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16

Immigration and European Integration: New Opportunities for Transnational Political Mobilization?

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Introduction

In this chapter we assess the extent to which EU responsibilities for free movement, immigration, and asylum lead to specifically transnational political action. For this to happen would be a novelty, because in the post-war period, control over immigration has been strictly the domain of nation-states, indeed a defining hallmark of national sovereignty: thus immigration policy has been a question struggled over predominantly at national level alone. Freer movement of persons is, however, a foundational tenet of European Union (EU) treaties, and in recent years the connection between free movement, on the one hand, and immigration and asylum, on the other, has led to the emergence of EU integration and co-operation in this field. The Amsterdam Treaty has now also created the scope for future EU level action against racist, ethnic, and religious based discrimination and raised questions about access to EU rights for legally resident non-EU nationals—'third country nationals' (TCNs), of whom there are around 11 million in the 15 member states. We pay close attention to new patterns of political action by pro-migrant organizations and to the motivations, calculations, and alliance-building strategies of EU level institutional actors. We illustrate how pro-integration alliances between lobby groups and EU institutions can develop, that seek European solutions to what have become the Europeanized issues of free movement, immigration, asylum, and which then lead to scope for new political opportunities. Our institutionalist approach means that we pay close attention to specification of the policy context in order to ascertain these associated political opportunities.

Scholars in migration, race, and ethnic studies have had problems accounting for the developing European dimension to immigration politics in western Europe. Everyone is aware that Europe matters because emerging institutions and policy engagements of the EU challenge and re-shape national approaches to immigration across the continent. But few studies specify the actual

constraints and opportunities opened by the Europeanization of immigration politics. Migration, race, and ethnicity researchers appear unwilling, and perhaps unable, to explore the relation between new forms of political action and the institutional dynamics of European integration. Instead, an all-too familiar activist rhetoric has dominated and undermined academic studies of the effects of the EU on immigration issues: lamenting the building of 'fortress Europe', the inevitable 'exclusion' of ethnic and migrant minorities, and the inexorable progress of 'racist' or 'fascist' Europe; while the powers that EU institutions actually have, for either good or ill, are vastly exaggerated. Such rhetoric may be an effective strategy for protest by groups who feel marginalized by the EU institutions, but it is a misleading basis for analysing what is going on at this level. Mainstream EU scholars who might be able to temper these claims, meanwhile, have mostly overlooked the subject. The fact that immigration, asylum, and citizenship moved towards the top of the EU agenda as part of the Amsterdam Treaty of 1997 means that it is now highly apposite to explore opportunities for EU level political action.

We strip back the question to its essentials: asking what, if any, forms of action or mobilization can be associated with the emergence of immigration/asylum policy competencies and the institutionalization of a migration policy context (for more comprehensive studies along these lines, see Favell 1998c; Geddes 2000). We specify a two-stage approach to this question: first, specifying the institutional *context*, then specifying the *actual*, rather than imagined or normatively desirable, dynamics that it has induced because of the resultant opportunity structure. We pay particular attention to the construction of an emergent EU 'migrant inclusion' agenda that is structured by developing EU competencies that derive their potency from market making. This nascent agenda includes extended rights of free movement for TCNs, extended anti-discrimination provisions, and EU asylum procedures that accord with international standards. In other words, we explore the possibilities for transnational action specifically made possible by European integration. We examine the circumstances that present opportunities and/or impose constraints on *all* forms of mobilization connected to immigration policy at the European level. We contend that European integration should be conceptualized as a predominantly élite process which stimulates opportunities for élite forms of action, that privileges certain forms of political action and actors, that are found pursuing technocratic and judicial avenues to influence at the EU level.

Europeanization and Transnational Politics

Many studies of the EU commence with a rather hackneyed discussion of the respective roles of nation-states and EU institutions: is it the member-states controlling the scope and direction of European integration, or is the Com-

mission the driving force of integration? The answer to this question is likely to be a rather uninteresting 'both, sometimes' (Putnam 1988). A more useful approach is to emphasize the importance of national level contexts and their EU level accommodation, but also to recognize that, in areas where policy competencies are established, the ability of member-states to control the scope, direction, and pace of European integration diminishes (Peterson 1995; Wincott 1995). Once commitments have been entered into by Treaty and turned into legislation that binds those member-states, then institutionalization creates potential for new patterns of political activity that address EU actors in a reconfigured European polity. In such circumstances member states are *key* actors, but not the *only* actors with the effect that state power becomes something to be explained rather than something viewed as causal or determining (Cox 1986).

