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Security, Markets and Power: The Relationship Between EU Enlargement and Immigration

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ABSTRACT This article examines EU strategies concerning immigration within the framework of Eastern enlargement and argues that EU migration policies have, in fact, hindered efforts to combat clandestine migration. It contends that enlargement should not present a significant threat to the Union's external borders but, instead, may actually create new opportunities to reduce human smuggling and human trafficking on the continent. Contrary to the rhetoric utilised by many West European leaders and citizens, the new EU member states are currently feeling migration pressures similar to those in the previous member states and their policy objectives actually mirror those found in Western Europe. They have become transit countries rather than sending countries. Because EU enlargement entails political and socio-economic development, it actually provides a more suitable strategy for the management of migration than simple border controls.

KEY WORDS: Immigration policy, border control, clandestine migration, European Union enlargement, human trafficking, development

I. Introduction

Since 11 September 2001, global security agendas have been transformed. Once focused on traditional war-related issues and regional instability, security priorities have shifted to include increased attention to terrorism and organised crime, both of which have become linked politically with immigration. In Europe, these issues are now especially polemical within the framework of

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the European Union's enlargement process, which itself has heightened sensitivity to security concerns. In fact, some of the most central issues in enlargement debates have been clandestine migration, human smuggling and human trafficking.¹ To some extent immigration has been framed as a security problem due to domestic political pressures, such as increased media attention to sensationalised tragedies connected to illegal migration, and also to the rise of the radical right, which has forced parties of both the centre-right and centre-left to take more nationalist stances on the immigration issue. Furthermore, fears about insecurity are natural when states cede sovereignty to supra-national organisations such as the EU, especially when they feel that other member states will contribute to insecurity because of significant economic inequalities and structural inadequacies.

EU immigration policies have traditionally emphasised issues related to border control and illegal migration. Even though the European Parliament has attempted to focus increased attention on anti-discrimination and human rights agendas, the imbalanced distribution of power within the EU's decision-making structure has permitted the Council to firmly establish immigration as a security concern. Since 1994, EU member states have officially closed their borders to labour migration, creating the so-called 'Fortress Europe'.

Despite these measures, non-European Union immigrants have continued to enter EU member states. Recent studies have shown that human trafficking and human smuggling have increased significantly in recent years, and illegal migrants are estimated to represent one-third of the foreign-born population that permanently resides on the Continent (see Ghosh 1998). Moreover, organised criminal cartels have combined these practices with the smuggling of arms, drugs, stolen automobiles and illegal cigarettes. Within this context, the complex challenge of enlargement has contributed to increased uncertainty, given the difficulties that the previous fifteen member states have encountered in implementing effective border controls. Many fear that enlargement will contribute to increased trafficking by eventually eradicating border crossings between Western and Eastern Europe, where many prominent human trafficking routes currently exist. EU member states also fear that post-Communist states in Eastern Europe cannot adequately control their borders due to structural corruption and inadequate resources.

This article examines EU strategies concerning immigration within the framework of Eastern enlargement and argues that EU migration policies have in fact hindered efforts to combat clandestine migration caused by human smuggling and human trafficking. It contends that enlargement should not present a significant threat to the Union's external borders but, instead, may actually create new opportunities to reduce human smuggling and human trafficking.

The article is divided into five sections. Following this introduction, part II briefly discusses contemporary security in international relations and how economic and political globalisation has changed the nature of power in international politics. Part III addresses EU strategies concerning migration and external border security within the context of the politics of enlargement. Part IV describes illegal migration, human smuggling and human trafficking in

Eastern and Western Europe. Finally, part V contends that enlargement offers the EU an opportunity to decrease its susceptibility to clandestine migration, if it addresses this issue in terms of security-related socio-economic questions directly associated with enlargement. Rather than focusing on coercive elements of migration control, which ultimately force migrants into illegality, it would be more productive for the EU to tackle immigration questions within the broader framework of economic development and institutional stability in Eastern Europe. Migration cannot simply be stopped at the border because organised crime has developed technological and organisational solutions to bypass state controls. Clandestine migration can only be effectively addressed by broader economic strategies that aim to reduce migrants' incentives to put themselves in 'at risk' situations and institutional development programmes that decrease the influence of organised crime in sending states. The enlargement process focuses on both of these objectives and includes development programmes that offer opportunities for new approaches to migration management.

II. Globalisation, International Security and Notions of Power

Political science has traditionally been defined by its focus on power, its attributes and its uses. Naturally, definitions of power have varied significantly, but a common theme has consistently been the ability to obtain desired outcomes despite resistance. For this reason, it can be argued that power can be equated to agency or "the capacity to do things" as Joseph Nye recently put it in one of the most interesting studies of the nature of power, his book *Soft Power* (Nye 2004, 1). Nye effectively examines security issues within the framework of a three-dimensional chess board juxtaposing economic security versus military security. Actors within this model are forced to utilise different types of power depending on the axis in which they are competing to influence outcomes. Nye differentiates between "soft power" in the economic realm, which refers to the use of culture, commerce, and policy to shape the preferences of others, and "hard power" in the military arena which denotes traditional means of coercion. Thus, he makes the distinction between "command" (hard) and "co-optive" (soft) power (Nye 2004, 5–13).

