinate role inside the intergovernmental arrangements than by maintaining a principled opposition from the sidelines.

### **The Impact of Maastricht**

The growing salience of migration as a Community issues was further underscored by the Maastricht Treaty (or Treaty on European Union), which formalized intergovernmental cooperation and incorporated it into the Treaty's so-called third pillar (Justice and Home Affairs (JHA)).<sup>4</sup>As far as transparency and democratic accountability were concerned, however, this formalization offered few, if any,

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<sup>4</sup> As a result, the Ad Hoc Group on Immigration and the Trevi Group were renamed and became Steering Committee 1 and Steering Committee 2, respectively. Schengen kept its name but was in the process of expanding its membership.

improvements. From here on, on the contrary, immigration and asylum were best construed as matters located ‘outside the procedures of the EC’s institutions, but under rules linking it to the EC’, or ‘inside the Union, but outside the European Community’; and as such they continued to be ‘cloaked in considerable secrecy’ (CRE 1994: 16, 22; d’Oliveira 1994: 261). As O’Keeffe (1999: 273) maintains, ‘the culture of secrecy endemic to the Schengen structure was continued in the framework of the Third Pillar’.

Besides immigration and asylum, the JHA third pillar also contained cooperation on police and judicial matters, including the fight against international crime, terrorism, and the traffic in narcotics. As d’Oliveira (1994: 261) notes, these were all issues to be regarded as “matters of common interest” to the Member States in their efforts to achieve the objectives of the Union’. The location of immigration and asylum policy in the realm of international crime prevention, policing, and security policy since the 1970s gives some crucial clues as to why migration policy, as we reach the early 1990s, had increasingly come to be perceived and discussed as naturally related to serious international crime, drug trafficking, and terrorism—not only in the member states but also, and increasingly so, at the level of the EU (Anderson et al. 1995; den Boer 1995; Huysmans 1995; Martiniello and Rea 1999). Hence, if the framing of certain forms of immigration as problems, even as threats against social stability, had been prevalent at the national level for many years, Maastricht formalized the duplication of this securitized approach at the EU level.

Even if the Maastricht Treaty formalized cooperation on immigration and asylum, the Commission’s influence remained weak vis-à-vis the Council and the member states. Although expressing dissatisfaction with the intergovernmental course during the Maastricht Treaty negotiations, the Commission decided to stick to its pragmatic

stance (Geddes 2000: 87). In turn, the Commission's pragmatism attracted criticism from the European Parliament (Geddes 2000: 87; European Parliament 1992: 95), whose position was even weaker, and, in contrast to the Commission's diluted right of initiative on third pillar matters, was reduced to consultative participation (Melis 2001: 13; d'Oliveira 1994; Overbeek 1995: 31; Twomey 1994: 125). Equally significant, in third pillar affairs the European Court of Justice was basically completely denied any form of jurisdiction (Melis 2001: 13). This structure had its counterpart at national levels, thus impeding democratically channelled influence and control vested in national parliaments from materializing in the policy- and decision-making processes. This was subjected to criticism from the EP, who maintained that when such powers were diverted from national parliaments, they needed to be reinstated at the level of the European Parliament (Hix 1999: 328).

As already intimated, it should be noted that the European Parliament (and also, to a lesser extent, the Commission), both prior and subsequent to Maastricht, *did* challenge some of the objectives of the European Council and the member state governments. From the late 1980s, the Parliament expressed its disapproval of certain initiatives taken by the intergovernmental groups, claiming, for instance, that these

treat migration and refugee matters very much as related to policing. And this has a very negative effect on public opinion. Associating migrants and refugees with police and national security could well feed racist ideas and could be used to legitimize certain forms of racist behaviour (extra identity control of those who are or look like 'foreigners') (1990: 133).