Another key observation is that European integration creates an uneven, hybrid spread of powers arising from the combination of intergovernmental and supranational patterns of co-operation and integration. In turn, this is symptomatic of the tension in present-day European politics between state-centred power and authority, and new patterns of governance that do not take the state as their sole point of reference. In such circumstances, what we identify as 'transnational' action consists of political action or mobilization enabled outside of the existing opportunity structures of national level politics, as a direct or indirect result of decisions to integrate in particular policy sectors. Such transnational action is facilitated by the specifically élite and technocratic focus of policy-making in the EU, which seeks to incorporate a range of non-state and non-national actors as part of the process. Transnational action or mobilization can, therefore, be distinguished from the formal legal and institutional term 'supranational'; the latter refers to the formal structures of European politics, the former to actors and organizations within them. The effect is that the institutionalization of a range of policy competencies at supranational level means that to talk about 'transnationalism' in the EU context is to talk about understanding the specific sources of 'social power' enabled to specific people or organizations by European integration.

Given the highly intergovernmental nature of much European co-operation on immigration and asylum, it is plausible to start from the position that existing national institutions and patterns of interests alone define constraints and opportunities over policy-making in any new sector such as immigration. This could rule out space for new forms of transnational action to occur. That said, the very logic of using co-operative European fora in this way may create its own institutionalizing dynamic, regardless of the strictly national-interest based positions of national politicians and public officials. Co-operation on restrictive policy can still be a form of integration because routinization and elaboration of cross-national ties between the most nationalist public officials and politicians in the Brussels or Luxembourg context can lead to the Commission,

Parliament, and Court being drawn into these forms of European co-operation (Koslowski 1998). Immigration and asylum are far from being institutionalized at the EU level to the extent that free movement is, but new informal resources for other actors accrue from this incremental refocusing of activity. As we will see, the emergence of a pro-migrant NGO network in Brussels and Strasbourg is an example of this (Geddes 1998).

The stimulant for these new patterns of political activity are processes by which formal and informal resources associated with particular policy sectors begin, via their elaboration and discussion in the EU environment over time, to take more formalized meanings (Fligstein and Mara-Drita 1996; Wiener 1997). Processes of definition, redefinition, and elaboration of common interests become more than an intergovernmental process, and certain new relations can become routinized. A typical process of institutionalization has been the European Court's free movement and equal treatment logic. Thus by 'low' politics, such as legal rulings, jurisprudence and associated campaigning, funding, or directives, rather than the 'high' politics of intergovernmental treaties, or parliamentary business, actors are able to mobilize around and operationalize the new informal opportunities and pressures for their formal institutionalization in both low and high arenas. Typically, this results in lobbying activity directed towards the Commission as the privileged interlocutor in processes of elaboration of interests at EU level. It is important to view the Commission as a 'multi-organization' with internal conflicts of interest among even those committed to extend the remit of its powers away from the nation-state (Hooghe 1997). There is some convergence on 'Euro-norms' linked to the Commission's role as the putative engine of European integration—and associated socialisation processes—but the organization on the whole can be competitive across sectors: especially those that ambiguously fall across different DGs and institutional competencies, such as free movement, immigration, and asylum.

In circumstances where the establishment of supranational legal and political authority generates policy outcomes that extend and develop intergovernmental deals as a result of additional legislative activity and executive authority at the EU level, then EU institutions amount to more than a neutral repository of member-state policy preferences. The EU is more than a residual policy context subservient to national contexts. Initial intergovernmental deals between member-states can have a range of intended and unintended effect that could go beyond these intergovernmental deals because supranational institutions, particularly the Court and the Commission, acquire capacity to shape policy outcomes (Burley and Mattli 1993; Pierson 1996; Pollack 1997; Stone Sweet and Sandholtz 1998).

We can then ask what forms of political action or organization might we expect to thrive at the EU level? The technocratic corridors of power in Brussels have specifically encouraged specialized lobby groups and networks with well-located Brussels offices, and have privileged the co-option of experts and special interests into technical committees which can articulate interests very different to national governments (Mazey and Richardson 1993; Aspinwall and Greenwood 1997). European integration has also placed a premium on specific legal forms of action, capitalizing on the role of the ECJ as the most dynamic arm of supranational power (Slaughter, StoneSweet, and Weiler 1998). Although one or two commentators have been moved to see new forms of action at EU level as 'élite social movements' (Fligstein and Mara-Drita 1996)— and hence as the mobilization of a new euro-élite campaigning against the order of power and privilege of élites at national levels (Favell 1998c)— transnational mobilization would ordinarily be sought in more conventional social movements terms. That is, as a public demonstration or conflict strategy, 'in the streets' so to speak; as a public protest movement against existing political institutions and patterns of power. Classic social movement type approaches to mobilization put the focus of mobilization on the action of marginal and excluded groups to force representation in political systems which silence or fail to represent their voices. Some recent work has been done along these lines by EU scholars, in search of transnational social movements enabled or provoked by the Europeanization of European politics. However, the 'Europeanization of conflict' identified by Tarrow (1995, 1998) only really shows that 'Europe' can now be used in the media as an effective rhetorical source of blame for public policy failures, in the same way that national governments routinely blame 'Brussels' for their own policy failures or impotence in the face of globalization processes; not that it has convincingly inspired or enabled any cross-border European mobilizations against the power of nation-states.

