NEW ISSUES IN REFUGEE RESEARCH

Working Paper No. 1

Globalisation and the dynamics of international migration: implications for the refugee regime

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May 1999

These working papers are published by the Centre for Documentation and Research. They provide a means for UNHCR staff, consultants, interns and associates to publish the preliminary results of their research on refugee-related issues. The papers do not represent the official views of UNHCR. They are also available online at <http://www.unhcr.org>.

ISSN 1020-7473

Introduction

The migratory movement is at once perpetual, partial and universal. It never ceases, it affects every people ... [and although] at a given moment it sets in motion only a small number of each population ... in fact there is never a moment of immobility for any people, because no migration remains isolated.

(Eugene Kulischer, 1943, p. 9)

No society is static, and the history of every continent has been marked by significant migratory movements at every stage. Patterns of contemporary voluntary and forced migration in many respects mirror those of the past. In the final decades of the last century, for instance, Aristide Zolberg points to 'a concatenation of worldwide changes associated with the globalization of capitalism' which 'induced a sudden and massive increase in the number of people on the move worldwide and in the distances they covered'. Already 'in the throes of growing domestic and international tensions, the receivers also saw themselves beset by an unprecedented "immigration crisis"' (Zolberg, 1997, p. 279) − observations which, of course, would equally apply to perceptions of migration in the current era. As Eugene Kulischer wrote in his seminal 1943 study of population movements in Europe, 'the modern age did not so much invent new forms of migration as alter drastically the means and conditions of the old forms' (Kulischer, 1943, p. 96).

However, despite its long history and the continuities in forms of movement over the centuries, migration continues to elude analysts in their attempts to develop effective and comprehensive theories to explain its underlying dynamics. International migration is an enormously diverse issue which encompasses many kinds of human movement associated with a variety of forces and motivations which have very different causes and consequences. The 'economic' migration of highly-skilled and managerial business personnel, for instance, bears little relation to the catastrophic forms of displacement seen as a result of conflict and environmental disasters around the world. Indeed, every category of migration − whether migrant workers, family migrants or refugees − includes a myriad of specific forms and patterns of movement. This diversity has led some analysts to argue that the causes and consequences of international migration should only be evaluated in the context of specific countries and specific migratory situations. Indeed, even in specific cases, factors determining and arising from migration are often very difficult to identify.

What is clear is that as the world political economy has become more complex and diversified, so too has the issue of migration. This is so not simply in terms of its own specific dynamics, but also – indeed perhaps more – in terms of its interaction, at all levels, with a range of other economic, political, social and cultural forces and processes. Indeed, at a time of such rapid and profound change in the world political economy, it is this *interaction* of migration with other changing processes around it –

i.e., to use Kulischer's terminology, the changing *conditions* of international migration – which it is most crucial to explore in order to understand and appreciate the key policy challenges in this area, including those facing refugee protection.

International migration is frequently linked with the issue of globalisation in current academic and public discussion (e.g. Sassen, 1998; Gungwu, 1997). In public discourse, this is explained in part by the fact that the migration issue so often figures in connection with a variety of other concerns about the changing international economic, political and strategic environment in which governments and societies will have to operate in coming decades, and which, in turn, are associated very broadly with globalisation (see, for example, various references to migration in Horsman and Marshall, 1994). Whether this is in relation to the stark economic inequalities that divide the North from the South, the liberalisation in trade and capital flows, the propensity for state collapse in the South, the global escalation in inter-ethnic conflict and civil wars, environmental degradation, or to recent financial crises in South-East Asia and elsewhere, concerns easily focus on the migration-related impacts and ramifications of such developments.

Discourse around the two issues is, however, very confused. Migration and globalisation are both extremely complex processes that remain very poorly understood and do not to lend themselves to any accurate prediction. Neither migration nor globalisation, in fact, represents a single or clearly identifiable issue or process in its own right. 'Migration', as I have already noted, denotes an enormous variety of different kinds of human movement. 'Globalisation' is a term 'which can refer to anything from the Internet to a hamburger' (Strange, 1996, p. xiii); Jan Aart Scholte argues similarly that ideas of 'globalisation' are 'so broad, so diverse and so changeable that it sometimes seems possible to pronounce virtually anything on the subject' (Scholte, 1997, p. 430). Caution therefore needs to be exercised in any efforts to explore the linkages between the two. Yet this should not deter such efforts: any analysis concerned with the dynamics of contemporary migration must consider key transformations in today's international political economy and their implications, and so must consider the implications of globalisation.

This paper begins with a clarification of the concept of globalisation as it is used in the discussion that follows. Globalisation, I argue, is best understood as a set of processes that are global in scope, that transcend the territorial borders of states, and which, as a consequence, profoundly affect the nature and functions of state governance in the world political economy, including, of course, the governance of migration.

My treatment of the relationship between globalisation and migration rests on the premise that more profound and far-reaching changes have taken place in the structure, dynamics and forms of global financial and commercial flows over recent decades than they have in the underlying structure, dynamics and forms of international migration, despite the increasing scale and diversity of migration flows in different parts of the world. Although migration is not subject to such profound and far-reaching change in terms of its own basic forms and dynamics, the globalisation of financial, commercial and other international relations is bringing about enormous and significant changes in the broader political, economic and social context in which

cross-border migration takes place. This, in turn, is raising a host of new challenges and problems in those areas of national, regional and international governance that are concerned or connected with international migration, including the international refugee regime.

Globalisation

Much of the current discourse on globalisation centres on speculation about the state and its future in the globalised economy. Many have suggested that the days of the nation-state are numbered (e.g. Ohmae, 1995), or that an economic world is being created by global companies which exists beyond states (e.g. Reich, 1991). Others have responded by insisting that predictions of the state's demise are exaggerated and unfounded: the state is and will remain a central component of the world political economy, with much of its sovereignty not only intact, but even strengthened in a number of strategic areas (e.g. Hirst and Thompson, 1996; Krasner, 1993). Much of this disagreement is as much a function of the different theoretical orientations of the different commentators as it is of any conflicting evidence of change on the ground.[1]

Some of the most instructive analysis of globalisation and its implications for power and governance in the world system comes from approaches within international political economy, which treat the state neither as all nor as nothing. Instead, the relationship between globalisation and the state is regarded 'in terms of subtle interplays of continuity and change'. Underlying continuity 'is discerned in so far as the state and interstate relations persist at the core of governance arrangements in the contemporary globalizing world'. Yet 'there is also notable change in the character of the state: its capacities; its constituencies; its policy-making processes; its policy contents; and so on' (Scholte, 1997, p. 428).

As Susan Strange points out, this does not mean necessarily that there is less intrusion of government in people's lives. What is changing is the quality of authority that most governments can exercise. States are losing their capacity 'in the fundamental matters of providing security against violence, stable money for trade and investment, a clear system of law and the means to enforce it, and a sufficiency of public goods like drains, water supplies, infrastructures for transport and communications' (Strange, 1996, p. 4). Richard Falk has argued similarly that territorial sovereignty 'is being diminished on a spectrum of issues in such a serious manner as to subvert the capacity of states to control and protect the internal life of society, and non-state actors hold an increasing proportion of power and influence' (Falk, 1997, p. 125). On many crucial issues, 'markets are now the masters over the governments of states' (Strange, 1997, p. 4).

However, while the authority of *all* states is diminishing, rapid technological and financial change and the accelerated integration of national economies into the global

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[1] Those from the 'realist' tradition of international relations theory, for instance, have been least willing to let go of the state as the pre-eminent actor in world affairs (see Krasner, 1993); meanwhile, those from the 'transnationalist' and 'interdependence' schools have been more ready to recognise the importance of other actors in world affairs, and stress qualitative changes in the pressures acting on state governance (see Rosenau, 1997).

market economy are also giving rise to greater inequity between the larger states with structural power, 'who retain some control over their destinies', and weaker ones, 'who are effectively incapable of exercising any such controls' (Strange, 1996, pp. 4, 14). This is not a zero-sum game, however. The diffusion of state authority 'has left a yawning hole of non-authority, ungovernance it might be called' (ibid.), particularly in the area of global financial management.

The most significant power shift is from states to markets, and, importantly, to markets in which production, marketing and financial structures and processes are for a world market, rather than for a local or national market. The shift in power is therefore to actors whose power and responsibilities transcend territorial frameworks. These include 'transnational' companies (TNCs) and the institutions of financial markets.