During this period, moreover, the Commission and Parliament jointly called 'for improved protection for asylum-seekers who [did] not fall within the terms of the

Geneva Convention' (CRE 1994: 23-4). Also, in the late 1980s and during the first half of the 1990s, both the Parliament and the Commission recommended that the rights of free movement be granted to third country nationals (European Union 1993: 188; see also European Parliament 1992; Kostakopoulou 2002: 446-8; Melis 2001: 14, 17).

However, one should be very careful not to reduce the Commission's stance on immigration and asylum at this time to one of pure pragmatism. That the Commission was at odds with the intergovernmental *form* should, therefore, not be taken to imply that it was opposed also to the actual *content* of intergovernmental cooperation on immigration and asylum. Hence, even though the Commission could be sceptical towards some of the policy objectives agreed upon by member states, it was, nonetheless, the points of agreement between Brussels and governments that were in the majority, and that would set the tone for developments in the area during the remainder of the 1990s. Most importantly, the European Commission came to share many of the elements which structured the hegemonic discourse on immigration and asylum emanating from the various national contexts which treated immigration as a 'problem', a malignancy, and as a potential flood about to destabilize the Union unless checked through vigorous security measures at the external borders, as well as within the EU (see Hathaway 1993; Maier 2002: 94). Herein, moreover, the distinction between immigrants and illegal immigrants, and between asylum seekers and bogus asylum seekers, was gradually blurred, thereby evincing the self-perpetuating logic behind the policing and security approach. Portrayed as both enemies at the gates and enemies within, 'illegal immigrants/illegal immigration' would become a catch-all term in the 1990s which in many contexts almost completely eclipsed previous meanings assigned to (non-Western)

immigration and asylum-seeking. At the same time, the right of asylum was further devalued through the ever more frequent dismissals of asylum seekers as ‘bogus’ or, simply, ‘economic immigrants’ (Geddes 2000: 27; Hathaway 1993).

After Maastricht the Commission’s message became even more pronounced. In a voluminous 1994 Commission document titled *On Immigration and Asylum Policies*, the issue of illegal immigration was now viewed as one of the most urgent:

Rigorous controls at the external frontiers and visa policy will also play their part in discouraging and combating illegal immigration. . . . Preventive measure and more systematic border controls . . . will be important in combating illegal immigration, but cannot be completely effective in stopping it. Measures which permit the identification of persons within the Community in an irregular situation will therefore continue to have an important role to play as well. This issue has been touched upon by the 1993 Recommendation on expulsion policies which mentions, inter alia, the importance of internal checks. This is undoubtedly sensitive territory since the location of migrants in an illegal situation is generally a police matter which needs to be set in the context of a wide range of other priorities, of which the general fight against crime is probably the most important. (CEC 1994a: 28)

The Commission also elaborated on a ‘comprehensive approach’ to immigration (originally drafted in 1991), consisting of a three-pronged strategy, which called for: (a) ‘Taking action on migration pressure’; (b) ‘Controlling migration flows’; and (c) ‘Strengthening integration policies for the benefit of legal immigrants’ (CEC 1994a: 11). Unmistakably, one of the key assumptions in this strategy rested on the postulate that ‘without limitation, integration is impossible’ (Gilroy and Lawrence 1988: 133; see also Skellington and Morris 1992: 50-2). To use the Commission’s own

formulation (1994a: 11): 'It has, for example, become clear that an indispensable condition for successful integration policies with respect to third country nationals resident in the Union is control of migration flows.' And further: 'Society's readiness to accept the inflow of new migrant groups depends on how it perceives government to be in control of the phenomenon' (CEC 1994a: 32). Indeed, in the 1990s this emphasis on an assumed society that was said to demand that governments curb immigration became one of the most commonplace ways for EU governments, including the Commission, to disguise their own (tactical) readiness to impose restrictive immigration and asylum policies as simply reflecting the mood of the electorate (see Miles 1993: 201, 206). Although the past decades have seen a seemingly endless row of new control measures and restrictions imposed on immigration and the right of asylum, one also needs to think hard about why it is that member states' governments and the Commission have persisted in warning about the perilous consequences of an 'uncontrolled' immigration. An equally problematic aspect was governments' and the Commission's unremitting failure to recognize that, once immigration had been identified as a 'problem', and immigrants and refugees staged as 'floods' and 'pressures' who, upon entry, could cause serious difficulties, this would scarcely promote the greatly desired 'integration' of migrants or decrease the difficulties for those ethnic minorities residing in the EU who already suffered from various forms of stigmatization and racialization. Nonetheless, as is further substantiated below, it is precisely this contradictory endeavour that was to become one of the major legacies of the 1990s.