To search for new forms of contentious politics, or new patterns of EU level migrant or ethnic minority mobilization within the 'contentious politics' frame is likely to be a fruitless exercise because Europeanization is wrongly construed as opening opportunities for social movement type mobilization. In its classic argument, social movements were associated with the rise of the modern state, and the steady accumulation of powers by central government and legal institutions. Social movements mobilized in the margins for inclusion, gaining rights and incorporation in return for acquiescence to the social regime—a logic of the kind made famous by T. H. Marshall's (1950) study of citizenship in Britain. Behind this logic, inevitably, lay a vision of nation-state building and the social integration of all sectors of society in a common national identity (Crowley 1998). The projection of a similar line of development—all too common in the many worried counterfactual reflections on European 'identity' or democracy, for example, the influential work of Weiler (1998)—is a misleading misrepresentation of the EU as an emergent 'state-like' thing on a par with national liberal democratic states. Its flawed teleological normative logic sees the movement of European politics as one towards more democratization and the emergence of a unified European public sphere, as the preliminary to

the ultimate emergence of a (legitimate, democratic) European superstate. Empirically speaking, European integration upsets this 'teleological account' of modern nation-states and social change. Much of the recent reflection on the 'nature of the beast' has argued that European integration actually requires a new vocabulary of political analysis that is not entirely associated with the stable reference points of politics in the traditional national state, which locks us into a misleading replication of nationally bounded debates about representation, mobilization, and power (Schmitter 1996; Risse 1996). It might be more appropriate to think of the EU as a post-modern or regulatory rather than Westphalian state (Caporaso 1996; Majone 1996) where European integration opens 'fields' of action in a state of definition, which are not fully controlled by the intergovernmental actors that created them. Actors who successfully invest in the European level of action also try to pull up the drawbridge behind them, by defining themselves in relation to other specifically Euro-policy networks and insider contacts. They simultaneously try to extend the powers of the European field, in rivalry with the national level political actors, bureaucrats, lawyers and so on, who previously would have monopolized political activity in any given sector.

Looking for Transnational 'Ethnic Mobilization' in Europe

Few studies of supposedly transnational 'ethnic' mobilizations in Europe actually recognize these constraints in their discussions. The structuring role of institutions, and the interplay between these structures and actors at the EU level that defines policies and issues, is a key determining factor delimiting the range of migration-related political action enabled by European integration. So, although there has been a strong 'Europeanization' of ethnic and racial studies (for example, see King 1993; Wrench and Solomos 1993; Baldwin-Edwards and Schain 1994; Rex and Drury 1994; Miles and Thränhardt 1995; Cesarini and Fulbrook 1996; Modood and Werbner 1997) there has also been some distraction caused by the superficial normative rhetoric of European integration.

One problem with these approaches has been that the emptiness of 'European citizenship' provisions is routinely pointed to as an example of a 'democratic deficit', and the problem of legitimacy, that could be remedied by an improved 'recognition' of cultural and racial diversity (Martiniello 1994; Rex 1995; Brewin 1998; Kastoryano 1998a; Kostakopoulou 1998). The application of this strongly normative model of multicultural change to 'Europe' as a whole tends not to reflect the sources of legal, political, and social power opened up by European integration that are, in fact, closely associated with the requirements for constructing a single market and EMU. The hybrid, multi-

levelled, and uneven institutional nature of the EU does, in fact, throw up opportunities and constraints in places where the European integration process leads to a differentiation, and disintegration, of the political system, and spaces of autonomous action for certain political groups in relation to specific sources of legal, political, and social power. The task is to be specific about what these sources are.

A second problem has been the misplaced location of the sources of social power and successful collective action—and hence the motor of social change—in the mobilization of 'difference'. That is, ethnic groups which have successfully pushed for improved recognition within the multicultural state—an often cited example being Islamic organizations in Europe—are said to have done so by mobilizing cultural, racial, or religious 'identity' as a collective force. This utilization of ethnic identities as explaining migrant mobilization is flawed, because ethnicity may only be a successful mobilizing force under certain institutional conditions. Ireland (1994) identifies the importance of 'institutional channeling' of ostensibly ethnic mobilization. Similarly, Soysal (1994) stresses the importance of 'institutional repertoires' in countries of immigration. These institutionalist perspectives can usefully be applied to the EU level to explain how, why, and under what conditions new patterns of EU level political activity emerge. This political activity may or may not have an ethnic component. The task is to be specific about the institutional context that may or may not give meaning to ostensibly ethnic forms of political action. A very good example of this is the EU's Migrant's Forum, which, as shown in this chapter, could be construed as an example of ethnic mobilization. In reality, however, it serves as an example of a standard form of EU level interest co-option, and accords with fairly standard EU level attempts to increase participation and consultation as a device for imparting an air of legitimacy to institutional processes.