It is the detachment from territory, made possible by rapid technological change – including new communications technology – which is so significant and so distinctive about the structures and processes of the 'global economy', and which is having such a profound impact on the nature and functions of the state. Deterritorialisation, indeed, is what sets globalisation processes apart crucially from the parallel (but state-centred) processes of 'internationalisation' or 'interdependence' (denoting increased exchanges between countries), or 'liberalisation' (denoting the opening of borders between countries). 'Global' phenomena do not cross or open borders so much as *transcend* them, extending across widely dispersed locations simultaneously and moving between places anywhere more or less instantaneously: territorial distance and territorial borders 'hold limited significance in these circumstances: the globe becomes a single "place" in its own right' (Scholte, 1997, p. 431).

TNCs, for instance – which now account for around a third of the world's private productive assets (Spero, 1992, p. 132; and Horsman and Marshall, 1994, p. 201) – operate in markets that are largely unconstrained by national borders. Multi-country sourcing, multi-country banking, transworld marketing, and the expansion of intra-firm trade and production processes spread among several facilities and assembly points across different and shifting locations in the world 'have created a new kind of relationship between states and transnational corporations' (Horsman and Marshall, 1994, p. 204). Increasingly, there is a conflict 'between global capitalism's mobility in the search for profit, its restless search for cheaper inputs and more lucrative markets, and the state's attempts to guarantee employment and investment' (ibid., p. 210). Yet, at the same time, states have played a central facilitating role in the globalisation of capital by, among other things, creating much of the regulatory environment in which transborder capital operates. States are often 'a site of struggle between territorial and supraterritorial capital' (Scholte, 1997, p. 446).

Meanwhile, money and finance – which traditionally operated almost entirely in a territorial political economy – can now circulate almost anywhere and everywhere across the world in an instant: a national currency can circulate as easily outside as inside its 'home' country (Scholte, 1997, p. 439). But there is no world central bank with the kind of powers that used to be exercised by national central banks, to control

and regulate a banking system that operates transnationally in internationally integrated financial markets (Strange, 1996, p. 196).

However, as the relative reach, power and mobility of capital has increased, that of labour has declined. Most technological innovations in agriculture, manufacturing and in the provision of services, and in new products and processes have implied an increase in the input of capital and a decrease in the relative input of labour (ibid., p.45). Many unskilled industrial jobs have been wiped out, and have been only partially replaced with often worse paid jobs in services, or not replaced at all (Horsman and Marshall, 1994, p. 99). TNCs move production activities and shift investment to suit their interests in servicing particular markets, or to capitalise on the location of particular skills or technology, etc., but the only significant category of workers who have any power and mobility within their structures are the TNC's most highly skilled technical and managerial personnel. As international production becomes less and less reliant on labour, so the bargaining power of those countries offering cheap, unskilled labour is reduced further.

The progressive globalisation of capital and many commodities, in other words, has not been matched by the globalisation of labour: most workers remain very firmly tied to the territorial world of the state system, with border controls to restrict their movement remaining as tight as at any point in the past. In this context, it is interesting to note that while technological innovation has facilitated the global mobility of capital and constrained state control over commercial and financial flows, new technology is facilitating ever closer monitoring and control over the movements of people – at least by those governments and institutions that have the wealth and supporting infrastructure to afford and operate this technology.

The complex relationship between globalised capital and territorially-tied labour illustrates the continuing and important interaction of globalising and territorial factors in the world political economy. Global spaces 'of the kind formed through telecommunications, transworld finance, and the like *interrelate with* territorial spaces, where locality, distance and borders still matter very much'. (Scholte, 1997, p. 432). On some issues, and in some circumstances, states will have clear authority; on others and in other circumstances, they will not. People will likewise associate in some circumstances and on some issues with non-territorial processes, identities and authorities, but in other circumstances and on other issues they will remain firmly territorially-oriented. Not every person, group, country or business is equally involved in the global economy, nor do they all benefit equally from it. Just as globalising dynamics have become more powerful, so 'the boundary-strengthening dynamics of localisation have become increasingly significant, not least because some people and cultures feel threatened by the incursions of globalization' (Rosenau, 1997, p. 82).

In this context of closely interacting globalising and localising processes and forces, it is obvious that the distinction between domestic and international politics is meaningless. This has probably always been the case, but the importance of recognising the continuities and interconnections between different levels of governance is all the greater at a time when power and authority is increasingly diffused among a variety of political, economic and social actors operating at a variety of levels, from the local to the global. Even to the extent that the nation state

maintains its authority, it itself is becoming increasingly 'internationalised' or 'globalised' as its orientation and action shift from its traditional territorial constituencies towards non-territorial constituencies of the global market, including TNCs and financial institutions (Falk, 1997, p. 129). The state 'has become less a medium for holding a territorial line of defence of its "inside" against its "outside"'; instead, 'states tend to be an arena of collaboration and competition between territorial and supraterritorial interests' (Scholte, 1997, p. 445).

Migration in a globalising world

International migration has always consisted of the 'structured' movements of individuals in response to different combinations and shifts in economic, political and social conditions (Richmond, 1994). As indicated in the introduction, however, it is often extremely difficult, if not impossible, to predict exactly what the impacts of any particular demographic, economic and political changes will be on patterns of migration. It does not hold, for instance, that rapid population growth and declining incomes in a country will necessarily translate into higher emigration levels. Many observers predicted sudden large-scale movements of migrant workers, including large-scale deportations, to result in South-East Asia from the 1997 financial crisis, and yet it turned out that relatively small numbers were forced to move at the time, largely because the main sectors employing migrant workers were not as directly or severely affected as many expected (IOM, 1998). The longer-term impacts of the crisis on the political economy of the region will almost certainly have a profound effect on the future dynamics of migration in the region, but it is impossible to say at this point what these will be. If theories of international migration can tell us anything, it is that the dynamics and patterns of migration are so complex as to be almost beyond effective theorising, certainly at the meso and macro levels.

There are, nevertheless, a number of developments associated with globalisation that one might expect to have a relatively predictable impact on international migration trends. For instance, the increased involvement and control of transnational crime networks in also controlling undocumented migration, discussed below, has almost certainly introduced greater diversity into the profile of certain migration flows destined for Western Europe and North America, in terms both of the nationalities (with trafficking networks linking up and expanding across the globe) and the motivations of migrants involved (including, for instance, not only migrant workers, but also large numbers of refugees). The involvement of transnational crime is also having a profound and deleterious impact on the conditions in which many migrants move (usually with minimal protection), and on their lives after arrival in the destination countries (with many forced into prostitution and other forms of virtual slavery to pay off 'debts' to the traffickers). What is not clear, however, is to what extent and in what ways the involvement of transnational crime affects the overall *numbers* of migrants reaching the borders of the main destination countries in the North.[2]

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[2] For a comprehensive report and discussion of the trafficking of refugees to the UK, see Morrison, 1998.

Similarly, the global communications revolution, and the expansion of global electronic mass media and global mass marketing might be expected to encourage more people to move to the North from poorer countries in the South. The likelihood, it would seem, is that, because of their greater familiarity with the North and perceived opportunities there gained through the global media, more people will be willing or tempted to take the risk and meet the cost of migrating. But, again, it is impossible to measure or predict the impacts of these factors on the size and patterns of actual migration flows. It is possible, for instance, that, for many people, their easier access to Northern culture and styles of consumption through global information networks and mass marketing of various kinds will reduce any incentive that they might have to move. Most people, after all, prefer not to migrate if they feel that they can satisfy their needs at home. For others, exposure to Northern-dominated commercial images will fuel a rejection of the North and its culture, particularly where a sense of marginalisation and exclusion from the North is reinforced by strict migration controls (as evidenced, for instance, among Islamic militants in North Africa).

Certainly there has been no 'globalisation' of migration trends and dynamics if understood in terms of standardisation. Trans-continental migration is much less significant in quantitative terms than migration within regions – and so, in terms of its overall patterns, migration is considerably more regionalised than it is 'globalised'. In this context, it is not difficult to appreciate that the more the political economy of sub-Saharan Africa differs from that of Europe, the less resemblance there will be in the migration dynamics of the two regions.

It is also important to note that migration is not itself forcing the pace of globalisation. If anything, globalisation downplays the significance of most forms of migration, at least its economic significance, by prioritising the relative power of capital and deprioritising labour.

Meanwhile – and contrary to many global commercial marketing activities – the cultural transformations brought about by international migration are much more about the transfer, interaction and development of distinct local and national cultures than they are about any kind of 'cultural globalisation'. Even the multiculturalism of a highly cosmopolitan city such as London tends to be articulated as a *local* multiculturalism, and therefore quite distinct from the multiculturalism of, say, Sydney, Paris or Los Angeles. Even diasporas and 'transnational communities', which span traditional territorial borders and can be seen as occupying 'global' rather than any clearly territorial space, are best understood as 'local' communities in terms of their attachment and loyalty to particular national, religious or occupational identities – identities which are defined and sustained on the basis of their distinctiveness from 'global' or other cultures around them. As Robin Cohen has argued:

> [F]ragments of a mythologized past are combined with a fractured, multicultural, multisourced present to create a new 'ethnicity'. This form of local bonding, this 'grounding', is necessary precisely because globalisation has threatened our structures of meaning and meaningfulness. Diasporas, traditionally conceived, modern, global, and newly affirmed, may provide a

vital bridge between the individual and society, between the local and the global. (Cohen, 1997, p. 141).