Scholars of international relations, such as Nye, have noted important changes in the nature of international politics since the end of the Cold War and the acceleration of economic and social globalisation. This has drastically affected the nature and use of power in international politics. According to Nye, "Power today is less tangible and less coercive among the advanced democracies than it was in the past" (Nye 2004, 30). Some scholars, such as Samuel Huntington and Benjamin Barber, focus on the ideological clash between traditional values and an ever-expanding metropolitan culture (Huntington 1996; Barber 1996). Others have placed emphasis on the impact of economic interconnectedness. Under this approach, authors, such as Robert Keohane, argue that "Interdependence leads democratic governments to expand state activity in order to protect their citizens from fluctuations in the international economy" (Keohane 1984, 5).

Despite their differences, both of these approaches focus squarely on the dispersal of power from a bi-polar to a multi-polar system and the uncertainty that this process has caused among citizens in advanced industrial states. Huntington correctly notes, “[i]n the post-Cold War world, for the first time in history, global politics has become multipolar and multicivilizational” (Huntington 1996, 21). The rise of the radical right in Western Europe demonstrates that immigration, in many respects, has recently become a symbol of the uncertainty caused by economic and political globalisation.

In addition to these systemic changes, another major transformation in international politics has been the challenge to the nation-state as the primary actor in the world system. Many scholars, such as Ronald Rogowski, William Meyer and others, have noted that the nation-state no longer holds the relative monopoly on power that it had during the Cold War period (Rogowski 1989; Meyer 1998). This shift has occurred for two reasons. First, international conflict has changed in nature as economic disputes have increased in importance compared to military ones, reducing the impact of traditional coercive abilities on the international system. As a result, economic might has become more effective compared to military capabilities. Second, economic globalisation has dispersed power to non-state actors, including terrorists and organised criminals as coercive technology is undergoing a process of democratisation because access to it is increasingly expanding to different non-state actors.

Within this framework, immigration has also come to symbolise many of these transformations in the international system. Recent scholarship on migration has correctly noted that migrants are agents within this system as demonstrated by their ability to circumvent measures of control. Moreover, recent data has demonstrated their increased involvement in criminal activities, and acts of terrorism in the West have also been linked to migration. Because of these developments, an atmosphere of fear has arisen around immigration in Western Europe which has come to symbolise a ‘new’ security threat to the continent.

For this reason, this article does not simply focus on EU migration policies. More significantly, it examines strategies implemented by the EU to achieve desired outcomes in the international migration system. Because security dominates the EU migration agenda, this article analyses the ability of the EU to control its borders and prevent illegal migration. In this sense, it studies the changing nature of power in European immigration politics and contends that if the EU were to emphasise soft power rather than hard power, then the recent enlargement would offer an opportunity for the supranational organisation to exert increased power in the international system and achieve its desired outcomes with regard to migration, despite resistance from human traffickers and human smugglers who attempt to circumvent EU measures. In addition to policing its external borders, increased investment in regional development and transnational economic collaboration among local actors in border areas would improve the EU’s ability to achieve its desired outcomes in the international migration system.

II. The EU, Migration and the Border Security Crusade

EU border security debates can hardly be considered abstract as they have had a real impact in many European regions. For example, in Puglia, Italy, one of the officially designated 'frontiers of Europe', illegal migration has been a daily reality since the early 1990s and the region can be seen as a microcosm of the European migration regime. In 1991, 10,000 Albanians arrived on a single ship to the city of Bari, creating fears of an 'invasion' similar to those found throughout Europe. Like elsewhere, this mass invasion never materialised. Instead, smugglers changed their tactics and they have continuously brought small groups of migrants to Puglia on high-speed rafts. Over the course of a decade, thousands have arrived on Puglian shores, twenty or thirty at a time. In 1996 alone, Italian authorities intercepted 21,000 illegal migrants in the region (Miletitch 1998, 6).

In this regard, Puglia exemplifies Europe's main problems with clandestine migration and human smuggling. First, the very nature of local smuggling makes it hard to combat. Traffickers bring small groups across the Adriatic Sea, often forcing their human cargo to jump into the water when the Italian Coast Guard is in pursuit. For this reason, bodies of would-be migrants have often washed up onto the shores of Puglia. This situation mirrors those occurring in similar areas in Greece, Spain and Portugal. These drownings receive little public attention unless they occur *en masse* and are considered newsworthy tragedies. However, in the last ten years, hundreds of bodies have been recovered from the Puglian coasts, one or two at a time.

Second, human trafficking in the region, which once involved only Albanians, has quickly developed into a multinational industry. Chinese, Sri Lankans, Bosnians, Kosovars, Ukrainians, Moroccans and Kurds have all arrived on Puglia's shores. Albanians, who direct final entry into Puglia, work in connection with organised crime groups from China, Russia, ex-Yugoslavia, Turkey and Greece. The local Italian mafia, the *Sacra Corona Unita*, directs human trafficking so that it will not disturb the lucrative trade in contraband cigarettes and drugs and they sell the high-speed rafts to smugglers, as the Albanian authorities discovered when they confiscated many of these vessels in 1998 and found them labelled 'Made In Italy.'