In the one or two examples of studies that have explicitly looked for transnational ethnic mobilization in the new European context, both of the two errors identified above have been made. Kastoryano (1998b) reads an emergent transnational multicultural state into the European integration process, and connects it with a range of successful transnational 'ethnic' mobilizations that in fact have little grounding in actual European institutional developments. Here, a highly idealized, normative idea of an emergent 'European citizen' is doing all the explanatory work; an idea of European citizenship that has little or no basis in the rather empty legal status of European citizenship which is in European treaties. Meanwhile, in earlier, EU-focused studies by Soysal and Ireland (1991), the emerging European institutions and patterns of cooperation are misleadingly read as offering a fertile, preferential ground for 'ethnic' based mobilizations, seeking to address claims to European level institutions rather than traditional national ones. This overestimates what the

as an institutionalized 'state' power, can actually do, as well as wrongly inferring that it is naturally progressive in its leanings on immigrant or ethnic politics.

Successful transnational mobilization, such as Islamic protest movements across Europe (Blom 1999), Turkish political organizations (Amiraux 1998; Ögelman 1998), or new cultural identities based on transnational media (Hargreaves and Mahjoub 1997), in fact only have a coincidental connection with the European integration process. What none of these approaches reveals is anything specifically European about the emergent transnational opportunity structures they use, whether material or symbolic in kind. The emergence of the EU is indeed an example of a 'shift' in the post-World War II state system that has enabled new forms of post-national claims-making (Soysal 1994). But there are, after all, several other emergent 'supranational' institutions and institutional contexts that can be more plausibly pointed to as the ultimate sources of transnational empowerment beyond existing nation-state opportunity structures; none of these are specifically EU-related in nature. First, are shifts in the global political economy, opening new opportunities for transnational business and forms of organization (Sassen 1991; Portes 1997). Second, are shifts in the geo-political balance of world politics and international relations, such as the rise in prominence of Islam, and its increasing attraction as a pole of opposition to the hegemonic powers of the West (Ahmed 1992). Third, are shifts in international legal norms which, backed by universalistic international structures such as the UN, have provided new sources of justification for claims-making (Soysal 1997). These, indeed, may have some grounding in more diffuse 'universalistic' norms about personhood or equal rights of cultural difference, as claimed by some sociological institutionalists (Meyer *et al.* 1997; Boli and Thomas 1997).

The claim, then, that there was something specifically in the European integration process—either the formal institutions created or the new symbolic euro-ideas they give rise to—which has enabled some ethnic groups to mobilize transnationally, remains a theoretical assertion, not yet backed by any specific findings. Indeed, more recent work offers empirical refutation of such readings. A 1998 study shows that different ethnic groups in Italy and Spain have vastly different successes in organization in relation to supposed new European opportunities, which in fact depend on the help of go-between advocacy groups such as trades unions and the church (Danese 1998). Moreover, the organizational behaviour of different ethnic groups is still strongly structured by national political structures and/or the nature of local opportunities; and, despite a great deal of talk about new European opportunities, there is a clear underinvestment in the European level, or worse, the EU remains remote and uninteresting, indeed irrelevant, to these ethnic group's self-perceived interests. Other scholars show that, in empirical terms, Europe has not and does not yet really provide formal 'European' transnational sources of power for ethnic

groups themselves (Guiraudon 1997, 1998; Koopmans and Statham, volume). They find that the explanation of mobilization is invariably national in location, and most likely to do with party cleavages, the depoliticization of immigration politics by élites, and the structure of national level conflicts the content and meaning of national citizenship.

In other words, to go out looking for ethnic transnational mobilization enabled by Europe is to put the cart a long way before the horse. There is empirical evidence of it; and where opportunities exist for European-level political action, they are not necessarily salient for migrant and minority groups themselves. Transnationalism associated with the immigration issue at European level still needs to be specified in terms of the actual structure of European institutions; and when it claims to be of an 'ethnic' nature, it should not always be taken at face value.

The Institutional Structure of EU Immigration Politics

A core component of our argument in this chapter is the requirement to clearly specify the institutional context in order to understand new patterns of political activity that may emerge in relation to EU free movement, immigration and asylum competencies. The risk is that such an approach lapses into EU jargon that is difficult for the non-EU specialist to untangle. We aim, therefore, to extract broader points about the relation between institutionalization, policy competencies and the development of new forms of transnational political action, and illustrate our points with examples of pro-migrant political activity at the EU level.