Nor can one talk of any kind of emerging structure of 'global governance' of international migration. To the extent that authority in this area has shifted 'up' to regional and international institutions or regimes, these continue to exercise authority on behalf of (usually the most powerful) states and only in areas very carefully circumscribed by states. Powerful states have made considerable efforts to create global trade and investment regimes to support the processes of the global economy, but have not needed to seek a comprehensive global labour regime, since the global market does not depend on flows of labour in the same way that it depends on global capital and commodity flows.

Nor do broader authority structures, as they affect the movement and rights of people, suggest the emergence of any kind of 'global humane governance' which might enhance the global rights of individuals and workers. Compared to their efforts in the areas of global trade and investment, states have done comparatively little to try to renew and strengthen the international human rights regime. Most migrant workers remain relatively unprotected as a group, as reflected in the failure to secure the ratification by key Northern governments of the 1990 UN Convention on the Rights of Migrant Workers.[3] The international refugee regime, meanwhile, is under severe stress worldwide. In the North, it is increasingly left to the judiciary, non-governmental organisations (NGOs) and inter-governmental organisations (IGOs) to do what they can to invoke international human rights instruments to protect migrants and refugees, usually in opposition to the governments concerned. Peoples' social and economic rights wordwide are increasingly promoted by international non-governmental organisations (INGOs) and country-based organisations, but there is nothing in the way of any formal global mechanism to support these efforts. Moreover, a large number of countries, particularly in Asia and the Middle East, do not recognise the legitimacy of existing international human rights instruments. Indeed, current trends in the world political economy imply an erosion of protection for all individuals from the vagaries of the global market – migrants and non-migrants alike. There is certainly no powerful global lobby for the rights and well-being of migrants which can match the global lobby promoting the rights of capital.

It is not at all clear, therefore, how migration and ethnicity sit 'right there at the center along with the internationalization of capital as a fundamental aspect of globalization' (Sassen, 1998, p. xxxi). If the relationship between migration and globalisation is to be better understood, one needs to explore very carefully how transnational migration interacts with shifting concepts and the changing significance of territoriality in a globalising political economy. This has to include some consideration of how migration affects and is affected by changing identity politics, and changing governance and authority structures under globalisation, especially at the level of the nation-state, since this is the level that control and authority over migration flows has traditionally been located. This interaction of migration with the changing significance

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[3] The Convention currently has eleven ratifications (none of which are by Northern states) and requires twenty to enter into force.

of territoriality has profound implications for the future 'management' of migration processes, and for the future of the refugee regime.

'Global' versus 'transnational' migration

The consequences of globalisation and other changes in the world political economy for migration or for any other issue or process cannot be explored adequately without first recognising that: (i) the nature of politics can differ fundamentally from one issue-area to another; (ii) that there is always dynamic interaction between different issue-areas, including different areas of governance; and (iii) that there is always interaction, if not continuity, between different levels of governance, including between domestic and international politics. It is also important to recognise that the state may maintain control in one area, but not in another, and that lack of control in one area may spill over into and affect the politics and governance relations and structures of another.

An understanding of globalisation as a set of economic, political, social and cultural processes which not only extend across the world, but also transcend territorial borders, helps to distinguish three broad categories of international migration which differ significantly from one another in terms of their overall relation to globalisation processes, and in terms of the nature and location of power and authority that influence its governance. A new form of classification which takes full account of these differences is crucial for understanding contemporary patterns of migration, since more traditional distinctions between, for example, 'economic' and 'political' migration say very little, ultimately, about the economic and political context and underlying dynamics of movement. In terms of context and dynamics, for instance, the 'economic' migration of agricultural workers is likely to differ fundamentally from that of senior business personnel.

The classification proposed here demonstrates that international migration cannot and should not be treated as a single issue.

'Global' migration

The first category, what might be termed *'global' migration*, encompasses those forms of international migration which are fully and directly tied into and created by contemporary processes of globalisation. The dynamic of global migration, because it is created by fundamentally new structures and processes in the world political economy, represents a significant and clearly identifiable departure from the international migration of the past.

The most prominent form of international migration falling within this category is the movement of highly-skilled, managerial and business personnel within the structures and networks that have created and continue to expand the global economy – most notably those people who migrate within the structures of TNCs and international

financial institutions.[4] This migration must be considered as a direct and integral function of the contemporary globalisation of capital.

World tourism might also be included in the category of global migration, since – although not a new phenomenon in itself – it has developed into a fully globalised industry which, like other sectors of the global economy, not only extends worldwide, but now largely transcends territorial borders. Like global financial markets, global tourism largely escapes the governing authority of states, and nor is it subject to any effective regulation at the regional or global levels.

What sets these forms of global migration apart from other types of international migration is that they are not defined or constrained significantly by territorial borders. They are constitutive of powerful supraterritorial interests which represent a new and important constituency for state governments eager to attract the inward investment of TNCs and maximise receipts from tourism. Consequently, the barriers that governments put up to restrict or control these types of movement are minimal by comparison to the barriers restricting most other forms of migration.

The distinction between the global migration of business personnel and other migration flows reflects the broader and increasingly important dissonance between the identities, loyalties and responsibilities of so-called 'global élites' and those of majority populations. While most people remain firmly attached to local and/or national territorial identities and continue to seek the (weakening) protection and support of national governing authorities, the TNC executive, as Horsman and Marshall observe,

> operates increasingly on a global basis. He (usually 'he') shares the social and political values of the international business community. He may move effortlessly from country to country, as the demands of his company dictate. Speaking, perhaps, a second language ... he feels more comfortable in other countries than would an assembly line worker from Paris or Detroit. A member of the TNC kernel may be already somewhat *depaysé*, and depoliticized; he is probably uninterested in the precise issues of elections in his 'home' country and probably unable to vote in his 'host' country during his tenure abroad. He is able better to understand the form and function of the transnational economy, and derive maximum personal benefit from it. Like his

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[4] Employees of international development and other international non-governmental organisations (INGOs) should also be included in this category, at least partially, since the structure and operations of many INGOs, like those of TNCs, are becoming increasingly 'internationalised' or 'globalised'. Just as TNCs are working increasingly through local country-based subsidiaries and networks, so INGOs work more and more through local 'partners' – country-based civil society organisations and networks. Many INGOs see themselves as actors that try to provide some counter-balance to the power of global capital, particularly to the power of TNCs. In so far as the expanding activities of INGOs, like those of TNCs, are representative of the sideways shift in authority away from state governments, it is likely that their relations with many states will become increasingly strained. INGOs are likely to become increasingly important actors in the global political economy in the future. (The position of personnel of multilateral institutions is examined at the end of this section.)

parent company, he may even escape paying tax if his career moves are engineered carefully. (Horsman and Marshall, 1994, p. 226).

Many of the attributes of the international business migrant may be shared by the personnel of multilateral institutions, including the International Monetary Fund (IMF), World Bank, World Trade Organisation (WTO) and United Nations institutions. Although also highly deterritorialised, however, this movement must be seen as a separate and distinct phenomenon. Its rationale and dynamics is less a direct function of the globalisation of capital than of the complex and dynamic relationships that have developed between states and the processes and institutions of globalisation, which, in turn, have led to the creation of a variety of multilateral governance structures in different sectors (trade, security, development aid, multilateral credit, etc.). Multilateralism has been important, amongst other things, as a means by which powerful states have collectively fostered the globalisation of capital, while also giving them opportunities to establish greater surveillance and control over a range of transborder processes (Scholte, 1997, p. 450). As Strange has argued, inter-governmental institutions are 'system-preserving' to the extent to which their political activities have served to reinforce the authority of governments, especially the authority of the most powerful governments (Strange, 1996, p. 171). Like global business migration, the migration of employees of multilateral institutions tends not to be constrained by national borders; this, however, is because their movement takes place within structures created by and for the state system itself, rather than by a powerful global actor operating beyond the authority of states.

Liberalised commercial and worker migration

Sassen draws attention to the increasingly important category of international migrants created by special regimes for the circulation of service workers within the General Agreement on Tariffs and Trade (GATT) and in the context of a variety of regional free trade agreements, including the North American Free Trade Agreement (NAFTA), Mercosur, and the European Union (EU) (Sassen, 1998, p. 15). The expansion in the free circulation of service workers is linked, in part, to the increasing importance of trade in services in the world economy.[5] Sassen argues that 'the increased circulation of capital, goods, and information under the impact of globalization, deregulation, and privatization' has 'forced the question of the circulation of people onto the agenda' (ibid., p. 16).