### **'Realism', 'Solidarity', and the Contradictions of Immigrant 'Integration'**

From the late 1980s the Community began its ever-growing involvement in efforts to enhance the 'integration' of the permanently settled ethnic minorities with migrant

background. This shift was interwoven with mounting debate and controversy over immigration, budding support for political parties of the extreme right, and an outburst of racist violence against immigrants and ethnic minorities. Such efforts crucially included discussions and policy initiatives on how to come to terms with racism, xenophobia, social exclusion, and other obstacles confronting ethnic minorities residing in the Union. In this spirit, the Commission broached issues of cultural identity and multiculturalism, calling for the fostering of greater tolerance and understanding between majority and minority populations, as well as querying the consequences of the transformation of what were seen as previously ethnically homogeneous Community societies into ethnically diverse immigrant societies (Hansen 1997; see CEC 1994b).

In most respects, this was an entirely new development. Previously, these issues had lain dormant at the Community level and, if dealt with at all outside the national context, they had most often been relegated to the non-binding resolutions, recommendations, and goals drawn up by the Council of Europe, frequently as part of this organization's educational objectives and projects (see Council of Europe 1991; 1987; Hansen 1997). However, all this started to change with the introduction of the Single Market, and especially in the years following the signing of the Maastricht Treaty. Already in its 1985 *Guidelines for a Community Policy on Migration* the Commission had signalled that the *dualized* immigration regime had become untenable and that the Community's 'aim should be equality of treatment in living and working conditions for all migrants, whatever their origin' (CEC 1985: 1). It also mentioned the (obvious yet still far from unanimously acknowledged) fact that, in conjunction with the ending of the recruitment of extra-Community labour in the mid-1970s, '[m]igrants already established, however, tended increasingly to stay'

(CEC 1985: 3). This state of things, the Commission went on, had engendered a set of increasingly shared ‘problems’ on the part of the member states, whereof ‘difficulties in cultural assimilation’, and ‘uneasy relationships between the national and foreign communities’ were but two factors that helped explain why, in this particular context, attention paid to ‘already legally established immigrants and their families’ had come to eclipse the previous focus on ‘new arrivals’ (CEC 1985: 3). As a consequence, when elaborating on the importance of ‘integrating’ ‘legally’ settled migrants into their ‘host’ societies, the Commission took some pains to call attention to the presence and needs of ‘second-generation immigrants’ (even making a reference to a ‘third’ generation). Although showing a generally positive disposition towards member states’ attempts to stimulate migrants’ ‘return’ to their respective ‘countries of origin’, the Commission even cautioned against being too hasty in this area, not the least since ‘[f]or young migrants of the second generation, born or at least educated in the host country, a return to their own country [sic!] amounts to emigration’ (CEC 1985: 15). Furthermore, the Commission made a case for what it termed ‘bilingualism and biculturalism’, seeing these as encompassing the necessary two-sidedness of a process of integration, where both the ‘host culture’ and the immigrants’ respective ‘culture of origin’ had to be given due consideration when integration policies were being developed (CEC 1985: 18). Finally, the document put forth a proposal to ‘adopt at Community level a declaration on the fight against racism and xenophobia’ (CEC 1985: 24).