The components of a pro-migrant agenda at the EU level are closely related to EU market-making. The EU is an economic organization from which social and political competencies may arise, not *vice versa*. Free movement is a core component of market-making. Pro-migrant groups have sought to extend legally resident third country nationals similar rights of free movement to those enjoyed by EU citizens. The EU's free movement framework has established a triangular relationship between EU citizens, the member-states, and EU institutions wherein individuals are empowered by being given access to EU institutions that constrain the competence and discretion of member states (1998). It is this relationship that distinguishes the EU from international organizations such as the Council of Europe that are not capable of creating legal effects. Can this triangular relationship also be extended to third country nationals so that they too enjoy rights of free movement? Another key aspect of the agenda is the extension of anti-discrimination provisions to extend existing provisions from their coverage of nationality and gender based discrimination to also include racial-, ethnic-, and religious-based discrimination irrespective of whether those discriminated against are EU citizens. The

issue here is equal treatment, enshrined in EC law by a 1976 directive. Key pro-migrant organizations in relation to these issues are the Starting Line Group and the EU Migrant's Forum. A further aspect of the agenda is the efforts made by groups such as Amnesty, the European Council on Refugees and Exiles, and Caritas to secure EU asylum provisions that accord with international standards.

The commitment to market-making and free movement has always been countered by a marked reluctance on the part of some member-states to countenance transfers to the European level of immigration and asylum responsibilities. Despite this, single market integration has drawn immigration and asylum closer to the evolving web of supranational interdependence because the creation of a single market defined by Article 8a of the Single European Act (1986) as 'an area without internal frontiers' means that immigration and asylum policy became matters of common concern. Attainment of freer movement for people has required 'compensating' immigration and asylum measures, but this requirement does not dictate the form that these measures will take—whether they will be supranational or intergovernmental or whether they are inside the formal treaty structure or, as was originally the case with the Schengen Agreement, outside it. Nevertheless, patterns of co-operation have led immigration and asylum to become Europeanized issues, even if by a less intentional backdoor route. Moreover, this development imparts fluidity to the nascent co-operative structures, which may offer opportunities for entrepreneurial actors interested in opening up new European level opportunities.

It would be wrong to characterize immigration and asylum co-operation as exclusively by-products of single market liberalization. Co-operation on aspects of immigration policy has also built upon the security co-operation between interior ministries and their officials, that developed in relation to customs from the late 1960s and developed into anti-terrorism/crime co-operation from the mid-1970s through the Trevi Group. Patterns of security co-operation are long established, and the structures for immigration and asylum co-operation have therefore drawn heavily from the model for co-operation established for internal security.

The recent history of evolving immigration and asylum policy can, then, be read in terms of these general structuring principles and tensions that are clearly evident in the Treaty of Amsterdam, which came into force on May 1 1999. The Amsterdam Treaty imports the Schengen arrangements into the Union and make provisions for the establishment of a new Treaty chapter dealing with free movement, immigration, and asylum. Free movement, immigration and asylum have been 'communitarized' in the sense that they have been brought into the main institutional framework of the Union and within the remit of the Commission and Court. Member-states have, though, maintained the machinery of intergovernmental co-operation that typified co-operation on these issues in the 1980s and 1990s.

Some observers have stressed that migration is mainly subsumed within a security paradigm, within which emphasis is placed on the development of the legislative apparatus technologies of cross-national population control (Bigo 1998; Huysmans 1995). But the Amsterdam Treaty's chapter on free movement, immigration, and asylum has established potential connections between free movement, market liberalization and immigration/asylum with implications for migrant inclusion.

Mobilizing for EU Level Migrant Inclusion

Following this brief overview of recent developments we can now examine who is able to successfully engage with these new opportunities for action, what forms of organization this action takes, what strategies are deployed, and how these groups seek to build alliances with EU institutions. As is now common in much POS based theory, we define the opportunity structure as political and legal combination of 'material' resources—formalized resource of power or funding—and 'symbolic' ones—sources of normative and discursive power (see McAdam, McCarthy, and Zald 1996).

Most of the new forms of action associated with European integration in this sector are elite and technocratic in nature: this is an inescapable feature of the EU institutional context. Bottom-up mobilization and participation of all kinds are limited by the EU's lack of channels for democratic representation. It would, however, be wrong to conclude that this situation will automatically reinforce 'fortress Europe' tendencies that lead to migrant exclusion, because there are also tendencies of inclusion well established in the EU's institutionalized activities. In fact, the oft-cited argument that European integration has strengthened the fortress Europe tendency is weakened by the observation that pro-migrant groups at EU level tend to call for *more* not *less* integration. Extended supranational competencies are viewed as a potential progressive counterbalance to lowest common denominator Council decision-making, portrayed as focused on restrictive immigration policies and ever tougher asylum procedures.

In addition to the legal, political, and institutional context, 'Europe' also provides certain symbolic resources. On the 'security' side, the fortress Europe metaphor offers significant discursive resources to those seeking to accrue powers or mobilize opinion through immigration-related fears. That is, in the encouragement of a 'crisis' atmosphere over immigration and asylum—and the representation of such flows as a security threat—security focused officials and anti-immigration politicians can draw on a good deal of capital through promoting the idea that a fortress needs to be built to protect European welfare systems, or national models of democracy etc.

