

Personal Security and State Sovereignty in a Uniting Europe

Rey Koslowski*

in Virginie Guiraudon and Christian Joppke, eds., *Controlling A New Migration World* (Routledge, 2001)

*Acknowledgements: I thank the Center of International Studies at Princeton University for supporting additional research and revision of this chapter.

Bio-sketch:

Rey Koslowski is Associate Professor of Political Science at Rutgers University – Newark. He has been a Visiting Fellow of the Center of International Studies at Princeton University (Fall 1999 and Fall 2000) and a Research Associate of the Center for German and European Studies at Georgetown University's School of Foreign Service (1996-97). He is the author of *Migrants and Citizens: Demographic Change in the European States System* (Cornell University Press, 2000) and co-editor (with David Kyle) of *Global Human Smuggling: Comparative Perspectives* (Johns Hopkins University Press, June 2001). His articles have appeared in the *Journal of European Public Policy*, *Journal of Common Market Studies*, *International Organization*, *The Journal of Ethnic and Migration Studies*, and *The Cambridge Journal of International Studies*

Introduction

The European Union (EU) represents an archetypal example of sovereignty transforming regional political cooperation (Waeber 1995) and the integration of member state migration policies is an important component of this transformation. The most significant policy changes have dealt with intra-EU migration of EU member state nationals but recent agreements signal the integration of member state migration policies governing migration to the EU itself. Given that integration of policies governing migration to the EU has mostly involved tighter border control and restriction of further immigration, it may be tempting to interpret these changes as a reassertion of state sovereignty. This is misleading, as I have argued elsewhere, because regardless of the purpose, policy integration transforms member state sovereignty (Koslowski 2000, 164-169). In this chapter, I consider the prospects of further transfers of member state sovereignty to the EU as policy-makers from EU member states confront migration in tandem with other features of globalization like transnational crime. Traditional reservations about loss of state sovereignty over migration policy may increasingly succumb to political temptations of appeasing public fears by fighting transnational crime linked to migration through further European integration.

More specifically, the 1996-97 Inter-Governmental Conference (IGC) was intended to prepare the EU for enlargement to the East but strengthening the Third Pillar and incorporation of the Schengen Convention into the EU became the centerpiece of the Amsterdam Treaty. The Amsterdam Treaty marks a significant departure on the trajectory toward further integration in the area of migration that impinges on member state sovereignty. It also exemplifies an important political dynamic of linking personal

security to the transfer of sovereignty to the EU and of linking illegal migration and crime to personal security. This political dynamic and these linkages are coming to the fore as EU member states deepen cooperation to lift internal border controls at the same time that they widen the geographic scope of internal free movement and EU cooperation in Justice and Home Affairs (JHA) to include Central and East European countries. This political dynamic is largely driven by the eye-catching publicity of transnational criminal organizations in the post-totalitarian environment of Central and Eastern Europe, the involvement of these organizations in human smuggling, forced prostitution and the sexual exploitation of children as well as the difficulties that aspiring member states' relatively underdeveloped institutions of public administration and law enforcement are having in dealing with the challenges posed.

I make these arguments in three steps: First, I examine the political dynamic of linking personal security to the transfer of sovereignty to the EU. Second, I investigate the related linking of illegal migration and crime to personal security. Third, I consider the influence of the process of EU enlargement on applicant state migration policy and compliance with EU objectives in fighting organized crime.

The “Transfer” of Sovereignty and the Politics of Personal Security

Growing public perceptions of migration as a point of entry for the importation of political conflicts from abroad, a drain on social service budgets and a challenge to cultural identity have prompted a reconceptualization of European security in the post-Cold War world in terms of “societal security” (Waever, et. al. 1993). Whether or not these perceptions are well-founded, they often influence domestic political contests by

providing issues with which opportunistic, populist politicians can manipulate public passions and erode support for the established political elite (Betz 1994), as Jorg Haider's Freedom Party's entry into Austria's coalition government amply demonstrates.

Although xenophobic populist political parties have had only limited electoral success in European countries (and primarily in local and regional arenas), such populism indirectly influences policy making by way of mainstream conservative parties who, in protecting their right flanks, adopt some anti-immigration rhetoric and policies as their own (Thraenhardt 1997).

Nevertheless, anti-immigrant political movements have for the most part failed to realize the potential drastic changes in migration policies toward restriction that public perceptions and popular sentiment seem to portend. Hollifield (1992) argues that liberal ideologies of human rights and markets limit democratic states from enacting more restrictive policies. Freeman (1995) points to well organized groups with concentrated interests who effectively lobby policy-making élites for more open polices in contrast to the collective action problems involved in converting diffuse anti-immigration sentiment among the citizenry into successful electoral campaigns and mass political movements. Joppke (1998) notes the moral and legal constraints limiting certain European states in restricting particular types of migration like family reunification and the centrality of the judiciary in enforcing those rights against legislation driven by restrictionist popular sentiment.

All of these approaches address the politics of restriction by comparing the domestic politics of individual European states. They have not considered the possibility of restrictionist politics operating at the European level in tandem with the political

objective furthering European integration in general. This is understandable since the EU is generally associated with the liberal migration policies advocated by the Commission and the Parliament. Nevertheless, when the restrictionist direction of common policies emerging from the Council is combined with the political rhetoric of the Amsterdam Treaty and the recent spate of high profile EU actions linking migration and crime, perhaps it is time to initiate such an investigation.

Title VI of the Maastricht Treaty on cooperation in the fields of Justice and Home Affairs (JHA) formalized the process of intergovernmental cooperation on migration policy. Encompassing asylum policy, external border control, policies regarding third country nationals as well as drug trafficking and fraud, this separate “pillar” of Maastricht was criticized by human rights advocates for the implicit, if not explicit, association of migrants and refugees with criminals (See Percival 1994). It was also criticized from pro-integration quarters, including the European Commission (1994), for keeping migration policy-making outside of the Community legal order.

While member states transferred an aspect of sovereignty to the EU with respect to the migration of EU nationals within the Union in the decades leading up to the Maastricht Treaty (Koslowski 2000: 114-118), they resisted a similar transfer of sovereignty over migration of non-EU nationals into the Union. The process of national courts asking the ECJ for rulings had over time produced a level of legal integration that in many ways surpassed economic and political integration (Burley and Mattli 1993) and built a legal framework that is essentially federal in nature (Capelletti, Seccombe and Weiler, 1986; Weiler 1991). Recognizing the extent and implications of legal

integration, some member states were loath to extend ECJ jurisdiction in the Justice and Home Affairs area, fearing that they might lose some sovereignty in this area to the EU.