Although in many respects continuing in the vein of its *Guidelines for a Community Policy on Migration*, the post-Maastricht Commission would speak in a much more assertive tone. Prompted by Maastricht’s formalization of intergovernmental cooperation on immigration and asylum, the Commission’s ability

to intervene in matters pertaining to the integration of ‘legal immigrants’ was also enhanced by the Treaty’s new articles on education (arts. 126 and 127); that is to say, these new articles immediately proved to offer a fertile ground for evolving policy discussions on the multicultural society, ethnic relations, racism and the like, thus resembling education’s function within the Council of Europe. In more precise terms, policies and guidelines directed towards immigrants, and ‘immigrant workers’ children’ in particular, which built on—as the Commission phrased it—the ‘uncertainties about the length of immigrants’ stay in their host country’ were now, post-Maastricht, explicitly jettisoned (CEC 1994b: 16). Here, the Commission made it absolutely clear that policies aimed at preparing immigrant children for possible return to ‘their country of origin’ now had run their course (CEC 1994b: 16). Instead, the Commission affirmed, it was high time not only to acknowledge but also to appreciate the fact that all member states had become immigrant countries and multicultural societies. However, this transition had also generated a number of challenges which could not be met solely by amplified national responses but which also required coordinated action at the Community level. The Commission concluded that it was necessary to confront the increasingly common and too often overlooked obstacles facing the EU’s migrant communities.

One of the most elaborate policies drawn up by the Commission was the tabling of an ‘intercultural’ approach to immigrant integration in the Union. According to the Commission, such an intercultural approach formed part of a package of responses to serious challenges which, if ignored, would lead to increased socio-cultural exclusion and segregation, and to an upsurge of ‘inter-ethnic conflict and violence’ (CEC 1994b: 2). Mostly targeted to younger generations, ‘intercultural education’ was presented as ‘a set of educational practices designed to encourage mutual respect and

understanding among all pupils, regardless of their cultural, linguistic, ethnic or religious background' (CEC 1994b: 17). As underscored by the Commission, it was *because* 'all Member States' had 'now become immigrant countries', and *because* 'cultural and linguistic diversity of the public schools' was 'becoming the norm', that 'efforts to adjust their education systems to the needs of new residents, as well as to the needs of a population which as a whole is transformed by the impact of immigration' had become necessary in the 1990s (CEC 1994b: 1, 18). In order to respond to '[t]hese challenges generated by the development of cultural and linguistic diversity in the schools of Member States', intercultural education had become an indispensable instrument (CEC 1994b: 18).

It is important to stress at the outset that critically assessing these explanations should in no way be thought to devalue the significance of post-war immigration for the transformation of Western European societies. Instead, what need to be called into question are the Commission's implicit assumptions about the historical legacies of the member states. By framing particular categories of immigrants as the importers and indeed the sole creators of cultural diversity in the Union, the Commission portrays the member states as formerly—that is, prior to large-scale labour and refugee immigration—unified and largely homogeneous societies and cultures (Gundara 1987: 46; 1990: 97; see Miles 1993: 208-9; Miles and Rätzsch 1993: 65-6). Hence, for the Commission the intercultural approach was situated and deemed essential 'in a context of cultural diversity which as such is new' (CEC 1994b: 17). Not only is this depiction misleading; it also raises some serious concerns. A fleeting look behind the predominant delineations of any given member state's national culture, traditions, and history reveals the historical presence of a multitude of ethnic and cultural groups, as well as of large-scale migratory

movements (see Hobsbawm 1983; 1990; Kofman 1995). Empirically speaking, therefore, the notion—still prevalent today—that cultural diversity constituted a ‘new’ condition in the 1980s and 1990s is easily debunked.