In other, more 'progressive' Europeanized circles, however, the idea of

immigration is no less of a resource-stimulating area of policy activity. In some areas of European integration the 'regulatory' character of policy has always created scope for 'entrepreneurialism' by supranational level actors when legal and political competencies are established and a significant margin of autonomy for action has developed (Majone 1996). In such circumstances, the Commission can become a 'purposeful opportunist' (Cram 1996) emboldened by the material and symbolic resources associated with European integration to push new policy lines in different sectors. Particularly relevant in this respect are the resources associated with the quest for 'social inclusion'. The EU's social dimension has become more evident since the mid-1980s and has provided significant legal, political, and symbolic resources for EU institutions keen to promote a 'people's Europe'. So far, however, third country nationals have been largely excluded from this dimension because access to EU level entitlements has arisen from prior possession of the nationality of a member-state. From this perspective, a 'cure' for fortress Europe, the democratic deficit and social exclusion is *more* Europe—albeit often conceived as an unrealistic, counterfactual ideal of a democratic, multicultural, citizenship-grounded transnational polity. The underlying argument here, then, is not that the process of European integration *per se* is the problem; rather the problem is the actual form taken by immigration and asylum co-operation. The basic confusion in the anti-EU, pro-Europe argument may be intentional—it works in the same away as a national government's ability to generate symbolic resources by blaming the EU for its own impotence or failures—or it may indicate a basic ignorance of how the EU institutions in fact work, and how successful campaign groups do in fact get involved in the policy process. As long as people conceive of the EU in counterfactual normative terms that have little to do with the way the institutions actually work, they will keep making this mistake. Whatever is developed at the supranational level on immigration and asylum is more likely to arise because of an association with market-making and the commitment to free movement rather than from idealistic conceptions of European citizenship or multicultural democracy. The EU cannot be characterized as a social and political actor separate from its fundamental economic purposes. To characterize it as a social and political actor which can or should have an interest in promoting a transnational 'citizenship utopia', leads commentators and campaigners to project on to it problems and issues that it is simply not equipped to resolve.

That said, a growing awareness of the ways in which notions of social inclusion impinge on 'migrant inclusion' has informed the actions of EU institutions. Numerous DGs have now also opened activities relating to immigration and/or the position of minorities in Europe. DG5 (Employment and Social Affairs), DG10 (Information, Communication, and Culture) and DG12 (Science, Research, and Development), in particular, have been very active. Latterly, the Third Pillar Task Force and the Forward Studies Unit of the Secretariat have published reports on immigration policy, or tendered substantial

sums of money for new research in this area. These entrepreneurial efforts ha followed a familiar pattern of co-opting experts into the policy community including academics, existing NGOs, public officials and so on—and son attempt at public awareness campaigning and localized activities such as mi ticultural activities associated with the European Cultural Capitals programm

Moreover, because Brussels is a small world there are only a handful people with direct responsibility within the Commission, and so stro personal contacts in Brussels can quickly lead to a prominent role in poli development circles. A small new 'field' is emerging of specialist poli campaigners—usually self-styled euro-NGOs—who have been able to mono olize European-level policy thinking, such as the production of reports or t organizing of conferences, through their well-located awareness of key co tacts and specialized know-how needed to be effective in the Brussels envirc ment (see Favell 1998c). Among those with a strong interest in immigrati and migrants' rights are ECAS (European Citizenship Action Service) and t Migration Policy Group. Although organized as small-scale offices these org; izations do provide an important port of access for wider nationally-based n works of activists and campaigners. Their achievements, though, are very from substantiating the claimed existence of transnational ethnic mobilizati in this policy sector. Rather they provide further evidence of the deployme of expert knowledge in an institutional environment that privileges techi cratic avenues to influence.

A central focus of efforts to establish these measures was during the 1996/ pre-Amsterdam Treaty intergovernmental conference, in which a wh plethora of campaign groups, with well-established insider positions, were al to push for new migrant and minority rights, alongside other well-he; 'citizenship' issues such as gender equality and the environment (Mazey a Richardson 1998). Pro-migrant organizations expressed some dissatisfacti with the outcome. The European Council on Refugees and Exiles charact ized the establishment of a new chapter 4 of the EU Treaty that dealt with fi movement, immigration, and asylum as a 'technical transfer' without the kir of checks, in terms of Commission, European Court, and European Parliam< powers, that they had called for. The new anti-discrimination provision wa cause of dissatisfaction too. It did not *forbid* discrimination on grounds of ra ethnicity, religion, age, disability, or sexual orientation. Rather, it empowe the Commission to bring forward proposals in these areas that needed then be agreed to by unanimity among the member-states in the Council.