Generally speaking, member state sovereignty had, for the most part, been retained with respect to external border control, illegal migration and asylum policy because some member states had either not become parties to certain agreements (e.g. Schengen) or when member states did negotiate and sign agreements in these areas, they did so primarily in multilateral state-to-state fora or in intergovernmental institutions of the EU. Nevertheless, the institutional and legal framework set up by Title VI of the Maastricht Treaty was already actually a mixture of simple intergovernmental cooperation and integration within the Community.

Moreover, the 1997 Amsterdam Treaty set the stage for a large-scale communitarization of the migration, asylum and border control policies. National courts may request that rulings from the ECJ in these areas (Art.73p-1. TEC as amended at Amsterdam), however, the ECJ will not have jurisdiction over internal border control when “relating to the maintenance of law and order and the safeguarding of internal security” (Art.73p-2). The ECJ may also rule on the interpretation of the title or on “acts of the institutions of the Community based on this title” (Art.73p-3). The Amsterdam Treaty also incorporates the Schengen Convention into the EU treaties and calls for common policies and joint actions on visas, asylum, immigration and external border controls to be put under Community procedures and into the Community legal framework (see Art.73 TEC as amended at Amsterdam). Aside from common visa policies, the Council is to decide by rule of unanimity which migration policies are to move from intergovernmental Third Pillar to the First Pillar and be governed by Community

procedures. This process is projected to take place over a five-year period beginning when the Amsterdam Treaty entered into force on May 1, 1999. During this transitional period, both the Commission and member states have the right to initiate legislation and the Council may only act unanimously after consulting the European Parliament. At the end of the five-year transition period, the member states may decide to move to qualified majority voting and co-decision with the Parliament.

While the institutional and legal framework set up by the Maastricht Treaty was actually a mixture of simple intergovernmental cooperation and integration within the Community, with the Amsterdam Treaty, that mixture is becoming less intergovernmental. Should a significant portion of immigration and asylum policies come under the qualified majority voting rules at the end of the five-year transitional period, these policy areas will become fully integrated within the community framework. Therefore, member state sovereignty is currently much more compromised than in other multilateral fora dealing with migration and it may become even further compromised in the not-too-distant future.

The Amsterdam Treaty not only marks a significant departure on the trajectory toward further integration in the area of migration, it exemplifies an important political dynamic of linking personal security to the transfer of sovereignty to the EU and of linking illegal migration and crime to personal security. This linkage became explicit in the first part of the Dublin Draft Treaty, entitled “An Area of Freedom, Security and Justice”¹ and it was promoted in the Dublin Council’s press release (European Council

¹ The required measures are outlined: “strengthen the instruments for addressing issues such as immigration, asylum, visas and external borders which must be handled collectively if free movement in the Union is to be

1996a) in order to garner public support for Treaty revisions that would enhance and expand the EU's policy-making authority. In light of the Maastricht ratification crisis, IGC negotiators took great pains to insure that their revisions would not draw public ire and the Council and Commission carefully framed further European integration in terms of its impact on EU citizens' everyday lives – in this case, the threat of crime.

Personal security is a powerful issue that motivates voters to transfer authority to bureaucracies in the name of law and order. As Tocqueville explains,

(T)he increasing love of well-being and shifting character of property make democratic peoples afraid of material disturbances. Love of public peace is often the only political passion which they retain, and it alone becomes more active and powerful as all others fade and die. This naturally disposes the citizens constantly to give the central government new powers, or to let it take them, for it alone seems both anxious and able to defend them from anarchy by defending itself (Tocqueville 1969, pp. 671-72).

As has often been the case, Tocqueville proved prophetic. During the 1930s, American citizens reacted to the inability of local and state authorities to cope with gangs that crossed state lines by calling for Congressional action to make an increasing number of crimes federal offenses and by supporting the expansion and empowerment of J. Edgar Hoover's Federal Bureau of Investigation (Leuchtenburg 1963, p. 334). Europol is in large part modeled after the FBI and the focus of cooperation in Justice and Home Affairs is directed against many of the same trans-state problems that prompted a major transfer of authority from states to the U.S. federal government.

achieved without jeopardizing the security of citizens” and “greatly enhance the Union's ability to take more effective action to tackle international crime, including terrorism, trafficking in people and offences against children, illegal drug trafficking and to combat fraud and corruption, as well as to enhance police and judicial cooperation.” (European Council 1996).

It is interesting to note that in 1998 the U.K. presidency vowed to lift the legendary European Council secrecy and did so with specific reference to combating organized crime. “The public is rightly concerned that the EU should act against drug trafficking and organized crime. We need to ensure that they are involved in the debate” (Cook 1998). The U.K. presidency scheduled a series of open Council debates “on subjects of particular interest to the public.” The subject selected for open debate in the area of Justice and Home Affairs was organized crime.

In his remarks at the “open” May 28-29, 1998 JHA Council, the UK’s Home Office Secretary, Jack Straw, stressed the importance of border controls and combating illegal immigration and remarked, “We are here to take official note of texts and reports, but what we most need is a high effective degree of cooperation.” The highlight of the meeting was the signing of a Pre-Accession Pact on Organized Crime between the 15 member states and 11 applicant states. The JHA Council coincided with a cooperative anti-terrorist action in advance of the World Cup games in France, whose Justice Minister, Elisabeth Guigou noted, “This is an affirmation of the reality of the development of a genuine judicial area encompassing our countries.” The Italian Interior minister, Giorgio Napolitano seconded the sentiment, “this cooperation among police services was made possible by mutual trust among their leadership.” The purpose of the open meeting, however, was perhaps best captured by former JHA Minister, Anita Gradin: “We often leave ourselves open to criticism that we do not pay enough attention to our citizens’ practical problems; today we have demonstrated that we do.” Not to be outdone, Spanish Interior Minister Jaime Mayor Oreja’s comments on illegal migration

summed up the direction of JHA activities: “The Treaty of Maastricht will usher in a culture of security within the Union” (All quotations from ER 1998a).

The Cardiff European Council of 15-16 June, 1998 further elevated EU cooperation against organized crime. The section of the Presidency Conclusions entitled, “Bringing the Union Closer to People,” is devoted to openness, the environment and the role of Justice and Home Affairs in combating crime in which the European Council “welcomes the excellent progress made implementing the Action Plan to fight organized crime.” The European Council encouraged Member States to ratify conventions on fraud and extradition, further Council actions to “identify the scope for greater mutual recognition of decisions of each others courts,” implement the Action Plan on the influx of Iraqi migrants and “build on this work in order to be prepared for comparable influxes in the future” (European Council 1998, paras. 37-42). Robin Cook, among other members of the Blair government, declared a victory in advancing the European agenda in the UK as well as advancing its “people’s agenda” of concrete progress in reducing unemployment, protecting the environment and fighting crime within the EU (Meade 1998).