But, just as 'globalisation' processes need to be distinguished from linked, but separate, processes of commercial and other forms of economic 'liberalisation', so do their counterpart forms of international migration. Whether regional free trade agreements and other processes of regional commercial liberalisation have the effect of constraining or accelerating broader processes of global commercial liberalisation

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[5] Within the EU, for instance, regional commercial liberalisation has not only led to the extension of free movement rights to all workers, but to all EU *citizens*. Under the association agreements between the EU and the future accession states of Central and Eastern Europe, the entry of workers from the signatory states into the EU is restricted to service workers.

remains a moot and hotly contested point.[6] However, what is important to note here is how the migration of service and other workers – whose movement is explicitly facilitated by commercial and other liberalisation agreements between states – differs both from 'global' forms of migration, and from the various forms of 'transnational' migration discussed below.

Like 'global' migration, liberalised commercial and worker migration is less constrained by national territorial borders than the other types of international migration discussed below. However, whereas the dynamics of global migration largely *transcend* territorial borders, the dynamics of liberalised commercial and worker migration rest largely on states' mutual opening of borders for certain agreed cross-border flows, and thus on a greater ease of *crossing* borders between particular states, and on the broader development of closer economic and other ties *across* national borders. Unlike global capital flows and other globalisation processes, control over the liberalisation of particular cross-border flows of tangible goods and people at particular borders remains largely within the authority of (the most powerful) states.

'Transnational' migration

In terms both of the total number of migrants worldwide that it covers, and the variety of migration types that it encompasses, 'transnational' migration is by far the largest of the three main categories of migration identified here. Indeed, since it includes the majority of legal and undocumented worker migration, and almost all family and refugee migration, discussions of 'international migration' do not usually venture much beyond this category.

Although an extremely broad and varied grouping, all the various forms of 'transnational' migration are fundamentally similar to the extent that they continue to be defined and constrained significantly by territorial borders. These migrants cross national borders, but the dynamics of their movement does not transcend them; nor is their crossing of national borders usually facilitated by any regional trade or other liberalisation agreements between states;[7] indeed states increasingly cooperate with one another to restrict and contain their movement. Although affected in various ways by globalisation and other changes in the world political economy, the movement of transnational migrants remains very firmly tied to forces and processes operating at the territorial level.

Thus, unlike 'global' migrants, the movement of 'transnational' migrants tends to be a direct response to or consequence of local (and/or individual) conditions in and/or ties to the country or locality of origin and/or destination. Transnational migrants usually develop identities – usually multiple identities – that are very firmly attached and loyal

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[6] See, for instance, discussions of regional versus global trade liberalisation in Vincent Cable and David Henderson (eds.), 1994.

[7] Note that forced internal displacement should also be seen as falling broadly within this category to the extent that internally displaced persons (IDPs) are defined and constrained significantly by territorial borders; the only difference is that they have not crossed any national borders.

to particular territorial spaces, whether the village, region or country of origin and the associated group and ethnic identities and/or the city and country of destination. For their protection, transnational migrants cannot look to a 'global' actor, but must instead rely on the protection, and therefore some degree of membership, of the territorial state and/or sub-national political entity.

Whereas the global migrant tends to move effortlessly across national borders, the pattern and conditions of movement for transnational migrants is largely defined by the nature and strength of controls imposed by states at their borders. And transnational migration flows typically follow distinct territorial patterns, e.g. between neighbouring countries, between countries with close historical (e.g. colonial), linguistic and religious links, and/or within particular regional migration 'systems'.[8] Largely because the greatest numbers of international migrants today are transnational migrants, international migration remains heavily regionalised: migration within particular regions and continents remains quantitatively much more important than migration between continents.

Reflecting, to a large extent, the different dynamics of movement, different linkages with processes of globalisation, and relative differences in the obstacles to movement created by border controls and other 'constraining factors' (Richmond, 1994), the mode of transport used by migrants increasingly reflects their status as 'global' or 'transnational' migrants. Global migrants, when travelling internationally, tend to travel by air, a communication link which itself is a key factor in the globalising economy. Transnational migrants, on the other hand, especially refugees, undocumented migrants and migrant workers, are increasingly likely to travel across physical land borders or by sea as they move between their places of origin and destination.

Not supported or facilitated by the interests of global capital or by the state system itself, it is transnational migration which proves most difficult and poses the most controversial challenges for public policy and changing governance structures in the world today. In order to appreciate these challenges, the issue needs to be located in the context of the complex dialectic relationship between powerful globalising forces and equally powerful local and regionalising forces in different countries and regions of the world. Perhaps more than any other issue, transnational migration serves to highlight the inherent tensions between territoriality and globalisation in contemporary world politics, and thus between old 'certainties' and new uncertainties.

From here, however – and reflecting the highly uneven impacts of globalisation and the fundamentally territorial nature of the issue – the analysis of transnational migration needs also to be located in the precise territorial contexts in which it takes place. The consequences of globalisation for rich, powerful states of the North are qualitatively very different, for instance, than those for weaker, poorer, marginalised states in the South; or for newly industrialised countries in Asia; for middle-income countries in Latin America; for oil-rich states of the Middle East; or for states undergoing transition to market economies in Eastern Europe and the former Soviet

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[8] For a discussion of regional migration 'systems', see Mary M. Kritz et al., 1992.

Union. Thus, the governance and other challenges posed by transnational migration also differ considerably from country to country and region to region.

The following discussion illustrates these differences by highlighting very generally some of the key challenges posed by transnational migration in four very different regional or geopolitical contexts in the contemporary world system: (i) the 'North' (Western Europe and North America); (ii) 'semi-peripheral' states (e.g. Mexico, Eastern Europe, Southern Mediterranean); (iii) 'transition', middle income and newly industrialised states and regions (e.g. former Soviet Union, South-East Asia and the Middle East); and (iv) the poorest and weakest states of the 'South' (including much of sub-Saharan Africa).

Transnational migration to the 'north'

As discussed earlier, there is little of contemporary economic and political life, and little of what has traditionally been considered the sovereign responsibility of state governments which has not been affected fundamentally by the accelerating forces of globalisation. Although they may exercise greater structural power in the world system relative to poorer and weaker states, the wealthier states of the North are trapped 'between Scylla and Charybdis, the market and the electorate' (Horsman and Marshall, 1994, p. 98). They rest on the support and trust of domestic constituencies for their legitimacy, but answer increasingly to a new economic constituency of the global market economy, and no longer have effective capacity and authority in those key areas of economic and political governance, such as macroeconomic management, which most directly and profoundly affect people's lives. There is little wonder, Strange argues, 'that the state is less respected and lacks legitimacy' (Strange, 1996, p.4).

One of the most profound consequences of globalisation for countries of the North, therefore, is a growing crisis of democracy and legitimacy. States can no longer be held fully accountable in most of the key areas of economic governance affecting electorates; and the institutions (such as TNCs) to which much authority has shifted tend not to be democratically-governed. This is contributing to pressures for a further diffusion of authority away from the state, down to more local levels of government that, at least in some areas, can appear more directly responsive to people's needs and demands; and up to regional bodies, such as the EU, which seem better able to protect citizens from the impacts of the global market.

The problems caused by governments' inability effectively to protect and respond to their electorates' social and economic needs and demands are made all the sharper by the growing inequity that is being created within societies of the North by the expansion of the global market economy. Just as fast as it is creating a rich, prosperous elite that is fully connected into and benefiting from the global market, globalisation is creating both a poor and perpetual underclass which is all but entirely marginalised from the benefits of the global economy, and an increasingly sceptical and perplexed middle-earning class, suffering the worsening pain of reducing state welfare budgets and eroding security of employment.

Globalisation, therefore, introduces a new intensity and significance into the 'politics of the border' and into regional, national and sub-national identity politics, and implies a danger of progressive political fragmentation in the countries of the North. Against a backdrop of eroding state authority and a wider sense of loss of control, it is increasingly those migration flows that are seen to evade national or regional border controls and flout government entry policies that provoke concern. Hence, in the case of the United Kingdom, concern focuses on asylum-seekers rather than family migrants from the Asian sub-continent, while in much of continental Europe it is on undocumented immigrant workers from the Mediterranean and sub-Saharan Africa.

With many people both excluded from the benefits of globalisation, and increasingly exposed to its exigencies, globalisation can provoke more powerful nationalist, regionalist or localist sentiments which rest on an explicit rejection of global and other 'outside' forces, and call nostalgically for a return to 'old' values, including 'national' governmental promotion and protection of the 'national interest'. As Horsman and Marshall have observed, the 'return of nationalism of various kinds, even in countries with settled borders, relative prosperity and stable political institutions, show that the tribalist revival is more than simply the preserve of the fringes of civilization, and cannot be contained merely by constitutional fixes' (Horsman and Marshall, 1994, p.88).