Trafficking off local shores is not the only reason that Puglia can be considered a critical case. Government responses to clandestine migration in Puglia also typify EU policies. Following the original migration of Albanians to Bari in 1991, numerous local and regional government officials complained that they were left to handle this human emergency alone. When institutional support did arrive, first from the Italian government, and later from the EU, it took the form of increased support for coast guard patrols. By 2000, authorities were carrying out 3,500 checks on incoming vessels and investing in 28,000 hours of navigation, in addition to 1,500 helicopter missions (3,000 flight hours). During this year, the coast guard in Bari boarded 138 ships, intercepted 17,000 illegal immigrants, and arrested 282 traffickers.² Conversely, humanitarian responses have predominantly been left to local non-governmental organisations (NGOs), with little state or EU

support. In 1998, the region was nominated for the Nobel Peace Prize by the Italian government for its non-profit making work with clandestine migrants upon their arrival. Similar situations have been documented in other border regions, such as Andalusia in Spain.

As the case of Puglia demonstrates, government responses to immigration in the EU have narrowly emphasised security questions, border controls, and hard power strategies. Since the end of the Cold War, migration has been considered one of the greatest threats to European security. EU involvement in migration issues can be traced back to the activity of the Trevi Group in 1975, assembled to develop cross-border measures to combat terrorism. Since the early 1980s, the EU has balanced dual priorities in its migration strategies. It has enacted legislation aimed at liberalising internal border crossings which has, simultaneously, emphasised control of the EU's external borders. Structurally, immigration was placed in the third pillar (Justice and Home Affairs) of the Treaty on European Union in 1992 and it was not moved to the first pillar (demarcating arenas of European common policy) until the Treaty of Amsterdam in 1998. The latter document harmonised entry and visa policies as well as asylum policies, in many cases making them more restrictive than those previously enacted by some member states.

Policing of illegal immigration has remained in the third pillar. However, through EUROPOL, the European Law Enforcement Organisation created to coordinate the activities of those authorities in the member states charged with combating terrorism and organised crime, national police forces have created databases to share information, and collaboration has increased in the effort to combat clandestine migration. Recently, the proposal to fingerprint migrants and keep their prints in a file at EUROPOL to which national authorities have access has created much public debate in the previous fifteen EU member states. The campaign to harmonise EU migration controls has been the central focus of EU migration policies since the 2002 Seville meeting of the European Council. The resolutions passed at this meeting further reinforced the EU's commitment to strengthening border security. The approved strategies entail the following:

- a) Harmonising measures to combat illegal migration, including the creation of a common visa identification system; acceleration of the conclusion of readmission agreements with specific countries identified by the Council; approval for elements of a programme on expulsion and repatriation policies, including the optimisation of accelerated repatriations to Afghanistan; and formal approval for reinforcing the framework for suppression of assistance for illegal migration.
- b) Progressive operationalisation of coordinated and integrated administration of external borders, including
 - ii) before the end of 2002: joint operations at external borders and the creation of government liaison officials for immigration;
 - ii) before the end of 2003: drafting a common model of risk analysis, drafting common training procedures for border police together with

consolidation of European norms concerning borders, and drafting a study by the Commission on the administration of external borders.

- c) Integration of immigration policy in the relations of the Union with third countries, including a provision that states that “a clause be included concerning the common administration of migratory flows and regarding obligatory readmission in the case of illegal immigration in all future agreements of co-operation, association or the equivalent that the European Union or the European Community signs with any country” (Guardia 2002); and a systematic evaluation of relations with third countries that do not collaborate in the fight against illegal immigration.

The EU has further developed these objectives in Council meetings since 2002. Most notably, the so-called Hague Programme, announced in November 2004, created a new five-year (2005–2010) multi-annual project in the field of justice and security setting the following priorities for the Commission:

- (a) development of a common European asylum system with a common asylum procedure and a uniform status for those granted asylum;
- (b) definition of measures for foreigners to work legally in the EU;
- (c) reinforcement of partnerships with third countries to tackle illegal immigration better;
- (d) establishment of a common policy to expel and return illegal immigrants to their countries of origin;
- (e) use of biometrics and information systems;
- (f) establishment of a European framework to guarantee the successful integration of migrants into host societies.

Of these objectives, the most progress has been made on the use of biometrics in passports and the establishment of a common visa information system. Despite fears over privacy, these systems are planned for 2007.

Current migration discussions have also focused heavily on EU external border controls. In 2003, the Commission presented plans for a common border control agency, (Agency for the Management of Operational Co-Operation at the External Borders) and the creation of a Common European Border Corps that would have powers “to check people at the border, deny them entry, board vessels and arrest individuals”.³ So far these objectives have not been reached due to opposition, largely from the UK.

Similarly, during the Dutch 2004 Presidency of the EU, much debate concentrated on relationships with third countries in the area of migration. Germany and Italy have re-proposed a measure, initially advanced by the UK, to create migrant centres in North Africa. These camps would hold would-be migrants while their cases were under review by migration officials. Until now the measure has not passed because of the objections from France and Spain over humanitarian concerns. Nonetheless, its presence on the EU agenda demonstrates a clear commitment to border control in EU migration strategies.