The potential political gains from a redirection of EU policy initiatives toward matters of personal security are evident to any politician who follows public opinion polls. In a Eurobarometer poll asking a sample of EU citizens to list their fears, “increase in drugs/organized crime” ranked second (65%), only exceeded by the fear of “more taxes” (68%), but well ahead of the third ranked fear, “end of national currency” (52%). Moreover, while policy-makers may fret over losing national sovereignty over migration policy, they may find their citizens less interested in who has policymaking authority and

more interested in results. When EU citizens were asked about EU policy-making in the area of justice and home affairs, 70% of those asked supported joint EU action against drug trafficking, 55% supported a common EU immigration policy, and 54% supported Union-wide rules for political asylum (Eurobarometer, 1997, pp. 32, 37).

Indeed, public opinion was recognized as a motivating factor for the European Council's special meeting held in Tampere, Finland on Oct 15-16, 1999. In the some of the initial points of the Presidency Conclusions, the Council stated, "The challenge of the Amsterdam Treaty is now to ensure that freedom, which includes the right to move freely throughout the Union, can be enjoyed in conditions of security and justice accessible to all. It is a project which responds to the frequently expressed concerns of citizens and has a direct bearing on their daily lives (European Council 1999)." The Tampere meeting propelled the effort to negotiate an overall action plan dubbed, "The Prevention and Control of Organised Crime: a European strategy for the Beginning of the New Millennium." Agreed to in March 2000, the plan includes 39 specific recommendations in 11 areas ranging from strengthening data collection to confiscating the proceeds of organized crime (JHA 2000).

If, as Freeman (1995) contends, the general political dynamic of immigration policy-making within Europe's liberal democratic states is characterized by "client politics" in which small and well-organized economic and ethnic interest groups thwart the restrictionist demands of citizen majorities, perhaps the question becomes: are those same interest groups willing to condone the harnessing of restrictionist public opinion to further European integration? Are employers' associations willing to forgo access to immigrant labor from non-EU states by accepting increasingly restrictive migration

policies organized on a European level if collective restrictionism helps promote economic integration? If EU enlargement to include labor sending states like Poland accompanies increasingly restrictive EU migration policies, does that make employer acceptance any easier? Will ethnic interest groups composed of migrants from applicant member states be willing to fight restrictionist majorities in their host state, if their home state is to be included in the enlarged Union?

I do not have answers for these questions. I only hope that they draw attention to the fact that the client politics of immigration policy-making that yield liberal policies domestically are also nested in what has long been the elite-driven international politics of European integration. Although interest groups working quietly together with national migration policy-makers may have resisted the populist demands for immigration restriction within individual EU member states, it is not that clear that these elites will necessarily fight as hard against the same restrictionistic policies if those policies are common EU policies resulting from further integration of migration policy-making. That is, one can not take for granted that pro-European integration elites within member states who have resisted populist demands for immigration restriction in the past will always opt for liberal migration policies in the event that significant strides toward further European integration involve policies that restrict immigration.

As mentioned above, it had been the elites of Europe's legal profession who propelled the constitutionalization of the Treaty, which placed the process of legal integration ahead of economic integration in driving the movement to political union. If, as Joppke (1998) contends, the judiciary has played a pivotal role in limiting restrictionist policies in member states, will judges continue to put a break on restrictive member state

policies if such actions conflict with compliance to EU norms emerging from more restrictive common polices? What if such actions conflict with simultaneously held goals of advancing legal integration in general through achieving greater coherence and competence of EU law so as to limit national discretion? Again, I do not have answers to these questions but they point toward potential mixed motives and cross-cutting objectives of actors who are participating in both the processes of the enforcement of rights domestically as well as the “constitutionalization” of the EC Treaties and the Europeanization of migration law. Should migration policy be moved into the Community legal order as an outcome of the Amsterdam Treaty, it may be analytically very useful to monitor such cross-cutting objectives and the operation of such mixed motives in the policy-making and legal integration processes.

The point here is not to impugn all politicians, EU officials, or jurists who advocate using the EU to fight crime as craven populists who are willing to pander to anti-immigrant public sentiments and sacrifice liberal migration polices and migrant rights on the altar of a more popular and stronger European Union. Rather, I merely wish to point out the populist temptations entailed in a fight against organized crime that all pro-integration politicians, EU officials and jurists may soon be facing as cooperation in Justice and Home Affairs deepens and migration policy becomes increasingly integrated on a European basis.

Moreover, the increasing linkage of personal security to the transfer of sovereignty in migration policymaking to the EU may, in and of itself, not be that noteworthy because the policy consequences noted above are admittedly speculative. However, the policy relevance of the linkage between personal security and further

European integration in the discourse of policymakers take on more serious overtones in light of recent EU actions to combat human smuggling by organized crime.

The Migration – Crime Link

When we examine the recent politics of European integration with respect to the field of Justice and Home Affairs, the link between personal security and strengthening the role of the EU has been matched by EU policy initiatives which link international migration to organized crime. Not only did European foreign policymakers lump international migration together with transnational crime in the Third Pillar of Maastricht, Cooperation in Justice and Home Affairs is being increasingly focused on the growing problems of human smuggling and trafficking, which are themselves partly an outcome of globalization and partly an unintended consequence of more restrictive member state policies and EU policy coordination. Increasing JHA activity to combat human smuggling is understandable and given the gravity of the indentured servitude and forced prostitution involved in the trafficking of women and children, more concerted action should be welcomed. Nevertheless, for the purposes of an analysis of the dilemmas of EU member state migration controls in the context of globalization, it is also important to consider the political implications of increasing cooperation to fight human smuggling, especially for member state sovereignty.

The rapidly advancing information, communication and transportation technologies that are driving economic globalization and propelling international migration are also fostering transnational crime. In a sense, transnational organized crime groups are not all that different from multinational corporations (MNCs) in that

they both run border-transcending economic enterprises – the major differences being that MNCs business is legal whereas organized crime groups deal in illegal trade (drugs, stolen goods, prostitution, etc.) and use illegal means (extortion, theft, money laundering, murder) to realize their profits. Just as technological change has globalized production and markets of legal goods and services, it has a similar impact on illegal production and markets. As Susan Strange points out, local organized crime organizations have expanded to global operations; the expansion is often a response to expanding markets for illegal commodities; increasing revenue has facilitated favorable treatment by states (i.e. corruption); and the globalization of financial markets and services facilitates financing of illegal trade and the laundering ill-gotten gains into “legitimate” businesses and investment instruments (Strange 1996, 110-121).