Of course, anti-immigrant (including anti-asylum-seeker) sentiment is frequently the key conduit through which these movements are expressed and articulated. If the central concern is not only one of control, but also *identity*, then negative sentiment is likely to be directed at immigration flows that are perceived as threatening to local or national identity (e.g. Muslim immigrants in France); and/or to local livelihoods (e.g. the anti-immigrant protectionism of the regionalist Northern League party in Italy).

While governments find it hard to respond to demands for greater protection against foreign imports and other impacts of the global market, they find it less difficult to respond to demands for restrictions on the entry of foreign persons, including refugees. In this context – and at a time of significant and more widespread deterritorialisation and diffusion of state authority – immigration control can be seen as a symbol, for both publics and for governments, of the continuing importance of territoriality and associated governance structures. Although the state has lost a great deal of power and authority to other actors in the world system, it has, in the main, kept its core sovereign authority over the transnational movement of people.

Thus, it is likely that migration control is and will continue to be used by governments to express and assert their positive sovereignty when their sovereignty is in serious doubt in so many other areas, and to demonstrate (albeit often manipulated) representative democracy when the whole basis of democracy appears in dire trouble in many crucial policy areas.[9] This largely explains the tendency for immigration and asylum issues to dominate national political agendas in Western Europe around election times.[10] Thus, if anything, globalisation and its impact on governance in the

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[9] See Jackson, 1990, for a discussion of 'negative' and 'positive' sovereignty.

[10] See *Migration News*, Vol.5, No.10 (October 1998) (http://migration.ucdavis.edu/By-Month/MN-Vol-5-98/Oct98MN.htm) which reports that most polls in Germany around the

North has increased the political importance of state controls over the movements of people, at least at those borders where controls are seen to count, such as the 'external' borders of the EU and the US-Mexico border. While the economic and geopolitical changes witnessed since the end of the Cold War have made it easier to disregard many borders, including those within the EU, they have 'also made it more difficult to ignore the frontier with the rest of the world' (ibid., p. 88).

But state control over transnational migration has always been partial at best, not least because governments' immigration polices are very often at odds with a number of economic and other factors that continue to drive transnational immigration. It is almost certainly the case, for instance, that undocumented worker immigration into North America and Western Europe continues largely as a result of important pockets of demand for cheap and 'flexible' labour in a number of national, local and sectoral labour markets. Some of this demand is created by the expansion in low-paid and part-time and/or insecure service jobs in the increasingly segmented labour-markets of the North. This, in turn, can be seen as a by-product of globalisation (Sassen, 1998). Demand for cheap immigrant labour also persists in many marginal or uncompetitive sectors of the economy that Northern governments continue to protect from global competition (e.g. agriculture and textiles).

The politics of partial control have played out differently in different contexts, but in all cases it has been complicated and intensified by the increasing 'privatisation' of migration flows, in terms of a growing proportion of transnational migration that results from and/or is facilitated by individual decisions, fragmented or marginal demand in the labour market and/or transnational crime networks − all of which fall outside government policy structures. The 'Fordist' and corporatist models of economic production which, in the post-Second World War period, supported mutual commercial and governmental support for labour immigration, have broken down with the expansion of TNCs and global production and marketing structures, and as a result of the rise in structural unemployment in the North.

Thus, against the more widespread erosion of state authority and legitimacy, transnational migration is increasingly treated as problematic by governments because of their concerns with issues of control, rather than with issues of race, religion or culture. This partly explains Northern governments' growing preoccupation with the involvement of transnational crime networks in migrant trafficking, where the worry is not only with migration flows *per se*, but also with the wider and significant 'sideways' shift in power away from governments towards a range of private and non-governmental actors that include organised crime networks. The growth in the power of transnational crime is very much a feature of the globalising world political economy.[11]

The importance of the control rationale among governments also goes a long way to explain why the governance of refugee protection in the North has all but entirely

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time of the elections reported immigration as second only to unemployment as a campaign issue.

[11] For a discussion of the significance of expanding transnational crime networks in the globalising world system, see Strange, 1996.

been taken over by the strengthening of the immigration control regime. That this has been possible owes a great deal to a serious and progressive erosion of public support for asylum systems in the North. This is explained to a large extent by the progressive blurring of the perceived distinction between immigrants and asylum-seekers and the criminalisation of asylum inflows, which in turn are associated with the now familiar problems of mixed-motive migration, perceptions of widespread abuse of asylum systems (reinforced and manipulated by politicians and the media), the detention of asylum-seekers, and the growing involvement of organised crime in migrant trafficking.

Probably also significant is the growing sense of vulnerability, hardship and suffering among large sections of society in the North which undermines public recognition of the special and distinct claims of asylum-seekers. Ironically, perhaps, the constant barrage of images of extreme suffering and conflict in the South that reach Northern publics through the global media probably undermines further the public's acceptance of the special claims of those who make it to seek protection in the North, particularly when their specific claims are not well understood or trusted, and when the public is aware of the high costs involved in processing asylum claims.

The politics and governance of migration in Europe and North America is complicated further by the increasing interaction of migration policy with a range of other transnational governance processes and issue-regimes, including trade, aid and regional and global commercial and financial liberalisation regimes. The expansion in the number and scope of transnational governance regimes of this kind is largely a function of the intense interdependence and complexity of relations that have developed between countries and between issue-areas at all levels, which have almost certainly been rendered more intense and more complex by processes of globalisation. As Horsman and Marshall observe, we are entering an age characterised by a rapid growth of interconnections between states, and the inability of any single body or any group (even any powerful group) to manage those linkages to their satisfaction:

> It is a tangle of networks, where actions rarely produce the effects that are anticipated, where authority is highly dispersed, and hence where the possibility of stability is greatly reduced ... [A]ny stability is the result of complex arrangements involving governments, regional organizations and global organizations, but also corporations and citizens, minorities and majorities, markets and military force. (Horsman and Marshall, 1994, p. 154).

Within the EU, the member states and institutions have been involved in a protracted process of harmonising migration and asylum policies for well over a decade, with so far no 'common' migration policy to account for all the effort. For the reasons discussed above, among others, governments have been reluctant to cede any significant executive authority in these matters to the European Commission, preferring instead to hold the reins and steer the course themselves through processes of complex negotiation both within and outside the Union institutions. This somewhat tortuous harmonisation process is only partially, if at all, driven by a 'growing recognition for the need of an EU-wide immigration policy' (Sassen, 1998, p. 10): beyond the common concern with control, there is still no common vision of what a European immigration policy could or should look like (Collinson, 1994).

Harmonisation is driven instead by an increasing 'nuts-and-bolts' type of functional interdependence (e.g. the need for joint policing of trafficking operations, common standards to prevent so-called 'asylum shopping', etc.) and by 'spill-over' from other areas of European policy, most notably from regional commercial liberalisation and the associated suppression of border controls within the Union. This, in turn, represents a key component of the European response to the pressures of economic globalisation.

The partial transfer of policy-making responsibility in this area to the Commission (e.g. on visa policy) could be seen as 'the relocation of various components of state authority to supranational organizations such as the institutions of the European Union' (Sassen, 1988, p. 5), and therefore as a further sign of eroding state authority. It should be noted, however, that in matters of migration and asylum policy, EU bureaucrats only exercise discretion in areas carefully circumscribed by states − the real authority, ultimately, rests with states. States, therefore, have not lost their sovereignty in this areas so much as 'pooled' it. Not surprisingly, therefore, EU governments are, ultimately, far less worried by the exercise of authority on their behalf by Brussels bureaucrats than they are by the growing influence of transnational crime networks in this area. Unlike the controlled transfer of executive authority to the Brussels institutions, the expansion of transnational crime does represent a real shift in power over migration flows away from states.

Transnational migration and inter-regional relations

The intensity of discussion and cooperative activity around the migration issue at the regional and inter-regional level is far, far greater than any comparable activity at the wider international or 'global' level, reflecting, in turn, how profoundly regionalised patterns of transnational migration remain. The precise dynamics of migratory movement within the various regional migration 'systems' are always changing. Moroccans, for instance, now migrate to a greater diversity of countries in the EU than in the past, and over the last ten years this migration has involved a growing proportion of undocumented worker migration; Algerian migration, meanwhile, continues to take place predominantly to France, but has included greater numbers of asylum-seekers since the outbreak of the conflict in Algeria in the early 1990s. Overall, migration from the Maghreb nevertheless remains overwhelmingly directed towards the EU, and particularly to those countries with a close economic, geographic and/or historical relationship with the 'sending' countries in North Africa. Similarly, Hispanic migration remains very firmly directed towards the USA.