But the failure to recognize past diversity—as well, one should add, as the often discriminatory and coerced suppression and eradication of such diversity—was not the most disquieting aspect of the Commission’s ‘intercultural’ approach. Rather, its most disconcerting aspect was the fact that an intercultural approach was not merely seen as a response to the ‘new’ multicultural state of affairs per se, but—worse—was also (and still is) promoted as a prophylaxis to the potential conflicts that these ‘new’ circumstances of cultural diversity allegedly could induce. In raising the question of immigrant pupils’ needs and the importance of ‘respecting their specific cultural identities’, the Commission made it clear that ‘[t]his situation holds a potential for positive change, modernisation and diversification on the one hand, and a danger of disruption on the other hand’ (1994b: 1):

Contacts between persons of different cultural backgrounds involve different and sometimes conflicting world views and values. Such contacts also give rise to prejudice, fear and hostility. Education has a duty to teach—and first of all to learn—how to cope with cultural difference. (CEC 1994b: 17)

Migrants and minorities with non-European ancestry, many of whom have lived for generations in the Community, were thereby not only singled out as the sole importers of cultural diversity but were also framed as potential importers of instability, even violence, into the previously mono-cultural, and hence harmonious and consentient, EU countries.

To conclude the chain of arguments so far, we can now see how the Commission’s proclamation about ‘mutual respect and understanding among all pupils, regardless

of their cultural, linguistic, ethnic or religious background' (1994b: 17) has been replaced by an asymmetrical organization and treatment of cultures, in which the influx of certain types of cultural differences over recent decades is said to carry the seeds of conflicts and disruption (see den Boer 1995). As a consequence, the message being conveyed suggests that, for a society to function harmoniously, it can accommodate only so many 'culturally different' immigrants; hence, the fewer new arrivals the better for everyone, including the already settled migrants, since, in extension, their growing numbers very well may incite more hostility from an increasingly threatened majority culture. As such, and in conformity with immigration policies targeting the external frontier, the sense of urgency and purpose underpinning the calls to 'integrate' 'legal immigrants' was also tinged with references to security, control, and ominous pictures. As the Council of the European Union (1996: 3) emphasized, 'the integration of long term residents contributes to greater security and stability, both in daily life and in work, and to social peace in the various Member States'.

We have arrived at what represents in a nutshell the overarching contradiction that came to pervade the Commission's undertakings in the area of immigration during the 1990s. We have come face to face with a policy discourse that on the one hand denigrates immigrants and asylum-seekers as would-be 'illegals' and cultural hazards and on the other hand pleads for the integration of ethnic minorities on the basis of intercultural understanding, and for measures to remove the numerous discriminatory barriers faced by migrant communities. And although the *inclusive* policy discourse about the integration of settled migrants at a first glance seemed to contrast strongly with the *exclusive* policy discourse on immigration and asylum, upon closer scrutiny

the former nevertheless largely kowtowed to the latter's principal assumptions and objectives.

For the Commission however, the enterprise harboured no such conflict. Nonetheless, the Commission *did*, in fact, emphasize the importance of enforcing in its conduct of immigration affairs this very same division between measures to reinforce the external frontier and to crack down on internal 'illegals' on the one hand, and measures to integrate 'legal' immigrants on the other. Once combined, moreover, and presented as two sides of the same coin—the former said to epitomize 'realism', the latter 'solidarity'—these two approaches, rather than spelling incongruity, were promoted as a mutually reinforcing pair of outlooks and policy programmes. As the Commission (1994a: Foreword) put it:

The deepening of the European integration process calls for an integrated and coherent response, which combines realism with solidarity, to the challenges which migration pressures and the integration of legal immigrants pose for the Union as a whole. Failure to meet those challenges would be to the detriment of attempts to promote cohesion and solidarity within the Union and could, indeed, endanger the future stability of the Union itself.

In the earlier referred to document on intercultural education (CEC 1994b), immediately after having spelled out the 'clear and visible message from the Union's institutions ... highlighting the rejection of racism and xenophobia' (1994b: 4), the Commission elaborates further on the merits of this proceeding:

With a view to the wider issue of immigration policies, the Commission has drawn up its proposals for action based on three main considerations which combine realism and solidarity: 'acting on migration pressure, controlling

migration flows and strengthening integration policies for the benefit of legal immigrants' (1994b: 5).