It is very difficult to even begin estimating the extent of contemporary human smuggling due to its clandestine nature. There is very little in the way of official estimates of illegal migration to the EU, let alone estimates of the number of illegal migrants who have been smuggled into the EU. Jonas Widgren of the International Centre for Migration Policy Development has estimated in 1999 that some 400,000 people are smuggled to the EU per year (Economist 1999).

In the past few years there have been increasing numbers of cases of smugglers ferrying migrants from North Africa to Spain, from Albania to Italy and from Turkey to Greece; from China to the EU via Moscow; from Yugoslavia and Romania through the Czech Republic to Germany; Russian and Eastern European women are trafficked throughout Western Europe to work as prostitutes (IOM 1996; 1998; GSN 1997). Recently, increasing numbers of cases have been noted in Germany (MNS 1998a; Dalka

1999) the UK and France (IOM 1996) as well as transit countries like Poland (PAP 1998) Hungary (MTI 1998). The most spectacular case occurred in June 2000 when 58 Chinese were found dead in a smuggler's sealed refrigerator truck after it crossed the English Channel by ferry to Dover. Although it is not entirely clear, it appeared that the Chinese were smuggled overland via Moscow. The Dover case was particularly important politically because it hit the headlines during the Feira European Council of June 19-20.

Human smuggling is often depicted in terms of traditional organized crime groups that have added a new line of business to drug smuggling, car theft and money laundering (IOM 1996; Budapest Group 1999). It may, however, be that human smuggling is more often “crime that is organized” and committed by people who may have previously not been involved in transnational criminal organizations (Finckenauer and Waring 1996). Regardless of the origins of human smugglers themselves, the business itself has been expanding with total global revenues estimated in 1997 of up to \$7 billion,² up from a 1994 UN estimate of \$3.5 billion (IOM 1996).

The communication and transportation revolutions that have facilitated transnational crime provide only a partial reason for the recent increase in cases of human smuggling. Increasing human smuggling may also be an unintended consequence of the stricter visa and border control policies adopted by individual EU member states, more effective EU cooperation in these areas and more restrictive policies among EU applicant states. Very simply: as more restrictive policies increase the obstacles to crossing

² See Kerry 1997, p. 136 and “Trafficking in Migrants: IOM Policy and Activities,” http://www.iom.ch/IOM/Trafficking/IOM_Policy.html

borders migrants turn to smugglers rather than pay the increased costs of unaided attempts that prove unsuccessful.

It is important to point out that illegal migrant workers are not the only clientele of human smugglers. While stricter visa policies and more effective border controls lead illegal migrant workers to pay for smugglers' services, restrictive border controls and asylum policies lead those who have fled pogroms, secret police and civil wars to do the same. As EU member states have adopted more stringent asylum policies and increased their cooperation to restrict multiple applications and abuses, the number of "asylum-seekers" has decreased (Eurostat 1996) while the number of cases in which people fleeing civil wars who use the services of human smugglers appears to have increased. Jonas Widgren of ICMPD estimated that in 1993 between 20 and 40% of non-bona fide asylum seekers who entered western Europe used smugglers (Widgren 1994). More recent estimates for various EU member states indicate that a majority of asylum seekers most likely use smugglers to enter the EU (See Morrison 2000, 24-26).

Perhaps the largest flows have been those of Kurds and Kosovo Albanians fleeing conflicts within their countries. Between July 1997 and January 1998, some 3,000 people, mostly Kurds from Northern Iraq and Southwestern Turkey, paid smugglers \$2,000 to \$8,000 for passage to Italy by boat (IOM 1998). As the conflict between the Kosovo Liberation Army and the Yugoslav police intensified during 1998, increasing numbers of Kosovo Albanians were apprehended while trying to enter the EU illegally. Having accepted the bulk of those fleeing the Bosnian civil war, Germany, as well as Austria, refused to provide temporary protection to the Kosovo Albanians up until after the March 1999 NATO bombing of Yugoslavia and the accompanying refugee crisis

(MNS 1998b; MNS 1998c). Faced with a low probability of finding a safe haven within the EU by seeking temporary protection or asylum, increasing numbers of Kosovo Albanians turned to smugglers to get them into the EU, particularly to Germany (MNS 1998a MNS 1998d) which, together with Switzerland, already hosted most of the EU's population of Kosovo Albanians. Of the 12,000 persons apprehended while being smuggled into Germany in 1998, the largest group (between 4,000 and 5,000) were Kosovo Albanians (Dalka 1999). Of the 4,918 persons apprehended while attempting to enter Switzerland in the first half of 1998 (including asylum seekers), 1,594 were Kosovars. In the first half of 1999, 7,851 foreigners were intercepted at the border, of which 6,350 were identified as Kosovars (MNS 1999).

Although human smuggling prompted JHA action as early as 1993, when the JHA Council agreed to a set of recommendations for member states to combat trafficking (JHA 1993), JHA ministers have recently refocused their attention on human smuggling, particularly on the transportation of Turkish and Iraqi Kurds to Italian shores by Turkish and Italian criminal organizations and the trafficking in women and children by Russian Mafiyas. In November 1996, JHA ministers adopted a joint action initiated by the Commission to establish an information exchange between officials responsible for combating trade in human beings and the sexual exploitation of children (JHA 1996). The objectives of this joint action were partially realized in an October 1997 Conference of Ministers on the Prevention of Illegal Migration. The EU and other Ministers involved in the "Budapest Process" dealing with illegal migration as well as representatives from relevant international organizations adopted recommendations in areas including "harmonization of legislation to combat trafficking in aliens" and

“linkage in trafficking in aliens and other forms of organized crime” (MNS 1997, p. 3-6). On January 26, 1998, EU Foreign Ministers adopted a 46-point plan directed at reducing the numbers of Kurds arriving illegally in the EU (MNS 1998, p. 4-6). JHA ministers took up the action plan at their Jan. 29-30 informal summit meeting in Birmingham where Germany pressed for implementation of the plan and expressed fears that Kurds arriving in Italy would easily move on to Germany (ER 1998).

The January 1998 Action Plan aims to reduce the entrance of Turkish and Kurdish Kurds described as “illegal refugees” as well as “illegal immigrants.” The Council stated that these migrants “almost always make use of traffickers, of whom the majority appear to be part of organized crime networks, with contacts in the EU.” (quoted in MNS 1998, p. 4). Only three of the 46 points were devoted to “ensuring that humanitarian aid makes an effective difference, while most points were focused on more restrictive measures -- six on “effective application of asylum procedures;” six on “preventing abuse of asylum procedures; and twenty on “combating illegal immigration” most of which were devoted to enhanced border control and effective removal (MNS 1998, pp. 4-6).