Pro-migrant groups have been keen to exploit new opportunities. They ha sought extension of the provisions of the legal framework governing the sin; market to offer more extensive protection to migrants and their descendar In 1998, the Starting Line Group (SLG) brought forward a draft directive on t rights of third country nationals that would have had the effect of creatin; 'resident's charter': after three years legal residence third country nation

would acquire the same rights of free movement as EU citizens (SLG 1998). The SLG's proposals actually drew from a very specific resource, the 1964 association agreement between Turkey and the EU, which extends established rights to Turks resident in an EU member-state. The SLG posed the question that if such rights were extended to Turks then why couldn't they be open to all third country nationals? The SLG was not ploughing a lone furrow. The Commission's draft convention on the rights of third country nationals also indicated a willingness at Commission level to promote developments in this area as the post-Amsterdam allocation of responsibilities for free movement, immigration, and asylum plays itself out (CEC 1997).

The Starting Line Group also brought forward new proposals for anti-discrimination legislation. The original rationale had been the 1976 equal treatment directive, which sought to guarantee gender equality. In the wake of Amsterdam's new anti-discrimination provisions, the SLG brought forward proposals that would protect people—whether citizens of a member states or not—from discrimination when exercising rights associated with European integration. The major impediment to developments in the areas of extended residence rights and anti-discrimination is the requirement for unanimity in the Council and the diverse and patchy frameworks of anti-discrimination legislation in EU member states that render problematic intergovernmental agreement on supranational action (European Parliament 1998).

In the area of asylum too, there has been rapid development of lobbying activity during the 1990s. The intention is not so much to include asylum seekers—who by definition are not migrants with an intention to settle permanently—but to include the EU's asylum provisions within the scope of EU law with jurisdiction for the European Court. The hope is that the Court will be a progressive guarantor of asylum rights in an era when the international standards laid down in the post-war period appear threatened by move towards systems of 'temporary protection' (ECRE 1997a, 1997b, 1997c).

Clearly, it is difficult to categorize any of this worthy activity as ethnic mobilization. The one direct attempt by the Commission to create an ethnic 'forum' for direct representation within the European institutions—the European Union Migrants' Forum—has fared much less happily. A large amount of money was invested by DG5 in creating this consultative body drawn from national-level associations in order to give migrants and minorities a voice at the European level. The EUMF's early years were, however, dogged by inter-ethnic conflict over the goals and strategy of the Forum, a financial scandal amongst the executive, and an overwhelming sense of the operation as a well-meaning but ineffective sounding box, in which a few migrant elites got to voice their anger at well-funded conferences, but without it leading to any direct impact in the policy process. Similar things might be said about the European Year Against Racism of 1997, in which a large range of funding was spent unevenly on local projects often monopolized by go-between groups and

immigrant entrepreneurs, with a weak claim to be representative of migrant and minority interests on the whole. As with many other areas of EU intervention, good intentions are hampered by corrupt and uneven implementation at the national and local levels. Very little grassroots activity has been directly inspired by the EU's material or symbolic resources, and it remains an area of policy firmly monopolized by the élite gatekeepers working in the shadow of the Commission; much to the anger, for example, of other local Brussels-based Belgian campaign groups and migrants associations, who are most conscious of being excluded from the benefits flowing to other parts of the city.

Given, as we have argued, that market-making is a key force underpinning arguments for more inclusionary tendencies in migration policy, it is surprising to note the absence in the past, of any significant business-led pressures for expansion in this policy sector. The fact that transnational corporations have always been active in Brussels makes this all the more surprising. Further down the line, then, there is still the possibility that the dynamics of the European labour market and business interests—as they did in the post-war boom years and the age of the guestworker—will start to have the clout within the EU agenda to push for more open immigration policies. This is a major point of difference between Europe and the US/NAFTA, where a sizeable right wing pro-immigration lobby has always pushed for open borders and the import of cheap labour from Mexico and elsewhere (Freeman 1995). Perhaps on smaller, local level there is evidence for this: such as the Berlin labour market influencing new, pragmatic bilateral agreements between Germany and Poland; or seasonal labour needs in Spain or Italy pushing regularization efforts by their respective governments. The involvement of transnational business interests in this way could indeed provide a decisive shift in the balance of powers in immigration policy, moving away from the intergovernmental to supranational level. To incorporate an awareness of the underlying structural labour market factors in determining population movements, would also be a significant step towards a more rational European immigration policy; a policy which at present is so hamstrung between opposite but complementary ideological arguments about inviolable national interests and sovereignty on the one hand, and a transnational, multicultural Euro-idealism, on the other.

Conclusion: Europeanization Versus Globalization

The Europeanization of immigration politics in Europe brings with it a fundamental challenge to one of the defining characteristics of the European nation-state: its powers of self-definition and authority over a territorially bounded population (Joppke 1998). The powers of the state—and the institutions of law, democracy, welfare it sustains—were centralized through this exclusive process of identity formation. Immigration and the integration of

newcomers in the post-war period has previously followed this pattern in most European nations (Brubaker 1992; Favell 1998a). All of the above is thrown into question by the establishment of supranational powers and jurisdiction over immigration questions at the EU level.