Because most transnational migration remains so regionalised, regional economic integration and liberalisation initiatives, such as the EU (with its planned enlargement and developing 'Mediterranean Partnership'), NAFTA, Mercosur, the Southern African Development Community (SADC) and other regional trade agreements, have been affected in various ways by regional migration concerns. As Sassen has noted, each major trading block has launched a variety of initiatives during the 1990s on labour migration among their member countries (Sassen, 1998, p. 16). Global trade agreements, such as the GATT, on the other hand, have so far remained largely unaffected.

A number of recent regional cooperative initiatives led by Northern governments and institutions that have focused on migration control or that have include a migration 'management' component reflect very clearly the extent to which the governance of migration has become interlinked, at least rhetorically, with the governance and management of a range of other major transnational and global processes, such as trade flows, development assistance, human rights and environmental initiatives.[12] These initiatives include the so-called 'Puebla' process, an intergovernmental forum involving the USA, Canada and states in Central America, which was established in 1996 for coordination and cooperation on migration issues; the 'Budapest' process on migration control across West, Central and Eastern Europe and the former Soviet Union; the 'Manila' process and the Asia Pacific Consultations (led by Australia) concerned with migration and refugee movements in South-East Asia and Australasia; and the 'Barcelona' initiative between the EU and neighbouring Southern and Eastern Mediterranean states (North Africa, Middle East and the Balkans), an ambitious and wide-ranging 'Euro-Mediterranean Partnership' launched in 1995 aimed at strengthening and improving the whole raft of economic, political and cultural relations across the Mediterranean, including in the area of migration.

Although these initiatives have some potential for improving policy coordination, and for reducing conflict and tensions around certain issues connected with transnational migration and its control, they also face serious limitations due to conflicting interests and objectives among and within participating states, and due to the sheer and growing difficulty that governments and international institutions have in trying to influence effectively what is an increasingly diverse range of highly complex and interconnected transnational processes.

In the Mediterranean context, concerns among EU states about migration pressures in North Africa provided much of the rhetorical impetus for exploring new avenues of Euro-Mediterranean cooperation. Yet the migration issue was all but entirely excluded from the discussions leading to the negotiation of new trade accords with the Maghreb states because governments on the European side recognised implicitly that the policy measures actually under discussion would do little to counter the immediate or longer-term causes of migration in the region. The twin issues of employment and migration therefore served as a poorly defined justification for seeking the new trade agreements and for securing increased levels of financial aid to the Maghreb, but they could not be usefully included as a concrete focus for discussion in the negotiations themselves (Collinson, 1996a). The ambiguous status of the migration issue in the new cooperative arrangements was reflected in the concluding declaration of the Euro-Mediterranean partnership conference in 1995, in which references to 'cooperation to reduce migratory pressures ... through ... programmes of assistance for job creation' were listed under the rubric of 'partnership in social, cultural and human affairs' rather than under that of 'economic and financial partnerships creating an area of shared prosperity'.

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[12] I would therefore take issue with Sassen's recent assertion: 'Immigration policy continues to be characterized by its formal isolation from other major processes, as if it were possible to handle migration as a bounded, closed event' (Sassen, 1998, p. 14).

This and other similar initiatives also reflect, however, that in spite of the difficulties that they have in trying influence migration and other complex processes, the transnational policy regimes that emerge out of the various intra- and inter-regional cooperative activities are almost always the end result of a strategy developed by those states that have greater structural power in the world system. Most transnational regimes, and certainly those in the area of migration, provide a structure through which the more powerful and prosperous states exercise their influence over weaker and poorer states. This is particularly marked in the case of migration control and related activities between Northern states and institutions, and their immediate neighbours of the 'semi-periphery', such as between the USA and Central American states, and the EU and non-member states in the Mediterranean and Central and Eastern Europe.

These neighbouring states are having to look to membership of or close association with the main regional economic blocs for their economic and political survival in the globalising economy. This overriding concern now tends to eclipse most others. So any reluctance that these states might have to cooperate with their Northern neighbours in controlling transnational migration flows (they, after all, continue to benefit in many ways from the migration that continues, such as through migrants' transfer of remittances) is all but giving way under the pressure to seek what wider protection and assistance they can from their more wealthy and powerful neighbours (Collinson, 1996a). The nature of cooperative relations that develops between these countries and their Northern neighbours is, at the very least, ambiguous. The USA treats Central America, or the EU treats Central and Eastern Europe and the Southern Mediterranean, as important markets and as important commercial 'partners'; but they are also treated as sources of trouble and instability, and this is frequently articulated in terms of concerns about migration. At the same time, these countries are also important 'partners' in migration control, particularly if their stability can be secured: good neighbours, after all, make good fences (Collinson, 1996b).

Transnational migration among 'transition', 'middle-income' and 'newly-industrialised' states

The many states of the world that, in terms of economic, political and social conditions, fall somewhere between the rich and powerful 'North' and the poorest and most marginalised states of the 'South', comprise an enormously varied group whose diversity can in no way be captured within the scope of this paper. They encompass the 'transition' states of Eastern Europe and the former Soviet Union; the 'middle-income' and 'newly-industrialised' countries of Central and South America, Africa and Asia; the (formerly) so-called 'tigers' of South-East Asia; states with huge populations and highly diversified economies, such as Brazil, Mexico and China; others with relatively small populations and economies based on a single commodity export, such as the Middle East oil-exporters. As argued above, the interaction of globalising, regionalising and localising processes of various kinds plays out in radically different ways and with very different outcomes in different regions and countries of the world, and the variation is as great as it relates to the dynamics and impacts of migration processes as to any other issue-area.

The most that can be said, perhaps, is that all these countries combine elements of significant social, political and/or economic development with marked elements of inequality, instability and/or financial risk. They present a mixed picture of economic liberalisation, growth and reform (allowing the penetration of global capital) alongside – in some cases extreme – political weakness and instability and/or economic instability. These are states which are still, in the main, relatively 'strong', at least in a military sense; but which, as everywhere, face a significant and progressive erosion of authority as control over the key macroeconomic and other processes affecting their economies and societies shifts increasingly out of their hands. The juxtaposition of 'strong' statehood and weakening state authority can also be seen among the welfare democracies of the North, but in many 'transition', 'middle income' and newly-industrialised countries, this combines with far more fragile or explosive political relations within and between countries; unstable and unpredictable economic conditions; huge differentials of wealth; rapid rates of resource depletion and environmental stress; whole sections of the population whose basic needs are not met; and/or very poor protection of human rights.

Until the financial crisis of 1997, for example, most states in South-East Asia looked more or less 'viable' and well-integrated into the world economy. Yet, as Barry Buzan has argued, the region has remained 'remarkably poor in local regimes and institutions' and 'remarkably rich in unresolved disputes, strong nationalisms and historical rivalries'. Lacking the kind of well-developed and interlocking political and economic regional 'regimes' comparable, for instance, to those developed in Western Europe, and containing states with very different degrees of economic development and wealth, very different cultures, and very different political ideologies, the region, he argues, faces very particular difficulties in reconciling the forces of economic interdependence and globalisation with still highly competitive and conflictive inter- (and intra-) state relations (Buzan, 1994).

In such situations, of course, there is a very high potential for refugee movements of the kind that are all too familiar from the long history of inter- and intra-state conflict and human rights abuse worldwide, and to which the international refugee regime will continue to seek to respond. In South-East Asia, and in the Middle East, however, the dynamics of any movement of this kind and the responses to it will continue to be affected fundamentally by the fact that most states in these regions have not signed up, and show little inclination to sign up, to the principal international refugee instruments. The fact that so many states in two such important regions of the world do not, in the main, respect the 'international' human rights and refugee regimes provides just one of many indications that one cannot talk of any significant 'globalisation' of human rights standards, nor, as Sassen does, of migration policy and practice being 'increasingly affected by the new international human rights regime' (Sassen, 1998, p. 21).

In Asia, the Middle East, the former Soviet Union, Central and South America, and Africa, refugee movements of various kinds will continue alongside and within complex patterns of intra- and inter-regional migration. Where states have not signed up to the principal refugee instruments, many refugees will continue, as they do today, to move across borders as migrant workers, and this will continue to pose very particular challenges for those actors concerned with securing their protection. There

are today, for instance, important numbers of Somali, Afghan and Sudanese migrants working in the Gulf states, Burmese nationals in Thailand, and Indonesians in Malaysia, who are refugees to the extent that they cannot return home safely, but who have no formal status as such, and who, as a consequence, are not protected in any way by the international refugee regime. As immigrant workers, they have no meaningful protection beyond that provided by the laws and policies of the states in which they reside, and this, usually, is minimal.