The Tampere European Council reiterated the linkage between migration and crime³ and gave political support to anti-crime initiatives, which specifically referred to trafficking in human beings, such a call for joint investigate teams and an agreement on common definitions, incriminations and sanctions (European Council 1999, 10-11). The fight against trafficking in human beings figures prominently in the “Scoreboard to Review Progress in the Creation of an Area of ‘Freedom, Security and Justice’ in the

European Union,” appearing in sections devoted to a “Common EU Asylum and Migration Policy” as well as the “Unionwide Fight Against Crime.” In addition to the proposals already mentioned above, the Scoreboard lays out actions needed such as “detecting and dismantling criminal networks” and “harmonization of Member State laws on carrier sanctions (European Commission 2000).

Whether or not stepped-up border controls and stricter visa policies will reduce human smuggling is very unclear due to the inherent dilemma of control. In response to tougher enforcement of controls, fees charged by smugglers increase. If tougher border controls increase smugglers’ fees beyond that which their customers are willing to pay, controls may decrease smuggling. However, if potential migrants are willing to pay the additional costs while at the same time stiffer border controls prompt more migrants to enter into the market, border controls will most likely increase the profits of human smuggling and entice new entrants into the business.

The demand among “illegal migrants” for smugglers’ services often depends on anticipated earnings from businesses that are willing to employ smuggled migrants. Hence, increased human smuggling may in large measure be a function of employer demand (Kwong 1997). The profit potential of exploiting vulnerable indentured labor was highlighted by a case in which Italian labor inspectors found 242, mostly Chinese, immigrants working 12 hour days in Tuscan leather workshops and earning about \$11 per day (Reuters 1998). It is estimated that tens of thousands of women from Russia and Eastern Europe have been smuggled into the EU under false pretenses of finding work as

³ “This...requires the Union to develop common policies on asylum and immigration, while taking into account the need for a consistent control of external borders to stop illegal immigration and to combat those who organize it and

hostesses or dancers only to have their passports taken upon arrival, to be forced into prostitution to work off their smuggler's fee and, ultimately, to find themselves in debt bondage situations (IOM 1995; GSN 1997).

In addition to restrictive measures recommended for asylum policy and border control, the Council's January 1998 Action Plan is also directed at "tackling the involvement of organized crime," however, the Council remains mute on the demand for illegal labor by employers. Similarly, Commission policy recommendations to combat trafficking in women adopted by the JHA Council focus primarily on judicial and police cooperation directed at smugglers, migrants' labor conditions and the need for victim support (European Commission 1996; JHA 1996), rather than the consumer demand for sex with "exotic" foreign women that fuels a growing industry that capitalizes on vulnerable illegal migrants.

Regardless of whether or not Commission initiatives and JHA action plans to combat human smuggling will be effective, they link migration and crime in a statement of EU priorities that is gaining increasing public attention. Indeed it has been suggested that the Commission, under the leadership of the former JHA Commissioner Anita Gradin, shifted priorities toward the trafficking in women and children partly because, "Unlike some of the more sensitive issues being negotiated in the third pillar – such as asylum and immigration policies which have proven to be thorny issues for member states – engaging the EU in a multilateral discussion of trafficking appeared to be a visible and manageable task (Ucarer 1998, p. 26)." However, the ability of member

commit related international crimes (European Council 1999, 1)."

states to quickly agree on cooperative measures aimed against human smuggling solidify the reasoning behind the original institutional linkage of migration and crime in the Third Pillar, ironically, just as migration policy-making is to be moved from the Third to the First Pillar. Moreover, the public visibility of EU action on trafficking may in turn be used for larger political ends.

Some of the Third Pillar's critics concerned with human rights have argued that migration policy should not be lumped together with policing. When faced with the extreme violation of human rights that indentured servitude and forced prostitution represent, it becomes difficult to argue against such linkages in policy making on theoretical grounds. Public abhorrence to modern day slavery and sexual exploitation of children helps to justify the strengthening of cooperation in Justice and Home Affairs and the accompanying transfer of sovereignty that this Treaty entails.

The Politics of Law Enforcement and Sovereignty in the Context of Enlargement

Although EU enlargement presents some potential advantages to the further development of European cooperation on migration (e.g. more comprehensive migration regimes based on an EU institutional framework), it presents very serious challenges as well. The Dublin Convention, the Edinburgh declaration that East Central European states like Poland, the Czech Republic and Hungary are "safe" and Germany's revision of its asylum law to invalidate asylum applications of those who passed through these countries in effect made East Central Europe into the EU's immigration buffer zone (Neuman 1993). Estonian, Hungarian, Slovenian and Polish membership would eliminate this buffer zone and expand the EU's borders to Croatia, Serbia, Romania and Russia -- large and potentially very large migrant and asylum-seeker sending countries.

With enlargement, the costs of the EU's increasingly restrictionistic common asylum policies will be less easily externalized and, given the incorporation of the Schengen Convention into the EU treaty that East Central European states are aspiring to join, free movement within the EU could some day begin just west of Minsk. Through increasing JHA cooperation and incorporation of the Schengen Convention into the EU treaty framework, the Amsterdam Treaty poses challenges to widening the EU to include new members and ratchets up the membership criteria that applicants must meet.

Given that the leading candidates for EU membership are more likely to have been net emigration rather than immigration countries, they have not yet developed the administrative structures necessary for the enforcement of the laws, rules and regulations of the Union that they are joining. This fact of life diminishes confidence among current members in the ability of applicant states to fulfill their obligations of external border control and to deal with the increase of human smuggling that tighter border controls engender. For example, Kurt Schelter, formerly Germany's Deputy Federal Interior Minister and now Brandenburg's minister for justice and European affairs, said that after Central and Eastern European states enter the EU they should wait for 12 to 15 years before their nationals may move freely into the existing member states of the EU due to concerns over ensuring "that our East European neighbors protect their borders from illegal crossings" (quoted in MNS 1998b, p. 2). Such lack of confidence does not bode well for further deepening cooperation on migration after widening the Union. Moreover, it is clear that aspiring member states will have to meet increasingly strict criteria for cooperation in Justice and Home Affairs in order to join the EU and that these

criteria have already had a significant impact on the migration policies of the applicant states.