We have argued that, empirically, it makes sense to look for a distinct European 'transnational opportunity structure' in the immigration policy sector, only where specific channels and sources of empowerment have begun to be *institutionalized*. These are limited, and as yet exclusive to organized élite groups putting the accent on technocratic and judicial channels of campaigning. These efforts may indeed contribute to challenging European nation-states' control over immigration, and to national models of migrant inclusion, but they cannot be said to contribute to better democracy or citizenship-style inclusion for migrants and minorities in Europe. In fact, they can be said to be positively damaging to the value of national citizenship as it is understood at the national level, because new 'postnational' rights, such as those based on residence, will render national citizenship less meaningful, less identity forming, more instrumental, and more incidental for migrants. If, however, the response to this is to move back towards an idea of European citizenship premised on naturalization and incorporation, control over new populations would be returned back to the nation-state, and thus the European integration process that had opened up 'new opportunities' would be reversed in favour of the old Marshallian option which can see nothing beyond national identity formation as the background to social change (see Hansen 1998; Weil 1996). Indeed, at the point at which it stands, the current, empty, nation-state-derived idea of EU citizenship only reinforces this older idea of national membership and belonging.

Within the strictly delimited picture of EU integration we have offered, what kind of transnational opportunities remain for a true migrant- or minority-led mobilization? The symbolic resources provided by the emergent idea of Europe should perhaps prove the most fertile source. However, 'transnational claims-making' is as yet more backed up by other more obvious 'transnational structures' than the limited European context. Indeed, were the Europeanization of immigration and asylum to be fully institutionalized at the supranational level, it would probably prove directly damaging to the kinds of universalistic, global values powering visions of post-national membership: European-bounded rights and membership is not same thing as human rights or a world community.

The question, of course, remains as to how far the supranationalizing tendency will be institutionalized at the European level with consequent effects for migrant inclusion. If they are to develop then, rights for third country nationals are likely to be associated with the logic of free movement and its connection with market-making. If this space were to be opened, it would provide a strong impetus to transnational communities interested in rights derived from

residency in two or more countries, particularly if these rights are linked to the growing acceptance of dual citizenship (Freeman and Ögelman 1998). There is a very anti-Marshallian kind of idea at work here: the idea that certain rights might be given to resident workers of the European free market, unconditional on nationality, belonging, moral investment in the nation, or even nation-state welfare contributions (Bommes and Geddes 2000). These are interesting possibilities for those ethnic groups most able to organize themselves transnationally, and whose support networks and business networks in any case stretch across their nations of residence and back and forth to their homeland. Were these opportunities to develop, they may well open up a form of symbolic legitimation of action not at all grounded in the old equality and justice-based logic of inclusion and incorporation, that has been at the heart of most classic social movements style campaigning.

What this underlines ultimately, is that European integration is a particular type of internationalizing process: the institution-building process of a specifically *regional* cross-national co-operative entity. European integration is the political supranationalization of sovereignty, over certain political powers and a specifically European 'geographical' space, and over an uneven range of policy sectors and law, that is both responding to *globalizing* transnational processes and associated powers—particularly those led by international capital—while, at the same time, creating new political and legal institutions which formalize the possibility of transnational action of a specifically delimited European kind. The essentially ambiguous dynamic of the European integration process lies here: in that it is caused by globalization, an attempt to harness globalization, and in some sense a campaign against globalization. This also leaves the EU in a paradoxical relation with other forms of transnationalism, such as the global environment or human rights movements. As a regional entity—between nation-state and united nations—European institutions and Europeanization often cut across and/or contradict these universalising movements and the universalistic norms they are built on: for example, those often said to be behind progressive changes by IR scholars in the idealist tradition (e.g. Klotz 1995).

This last point may pose severe difficulties for NGOs and other idealist-based social movements who ground their *raison d'être* in universal ethical norms of this kind. Europeanization in the end leads to a rather different form of transnational action and legitimation. To date, most progressive minded campaigning on immigration issues in Europe has grounded its arguments in ethical norms, that are either based on a logic of citizenship grounded in nation-state incorporation—and therefore not transnational at all—or on a logic of universal personhood which is global, and not connected to the specific European context. Our argument suggests that both of these strategies are ineffective and poorly suited for seizing the dynamics of European integration. Campaigners would do much better to push for a rational immigration policy that seeks to recon-

nect policy with the labour market mechanisms and market-building needs that are actually a primary cause of migration flows. Were this to happen—were, in other words, Europeanization genuinely be seen to truly enable claims-making in virtue of being a non-national resident worker of a European common market—the possibility of membership beyond the nation-state may still turn out to true. But an extraordinary European development such as this, would also entail that the transnational rights of non-nationals in Europe are established at the expense of the most distant, global 'ethical' norms and values that have been hitherto seen as the grounding for effective transnational social and political action.

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