In enlargement negotiations, immigration was addressed in similar security terms. First, border security was included as a provision in the accession

agreements. Elena Jileva correctly describes the process in which candidate countries had no decision-making power and little say over the determination of policies concerning external relations, including migration legislation and visa requirements (Lavanex & Ucarer 2002). Second, the applicant states were forced to agree to the adoption of the Schengen *aquis* before their admission to this agreement. Third, within this general atmosphere of uncertainty, member states administered a moratorium of seven years on the accession of applicant states to the Schengen Accord, initially preventing free movement of citizens from the applicant countries to the previous fifteen member states. Moreover, this measure was implemented because the previous fifteen member states viewed the extension of the Union's external borders towards the east as a security risk. This last point will be further developed in the conclusion of this article.

III. Illegal Migration and Human Trafficking in Europe

Scholars of international migration are increasingly focusing on how globalisation has affected migration regimes. Attention has been placed on transnational ethnic networks; institutional ties between sending and receiving countries; economic globalisation, including the resulting advances in, and open access to, technology and transportation; and the international development of human rights norms. Many scholars increasingly argue that state sovereignty is eroding because of the growth and power of international economic forces and markets, stimulated in part by the emergence of supranational organisations such as the EU and the liberalisation of trade policies. Demographers have further supported this hypothesis through examination of growing income disparities between advanced industrial and developing states, leading to the argument that pull factors are increasingly creating bi-directional flows of entrepreneurial migrants who seasonally participate in markets in both sending and receiving states. All of these variables have created a context in which the relevant question has become 'Can advanced industrial states continue to manage immigration or have global economic markets made the notion of border control an outdated myth?'

This question is central to contemporary research agendas on migration because it focuses on the dilemma present at the heart of migration debates, especially European ones. On one hand, states globalise by liberalising trade policies and deregulating the flow of capital and goods, which is a central tenet of European cooperation. Increased incorporation into global economic markets, however, has also stimulated movement of labour in numerous industrial sectors. In order to manage these flows, states (or the EU, in this case) construct barriers to international labour migration. Many activists and economists argue that as long as active labour markets exist in receiving countries and income disparities grow between sending and receiving states, migration will continue in one way or another. In addition, historically, migrants have been known for their flexibility, as they move in and out of economic sectors as opportunities appear. Because migration flows must circumvent the obstacles which the EU has placed before them,

migrants often turn to criminal associations to guarantee passage into EU member states. Once competitors, these groups have begun to collaborate, forming multinational smuggling corporations. Thus, by focusing migration policies on security issues and border controls, receiving states that are relatively ineffective in restricting migration have driven the phenomenon underground. In doing so, they have made immigration a greater threat to both public and human security.

Clandestine Immigration Markets in Europe

Returning to the above-cited example of Puglia, flows of clandestine migrants have illustrated this point over time. Many migrants in the region consider organised crime an economic resource more than a security threat. Moreover, gradual changes in the origins of clandestine migrants in the area indicate the extension of criminal networks beyond the Mediterranean Basin. In the early 1990s, predominantly Albanian migrants attempted to make the dangerous crossing of the Adriatic Sea in makeshift rafts from the city of Durres to Bari, Puglia's regional capital. The Italian Coast Guard was deployed, not only to enact border controls, but also to provide assistance to migrants in difficulty and avoid as many drownings as possible. The presence of authorities in the shipping lanes for the importation of black market cigarettes prompted local Italian and Albanian criminal organisations to regulate this flow and move it down to the region's southern coasts. Once these networks were established, over the course of a decade, migrants from other parts of the world were smuggled in through contacts with various international syndicates. Unfortunately, this phenomenon was documented in the Italian press through reports on drownings that highlighted the nationality of the victims of clandestine migration. Whereas ten years ago mainly the bodies of Albanians washed onto Puglian shores, today the victims of drownings come from various parts of Eastern Europe, Turkey, North Africa and even Asia.

Similar situations exist throughout the EU as human smuggling and human trafficking have become very profitable businesses. While no completely reliable statistics exist on these phenomena due to their clandestine nature, accepted estimates of the number of illegal migrants in the EU range from 300,000 to 700,000 (Appleyard & Salt 2000, 39). Of this population, 100,000 to 220,000 arrived in a member state through trafficking networks. Jonas Widgren, who published these widely accepted figures in 1994, estimated that 40,000 to 100,000 illegal migrants and 60,000 to 120,000 asylum seekers utilised the services of traffickers (Appleyard & Salt 2000, 39). This data is considered the most accurate available today by migration experts and monitoring groups such as the International Organization for Migration, despite the fact that it was collected ten years ago.

Widgren's study also demonstrated the profitability of trafficking. According to his calculations, trafficking syndicates operating in Western Europe would have earned between 100 million and 1 billion USD in 1993 alone (Laczko & Thompson 2000, 33–34). These statistics can be considered conservative as Widgren assumed an average price of 2000 USD per person

for trafficked migrants to get to Western Europe. Now that criminal organisations have extended their networks, the cost of passage into the EU can range from 500 USD simply to cross the Adriatic Sea from Albania to Italy to 30,000 USD to enter Western Europe from Asian states such as China, Malaysia or Sri Lanka.⁴

Because initial costs for traffickers are relatively low, the opportunities to earn significant profits quickly are attractive. For example, Nicolas Miletitch describes how traffickers bought the *Vicky*, an old thirty meter boat from Montenegro, for approximately 85,000 USD. The boat was constructed for a capacity of around thirty passengers. In 1997, traffickers filled it with 571 asylum seekers and sent it to Bari, where these potential refugees were received and the boat was confiscated by the Italian coastguard. Each of these people paid 500 USD, making the crossing worth over 285,000 USD. In just one trip of about thirty kilometres, traffickers earned a profit close to 200,000 USD (Miletitch 1998, 8).