While aspiring members have worked diligently in adopting treaties and passing legislation to meet EU norms, the major challenges appear to be primarily in the development of judicial and administrative infrastructures that are up to the task of implementing the laws and regulations adopted. The Commission began to assess the ability of applicant states to assume the obligations of JHA membership within the context of *Agenda 2000*. At the time, the Commission indicated (in the order of best performance) that the Czech Republic was likely to meet the JHA *acquis* within the next few years, however, it needed to improve its communications systems for border control and it needed to develop more effective means to fight organized crime; Hungary's legislation was "on track" to meet the JHA *acquis*, however, the Commission was concerned about the potential abuse of the immigration permits given to ethnic Hungarians and the possibility that the facilitation of travel by ethnic Hungarians might interfere with external border control; it was determined that Slovenia should meet the EU's legal criteria, but it needed to develop its judicial system and be able to fully implement its new asylum law; Poland faced "significant challenges" with "border management, migration and transnational crime" and it "could" meet the JHA *acquis*; Estonia needed a "sustained effort" both in passing legislation and improving its administration of asylum policies (European Commission 1997; 1997a, b, c, d, e).

The Commission's position on applicant states meeting JHA criteria did not brighten much in the six months after the Commission issued its opinions in *Agenda 2000* and it was the perception of increased human smuggling and other organized

criminal activity, as well as cases of corruption in public administration that raised serious concerns among EU officials. For example, at the JHA Council meeting in Birmingham, Anita Gradin, the former European Commissioner for Justice, Home Affairs and Immigration said that, “certain sections of the Polish border are vulnerable and lend themselves to exploitation by criminal organizations trying to deliver illegal immigrants to the West,” she commented on “organized crime’s power over the state machinery” in Hungary and “the institutionalized corruption,” in the Czech Republic (Quoted in ER 1998). The JHA Council expressed particular concerns over the visa-free travel from Russia given the increasing activities of Russian Mafyas (ER 1998).

As EU officials were criticizing Poland’s porous borders in Birmingham, Polish officials began tightening rules for travelers from Belarus and Russia while at the same time worrying that the EU wanted new visa requirements in place by the end of 1998 (Barker 1998). Of course increased border controls among applicant states triggers the same dynamic of increasing the number of migrants who use smugglers, while smugglers’ fees increase and attract more people into the illicit business. In this way, the more applicant states try to raise their border controls to meet EU standards, the greater the incentives for increased human smuggling. For example, Czech officials noticed an increase in human smuggling that was correlated to stricter visa policies implemented in 1994 (Smith 1996). The vicious circle continues as increased cases of smuggling lead to pressure from the EU on applicant states to toughen their border controls.

With the signing of the “Pre-Accession Pact on Organized Crime” at the May 28-29, 1998 JHA Council, applicant states demonstrated their willingness to constrain their freedom of action in migration policy-making and change their states’ internal

administrative structures that implement migration policies. The pact was intended to establish a framework for cooperation to combat organized crime, particularly trafficking in human beings and organized illegal migration (ER 1998b). By signing the Pact applicant states formally acknowledged the necessity “to implement the EU *acquis* before entering the European Union.” Applicant states also acknowledged the failings of their public administration and criminal justices systems by agreeing that corruption is “one of the major threats to our societies, defrauding citizens and private and public institutions alike.” Individual interior ministers, such as Mirko Bandelj, admitted that organized crime was “on the increase.” Finally, applicant states accepted EU recommendations for reforming their administrative, police and justice systems in order to meet EU enforcement requirements, including making the “necessary preparations as soon as possible that would enable them to accede to the Europol Convention at the time of accession” (excerpts from pact quoted in ER 1998b).

Shortly thereafter, Germany initiated a special multi-lateral meeting within the “Budapest process” that was dedicated to reducing illegal migration through southeast Europe. Poland, Hungary, the Czech Republic, Estonia, Slovenia as well as most of the other Central and East European states aspiring to EU membership participated and agreed to a set of measures to be taken by sending and transit states. These measures include: “(1) carry out thorough and complete controls at border crossings....(2) intensify monitoring of ...borders away from the official border crossings...using appropriate mobile forces...operating in such a way that the security measures are not predictable by traffickers and their clients and also co-ordinating, if necessary, with neighbouring states plans concerning security patrols and the deployment of security forces, as well as

specific operational measures....(3) introduce sanctions against carriers....(4) accord the prosecution of criminal trafficking a special urgency (MNS 1998a, 5).”

The sophistication and scale of smuggling operations across the Czech and Polish borders into Germany placed increasing pressure on EU officials to act. For example, Markus Leitl, Chief Investigator of the German border guard at Waldmuenchen, described the “Pilsener Group,” a Kosovo Albanian gang operating in the Czech Republic as follows: “They have cellular phones with network cards, they routinely replace personnel, they have fast cars, night vision equipment and excellent maps (quoted in Kaiser 1999, author’s translation).” Such smugglers based in the Czech republic guarantee a successful crossing and if customers are intercepted at the German border and turned back, they repeatedly receive the smugglers’ service without additional cost until they are successful. It is estimated that the Pilsener group reaped millions of marks in profits by smuggling some 40,000 of their refugee compatriots through the Czech Republic into Germany (Kaiser 1999).

The EU has responded to such highly publicized cases of human smuggling by devoting funding through the PHARE program to support applicant state efforts to meet the JHA *Aquis* particularly public administration and police capabilities in dealing with immigration and the fight against organized crime (European Commission 1999). The Technical Assistance Information Exchange Office (TAIEX) also has a section devoted to knowledge transfer in among justice ministries.⁴ The programs have enabled applicant

⁴ See TAIEX website, <http://www.carlbro.be/>

states to train border police, investigators and prosecutors as well as deploy new vehicles, video cameras and night vision equipment on their borders.

Nevertheless the results have been mixed. While leading applicant states (Czech Republic, Hungary, Poland, Slovenia and Estonia) have, for the most part, been able to align their laws to the requirements of the JHA *Aquis*, the institutional infrastructures and policing capabilities necessary to implement these laws are still lagging. For example, according to European Commission progress reports, Czech border guards “remain understaffed, badly equipped and bound by inefficient communication procedures with national police headquarters (European Commission 2000a, 89); “continued efforts are needed to up-grade the Hungarian border control infrastructure” (European Commission 2000b, 72); Estonian efforts need to be continued in the areas of “the fight against corruption in the police and customs administration, modernization of the police and up-grading surveillance equipment and infrastructures at the border (European Commission 2000c, 78); with respect to Poland, “rapid growth in the criminal use of sophisticated technology continues to raise the standard which the Polish law enforcement agencies has to attain. Bearing in mind the high investments required, the organizational implications and the fact that the rate of progress needs to be speeded up significantly (European Commission 2000d, 74-75).