The prospects of any strengthening of migrant workers' rights at the international or global level are minimal, not least because, as noted earlier, the globalisation of capital in the world economy has progressively downgraded the relative power and rights of workers worldwide. As a consequence, migrant workers, whether *de facto* refugees or not, who reside in countries with governments that offer them little in the way of rights and protection, are highly vulnerable to expulsion or *refoulement* (Collinson, 1994, p. 16). Not only are they vulnerable to changing or volatile political relations between states that might affect their treatment by the government of their state of residence (see, for example, periodic large-scale expulsions of Tunisian workers from Libya, and the expulsion of over two million migrant workers from Saudi Arabia, Kuwait and Iraq at the time of the Gulf Crisis in 1990/91), but, since their only other effective 'protection' is the market and the demand for their labour, they are extremely vulnerable to any change or volatility in the market.

Thus, the fact that the 1997 financial crisis in South-East Asia did not result in any large-scale expulsions of migrant workers there was not due to any effective protection from the risk of expulsion, but rather to the fact that the particular sectors of the labour market in which most migrants are employed were not so directly and immediately affected by the crisis as some others. It follows, of course, that any further or more serious volatility in regional and world markets in the future, linked to the rapid liberalisation and globalisation of financial flows, will increase the vulnerability of large numbers of migrant workers around the world, including many *de facto* refugees among them. Migrant workers in many, if not most, parts of the world look for their protection, first, to the market, and, second, to states. They are therefore vulnerable, in the first place, to changes in local, regional and/or global market conditions, and, second, to changing political conditions, particularly changed political relations between their state of residence and their state of origin.

Another important category of transnational migrants should be highlighted briefly here. It likewise poses new protection challenges for the international refugee regime which are also rendered more acute by the high degree of economic and political turbulence resulting from accelerating processes of globalisation. This category encompasses the movement of what might best be termed 'ethnic' transnational migrants (some migrating as workers, some as family dependants, some as business people, etc.), primarily among the 'transition' states in the Commonwealth of Independent States (CIS) (Messina, 1999). This migration is not driven by the market and labour market demand or by migrants' individual search for work, so much as by the dynamics of ethnic affiliation and complex inter-ethnic relations that dominate much of the politics of the former Soviet Union. Reflecting the primary importance of state-building in the region, these 'ethnic' migrants look for their protection, first, to states, and, second, to the market. They are most vulnerable, therefore, in the first

place to changes in local, inter-state and regional political conditions, and, second, to changes in market conditions.

Both transnational migrant workers and transnational 'ethnic' migrants in all parts of the world are highly vulnerable to the impacts of instability in the market on local and regional political relations and vice versa. With the greater volatility and complexity that globalisation is bringing about in the world political economy, the patterns and outcomes of the interaction between market and political forces in different national and regional contexts at different times, and their effect, in turn, on different categories of transnational migrants, are difficult to identify or predict. What is clear, however, is that any future economic and political volatility in the world political economy will increase the vulnerability of growing numbers of transnational migrants worldwide.

This vulnerability will be all the greater for the lack of any effective international or 'global' protection of migrant workers, and for the fact that the existing refugee instruments are not generally recognised by the states concerned and/or do not extend to include most categories of migrant. The *de facto* and *ad hoc* extension of the protective functions of the international refugee regime to many 'ethnic' migrants in the former Soviet Union (particularly to so-called 'deported peoples') – facilitated by the region's high degree of dependence on Northern or Northern-dominated institutions and donor financing – is unlikely to be repeated easily in other regions of the world, such as the Middle East and South-East Asia, where there is greater resistance and/or hostility to the international human rights and refugee regimes.

Transnational migration in the poorest states of the 'south'

The two key resources of some of the world's poorest countries have to offer – cheap, unskilled labour and primary commodities – are no longer key factors in the world economy. International production is less and less reliant on cheap unskilled labour, and many commodity prices are in secular decline. As a consequence, a large number of poor countries, particularly in Africa, are increasingly marginalised from the global economy and any benefits that they might be able to extract from it. The result, for many, is an imposed self-reliance in a context of severe domestic economic decline or collapse and of increasing competition in the world economy. Shaw and Inegbedion suggest that the state that is emerging from this process is no longer neo-colonial or patrimonial because it lacks the resources to be either exploited or manipulative (Shaw and Inegbedion, 1994).

However, the relative marginalisation of these countries from the global economy does not mean that they are in any way protected from it. Indeed, because of the usually very narrow base of their economies and the increasingly narrow margins within which many people subsist, they are, if anything, the most vulnerable of all to any changes and instability in the global economy.[13]

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[13] This is easily illustrated, for instance, by reference to the 1998 currency crisis in Brazil and its likely impacts on a poor country such as Malawi. The recent collapse of the Brazilian *real* is, itself, linked to the general instability in global financial markets following the 1997 South-East Asian crisis, and the loss of investor confidence in emerging markets

Of course, the impacts of the globalising world economy on poor countries in Africa and elsewhere will, like everywhere, be very uneven, and some countries and some economic sectors will continue to thrive and to attract migrants from outside. The South African economy, for instance, continues to attract large numbers of immigrants, not only from neighbouring countries but also, increasingly, from outside the region. As a consequence, the South African government is experiencing many of the same kinds of problems faced in Western Europe and other countries in the North, including an overloaded asylum system and high levels of undocumented worker immigration.[14] As in every other region, demand for migrant workers will continue to arise in a variety of sectors linked to varying degrees and in varying ways to the world economy. Some sectors and some social groups will be more locally or regionally-oriented (e.g. agriculture in South Africa), and others will be firmly part of the global economy and largely controlled by TNCs (e.g. oil production).

Overall, however, the consequences of marginalisation for the region's political economy and for future political security and stability on the continent are bleak. While democracy and state authority are facing visible challenges in the North under the pressures of globalisation, they are already in severe crisis in most of the poorest countries, where sovereign economic control has never had much meaning; where allegiances beyond ethnicity have failed to materialise; where 'nationhood' has often had little salience below the dominant social elite; and where populations face the whole raft of problems associated with extreme poverty, rapid demographic growth and environmental degradation (Horsman and Marshall, 1994). Throughout the region, states are weak and the authority of national governments is in jeopardy.

This, in turn, may tend to increase the incidence (i) of authoritarianism, since, although weakened, 'the state never withers completely, and one of its few remaining resources and recources is control by coercion'; (ii) of 'tribalised' electoral politics, since ethnic affiliation represents one of the few remaining bases for mobilising political support at the state level; (iii) of guerrilla struggles and secessionist movements, as alienated communities rise up periodically against 'the moribund and irrelevant state'; and (iv) the progressive withdrawal of the peasantry from the cash economy and the expansion of the informal sector, which in turn will further weaken the state through loss of revenue, influence and status (Shaw and Inegbedion, 1994).

Further and more general political fragmentation and economic decline in Africa may be difficult to contain unless the regional economy shows signs of improvement. The likelihood is of the continent's growing marginalisation from the benefits of, and increased exposure and vulnerability to, the world political economy, and with it, a further weakening of state authority, growing potential for ethnic conflict and complex emergencies, and widespread failures in the protection of all rights – political,

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worldwide. Since Brazil is one of the biggest tobacco producers in the world, the collapse of the *real* will almost certainly bring about a collapse in international tobacco prices. This, in turn, is likely to have a direct, immediate and catastrophic impact on Malawi, which depends on tobacco for around half of its export earnings, and where an increasing proportion of its predominantly smallholding population depends directly on growing tobacco for cash income.

[14] For a report on these issues see Human Rights Watch, 1998.

economic and social. This, inevitably, will have a profound impact on the dynamics of transnational migration and responses to it.

Future years will almost certainly witness increasing levels of 'distress' or 'survival' migration within the region, fuelled by a complex combination of political, economic and social causes. In this context, it is likely that two key bases of the traditional refugee regime – meaningful international borders and clearly identifiable political causes of flight – will appear less and less relevant to the needs of those who move to escape economic and/or political threats to their lives and livelihoods.

With high levels of demographic growth combined, in many areas, with high and increasing levels of HIV, severe economic stagnation or decline, widespread social deprivation, and widespread denial of basic social, economic and political rights, it will be increasingly difficult to identify and respond to the needs of refugees as a special and distinct group. This is both because of the increasing vulnerability and suffering of entire populations, and because of the likely increase in 'distress' or 'survival' and mixed-motive migration, much of which will elude the categories and definitions that have traditionally underpinned any special treatment accorded to refugees. This, of course, is in addition to the now more familiar challenge of meeting the protection and assistance needs of the internally displaced.