As stated earlier, human smuggling and human trafficking are related but separate phenomena. From a penal standpoint, both smuggling and trafficking are violations of immigration laws, as they entail the assistance of illegal entry into the national territories of EU member states. From a human point of view, both of these practices involve individuals who are in at-risk situations, and often are victims of traffickers' crimes such as theft, rape, assault and even murder. Because the number of individuals who are trafficked and smuggled into Europe has increased in recent years, they each represent heightened threats to public and human security. However, when discussing the business of clandestine migration, a distinction must be made between the two. Human smuggling involves assisting irregular migrants without valid visas or entry papers to enter a national territory clandestinely. Many claim that it is a 'victimless crime' because smugglers merely provide a service to would-be migrants and their would-be native employers waiting to exploit cheap labour. Human trafficking, however, describes entry assistance provided to illegal migrants for the purpose of gaining economic profit in illicit activities, such as forced prostitution (sex slavery), forced labour (including sweat shops), or participation in illegal markets for human organs. Usually the unknowing participants in this practice are coerced or deceived into situations in which they lose their personal autonomy. Traffickers steal their passports and other legal documents and force them to work until their 'debts have been repaid'. In order to control trafficked migrants and to prevent many sex slaves from committing suicide, traffickers often direct threats both at migrants and at their families in sending states. In some cases, traffickers have been known to kidnap the children of trafficked women in order to coerce their mothers to collaborate in the sex industry.

This distinction is important because trafficking is profitable beyond the act of smuggling. Groups that traffic migrants also benefit from restaurants and hotels, sweat shops and prostitution rings where migrants are forced to work in conditions that lack any regard for their safety or well-being. Ethnic groups participating in trafficking networks, both as victims and

Table 1. Category of Trafficked/Smuggled Migrants in EU states by Nationality

	<i>Sex Slavery</i>	<i>Refugees</i>	<i>Forced Labour</i>
Country/region of origin or ethnic affiliation	Albania, Georgia, Russia, Ukraine, ex-Yugoslavia, Romania, CEECs*, Nigeria, Latin America	ex-Yugoslavia, Kurds, Gypsies, Tamils	China, Middle East, North Africa, Southeastern Europe

* Central and East European Countries

Source: International Organization for Migration (2002).

entrepreneurs, vary widely and represent different regions of the world. Table 1 outlines the characteristics of the ethnic markets that are found among Europe’s clandestine migrant population.

Human Trafficking and Organised Crime

Since the end of the Cold War, criminal involvement in human trafficking has evolved quickly. Before the fall of the Communist Block in Eastern Europe, trafficking was limited to state-sponsored activity, usually through state-owned airlines which were utilised to encourage immigrants from developing countries to enter Western Europe. In addition, ethnic groups and independent entrepreneurs were active in the promotion of clandestine migration to facilitate family reunification and labour migration.

Since the end of the Cold War, however, human trafficking has become an attractive activity for criminal organisations for several reasons. First and foremost, there is never a shortage in the supply of human cargo because of ongoing civil unrest and economic uncertainty in many regions of the world. Moreover, this ‘cargo’ is willing to pay for its own transport. Second, this criminal sector is organised in such a way that poorer or smaller groups can access specific markets. Most of the syndicates involved in human trafficking are smaller, localised independent cells that work within national hierarchical criminal structures. The more powerful actors in these systems are often involved in other activities, such as money laundering, drug trafficking, illegal sale of arms or internet-related crimes, leaving human trafficking to smaller organisations. Because these structures are relatively loose, traffickers work directly with their own contacts across borders, creating decentralised interconnected competitive networks in markets that are continuously being re-shared. This provides criminal organisations with an ongoing supply of buyers and sellers for their human cargo. Moreover, because the market is geographically divided, there is little external competition and many incentives for cooperation, making the practice relatively safe. For example, most Albanian traffickers who have established trade routes between their home country and Puglia learned their trade by assisting the *Sacra Corona Unita* in the trafficking of cigarettes. Once these groups were sufficiently experienced, they set out on their own in the field of human smuggling. For the *Sacra Corona Unita*, these groups provided no direct

threats to their own markets. Moreover, by selling their used high-speed rafts to many Albanian traffickers, the *Sacra Corona Unita* was able to make an additional profit from their outdated equipment. Finally, as an added bonus, the presence of Albanian human traffickers diverted much of the attention of the Italian authorities in the region away from their own activities, including the smuggling of contraband cigarettes, drugs and arms along the region's northern routes.

Because traffickers work in a hierarchical structure with smugglers in other goods, they can make arrangements to combine their trade with other criminal sectors to further increase the profitability of each of their trips incrementally. For example, human traffickers can easily bring drugs and arms into EU member states along with their human cargos, acting as middle men between more potent criminal organisations. When their modes of transportation permit, they can return to their home states transporting stolen automobiles for sale in the rapidly growing black market in Eastern Europe. This practice makes the return voyage as profitable as the outbound one.