In light of the challenges of extending the EU common border eastward, several EU member states, particularly Germany, have established bilateral programs of assisting applicant states develop their judiciary and police capabilities. Moreover, EU leaders are now planning a joint European border guard to combat illegal migration and organized crime (Evans-Prichard and Helm 2000). As a preliminary step, German and Italian are

engaging in an exchange of border police in which the German police will be stationed on Italy's Adriatic Coast across from Albania and the Italian police will be stationed on Germany's borders with Poland. Kurt Schelker proposed that as Germany's border controls are lifted when Poland and the Czech Republic join Schengen, Germany should devote 10,000 of its 40,000 border police to an EU border police force that will patrol the EU's new common border. The *Frankfurter Allgemeine Zeitung* noted, "(T)he idea that German border Guards could be engaged in Patrolling Poland's eastern border brings back bad memories for this country....(A)t best Poland could foresee such an intervention on sovereignty by means of a joint European solution (FAZ 2000)." Interesting, Poland's Minister of Internal Affairs and Administration, Marek Biernacki, responded, "Poland does not rule out consenting to Germany's proposal for German border officers to control Poland's eastern borders jointly with Polish Border guards (PNB 2000)."

It could be argued that Central and East European states may have taken all of these actions, changed migration policies, initiated major institutional reforms and accepted the foreign police patrolling their borders regardless of their applications to join the EU. It is much more likely, however, that the desire for EU membership has been a compelling reason for them to accept major limitations on the scope of their migration policymaking, which, in effect, constitute an effective limitation on their sovereignty in this policy area. Moreover, these states have accepted these limitations not because they are compelled by the rulings of supranational court but because they wish to be members in good standing of the EU's expanding international migration regime.

Conclusion

EU Member state cooperation on migration already exceeds that of other regional organizations of comparable advanced industrialized states. Member states may, for the most part, remain sovereign over migration from outside of the EU; however, they are not as sovereign as non-EU member states due, largely, to the constraints of EU membership and the demands of continuing integration in general. Moreover, the Amsterdam treaty has initiated a course of action from intergovernmental cooperation toward the integration of member state migration policies on a European-wide basis. This deepening of European integration of migration policy and cooperation in Justice and Home Affairs is matched by its widening to embrace applicant states from Central and Eastern Europe. If the recent EU activity to combat human smuggling is any indication, the policy discourse linking such integration and cooperation to public concerns with personal security facilitates the formation of a political dynamic which may make major future transfers of sovereignty increasingly possible. The deepening and widening of integration in migration policy-making and cooperation in Justice and Home Affairs are manifestations of a transformation of sovereignty in the emerging European polity that is far from over.

References

- Barker, Anthony 1998. "EU's Van den Broek says Poland Must Tighten Border," *Reuters*, Feb. 12, 1998.
- Betz, Hans-Georg 1994. *Radical Right-Wing Populism in Western Europe* (New York: St. Martin's Press).
- Budapest Group 1999. "The Relationship Between Organized Crime and Trafficking in Aliens," Study Prepared by the Secretariat of the Budapest Group, June 1999.
- Burley, Ann Marie and Walter Mattli, 1993. "Europe Before the Court: A Political Theory of Legal Integration," *International Organization*, Vol. 47, No. 1 (Winter), pp. 41-76.
- Capelletti, Mauro, Monica Seccombe and Joseph Weiler, *Integration through Law: Europe and the American Experience* (Berlin: Walter de Gruyter, 1986).
- Conference of the Representatives of the Governments of the Member States, *Treaty of Amsterdam Amending, The Treaty on European Union, The Treaties Establishing the European Communities and Certain Related Acts* (Europa, <http://ue.eu.int/Amsterdam/en/treaty/treaty.htm>)
- Cook 1998. "Robin Cook Opens the EU's Doors to the Public," Presidency Press Release of Monday 26 January 1998. <http://presid.fco.gov.uk/news>
- Economist 1999. "A Single Market in Crime," *The Economist*, October 16, 1999.
- ER 1998. "Justice and Home Affairs: EU Struggles to define CEEC Strategy," *European Report*, No. 2288, Feb. 4, 1998.
- ER 1998a. "Justice and Home Affairs: Council Dominated by Fight Against Organized Crime," *European Report*, No. 2319, May 30, 1998.
- ER 1998b. "Justice and Home Affairs: Crime-Fighting Cooperation pact Signed up to by 25 States," *European Report*, No. 2319, May 30, 1998.
- Eurobarometer 1997. *Eurobarometer*, No. 47 October 1997 release.
- European Commission 1994. "Communication from the Commission to the Council and the European Parliament on Immigration and Asylum Policies," Com (94) 23 final, Brussels, February 23, 1994.

European Commission 1996. *Communication from the European Commission to the Council and the European Parliament on Trafficking in Women for the Purposes of Sexual Exploitation*, Brussels, Com(96) 567 final.

European Commission 1997. "The Effects on the Union's Policies of Enlargement to the Applicant Countries of Central and Eastern Europe," *Agenda 2000*.

European Commission 1997a. "Commission Opinion on the Czech Republic's Application for Membership of the European Union," *Agenda 2000*.

European Commission 1997b. "Commission Opinion on Estonia's Application for Membership of the European Union," *Agenda 2000*.

European Commission 1997c. "Commission Opinion on Hungary's Application for Membership of the European Union," *Agenda 2000*.

European Commission 1997d. "Commission Opinion on Poland's Application for Membership of the European Union," *Agenda 2000*.

European Commission 1997e. "Commission Opinion on Slovenia's Application for Membership of the European Union," *Agenda 2000*.

European Commission 1999, "Overview of the Phare Program and the New Pre-Accession Funds"
<http://europa.eu.int/comm/enlargement/pas/phare/publications/publist.htm>

European Commission 2000. "Scoreboard to Review Progress on the Creation of an Area of 'Freedom, Security and Justice,'" Com (2000) 167 final, Brussels, March 24, 2000.

European Commission 2000a. Regular Report from the Commission on the Czech Republic's Progress Towards Accession, November 8, 2000.

European Commission 2000b. Regular Report from the Commission on Hungary's Progress Towards Accession, November 8, 2000.

European Commission 2000c. Regular Report from the Commission on Estonia's Progress Towards Accession, November 8, 2000.

European Commission 2000d. Regular Report from the Commission on Poland's Progress Towards Accession, November 8, 2000.

European Council 1996. *The European Union Today and Tomorrow, Adapting the European Union for the Benefit of its Peoples and Preparing it for the Future: A General Outline for a Draft Revision of the Treaties, Dublin II* (Brussels: Conference of the Representatives of the Governments of the Member States)

European Council 1996a. Presidency Conclusions, Dublin European Council 13 and 14 December 1996”

European Council 1998. Presidency Conclusions, Cardiff European Council, 15 and 16 June 1998.