The tensions and conflicts giving rise to 'distress' or 'survival' migration will continue to pose difficult and sometimes insurmountable challenges for the provision of assistance and protection by regional and/or international humanitarian, human rights and security organisations. In response to the many profound and complex challenges that they face in the world system, African leaders are increasingly turning to regional efforts to seek regional solutions to regional problems. This, in turn, introduces new political complexities into the structures of response to transnational migration and forced displacement, particularly regarding the relationship between regional authorities such as the Organisation of African Unity (OAU) and the Economic Community of West African States (ECOWAS) and the UN system.

Facing similar, but far more serious, authority crises than those faced by governments of the North, some governments may be increasingly tempted, where they can, to use what coercive capacity they have to control population movements, as a way, in part, of expressing and asserting their sovereign authority – especially where relations between states are tense or conflictive. With an erosion of support for asylum and a greater emphasis on control issues in the North, the international standards and pressures that might counter coercive control tactics are breaking down. The result is a potentially greater risk of expulsion and *refoulement* for transnational migrants, including both forcibly displaced and migrant worker populations.

Conclusion: implications for the refugee regime

It has not been possible here to present anything like a comprehensive survey of international migration and its dynamics in the world today – such a task would be way beyond what could be included in a short paper. Indeed, what I have tried to emphasise above all is the enormous diversity of challenges that the changing context

of transnational migration presents in different parts of the world, and, thus, indirectly, the diversity of challenges that these developments imply for the international refugee regime in the future. The analysis offered here rests on a recognition that, although the implications of accelerating globalisation are profound everywhere, the impacts of globalisation are extremely uneven, affecting different localities, sectors and regions in profoundly different ways.

One clear conclusion that can be offered, however, is that current trends do not, together, paint a particularly positive picture for refugee protection in the years ahead. States, it appears, are either increasingly unwilling or increasingly unable to apply international refugee and associated human rights instruments to guarantee protection for those who are forcibly displaced, whether within their countries or across international borders. This unwillingness or incapacity to protect populations is very much connected with the erosion of state authority under the pressures of economic globalisation. The erosion of an international commitment to the refugee regime is accelerated, of course, by downward standard-setting led by the migrant- and refugee-receiving countries of the North. With globalisation processes continuing to exacerbate global inequity of all kinds, what moral authority Northern states ever had to press governments of the South to respect and apply refugee and supporting human rights instruments is all but disappearing.

One of the key conclusions to emphasise is that 'globalisation' in the world political economy does not in any way imply a global standardisation of the forms that transnational migration takes, the contexts in which it takes place, nor of its broader implications. Indeed, if anything, globalisation and other transformations in the international political economy are bringing about an increasing diversity in the political and economic circumstances of different regions, different countries and different social groups in the world, and hence an increasing diversity in the circumstances in which international migrants move and live. As I have argued earlier, transnational migration, in terms both of patterns of movement and the governance structures in which it takes place, remains much more intensely 'regionalised' than it is 'globalised'. There is certainly no kind of emerging structure of 'global governance' of international migration.

The picture is rendered all the more complicated by the degree of interaction between migration and other transnational policy processes. Since the political economy of transnational migration itself varies considerably from one country or region to another, so too does the pattern and significance of the interaction of migration with other policy issues. Each of these other policy issues, in turn, is also likely to be undergoing (sometimes rapid and profound) transformations as a consequence of wider changes in the international political economy. I pointed earlier, for example, to the complex interaction between migration policy and changing trade, aid and regional and global commercial and financial liberalisation processes in Europe and North America.

Thus, like other forms of transnational migration, refugee migration and the international refugee 'regime' are likely to be profoundly affected by the growing diversity in the political and economic circumstances in which people are forced to move, and by the great complexity of interaction between policy processes in the

different contexts of forced migration. The diversity of challenges in this area is already plain to see. In Western Europe, for instance, refugee protection has become all but subsumed within the immigration control 'regime'. In sub-Saharan Africa and the Balkans, meanwhile, refugee protection is defined largely by changing systems of international humanitarian response, by UN and regional peacekeeping and conflict resolution initiatives, and (particularly in many parts of Africa) by wider and increasingly severe environmental and socio-economic challenges affecting both displaced and 'host' populations. In the Middle East, South-East Asia and Central America, issues of refugee protection are affected more directly by political and diplomatic processes shaping (often highly conflictive) political and economic relations between states, and by conditions in the labour market which affect refugees' (and other migrants') livelihoods and security of stay. In the CIS, refugee protection is almost entirely subsumed into national and regional political initiatives focused on issues of nationality and nation-building, minority rights and the management of inter-ethnic relations.

As a consequence of this diversity, one can expect increasing pressure on the UN High Commissioner for Refugees (UNHCR) to play qualitatively different roles in different national and regional situations of forced displacement. In Europe, for example, the future of refugee protection will depend to a great extent on the advocacy efforts of UNHCR and other organisations to try to maintain governments' commitment to the 1951 Convention relating to the Status of Refugees and preserve the institution of asylum against governments' primary concern to further restrict immigration. In much of Africa, however, the future of refugee protection will depend more crucially on the fortunes of the international humanitarian system, which, like the refugee regime, is itself in crisis and facing faltering commitment from key donor governments. Reflecting the increased regionalisation of challenges in this area, the regional and sub-regional actors that UNHCR and other international organisations will have to engage with will continue to take on more importance relative to other international/global actors. Already, for instance, the pursuit of refugee protection in Europe depends primarily on effective engagement with the EU; in the CIS states with the Organisation for Security and Cooperation in Europe (OSCE); in the Balkans with the North Atlantic Treaty Organisation (NATO); in Southern Africa with SADC; in West Africa with ECOWAS; and in South-East Asia with the Association of South-East Asian Nations (ASEAN).

A key challenge for all international organisations in future years will be to maintain a core mission and identity in the face of the rapid political, economic and social changes and regional diversity brought about by current transformations in the world political economy. One of the greatest challenges facing UNHCR, therefore, is to cope effectively with the growing diversity of refugee protection problems that it will have to tackle in different parts of the world.

Among the most immediate dangers for the international refugee regime, of course, is a further regionalisation of the financing of refugee protection and associated humanitarian assistance, since this could result in more meagre funding for refugee protection and assistance in those regions where the need is greatest and resources the most stretched. But the challenges faced in terms of the content and balance of the

activities and instruments that define the international refugee regime are also considerable.

There will be a continuing need for flexibility and variation in UNHCR's mode of operations in different regional contexts, since securing refugee protection will continue to involve very different activities and policy focuses in each case. This is likely to pull the organisation in different directions, and could potentially open up its activities to greater manipulation and pressure from governments less committed to refugee protection as reflected in current debates surrounding the organisation's protection versus humanitarian roles and responsibilities, and its 'externalist' versus 'internalist' orientation *vis-à-vis* the causes of and solutions to refugee problems. Difficult balances will have to be struck in relation to the extent and nature of engagement or involvement in other policy regimes such as in-country humanitarian protection and assistance, or migration control regimes that could risk compromising UNHCR's core refugee protection mandate.

The growing pressure for diversifying the means of securing refugee protection in different parts of the world must only increase the importance of maintaining a clear, shared view of core objectives and core principles within the international refugee regime. This will depend on the development of agreed and explicit criteria for defining and fine-tuning protection priorities and protection needs within and across different national and regional situations of forced migration. The difficulty of maintaining this clarity of vision and purpose has never been greater, however. The growing suffering and vulnerability of poor and marginalised communities, both North and South, increasingly clouds the special claims of refugees, that, in turn, underpins the international refugee regime. So even greater effort will be needed in defining and communicating the special needs of forced migrants.

Reflecting, in part, the progressive shift in power and authority away from states, refugee protection is likely to involve an increasing range of actors, including not only governments and inter-governmental organisations, but also voluntary and civil society institutions of various kinds, TNCs, national and international NGOs, and media organisations playing a variety of roles at different levels from the local up to the international. The future of international refugee protection may rest largely on the role that these actors play in shaping the causes of and responses to forced migration in different contexts. Issues of complementarity and coordination and, of course, conflicting roles and objectives among these various actors *vis-à-vis* refugee protection will be increasingly crucial to the strategies of the principal international refugee, human rights and humanitarian organisations.

The role of international organisations as advocates and facilitators, building the capacity, effectiveness and commitment of local, national and regional actors, and influencing the activities and policies of other international actors, is likely to prove absolutely crucial to the future of refugee protection. As national and international governance structures undergo further transformation, increasingly the survival of the international refugee regime will rest in the hands of non-governmental actors of various kinds.

Core principles and core instruments must be upheld and protected, and yet effective responses to change always rest on a degree of innovation, imagination and risk-taking. In the face of an increasingly difficult, volatile and unpredictable political and economic environment in every part of the world, the survival of the international refugee regime will depend on innovation on the part of all the principal refugee protection organisations. Core principles must be upheld and protected, but there are also dangers in simply holding onto old certainties where these are palpably breaking down.

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