In addition to these structural incentives for trafficking, three other characteristics of the trade have made it attractive in recent years. First, the human cargo that is being transported is often easily intimidated, which offers increased control to the traffickers. Rarely do traffickers face significant migrant resistance to abuse. Furthermore, because one of the most pronounced traits of the international migration system is misinformation, immigrants are highly susceptible to fraud and deception. Second, government border controls are porous, making the trafficking routes relatively safe. For example, Czech officials have complained that they cannot conform to EU standards regarding border patrols without hiring one thousand additional police at a total cost of 26 million USD (Appleyard & Salt 2000, 41). In addition, when traffickers have been caught, until very recently they often have not received punishments that adequately reflect their crimes.

Many problems have traditionally prevented the successful prosecution of human traffickers. First, as stated above, trafficking is more than the mere smuggling of migrants for financial gain. It is a separate category of related criminal activities. Traffickers profit from sex slavery or forced labour, and their 'cargo' continues making profits for criminal organisations once they have entered a country. As one trafficker told authorities "You can only use drugs once. Human beings you can sell many times".⁵ Most domestic penal codes of the EU member states do not include criminal definitions that adequately cover trafficking. Until these states create specific penalties for human trafficking, including the establishment of specific legal definitions for this crime, there is little that authorities can do to dissuade the practice.

This legal problem has often permitted traffickers to hide behind their human merchandise, who remain in at-risk situations. Due to the content of laws that police are charged to enforce, even well-meaning authorities are forced to punish the illegal migrants rather than the traffickers. Clandestine migrants are deprived of their passports, visas and work permits by traffickers. When authorities find them, they must arrest and deport them as clandestine migrants while criminal organisations continue their transnational

operations. Similarly, and more seriously, when sex slaves have been arrested, they are charged with prostitution and deported, even though many are coerced into this practice. This situation has increased the attractiveness of this business in terms of cost–benefit calculations and is one of the areas where the EU most urgently needs to carry out legislative reform.

IV. Conclusion: Finding a Functionalist Approach to a Functionalist Problem

Immigration often places receiving countries in a Catch–22 position. Heightened economic globalisation has stimulated increased labour migration. Moreover, political instability and civil unrest have created a larger and different pool of asylum seekers from that which existed during the Cold War. Prisoners of conscience fleeing from persecution and torture have become less significant *vis-à-vis* mass emigration caused by ethnic cleansing and civil war. In the face of these pressures, immigration has become a significant security issue in advanced industrial states. This is especially true since 11 September 2001 when the phenomenon was further linked to terrorism. It was further reinforced in Europe by the 11 March 2004 Madrid bombings. As a result, states have increased their determination to curb migration from the developing world.

The problem with this system is that migration flows have not stopped despite technological advancements in border control, such as the use of infrared glasses for ‘night vision’, or improved coast guard vessels. Since the end of the Cold War, migration has been forced underground and this has led to the expansion of human trafficking and human smuggling. The paradox which needs to be recognised in the advanced industrial world is that the more migration agendas focus solely on security issues, the more the phenomenon becomes uncontrolled, insecure and unregulated. Symbolic actions reacting to domestic nativist forces in politics and society exacerbate migration problems rather than help alleviate them.

Possibly the single greatest misinterpretation of migration–related questions is the current debate surrounding clandestine migration. Most scholars, politicians and activists consider this query a rights and security issue. On one hand, many argue that clandestine migration poses a serious threat to public security due to its links with native and foreign criminal organisations and terrorist groups. They contend that citizens have a right to be protected from dangerous foreign influences that directly (terrorism) or indirectly (criminal activity) damage the host community. Conversely, others argue that it is a human security question where receiving states should broaden their policies on migration and focus more on human rights in order to alleviate the suffering of a population living in at–risk situations. This approach is usually associated to economic inequality in the world capitalist system and the moral obligation that advanced industrial states have to open their borders due to the benefits that they reap from this system. These positions conflict with each other in political and academic debate, creating a security–based conception of migration, which is a zero–sum game pitting public security versus human security.

This article is premised on the notion that both of these positions are mistaken and that migration is a market-based rather than a security-based issue. Essentially, advanced industrial states have failed to manage international migration successfully because they have adopted a realist approach to a functionalist problem.⁶ Migration is largely an economic phenomenon generated by market pressures. Trafficking exists because income disparities between the advanced industrial and developing world have created an abundance of inexpensive labour. As long as this supply exists, trafficking and smuggling will remain profitable activities. Black market economies, especially in certain regions in Europe, thrive on undocumented labour. Similarly, sex slavery exists because there is a market for prostitutes in Europe and, as in legitimate economic sectors, foreign sex workers undercut the prices of their native competitors.

Immigration should not be perceived narrowly as a hard security issue but instead as an economic question best addressed in terms of markets. This position, based on the notion of soft power, does not deny that immigration entails political questions related to human and public security because these themes are central to an understanding of the phenomenon. However, policies aimed at security questions do not adequately manage the economic mechanisms central to migration regimes. Moreover, by driving migration underground, they push immigrants towards organised criminal syndicates with which they have contacts through smugglers and traffickers. Trafficking is essentially a business responding to the possibility of large profits. This creates a situation which heightens threats to both public security and human security. In fact, these two positions cannot be considered mutually exclusive: instead, they reinforce each other because organised crime is their common foe. Both human security and public security will benefit from a successful campaign against organised crime. History has shown that such organisations exist in conditions where there is a power vacuum. Current EU strategies have created migration networks and economic markets that are unregulated by legitimate authorities. This has offered opportunities for criminal groups to profit from their regulation through the organisation of black market systems.