European Council 1999. Presidency Conclusions, Tampere European Council, 15-16 October, 1999.

Eurostat 1996. “Asylum-Seekers in Europe 1985-1995,” *Statistics in Focus, Population and Social Conditions*, 1996, No. 1).

Evans-Prichard, Ambrose and Toby Helm 2000. “EU plans Border Force to Curb Crime and Migrants, *The Daily Telegraph*, October 12, 2000.

FAZ 2000. “Future Borders a Major Thorn in EU’s Side,” *Frankfurter Allgemeine Zeitung*, Oct. 10, 2000.

Finckenauer, James O. and Elin Waring, 1996. “Russian Émigré Crime in the United States: Organized Crime or Crime that is Organized?” *Transnational Organized Crime*, Vol. 2 No. 2/3 (Summer/Autumn 1996), pp. 139-155.

Freeman 1995. “Modes of Immigration Politics in Liberal Democratic States, *International Migration Review*, Vol. 29, No. 4.

GSN 1997. Global Survival Network, *Crime and Servitude: An Expose of the Traffic in Women for Prostitution from the Newly Independent States* (Washington, DC).

Hollifield, James F. 1992. *Immigrants, Markets, and States: The Political Economy of Postwar Europe* (Cambridge, MA: Harvard University Press).

IOM 1995. *Trafficking and Prostitution: The Growing Exploitation of Migrant Women From Central and Eastern Europe* (Geneva: International Organization for Migration, 1995).

IOM 1996. International Organization for Migration, “Organized Crime Moves into Migrant Trafficking,” *Trafficking in Migrants, Quarterly Bulletin*, No. 11 (June 1996).

IOM 1998. International Organization for Migration, *Trafficking in Migrants, Quarterly Bulletin*, No. 17 (January 1998).

JHA 1993. Council of the European Union, “Recommendation on Trafficking in Human Beings,” Council Press Release 10550/93 of 29 and 30 November 1993

JHA 1996. Justice and Home Affairs, Joint Action 96/700/JHA.
<http://europa.eu.int/comm/sg/scadplus/leg/>

JHA 2000. Justice and Home Affairs, 2251st Council meeting, Brussels, 27 March 2000
<http://ue.eu.int/newsroom/main.cfm?LANG=1>

Joppke, Christian, 1998. "Why liberal States Accept Unwanted Immigration," *World Politics*, Vol. 50, No. 2 (January), 266-93.

Kaiser, Mario 1999. "Spediteure des Elends," *Die Zeit*, September 9, 1999.

Koslowski, Rey 1998. "EU Migration Regimes: Established and Emergent," in Christian Joppke, ed. *Challenge to the Nation-State: Immigration in Western Europe and the United States* (Oxford University Press)

Koslowski, Rey 2000. *Migrants and Citizens: Demographic Change in the European States System* (Cornell University Press).

Kwong, Peter 1997. *Forbidden Workers: Illegal Chinese Immigrants and American Labor* (New York: New Press).

Leuchtenburg, William E. 1963. *Franklin D. Roosevelt and the New Deal* (New York: Harper & Row).

Meade, Geoff 1998. "Britain has Brought 'People's Agenda to EU," *Press Association Newsfile*, June 29, 1998.

MNS 1997. "Conference of Ministers on the prevention of Illegal Migration," *Migration News Sheet*, No. 177/97-12 (December), pp. 3-6.

MNS 1998. "Influx of Kurds Prompts Adoption of a 46-Point Action Plan," *Migration News Sheet*, No. 179/98-02 (February), pp. 4-6.

MNS 1998a. "Special Meeting to Combat Illegal Migration," *Migration News Sheet*, No. 185/98-08 (August), pp. 5-6.

MNS 1998b. "EU Enlargement Must Include Waiting Period of 12 to 15 Years for free Movement," *Migration News Sheet*, No.186/98-09 (September), p. 2.

MNS 1998c. "More Human Smuggling Across the Eastern Border," *Migration News Sheet*, No.186/98-09 (September), 5.

MNS 1998d. "Germany Cannot Receive Kosovo Albanians," *Migration News Sheet*, No.186/98-09 (September), 12.

MNS 1998e. "No Temporary Protection for Kosovo Albanians," *Migration News Sheet*, No.186/98-09 (September), 10.

MNS 1998f. "Large Smuggling Ring Broken Up," *Migration News Sheet*, No.186/98-09 (September), 6.

Morrison, John 2000. *The Trafficking and Smuggling of Refugees: The End of European Asylum Policy?* A Report Commissioned by UNHCR.

MTI 1998. "Conference on Border Control," MTI Hungarian News Agency April 22, 1998.

Neuman, Gerald L . 1993. "Buffer Zones Against Refugees: Dublin, Schengen, and the German Asylum Amendment," *Virginia Journal of International Law*, Vol. 33, No. 3, pp. 503-526.

PAP 1998. "Interior Minister Reports Crime Rise in 1997," PAP Polish Press Agency February 18, 1998.

PNB 2000. Polish News Bulletin, November 14, 2000.

Percival, Debra 1994. "Europe-Human Rights: Amnesty Attacks EU Asylum Seeker Laws," *Inter Press Service*, June 22, 1994.

Reuters 1998. "Chinese Exploited in Italian Leather Workshops," *Reuters*, May 28, 1998.

Smith, Paul J. 1996. "Smuggling People Into Rich Countries Is a Growth Industry," *International Herald Tribune*, June 28, 1996.

Strange, Susan 1996. *Retreat of the State: The Diffusion of Power in the World Economy* (Cambridge, UK: Cambridge University Press).

Thraenhardt, Dietrich 1997. "The Political Uses of Xenophobia in England, France and Germany," in Emek Ucarer and Donald J. Puchala, ed., *Immigration into Western Societies: Problems and Policies* (London: Pinter Press).

de Tocqueville, Alexis 1969 (1840). George Lawrence (trans.) *Democracy in America* (Garden City, NY: Doubleday & Co. Inc.).

Ucarer, Emek M. 1998. "Trafficking in Women and International Organizations," presented at International Studies Association Meeting, Minneapolis, March 17-21.

Waever, Ole, Barry Buzan, Morten Kelstrup and Pierre Lemaitre, 1993. *Identity, Migration and the New Security Agenda in Europe* (New York: St. Martin's Press).

Waever, Ole 1995. "Identity, Integration and Security: Solving the Sovereignty Puzzle in E.U. Studies," *Journal of International Affairs*, Vol. 48, No. 2.

Weiler, J.H.H., 1991. "The Transformation of Europe," *The Yale Law Journal*, Vol. 100, No. 8.