### **Racism as a Community Issue**

The fight against what was seen as escalating racism and xenophobia in the EU also formed an integral part of the endeavour at the supranational level to integrate the Union's 'legal immigrants'. From the mid-1980s, and even more so as we enter the 1990s, numerous declarations and resolutions condemning racism and xenophobia were issued at the EU level (see European Parliament, Council of the European Communities and CEC 1986; CEC 1994a: 38-40; 1994b: 4; European Parliament 1990).<sup>5</sup> With the EU unable to legislate on matters concerning racial discrimination at the time (racial discrimination not being explicitly mentioned in the Treaty of Rome), these statements and resolutions often attracted criticism for merely constituting what Silverman (1992: 68) refers to as 'symbolic responses to racism' (see also Geddes 2000: 55). As Ireland (1995: 257) put it, 'European Council meetings since the mid-1980s have issued, mantralike, denunciations of racism and antiforeigner violence and calls for the social integration of immigrants.' In reality though, Ireland (1995: 252) went on to stress, 'proclamations of noble-sounding principles have far outnumbered actual efforts to improve migrants' lot, and perhaps that has been all the better for the institutional stability of the Union'. This impasse also drew criticism from the European Parliament:

On various occasions its [the Parliament's] members representing all political groups (except the European Right) have expressed their concern over the absence of initiatives by the Community to curb the upsurge of racism and xenophobia in

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<sup>5</sup> For a comprehensive overview of the EU's proceedings on matters pertaining to racism and xenophobia during 1977-96, see CEC (1997).

the Member States with questions to the Commission, the Council and the European political co-operation group of Foreign Ministers. In most cases, the replies were unsatisfactory and/or evasive. (1990: 112)

Barred from being translated into Union-wide measures, multiplying condemnations of racism and xenophobia thus highlighted a growing chasm between words and deeds; and this even more so when considering that racism and xenophobia increasingly were being framed as common and Union-wide problems. Also, since laws against racial discrimination in each member state differed, as well as being rather underdeveloped, the British Commission for Racial Equality argued at the time (see CRE 1994: 14), '[t]he absence of EC legislation against racial discrimination means that protection against it varies widely from country to country'. To amend this, the CRE went on to propose, it would be necessary to establish 'a standard, uniform basis of protection for all' (CRE 1994: 28, 14).

Yet symbolic responses in this context should not be reduced to inconsequential rhetoric. Aside from the mere legal constraints, then, there is something to be said about the actual content of the recurrent declarations. Hence, Council and Commission statements conveyed important clues as to how these institutions construed and operationalized racism and xenophobia. For these bodies, racism and xenophobia were first and foremost to be associated with neo-Nazis and other extremist groups characterized by inflammatory rhetoric and acts of violence towards ethnic and racial minorities. On the whole, this way of comprehending racism corresponded with ingrained national approaches to the problem (see Wrench 1996: 129). By depicting the compass and standard-bearers of racism in such a one-dimensional way, moreover, the repeated condemnations of extremist groups by EU governments and the Commission served to dissociate these actors from the various