For example, in Puglia, the aforementioned EU strategies regarding migration control in the Adriatic Sea have created two negative unintended consequences in the region. First, heightened vigilance against traffickers has led to increased collaboration amongst various criminal organisations. Specifically, the Puglian *Sacra Corona Unita* and different Albanian groups now work in conjunction with criminal networks in Greece, Turkey and North Africa. Trafficking and smuggling routes have expanded beyond Puglia to areas of Calabria and even Sicily. Second, the EU's focus on migration controls in the Adriatic Sea has isolated regional and local officials who have not received support for integration strategies. Because the economy of Puglia is largely based on small enterprises and flexible 'family-based' labour markets, immigrants have replaced women and children in the significant black market economy. Migration scholars in the region have noted that these migrants move in and out of seasonal positions, both legal and illegal. When

they return to their home countries, especially Albania, many act as recruiters for the irregular labour market, thus increasing clandestine migration flows. The lack of regulation of the labour market has created a demand for irregular migration. The EU has, to date, not adequately addressed this issue in the area or in border regions like it.

Migration within the Framework of EU Enlargement

The enlargement of the EU has added pressure to migration debates in Europe. Because 78 per cent of those migrants trafficked into EU states originate from somewhere in Eastern Europe, the practice has stigmatised most of these countries. However, the impression that enlargement will somehow weaken the Union's migration regime, and that Eastern Europeans are going to 'invade' Europe, is unfounded. For example, demographic studies and political polling have shown that, even though wages are seven times higher in Germany than in Poland, there is no need to fear a mass migration of Poles westward as many do not wish to leave their native land (Silj 2001). Even in terms of clandestine migration, data shows that Poles have not been involved in human trafficking since the mid-1980s.⁷

In addition, the facilitators of illegal migration, namely criminal organisations, are not significantly active in the new member states. For example, 70 per cent of all organised crime in Poland, like in Germany, comes from outside the country (Bort 2000). With the exception of Hungary, where trafficking is still significant, all the other new member states, like Greece, Italy and Spain are transit countries for traffickers rather than sending countries. For this reason, one cannot expect an increase in trafficking because of enlargement since the characteristics of the trafficking system will not radically change. Trafficking networks will still originate in various Asian states, Turkey, Moldova, Ukraine, Georgia, Romania and the Balkans, and these networks will continue to pass through Eastern Europe. If anything, as the quality of life improves in the accession states after enlargement occurs, they can be expected to become receiving states (a development which is already beginning) and this may actually, in the long run, alleviate pressure in Western Europe, as markets open and clandestine migrants find opportunity structures more favourable in the new member countries. Political debates surrounding migration and enlargement usually overlook the fact that, before the enlargement process began, most of the new EU member states were sending countries characterised by significant smuggling and trafficking networks. Collective socio-economic improvements and institutional development have led to a decline in emigration flows, especially those of an illegal nature.

The EU's commitment to equity, in fact, is rarely mentioned in contemporary migration debates. Scholars of migration in Europe during the post-war period note that historical emigration flows from Southern European states — most notably Italy and Spain — stopped when those countries achieved elevated levels of economic development. The same can be expected in Eastern Europe where EU development programmes, such as PHARE and Corridor 8, which concentrate on strengthening infrastructure and market stability are

actually keys to managing migration.⁸ The new member states have already been transformed from sending countries to transit states. As development improves in these countries, it can be expected that they will be transformed into receiving states, much as in Southern Europe since the late 1980s.

If anything, the EU's security-based approach will create many difficulties for the new member states in their struggle to control their borders. The extension of the external borders of the EU will create economic and identity-related problems in border areas that were integrated during the Cold War when all of these states had Communist regimes. Many scholars have noted that border extension will probably have a negative impact on the local economies that have developed in border regions, such as those found between Poland and Russia or Romania and Hungary. Enlargement will block the relatively free movement of labour and trade which has developed in these areas. Similarly, ethnic minorities concentrated on separate sides of national borders will be divided. For example, there will be political and physical barriers between ethnic Hungarians living in Hungary and those residing in Romania. Since the fall of Communist regimes in the area, this border has been easily penetrated by members of the Hungarian minority who have been able to pass in both directions with relative ease. These developments will surely contribute to human smuggling and human trafficking because migration for economic and family reasons will be driven underground, as in Western Europe.

This article does not argue that borders should be opened or that migration should be deregulated. Such a proposition is dangerous and politically unfeasible. However, the EU and its member states must introduce flexibility and foresight into migration strategies, as they do in their economic policies. If this can be done, then enlargement does not pose as much of a threat to Western Europe's migration regime; instead it presents increased opportunities to manage migration and reduce human smuggling or trafficking.

The EU's immigration strategies focus on protecting the sovereignty of member states from transnational labour markets. This article has argued that this approach does not adequately address market forces that drive migration, both legal and clandestine. Instead, the EU should link its migration policies to regional subnational and transnational development. Already, organised crime has responded to these fundamental structural changes in labour markets that now extend beyond borders. Regulation policies must respond to these shifts as well in order to manage the flows of workers successfully. In Puglia, local and regional authorities have established a working relationship with national and local authorities in Albania within the framework of the EU's regional development programme. This multifaceted approach has included co-sponsored applications for EU development funds, EU funded humanitarian projects instituted by non-governmental organisations and common strategies to combat organised crime at the regional and local levels.