forms of structurally induced racism faced by non-white populations in the Community. As such, this manoeuvre also worked to conceal the many interfaces between the establishment and the very same groups it so vehemently demonized (see den Boer 1995; Miles and Thränhardt 1995). These interfaces not only revolved around the particular view of immigrants and refugees as cultural deviants and potential criminals, which was being perpetuated by the structure, operation and articulation of immigration and asylum policies. Just as significantly, in the late 1980s and early 1990s high-ranking politicians and other officials issued an increasing number of public statements which, from our current perspective, can be seen to have brought about a gradual blurring of the rhetorical distinction between the EU's political establishment and Europe's surging racist parties on the issue of immigration. One example is Jacques Chirac's diagnosis of France as suffering from an 'overdose' of immigrants (cited in *The Economist* 1993); another is his statement about 'the 'noise and smell' of foreigners which drove decent French people 'understandably crazy' (cited in Hall 1991: 18). Around the same time, moreover, Valéry Giscard d'Estaing, former French president and subsequently president of the EU's (constitutional) Convention on the Future of Europe, joined the anti-immigrant chorus, declaring that immigration could be likened to an 'invasion' (cited in Budgen 2002: 46). A further example is Margaret Thatcher's comments in a speech delivered at the College of Europe in Bruges in 1988 on free movement in the Community. She cautioned 'that we cannot totally abolish frontier controls if we are also to protect our citizens from crime and stop the movement of drugs, of terrorists and of illegal immigrants' (cited in Gordon 1989: 8). John Major reiterated this view at the 1991 EC summit in Luxembourg, calling for more rigorous control of immigration and asylum, which should be implemented through, as he put it, the creation of 'a strong

perimeter fence around Europe' (cited in Baimbridge, Burkitt and Macey 1994: 422). Finally, the British government's response to the upsurge in support for the racist Republikaner Party in Germany, in 1992, is just one among scores of pointed illustrations from this period. In the words of the British Home Secretary, the rise of the Republikaner Party could be traced to a singular cause, namely, 'the flood of migrants and would-be asylum seekers whose continuing numbers have aroused public concern' (cited in Collinson 1993: 11; see den Boer 1995: 97).

### **Conclusion: Redrawing the Map—Migration and Asylum Post-Maastricht**

Many more critical remarks about the events of these years could have been made here, but they might have obscured other significant aspects—however non-contradictory—of the development examined in this paper. In order to evince the complexity of the issue, it is necessary to add some qualifying remarks at this point.

First, and most generally, it is crucial to bear in mind that the period surveyed in this paper marks the emergence of the EU and the supranational level as an important actor and force in the area of migration policy. A policy area which had for years been emerging as a highly contentious issue in public debate, and which had previously been confined for the most part to the national turf, was gradually being relocated to a new map, arena, and institutional framework. In line with the way the turbulent years of the Maastricht Treaty converted the EU into a focal point for many of the debates about neo-liberal transformation, democracy, and the welfare state, debates on the development of immigration and asylum policies would also adapt to this very same pattern. In and of itself this constituted an extraordinary development, not least when observed against the backdrop of the member states' frequent deployment of immigration policy as a major (symbolic) weapon in their (selective) defence of 'national sovereignty'.

In keeping with other major reshufflings, however, this development would neither follow an inherent or predestined course, nor be devoid of internally as well as externally induced discords and stumbling blocks. As explained above, the European Parliament's unrelenting criticism of some of the proposals and objectives advanced by the Council and the Commission, including even allegations that these could very well foment racist sentiments, serves as a poignant illustration. But voices and groups from within the European Parliament, as well as from within the academic community, were far from the only actors who were turning their critical attention towards the EU level's immigration and asylum agenda around this time. On the contrary, the post-Maastricht era would see a plethora of NGOs, migrant and ethnic minority associations, human rights organizations, religious groups, and various social movements increasingly taking their respective cases to the supranational level. This contributed to the establishment of Brussels as a focal point for all sorts of causes and lobbying efforts relating to migration policy.

In all, the years following the inauguration of the Single Market would witness a great conversion of the actual working, conduct and articulation of migration policy in the Community. But if the political and institutional landscape was being transformed, so was the map on to which questions of immigration, asylum, migrant and ethnic minority integration and racism were being projected. As the events following upon the ratification of the Amsterdam Treaty have shown there are few signs that this development is abating. More importantly, if we are to fully grasp the current state of affairs of the EU's migration and 'integration' policy nexus and the ever more painful contradictions that continue to plague it, then it becomes absolutely necessary to also grasp that this nexus comes with a historical baggage worthy of consideration.

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