While this collaboration is still being developed, some positive results have already been evident in the region's migration regime. First, clandestine flows have decreased since 2000 by more than 5,000 per year as police collaboration against trafficking networks has improved between authorities on both sides of the Adriatic Sea. Second, NGOs that work with the victims of

trafficking have initiated transnational humanitarian programmes that offer legal protection and basic services, such as housing and job placement bureaus. Third, EU regional development programmes have improved economic markets in both Puglia and Albania which have created opportunities for legal employment on both sides of the border. In the long run, this should reduce incentives for illegal migration and greater social stability should decrease the influence of criminally organised migration.

The EU and its member states need to shift the logic of their migration strategies from border control to management. Instead of continuing with a realist approach to a functionalist problem, the EU ought to develop a corresponding functionalist strategy based on soft power. This should not be as difficult or controversial as it has become, because it would actually follow the economic integration path established by the EU from the time of its inception.

The EU's regional policies have always recognised the internal differences that exist in national economic markets. It seems counterintuitive that this logic is not utilised in migration strategies. Regional differences obviously create diverging needs for labour. In some EU states, most notably Italy, regional governors have a voice in the compilation of yearly migration quotas based on local economic requisites. Blanket border controls ignore these local needs, thus creating a market for clandestine migration.

In the new member states, migration pressures are especially sensitive. These states face a need for inexpensive labour in expanding economic markets, administrative and economic difficulties regarding border controls, and significant black market economies which have yet to be diminished since the fall of Communism. Moreover, as stated earlier, transnational economies have developed in many East European border regions where market and ethnic links predominate over national security interests.

If the EU were to address the migration question more in terms of economic development and less in terms of security, then enlargement could offer the Union the opportunity to manage migration in areas closer to the sending states. Rather than addressing the 'immigration problem', the EU should focus more of its efforts on building infrastructures in the new member states, fighting organised crime and regulating large black market economies. By concentrating on these issues, the Union's member states could provide a greater pool of legal jobs in Central and Eastern Europe, similar to those created in Southern Europe during the economic miracle of the 1960s and the boom of the 1980s. Moreover, by combating black market employment and deterring owners from hiring illegal migrants by invoking measures such as fines, member states could diminish the opportunities available to this latter group and reduce contact between migrants active in the irregular labour force and recruiters for criminal economic markets. Franco Frattini, the new European Commissioner for Justice, Freedom and Security has declared this to be one of his objectives for EU migration policies. Specifically, he has called for the institution of a US-style green card system that would link migration to labour market needs and allow legal migrants to enter jobs currently held by clandestine migrants. It

remains to be seen if he can convince the leaders of the member states to follow these objectives.

Until now, the previous fifteen EU member states have treated the new members as second-class citizens in migration-related discussions. Instead of viewing the opportunities that enlargement presents to alleviate migration pressures on the continent, the older member states have focused on enlargement as a security threat. Unfortunately, because the EU has taken such a position, it could be inaugurating a self-fulfilling prophecy. Enlargement certainly adds a new dimension to EU migration politics. New member states could either provide added resources for migration management or create added difficulties, if migration is pushed further into criminal markets.

Joseph Nye correctly notes that the key to exerting power in the international system lies in understanding which type of power to use (Nye 2004). He argues that soft power is more effective in cases when power is dispersed, whereas hard power works best in arenas where power is concentrated. This article has shown that international immigration networks and global labour markets represent an increasingly significant dispersal of power. The EU must recognise this better in its policy approaches and react accordingly, even if such strategies could be politically controversial. This would reduce the influence of organised crime, which maintains its own transnational sources of soft power and has utilised them to flourish in the contemporary international migration regime. As a result, it would certainly address both public security and human security concerns better than the hard power based system currently in place.

Notes

1. *Clandestine Migration* refers to the act of entering a host country through illegal means. *Human smuggling* is defined as the act of facilitating the unlawful entry of foreign nationals into a host state. *Human trafficking* concerns the act of illegally importing or facilitating the illegal importation of human beings into a nation state for profit or exploitation in criminal activities.
2. Interviews conducted by author.
3. "EU immigration, asylum and visa policy" 29 Jan. 2005, available at <http://www.Euractiv.com> (accessed 30 January 2005).
4. These figures were communicated to the author by numerous smuggled migrants during interviews.
5. Interview conducted by the author with representatives of the Italian Coast Guard.
6. Functionalism, in international relations, describes approaches to the study of politics that are market-based more than state-centred. Such theories focus more on non-state actors, such as corporations, supranational organisations, regions etc. Realist approaches focus on nation-states as the primary actors in international politics and these theories are more biased to security issues. For a full explanation of these theories see Hix (1999).
7. International Organization for Migration. Available at: <http://www.iom.int> (accessed June 2003).
8. PHARE (*Pologne et Hongrie: Assistance pour la Restructuration Economique*) aims to improve conditions in candidate states in the arenas identified by the Copenhagen criteria for EU enlargement; Corridor 8 is one of the EU's 'Trans-European Corridor' transportation plans linking the Adriatic Sea to the Black Sea to facilitate the movement of people, goods and energy.

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